

**Statement of Ranking Member Frank Pallone, Jr.  
House Energy and Commerce Committee  
Subcommittee on Commerce, Manufacturing, and Trade  
Markup of H.R. 985, the Concrete Masonry Products, Research,  
Education, and Promotion Act; H.R.\_\_\_\_, the Child Nicotine  
Poisoning Prevention Act; and H.R.\_\_\_\_, the E-Warranty Act**

July 23, 2015

Today we are marking up three bills, the Concrete Masonry Products, Research, Education, and Promotion bill, the Child Nicotine Poisoning Prevention Act, and the E-Warranty Act.

H.R. 985, would establish a Concrete Masonry Products Board that would require the collection of small fees from manufacturers of concrete masonry products to fund programs and activities that would promote the concrete masonry industry and educate consumers about the benefits of concrete masonry products.

As I mentioned at the hearing, we have heard some concerns regarding this bill. However, I am pleased with the progress that has been made and will not be opposing its passage today.

And I want to thank Chairman Upton, Chairman Burgess, Ranking Member Schakowsky, and bill authors, Mr. Guthrie, and Ms. Castor, for working with me so diligently to address many of the concerns we heard. In particular, a manager's amendment will be offered today that will ensure fairness within the industry by giving manufacturers an equal say in the creation of the program and the terms of the order establishing the program.

The amendment will also increase accountability by requiring the Board to establish goals of the program and then conduct evaluations of whether the Board met those goals. In addition, the amendment will ensure that this new check-off program does not adversely affect others in the construction product industry by requiring the Department of Commerce to conduct a study on whether a more comprehensive

program—similar to the program operated through the Department of Agriculture—can be feasibly established at Commerce.

Today we also consider a draft bill that would require liquid nicotine containers to be childproof, enforced by the Consumer Product Safety Commission. This bill is similar to one introduced by Representative Esty both in this and last Congresses. She should be commended for her efforts to raise awareness of this issue.

Poisoning by liquid nicotine is on the rise and must be addressed. This increase in poisonings parallel the rise in the use of electronic cigarettes and other electronic nicotine delivery systems, also an issue that is troubling and should be addressed.

I want to thank Chairmen Burgess and Upton for working with me on this draft to ensure that its movement through the Committee process does not adversely affect the current and important work that is occurring at the Food and Drug Administration on this same issue of

requiring childproof packaging of -e-liquid or e-juice. As childproof packaging requirements for e-liquid makes its way through the legislative process, I look forward to hearing from the CPSC and the FDA about how best to deal with possible concurrent jurisdiction.

Finally, we will consider the E-Warranty Act of 2015, introduced by Representatives Mullen and Loeb sack. This bipartisan bill will help modernize the rules regarding pre-sale warranty notice. The bill directs the Federal Trade Commission to amend its current rules on warranty notice to allow the pre-sale notice requirements to be fulfilled by making warranty information available online.

I support this commonsense proposal. However, I would like to highlight one point that the bill rightly acknowledges -- there are many consumers and small business owners without Internet access.

While this bill requires that contact information of the product manufacturers be made available, I ask my colleagues to work with me

to ensure that the FTC requires consumers be provided with a toll-free phone number and warrantors respond to non-Internet requests, for free, and in a timely manner.

Moreover, I expect that when the FTC changes its rules pursuant to this bill, it will maintain the protections that currently exist for consumers and small business owners who do not have Internet access, including requiring manufacturers to ensure sellers can fulfill their obligations under the bill and the rules.

I look forward to continuing to work with my colleagues on all of these measures.