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COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927
FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce

Legislative Hearing on H.R. ____, the "Consumer Product Safety Enhancement Act" Subcommittee on Commerce, Trade, and Consumer Protection April 29, 2010

Just over four years ago, a little boy named Jarnell Brown died of lead poisoning when he swallowed a metal charm that came with a pair of kids' shoes. A year later, in 2007, two children became comatose and had to be hospitalized because of a children's toy that turned out to have a toxic drug in it. That same year, millions of cribs were recalled for a simple defect that had caused multiple infant deaths.

The bottom line was clear: our system for keeping children safe was broken. In fact, the entire agency charged with policing these products – the Consumer Product Safety Commission (CPSC) – was broken and in need of comprehensive reform.

In 2007 and 2008, Congress reviewed the reasons for these terrible tragedies and crafted a fitting response. In August 2008, after months of hearings, markups, and an extended House-Senate conference, the Consumer Product Safety Improvement Act was enacted on a broad, bipartisan basis. It was endorsed widely and hailed as long overdue reform for an agency that had degraded to the point of near nonexistence.

That law was a tremendous victory for consumers and contained provisions that will enable the CPSC to protect children for decades to come. These provisions were essential not only to protecting children but also to restoring consumer confidence in the toy industry itself.

Since enactment, the Commission has made great strides in carrying out this law, but some areas of implementation have not been smooth. We have heard from a number of stakeholders that certain provisions of the law may need adjustment. We have taken these concerns seriously and, over the past year, met repeatedly with stakeholders affected by the new law to understand their concerns and to craft an appropriate legislative response. These stakeholders have included small and large manufacturers, small and large retailers, thrift stores, and other used goods sellers, trade associations, consumer advocates, and the CPSC itself.

The draft text that we are here to discuss today is the result of this process. It is not a perfect solution, and it does not represent complete fulfillment of anyone's wish list. As our witnesses will testify, however, it is a fair and reasoned measure that would grant significant and meaningful relief to many stakeholders while still protecting our children from dangerous products.

The text of this draft is not set in stone, and we look forward to any and all constructive input that will be offered today. But the draft does reflect the hard work of months of negotiation with stakeholders and a delicately struck balance between the need for targeted changes to the law and the need to preserve the most important public health accomplishments of that law. It also reflects a compromise that both industry stakeholders and consumer and public health groups are willing to support. I think that this level of consensus is remarkable, and I expect that today's testimony will go a long way in making clear how important these changes are and how important it is that they be narrowly crafted.

I hope that my colleagues will review the draft carefully and consider supporting its passage through this Committee. Toy safety is not now and has never been a partisan issue, and it is my sincere hope that this Committee can unite in supporting fair, meaningful relief for businesses while still protecting our children.