

ONE HUNDRED TWELFTH CONGRESS
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House of Representatives
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Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
“Republican Discussion Draft of H.R. ___, a bill that would revise the Consumer Product
Safety Improvement Act”
Subcommittee on Commerce, Manufacturing, and Trade
April 7, 2011

Chairman Bono Mack, I come to this hearing with mixed feelings.

I share your belief that some changes are needed to the toy bill that we passed in 2008. That legislation was a historic step forward for children’s safety. But like most legislation, it was not perfect. It has had some unintended consequences and needs refinement.

But your discussion draft, which is the subject of today’s hearing, takes a wrecking ball to the law and would endanger young children.

As the Chair of the Consumer Product Safety Commission wrote us today, your draft would “turn back the clock to [an] era when harmful products made their way into the stream of commerce and into the hands of innocent children.”

In 2008, our Committee led the way in passing a strong toy safety law. We held hearings at which we learned about children who died or were severely injured by lead in toys and small charms. We learned that other children suffered catastrophic internal injuries from magnetic toys that ripped through their intestines. And we witnessed record recalls and a loss of confidence in the safety of children’s products.

There is much in the new law we should all be proud of. Toys are safer, lead levels have been reduced, and recalls have been reduced.

Despite strong bipartisan support for the new law, implementation has not always been smooth. The ATV industry, the bicycle industry, the publishing industry, and makers of handcrafted toys have all raised valid compliance issues.

I know it is possible to address these concerns without gutting the law. As Chairman of the Energy and Commerce Committee last Congress, I initiated a stakeholder process that produced a draft bill that gave targeted relief to industry while maintaining the most important health and safety protections in the new law. That draft legislation was supported by both

industry and consumer groups. Although the Republican staff were consulted at every step in the process, Ranking Member Barton decided he would not support the bill and we never acted on it.

Your discussion draft is a very different document. Democrats, consumer groups, and health experts were not consulted. The result is a one-sided proposal that provides relief to industry, but sacrifices children's health and safety.

According to the Consumer Federation of American and Consumers Union, your proposal undermines safety testing for children's products, undermines lead protections, undermines the effectiveness of the new crib safety standard, and undermines the new, public safety product hazard database.

According to Chairman Tenenbaum and Commissioners Adler and Moore, your proposal would be a "reversal of several of the core safety provisions" in the law. It would reduce safety for primary school children, lead to an increase in lead exposure, and deny parents independent assurance that children's products are safe.

That is not the kind of legislation I could ever support.

I have learned over the last few months that there seems to be no limit to the ability of the new Republican majority to pass bad legislation in this Committee and on the House floor. I have no doubt that if you want to do so, you could do so again with your draft bill.

But there is no chance that a bill this extreme could ever become law. It would not survive in the Senate and if it did, it would be vetoed by the President.

The result would be a lost opportunity. Many of the witnesses who will testify today have identified legitimate concerns. But they will receive no relief if all we produce is more partisan gridlock.

If we work together, I am confident that we can find a way to address most of industry's concerns without jeopardizing the important safety advances we made in the toy safety law.

Madame Chairman, I hope that after this hearing is over, we can start fresh. If you are willing to work with us, we can produce genuine bipartisan reform we can all support.