

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Markup on H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism
Standards Act, and H.R. 1939, the Enhancing CPSC Authority and Discretion Act of 2011
Committee on Energy and Commerce
May 25, 2011

Today we begin consideration of two bills. I oppose both bills.

I agree with Chairmen Upton and Bono Mack that changes are needed to the children's product safety bill we passed in 2008. That legislation was a historic step forward. But like most legislation, it was not perfect. It has had some unintended consequences and needs minor adjustments.

But instead of refining a good law, the Republican bill goes after the law with a wrecking ball. The result is an assault on children's safety.

The Republicans call their bill the "Enhancing CPSC Authority and Discretion Act." A better name is the "Unsafe Toy Act."

Last month, every Republican member of the Committee voted for huge cuts in Medicare. Every Republican on the Committee also voted to slash Medicaid spending on nursing home care for seniors and the disabled.

This week, the Committee has set its sights on toy safety standards for young children.

In this Committee, we protect the interests of oil and insurance companies and throw seniors, the disabled, and children under the bus. And there is no clearer illustration of our misplaced priorities than the legislation we are considering today.

The Unsafe Toy Act triples the amount of lead allowed in most children's toys. For some children's products, the bill would allow lead levels to increase 100 times or more.

The bill eviscerates the requirement that toys imported from China be independently tested for safety.

And it would let manufacturers block consumers from posting reports of serious injury caused by toys, household appliances, and other products.

Just listen to what the experts are saying about this bill. The Consumer Federation of America says that the bill creates “huge loopholes.” Consumers Union says it will “lower standards and roll back safeguards for children and infants.”

The American Academy of Pediatrics and 100 other experts in children’s health wrote to express their “deep concern” over the bill because it “would have the effect of permitting more lead in toys.”

Chairman Inez Tenenbaum of the Consumer Product Safety Commission and a majority of the Commission wrote that the bill “would effectively revoke key protections ... and fails to adequately protect the health and safety of American children.”

It didn’t have to be this way. I went to Chairman Bono Mack weeks ago and said we should work together on this bill. I offered to support targeted relief for makers of ATVs and bicycles, directives to reduce the burdens of third-party testing , and efforts to improve product identification in the consumer database. I said I thought we could address all legitimate concerns about the law that had been raised by industry.

The staff discussions were cordial, but the message that came back was clear. The Republican majority doesn’t want to refine the law, they want to tear it down.

I do not understand this approach. Passage of a partisan bill in the House guarantees deadlock in the Senate. Children are endangered and the industries that need targeted changes get no relief.

And that is why I strongly oppose the Unsafe Toy Act.

The other bill we are considering, which addresses security at chemical plants, has a different problem. While it does not rollback existing protections, it fails to strengthen them.

Our current chemical security laws have loopholes and weaknesses. Drinking water facilities with tanks of chlorine gas could cause widespread devastation in an attack, but they are not subject to chemical security regulations. Chemical facilities that handle nuclear materials are also inexplicably exempt. We urged the majority to work with us in plugging these loopholes, and we asked them to considering protecting whistleblowers and ensuring worker participation in the development of site security plans.

But the oil and chemical industries objected, and the Republican majority said no.

We did make progress in one area and reached an agreement on harmonizing port and chemical security background checks. This is an important issue in places like Houston, where many employees switch back and forth between working at our ports and nearby oil and chemical facilities.

But even with this improvement, the bill is inadequate. It leaves too many chemical-laden facilities vulnerable to terrorism. And that is why I will oppose this legislation too.