

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Markup of H.R. \_\_\_\_\_, the “Enhancing CPSC Authority and Discretion Act of 2011”**  
**Subcommittee on Commerce, Manufacturing, and Trade**  
**May 12, 2011**

I agree with Chairman 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 refinement.

After the Subcommittee hearing last month, Ranking Member Butterfield and I asked to meet with Chairman Bono Mack. We said that we wanted to work with her and other members to find a bipartisan consensus. And we said that we believed it should be possible to address the concerns being raised by ATV manufacturers, bicycle manufacturers, makers of handcrafted toys, and other groups without fundamentally undermining the law.

Since that meeting, our staffs have had several meetings. These have been constructive, but we did not get new language from the majority until late Tuesday. The new language makes many changes in the draft that our staffs never discussed. While some of the changes are helpful, the draft still has fundamental flaws.

The rationale for short-circuiting our discussions and proceeding to markup is the need to move quickly. But passing another partisan bill out of the Committee and the House won’t provide any relief to industry. A partisan bill that puts our children at risk has no prospect of passing the Senate or being signed by President Obama. There is only one quick path to a bill that can be signed into law and that is for us to reach agreement.

There are many problems with the bill before us today. Just listen to what the experts are saying.

The Consumer Federation of America told us yesterday that it is “profoundly disappointed” because the legislation “moves the pendulum backward and removes existing protections, making our children vulnerable once again.”

Consumers Union said: “This draft bill sets up impossible hurdles that would likely mean toys and other children’s products wouldn’t be adequately tested for safety.”

And the American Academy of Pediatrics stated it has “profound concerns” because the bill would “allow more lead in toys and other products designed for children.”

Health experts say that products with 100 parts per million of lead can be dangerous to young children. This bill would allow children’s lunch boxes, large toys, and many other children’s products to have three times this level of lead.

The bill would eviscerate the third-party testing requirements that give parents assurance that the toys they buy meet safety standards.

And it would undermine the new consumer complaint database by letting manufacturers block the posting of any consumer complaint they allege is “materially inaccurate.”

There is a consensus that ATV and bicycle makers should receive some relief from the 2008 law. But this bill says that all manufacturers of outdoor products can have lead levels of up to 40,000 parts per million. That’s 400 times more lead than the law allows. ATV and bicycle manufacturers are asking for targeted relief, not a huge and dangerous loophole like this.

In fact, the All-Terrain Vehicle Association wrote us yesterday that it “disapproves of the process in which this draft bill was scheduled for consideration.”

We need to move past the idea that compromise is a bad word. Legitimate concerns have been raised by manufacturers. If we work together, we can address those concerns without jeopardizing children’s health and we can produce a law the President will sign.

I want to make a strong suggestion: Chairman Bono Mack and Chairman Upton should not bring this legislation to the full Committee until we have reached agreement or we have exhausted the possibility of reaching agreement.

Our Committee needs accomplishments, not more partisan bills and unilateral action by the majority. We stand ready, anxious, and willing to work with you. I thought this issue could have been easily resolved before today. I’m sorry it has not been, and I continue to hope that we will reach a consensus.