



Consumer Federation of America

Current Issues—Bills on the Hills-- Congress

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Consumer Federation of America

May 9, 2006, ICPHSO Conference

Consumer Federation of America is a non-profit association of 300 organizations, that since 1968, has sought to advance the consumer interest through research, education and advocacy.

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I. Introduction

- 1. How Congress can influence product safety
- 2. How legislation is drafted to achieve product safety goals

1. How Congress can influence product safety

There are many ways that members of congress can influence product safety. Members of Congress can do any of the following individually or together:

- a. Write a letter to the Commission
- b. Introduce legislation in the form of a stand alone bill or as added into an appropriations bill (ATV bill example)
- c. Request/Hold a hearing
- d. Request a study by a government entity such as the Congressional Budget Office or the Government Accountability Office
- e. Obtain a (leadership) position on the relevant subcommittees-
Senate- Consumer Affairs, Product Safety and Insurance
(subcommittee of Commerce, Science and Transportation);
House- Commerce, Trade and Consumer Protection
(subcommittee of Energy and Commerce)

-
- f. Congress controls the purse strings of the regulatory agencies through appropriations. The amount of money an agency is appropriated determines how much the agency can do to further its purpose.
 - g. Reauthorization- Congress can review the agency's authority.
 - Can be a few sentences reauthorizing the agency for a few years- or can look at authorizing statutes. Congress sets parameters and grants authority to agencies- can renew as is, expand, or limit
 - In 1981- There were major amendments that dramatically altered CPSC authority, i.e. amusement parks

2. How legislation is drafted to achieve product safety goals

- Legislation takes the following forms:
 - A. Requires that the Consumer Product Safety Commission Promulgate a Rule- Most Common
 - Common language: The Commission shall promulgate a rule under [section 8, 9, 15, 16(b)] of the [CPSA, FHSA, FFA] that requires . . .
 - Out of 22 bills introduced this session, 16 bills require CPSC to issue a rule under one of its authorizing statutes (H.R. 3738; H.R. 1013; H.R. 668)
 - B. Amends one of the laws under CPSC's jurisdiction, CPSA, FHSA, FFA, etc . . . (H.R. 2500)
 - C. States that particular actions are unlawful and would be considered a violation of CPSA and subject to penalties- (S. 2069)
 - D. Creates a grant program for states that CPSC would distribute- (pool safety bill introduced today in House)
 - E. Appropriates money for CPSC to take on additional authority or main appropriations bill- appropriates budget of agency. (H.R. 2500; Pub. Law No. 109-115)

2. How Product Safety Legislation is Drafted cont

- Most Federal legislation influencing Product Safety requires CPSC to issue a rule under one of the statutes over which CPSC has authority.
- **When CPSC was created- it was created by the CPSA with jurisdiction of the following statutes:**
 1. Consumer Product Safety Act- 1972- created the Consumer Product Safety commission based upon a report and recommendations of the National Commission on Product Safety. This is the authorizing Act of CPSC- sets out the powers of the agency and is the actualization of the Federal government taking a vastly larger role in protecting consumers from unreasonable risks of death or injury associated with Consumer Products.

2. How Product Safety Legislation is Drafted cont

2) Federal Hazardous Substances Act- 1960- A response to evidence that children were being burned, poisoned and injured by inadequately labeled products such as detergents and cleaning agents.

-1966 amendments to the Act gave the Secretary of Health Education and welfare the authority to pass regulations to ban products whose hazards could not be ameliorated by labeling and stated that toys and other products containing hazardous substances were banned from the market.

-A 1969 amendment extended authority over hazardous children's products, which presented electrical, mechanical or thermal dangers to children. This amendment also authorized the Secretary of HEW at the time- to recall or remove a banned hazardous substance from the market- including ordering manufacturers distributors and retailers to repurchase any banned products.

2. How Product Safety Legislation is Drafted cont

3. Poison Prevention Packaging Act of 1970- When written empowered the Secretary of Health Education and Welfare- now the CPSC- to protect children from hazardous substances by establishing packaging standards for such products.
4. Flammable Fabrics Act- 1953- In the 1940's a number of children died as a result of fires involving rayon apparel that was dangerously flammable. This Act was a response to these deaths. The Act excluded hats, gloves, shoes and fabrics used to line clothing, as well as curtains, rugs, bedding upholstery.
 - The Act was amended in 1967 to expand coverage to all textile products for clothes and for household products as well as gave the Secretary of Commerce the power to set new flammability standards and change existing standards (previously this was a power of Congress).

2. How Product Safety Legislation is Drafted cont . . .

- 5. Refrigerator Safety Act- passed in 1956- Requires that all refrigerator doors have a device that enables them to be opened from the inside.

III. Pending Legislation

- There are at least 22 bills that have been introduced that relate to product safety:

- 1 . Yo Yo Water Ball Ban

House of Representatives [\[H.R.3738\]](#)

2. Recall Effectiveness

Product Safety Notification and Recall Effectiveness Act of 2005
House of Representatives [\[H.R.1013\]](#)

- 3 . Ban Toy Handguns

House of Representatives [\[H.R.236\]](#)

- 4 . Generator Safety

Portable Generator Safety Act
Senate [\[S.2084\]](#)

III. Pending Legislation (2)

- 5 . Lead in Dishware
House of Representatives [\[H.R.4154\]](#)
- 6 . Flammability of Children's Clothing
House of Representatives [\[H.R.4185\]](#)
- 7 . Product Liability Penalties
House of [\[H.R.1757\]](#)
- 8 . Ban Lead in Children's Products
House of Representatives [\[H.R.668\]](#)
- 9 . Vending Machine Safety
Vending Machine Safety Act of 2005
House of Representatives [\[H.R.2898\]](#)

III. Pending Legislation (3)

- 10 . Children's Product Safety
Infant and Toddler Durable Product Safety Act
House of Representatives [\[H.R.4896\]](#)

- 11 . Amusement Park Ride Safety
National Amusement Park Ride Safety Act of 2005
House of Representatives [\[H.R.2500\]](#)

- 12 . Gasoline Safety
Children's Gasoline Burn Prevention Act
House of Representatives [\[H.R.4023\]](#)

- 13 . Cigarette Safety
Cigarette Fire Safety Act of 2005
House of Representatives [\[H.R.1850\]](#)
Senate [\[S.389\]](#)

III. Pending Legislation (4)

14 . Lead in Toys

Lead Free Toys Act of 2005

Senate [\[S.2048\]](#)

15 . Child Locks for Guns

House of Representatives [\[H.R.2217\]](#)

16 . Foam Fire Safety

Foam Fire Safety Act

House of Representatives [\[H.R.943\]](#)

17 . Furniture Tip-Over Prevention

Katie Elise and Meghan Agnes Act

House of Representatives [\[H.R.1861\]](#)

III. Pending Legislation (5)

18 . Drug Test Defrauding

National Drug Testing Integrity Act

House of Representatives [\[H.R.4910\]](#)

19 . All Terrain Vehicles

ATV Safety Act of 2005

Senate [\[S.2081\]](#); [\[S.2069\]](#)

20 . Engine Coolant and Antifreeze

Engine Coolant and Antifreeze Bittering Agent Act of 2005

Senate [\[S.1110\]](#)

21 . CPSC Budget

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006

Passed by House and Senate 11/30/05 was [\[H.R.3058.\]](#) is now Public Law No: 109-115

22. Pool Safety Legislation will be introduced today . . .

III. Hearings on Product Safety Related Legislation

- Child Product Safety: Do current standards provide enough protection? 10/6/04 House- Commerce, Trade and Consumer Protection Subcommittee (subcommittee of Energy and Commerce)
- Engine Coolant and Antifreeze Act of 2005 7/18/05 Senate- Consumer Affairs, Product Safety and Insurance (subcommittee of Commerce, Science and Transportation)
- Defective Products: Will criminal penalties ensure corporate accountability? 3/10/2006 Senate Judiciary Committee
- Pool Safety Hearing 5/3/06 Senate- Consumer Affairs, Product Safety and Insurance (subcommittee of Commerce, Science and Transportation)
- ATV Safety Hearing 6/06 Senate- Consumer Affairs, Product Safety and Insurance (subcommittee of Commerce, Science and Transportation)

IV. Conclusion

While prospects for legislation addressing product safety issues passing this session of Congress seem unlikely, as there are only about 30 legislative days left, there is increased activity, especially in the Senate, regarding product safety related hearings.

All the work accomplished this session helps lay the groundwork for next and future sessions of Congress.

Anytime legislation is introduced, it raises the profile of the issue and educates the public through media coverage.



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