

July 9, 2025

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, M.D. 20814

RE: "Agenda and Priorities FY 2026 and/or 2027."

Dear Acting Chair Feldman and Commissioners Hoehn-Saric, Trumka, Boyle, and Dziak,

The National Consumers League (NCL) appreciates the opportunity to provide comments in response to the April 14, 2025, Federal Register Notice of Public Hearing on the agenda and priorities of the Consumer Product Safety Commission (CPSC). NCL, founded in 1899, is America's pioneer consumer organization. Our mission is to protect and promote social and economic justice for consumers and workers in the United States and abroad. In that spirit, we support a strong, independent CPSC and encourage the agency to establish standards and conduct enforcement activities necessary to address unacceptable risks posed by product hazards.

Independence

NCL strongly opposes any attempt to eliminate or otherwise transfer the functions of the CPSC to the Department of Health and Human Services (HHS). The FY 2026 HHS budget and a rescinded FY 2026 CPSC budget recommend that CPSC's functions be transferred to HHS.¹ The rescinded CPSC budget stated that "[u]ntil the enactment of authorizing legislation to reorganize, the CPSC will continue to carry out its mission to protect the public from unreasonable risks of injury from consumer products as a standalone agency."² The rescinded budget also requests language in FY 2026 appropriations legislation that transfers the CPSC's budget accounts to HHS.³

¹ Department of Health & Human Services. "Fiscal Year 2026 Budget in Brief." <https://www.hhs.gov/sites/default/files/fy-2026-budget-in-brief.pdf>. Accessed 3 June 2025.; Consumer Product Safety Commission. "Performance Budget Request to Congress Fiscal Year 2026." 30 May 2025. https://www.cpsc.gov/s3fs-public/FY-2026-Budget-Request.pdf?VersionId=VduKUr.mXsklMpI_I8jEQLYNEL8g2Xwk#:~:text=Page%20-%20FY%202026%20Budget%20Overview,%24135.00%20million%20and%20459%20FTEs.

² Consumer Product Safety Commission. "Performance Budget Request to Congress Fiscal Year 2026." 30 May 2025. https://www.cpsc.gov/s3fs-public/FY-2026-Budget-Request.pdf?VersionId=VduKUr.mXsklMpI_I8jEQLYNEL8g2Xwk#:~:text=Page%20-%20FY%202026%20Budget%20Overview,%24135.00%20million%20and%20459%20FTEs.

³ *Id.*

Over its fifty-year existence, the CPSC has developed a body of safety standards, enforcement actions, consumer education campaigns, data collection initiatives, and recall processes, none of which can be “transferred” to a new agency by executive action.⁴ If this proposal were unilaterally carried out, product safety standards—such as those preventing fires, lacerations, poisonings, suffocation, drowning, entrapment, and crushing—may no longer be in effect. Consumer products, including those imported from overseas, may no longer be inspected by federal regulators for safety threats. Sellers may no longer be obligated to recall dangerous or violative products. Critical product safety research may no longer be performed. Vital product safety information and data may no longer be public. That includes data essential for addressing hazardous household products, motor vehicle crashes, adverse drug effects, aviation incidents, and work-related injuries.

HHS lacks the statutory authority to establish product safety standards, implement enforcement actions and consumer education campaigns, conduct data collection, and oversee recalls and safety warnings for consumer products that would be necessary to continue carrying out CPSC’s mission. The CPSC, not HHS, has explicit jurisdiction over consumer product safety.⁵ Any effort to use HHS’s existing authorities to replicate CPSC activities would be vulnerable to legal challenge, potentially leaving a regulatory black hole through which dangerous consumer products can freely enter the stream of commerce. Replicating the CPSC’s activities would likely require several cumbersome rulemakings, which could take years to complete, if ever finalized.

Furthermore, HHS is not well-suited to oversee household product safety. HHS already has a vast mission, which includes food and drug regulation, communicable disease prevention, public health emergency preparation and response, medical research, and administration of Medicare, Medicaid, and the Children’s Health Insurance Program.⁶ Product safety will likely be deprioritized. Competition with other programs could result in less funding for consumer product safety. Competing agency priorities could result in a lack of vigorous standard setting, oversight, and enforcement.

The additional layers of bureaucracy will lead to less effective and efficient governance of household product safety. Rulemakings, enforcement actions, research initiatives, and education campaigns may be subject to review, modification, and approval by the Secretary of HHS and the Office of Management and Budget. Such processes could add months if not years to product safety actions, if the action is permitted at all. With approximately 49,000 product-related deaths, 34 million product-related injuries, and consumer product incidents accounting

⁴ 15 U.S.C. Chapter 47; 16 CFR Chapter II.

⁵ 15 U.S.C. Chapter 47.

⁶ Congressional Research Service. “Department of Health and Human Services: FY 2025 Budget Request.” 23 May 2024. www.congress.gov/crs-product/R48060.

for \$1 trillion in societal costs each year, the American public can ill afford foreseeable delays and denials.⁷

Congress deliberately established an independent, nonpartisan agency with exclusive authority over the safety of consumer products. Such independence ensures that product safety issues are treated like the public safety imperative they so clearly are. That independence should be preserved.

Resources and Personnel

We strongly support increased resources and personnel for CPSC, which are critical to preserving and strengthening the efficiency and effectiveness of the Commission.⁸ More resources and personnel will enable the CPSC to better stop hazardous products at U.S. ports of entry, vigorously enforce product safety laws, investigate product hazards, effectively convey safety information to the American public, and accelerate the modernization of mission-critical technology.⁹ A strong CPSC is particularly important for children and senior citizens, who are disproportionately victims of product hazards.¹⁰

Efforts to dramatically reduce the CPSC's resources, staff, and facilities could substantially diminish the Commission's ability to carry out its mission. Product safety should be standard. The norm, not the exception. Not a choice, but an expectation. NCL urges CPSC leadership to safeguard and defend the dedicated civil servants protecting the American people.

⁷ Consumer Product Safety Commission. "Consumer Product-Related Injuries and Deaths in the United States: Estimated Injuries Occurring in 2020 and Estimated Deaths Occurring in 2019." September 2021. <https://www.cpsc.gov/s3fs-public/ConsumerProductRelatedInjuriesandDeathsInTheUnitedStates.pdf?VersionId=bPIYVZJhOwvBRyFm2vIm0O36tN7P0AKm>; Consumer Product Safety Commission. "Strategic Plan 2018-2022." https://www.cpsc.gov/s3fs-public/CPSC_2018-2022_Strategic_Plan.pdf. Accessed 15 March 2025.

⁸ Consumer Product Safety Commission. "Performance Budget Request to Congress Fiscal Year 2026." 25 June 2025. https://www.cpsc.gov/s3fs-public/RCA-CPSC_Fiscal_Year_2026_Performance_Budget_Request_to_Congress-OS-0380.pdf?VersionId=ZMJjXl09MRGCTSUZuW9APLd2Ds2EisTn.

⁹ *Id.*

¹⁰ Consumer Product Safety Commission. "Consumer Product-Related Injuries and Deaths in the United States: Estimated Injuries Occurring in 2020 and Estimated Deaths Occurring in 2019." September 2021. <https://www.cpsc.gov/s3fs-public/ConsumerProductRelatedInjuriesandDeathsInTheUnitedStates.pdf?VersionId=bPIYVZJhOwvBRyFm2vIm0O36tN7P0AKm>.

Authorities and Standards

Table Saws

NCL urges the CPSC to finalize the supplemental notice of proposed rulemaking for Safety Standard Addressing Blade-Contact Injuries on Table Saws without modification.¹¹ The proposed rule would limit the depth of cut of a table saw to 3.5 mm or less when a test probe, acting as a surrogate for a human finger or other body part, contacts the spinning blade at an approach rate of 1 m/s.¹² CPSC staff estimated that the proposed rule would prevent or mitigate the severity of medically treated blade-contact injuries.¹³

Previous voluntary standards have been ineffective in preventing injuries, thus justifying the need for this mandatory safety standard using proven effective technology that prevents serious injuries from table saws. Indeed, a 15-year trend analysis (from 2004 to 2018) of table saw injuries showed no reduction in table saw injuries from 2010 to 2018, despite the fact that a voluntary standard that became effective in 2010 required new table saws to be equipped with modular blade guard systems.¹⁴

The CPSC expects that the proposed rule would prevent or mitigate an estimated 49,176 injuries treated in hospital emergency departments or other medical settings per year and that net cost benefits, even when factoring in the cost of the technology, would range from \$1.28 billion to \$2.32 billion per year.¹⁵

There are some costs that simply cannot be captured in dollars and cents. Consider this first-hand account from a woodworker:

“My father cut all four of his fingers off with a Radial arm saw years ago. Three fingers are bolted back together so he can only move them at the knuckle, the index finger was lost due to infection. He had to have a skin graft on all his fingers pulled from his thigh, so they now all grow hair so he has to shave them otherwise they grow hair. In airports, he always sets off the metal detectors. When I was looking at table saws about 8 years ago it was between the Sawstop contractor (hybrid wasn’t out yet) and Powermatic 3hp cabinet. My father was with me at the time while I was a teenager at woodcraft. One look at his hand and

¹¹ Consumer Product Safety Commission. “Safety Standard Addressing Blade-Contact Injuries on Table Saws.” 1 November 2023, CPSC Docket No. 2011-0074. www.federalregister.gov/documents/2023/11/01/2023-23898/safety-standard-addressing-blade-contact-injuries-on-table-saws.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

it was obvious which saw I walked out with. 8 years later I still use the Sawstop contractor saw and it looks just like when I bought it, Its a fantastic investment and probably the only one that is relatively easy to justify to your wife.”

The matter of table saw safety has been an ongoing concern of NCL for more than a decade. It’s time to get this vital standard over the finish line.

Platform Accountability

Consumers understandably assume that products bought online are just as safe as products bought at a store. Far too often, that’s not the case.

In 2019, the CPSC conducted an import surveillance operation, which uncovered that 47 percent of e-commerce shipments examined contained violations, far exceeding other categories of shipments.¹⁶ Such violations included drawstrings on children’s upper outerwear, lead in children’s products, strong magnets, undersized wiring in holiday lighting, violations of the pacifier and rattle standards, and violations of the Flammable Fabrics Act in general wearing apparel and children’s sleepwear.¹⁷

Last year, in testimony before Congress, then-Chair of the CPSC Alex Hoehn-Saric stated that “[t]oo often, foreign manufacturers that sell products online disappear after being contacted by CPSC about a hazardous product. That leaves the consumer holding a defective product with little or no recourse. And while CPSC often can get the platform to take a specific product listing down, that same product can reappear on the same platform under a different manufacturer’s name within days.”¹⁸

Circumstances may change, but our core values do not. E-commerce presents a new product safety challenge that did not exist when the Consumer Product Safety Act was first signed into law. But that does not mean our bedrock consumer protection laws cannot continue to uphold our values, even with these changing circumstances.

E-commerce sites should play by the same set of rules as traditional brick-and-mortar retailers. These platforms are in the best position to verify the safety of the products sold on their

¹⁶ Consumer Product Safety Commission. “Staff Report to Congress Pursuant to Title XX, Section 2001 of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) Port Surveillance.” 25 June 2021, www.cpsc.gov/s3fs-public/CPSC-Report-to-Congress-Consolidated-Appropriations-Act-Port-Surveillance.pdf?iYwrKt8RXocIVYSMoXm5uiL7VftQIIz.

¹⁷ *Id.*

¹⁸ Hoehn-Saric, Alexander D. “Testimony of Alexander D. Hoehn-Saric at the Energy and Commerce Committee Hearing on The Fiscal Year 2025 Consumer Product Safety Commission Budget.” 23 July 2024. <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Testimony/Testimony-of-Alexander-D-Hoehn-Saric-at-the-Energy-and-Commerce-Committee-Hearing-on-The-Fiscal-Year-2025-Consumer-Product-Safety-Commission-Budget>.

sites. Consumers should not have to rely on the goodwill of fly-by-night foreign manufacturers who do not share our values and are not committed to protecting the health and welfare of the American people.

Port Surveillance

In carrying out its mission, the CPSC has established an import surveillance program to prevent the entry of unsafe consumer products into the United States.¹⁹ In Fiscal Year (FY) 2023, the CPSC's port surveillance activities intercepted over 13.5 million unlawful products.²⁰ Acting Chair Feldman stated that “[e]ach of these seizures represents a dangerous product that did not reach American homes, and almost certainly, emergency room visits that never happened, homes that are still standing, and funerals that were never planned.”²¹

CPSC's import surveillance program plays an important role in strengthening our nation's border security, protecting consumers, and supporting American competitiveness and domestic manufacturing. These import surveillance practices close the pipeline of violative and hazardous products entering the United States, which, according to Acting Chair Feldman, “save American lives.”²² Further, interdicting violative products creates a level playing field for domestic producers and retailers meeting safety standards.

CPSC's import surveillance efforts also help combat counterfeiting. While the CPSC's principal role is to protect the public from product safety hazards, a significant proportion of violative and harmful products are also counterfeit.²³ According to a CPSC analysis, at least 11 percent of interdicted shipments studied were found to have intellectual property rights violations, though the CPSC suspects that counterfeits make up an even higher percentage of hazardous products. The CPSC has determined that “[intellectual property rights] violators are unlikely to subject their products to the same level of testing and supply chain due diligence as the brand owner, putting consumers at risk of purchasing unsafe, illegitimate products.”²⁴ In recent Operating Plans, the CPSC has stated that identifying and examining “potentially noncompliant consumer products, including counterfeit products that also pose a safety risk, through maximization of port presence” is a priority activity.²⁵

¹⁹ See note 16.

²⁰ Feldman, Peter A. “Testimony of Peter A. Feldman, Commissioner, CPSC Before the House Committee on Energy and Commerce Subcommittee on Innovation, Data, and Commerce United States House of Representatives.” 21 July 2024, www.cpsc.gov/About-CPSC/Commissioner/Peter-A-Feldman/Testimony/Testimony-of-Peter-A-Feldman-Commissioner-CPSC-Before-the-House-Committee-on-Energy-and-Commerce-Subcommittee-on-Innovation-Data-and-Commerce-United-States-House-of-Representatives.

²¹ *Id.*

²² *Id.*

²³ Section 2051 of title 15, United States Code.

²⁴ See note 16.

²⁵ Consumer Product Safety Commission. “Operating Plan Fiscal Year 2023.” 26 October 2022, www.cpsc.gov/s3fs-public/FY2023CPSCOperatingPlan.pdf?VersionId=Z.vZzSezwTIX224uG66J5fHTkFcIvL.G.

Regrettably, the CPSC faces challenges surveilling the enormous volume of dangerous, harmful products entering the country. In FY 2023, the CPSC had 56 full-time equivalent employees stationed at 24 ports of entry, which is just a fraction of the 327 ports of entry with a Customs and Border Protection presence.²⁶ While staffing levels have remained relatively constant in recent years, imports have climbed dramatically.²⁷ According to the Commission, the CPSC “cannot maintain port presence 24 hours a day, seven days per week” and “lacks coverage when an employee is unavailable, for example, due to illness or personal leave.”²⁸ We are concerned that such staffing imbalances could allow violative and dangerous products to fly under the radar.

NCL encourages the CPSC to allocate the port surveillance personnel necessary to strengthen border security, protect consumers, and support American competitiveness and domestic manufacturing.

Conclusion

We thank you for your attention to this matter. NCL stands ready and willing to assist the CPSC in carrying out its lifesaving work. If you have any questions about our comments, please contact danielg@nclnet.org.

Sincerely,

A handwritten signature in dark ink that reads "Daniel M. Greene". The signature is written in a cursive, flowing style.

Daniel M. Greene
Senior Director of Consumer Protection & Product Safety

²⁶ See note 16.

²⁷ *Id.*

²⁸ *Id.*