Congress of the United States
House of Representatives
Washington, D.C. 20515

January 21, 2009

The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

The Consumer Product Safety Improvement Act (CPSIA) that was passed in the last Congress will dramatically improve the safety of toys and other products made for America's children. We were and still are strong proponents of these goals. However, as the Consumer Product Safety Commission (CPSC) begins its implementation procedures, it is becoming clear that, without the rapid application of some common sense, the new law also holds potential to impose vast economic hardship without actually protecting anyone. We respectfully request a hearing of the Committee to examine these issues.

The emails, letters, and phone calls we have received from constituents about the unintended consequences of certain provisions and deadlines in CPSC's implementation plan now number in the thousands. Many involved in CPSIA's creation were passionate to improve the safety of our children's products, but surely no one expected or wanted to drive thousands of home-based and small businesses out of operation and turn thousands of Americans into surprise victims of a brutal recession. For example, it seems obvious to us that the hand-knitted sweaters and homemade hair bows sold by artisans on eBay are highly unlikely to endanger children's health.

The situation is urgent. On February 10, in less than three weeks, these tiny producers will be out of business. Their products, regardless of innocence and safety, will have to be removed from store shelves and the websites of their own home businesses.

You have urged the Commission to deal with the problem by issuing new guidance. Regrettably, the kind of modifications to existing requirements needed to prevent a broad collapse of home-based businesses may take months to achieve. We are advised that even if the CPSC devotes full staff attention and moves at the most expeditious speed, it will be unable issue the necessary guidance prior to February 10 without violating Federal rulemaking requirements.

Meanwhile, there is no evidence that these micro-producers are doing anything wrong or endangering anyone, and we believe there is no reason for them to suffer a devastating economic blow simply because their government cannot find a way to help in time.

As you know, we are about to begin a spirited debate on an economic stimulus package that carries a staggering price tag. Much disagreement lies ahead on that massive bill, but there should be no disagreement on this small matter. By simply delaying the imposition of pending CPSC action to work our way through this problem, we can save many jobs and ensure that toys are safe.

Mr. Chairman, we remain strong supporters of the intentions behind last Congress's toy safety legislation, and what we now request is not an overhaul of that work, but a necessary fine-tuning to make certain that real toy safety is achieved without the serious unintended consequences that so many innocent people now face. The first step toward providing prudent and effective relief is for our Committee to conduct a hearing so everyone involved can explore the facts for themselves, understand the urgency, and coalesce around a solution.

Sincerely,

Joe Barton
Ranking Member
Committee on Energy and Commerce

George Radanovich
Member
Committee on Energy and Commerce

cc: Bobby L. Rush
Member
Committee on Energy and Commerce