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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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September 4, 2009

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

The Honorable Bobby L. Rush  
Chairman  
Subcommittee on Commerce, Trade,  
and Consumer Protection  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairmen Waxman and Rush:

No doubt you recall the two requests we sent earlier this year for a hearing into the many unforeseen and negative consequences that became obvious during implementation of the Consumer Product Safety Improvement Act (CPSIA) of 2008. Your March 11, 2009 response agreed that our Committee should and would hold a hearing to examine these matters, but only when President Obama appointed a new Chairman to the CPSC. That time has come and we appreciate the fact that you have scheduled such a hearing date next week, as the issues surrounding CPSIA implementation are the most important business facing the Commission. We are concerned, however, that a hearing presenting only the opinions of Chairman Tenenbaum, without a second panel of witnesses representing family-owned retailers, tribal stores, toymakers and other affected parties, is very unlikely to cover the most surprising and distressing practical problems that have arisen in connection with the implementation of the law.

As the CPSC began that implementation, it began wreaking additional havoc on a recessionary economy that was already driving shopkeepers into bankruptcy. The strains of implementation also demonstrated that the new law was having highly questionable impact in achieving its purpose -- consumer protection. We have received innumerable e-mails, letters, and phone calls from constituents and Members of Congress about the difficult and sometimes ruinous impact of some provisions of the CPSIA. As we stated in an earlier letter, we believe we all worked with good intentions and great passion to improve the safety of children's products, but no one ever intended to remove safe

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products from toy store shelves, drive thousands of home-based and small businesses out of operation, and imperil the livelihoods of thousands of citizens. The situation has grown no less urgent with the passage of time. The CPSC issued a one-year stay of enforcement, but the expiration of that stay looms close on the horizon. We must have an opportunity to fully vet the unintended consequences of this legislation now, while we have time to remedy the problem.

Chairman Waxman and Chairman Rush, we remain strong supporters of the goals of the CPSIA, but we now request an opportunity to hear not only from a government official, but also from people who are being impacted by the law.

With this goal in mind, and recognizing that this may be our only opportunity before the expiration of the CPSC Stay of Enforcement to begin repairing the flaws in CPSIA and its implementation procedures, we request that you add a second panel on which we may invite citizens from outside of Washington to sit down and explain to us the practical problems presented by CPSIA and potential solutions to those difficulties.

Sincerely,



Joe Barton  
Ranking Member  
Committee on Energy and Commerce



George Radanovich  
Ranking Member  
Subcommittee on Commerce, Trade, and  
Consumer Protection