

Testimony of Safe Kids Worldwide on the  
Consumer Product Safety Commission  
Before House of Representatives  
Kate Carr, President & CEO  
Energy & Commerce Committee  
Subcommittee on Commerce, Manufacturing and Trade  
Tuesday, May 19, 2015

Chairman Burgess and Ranking Member Schakowsky, we respectfully submit this testimony to comment on the importance of the Consumer Product Safety Commission (CPSC) for its indispensable partnership with parents to protect kids from unintentional injuries.

Safe Kids Worldwide is a nonprofit organization with the mission to prevent unintentional injuries involving kids 19 and under. Unintentional injury is the number one killer of Americans in that age group. Safe Kids works with an extensive network of more than 400 coalitions in the U.S. and with partners in more than 25 countries to reduce traffic injuries, drowning, falls, burns, poisoning and more. Our work includes injuries that put kids at risk because of defective and dangerous products. Safe Kids has been part of the effort that has resulted in a 60.2% decrease in the preventable injury death rate since 1987.

The CPSC plays a vital role in the goal of preventing unintentional injuries. Congress reinforced its role with the passage of the Consumer Product Safety Improvement Act (CPSIA) that clearly stated that the protection of children is the principal priority of the agency. This is important because kids, especially younger ones, don't have the tools to protect themselves against a toy with parts they can swallow or choke on, pajamas made with flammable material, or products containing lead. We believe that it more than meets that mandate, and does so with limited resources. There are several ways that the agency fulfills its mission thus making child safety a priority: tracking defective products, enforcement, education and awareness, and passing standards when necessary.

**Tracking Defective Products and Recalls:**

Products that are defective can present a unique danger to children. The CPSC is vigilant in identifying dangerous products and working with industry to make sure companies report when products they produce are defective. Having to recall a product is not good for business, but because of the agency's vigilance—and fairness—the message is pretty clear that it is also not good for a business to seek to cover up or delay the need to recall a product.

With the CPSC and other organizations, Safe Kids provides parents with notices of recalled products at [www.safekids.org/recall](http://www.safekids.org/recall) and so we follow its recall process closely.

**Tracking and Effective Enforcement:**

In tracking dangerous products, the CPSC's presence at ports is vitally important. Despite laws passed by Congress and rules made by the agency, kids' pajamas which breach flammability standards and toys with lead are still making their way onto store shelves. But this has been reduced by the agency's import surveillance program. In FY 2013, more than 12.5 million units of products which violate consumer safety standards were seized and 89% of those products involved those in a child's environment: they

included lacrosse stick sets and wheelbarrows with lead paint, dolls with excessive phthalate content (a substance in plastic which can be toxic), chocolate candy with small toys inside, flammable sleepwear, and fireworks and art materials with incomplete labeling. This has been made possible through a smart targeting method developed to identify imports with the greatest risk for the entry of dangerous products.

### **Effective Enforcement:**

The port surveillance is just one aspect of the agency's enforcement efforts. As stated earlier, the vast majority of cases involving defective products are resolved voluntarily between a corporation and the CPSC. It is extremely rare when the CPSC has to use its powers under CPSIA, and they are judicious when they do. One recent case involved small, highly powerful magnetic balls sold together in a product marketed as an adult stress reliever, but the product created a great deal of stress in homes and emergency rooms. The most popular product was sold under the name "Buckyballs." Small children use their mouths as a principle investigative device, and children would get ahold of them and swallow the tiny magnets. When swallowed the magnets would become attracted to each other in a child's digestive system. As they traveled into the intestines they would form together and "strangle" the intestines. The results were serious. Safe Kids learned about Buckyballs because many of our coalitions are based at pediatric institutions and there was a serious case at the New Orleans Children's Hospital involving a 2-year-old boy from neighboring Mississippi. The boy survived but had to undergo extensive medical care including surgery.

When the Buckyballs manufacturer refused to agree to withdraw the product from the marketplace after extensive negotiations, CPSC was forced to initiate litigation. Finally, the company backed away and the company was dissolved. Consumers were able to obtain refunds.

We believe that the balance of patience and vigor demonstrated by CPSC is to be commended and is effective.

### **Standards: Voluntary and By Rulemaking:**

As with recalls, the great majority of standards set are voluntary ones in which industry helps to set and comply. Many of the standards are set by organizations such as Underwriters Laboratories and the American Society for Testing and Materials, in which Safe Kids is involved as an evaluator. However, there are product sectors in which the voluntary process has not succeeded in preventing severe injuries and fatalities.

A current process involves window coverings. Many shades and blinds are controlled by cords and small children are strangled by the cord loop. This has been a risk for 30 years. Voluntary standards have been debated, set, backed away from, ignored and, because they are inadequate, ultimately failed to prevent fatalities. The CPSC is in the midst of a rulemaking procedure to set a mandatory standard and Safe Kids, along with other consumer safety groups, have strongly recommended the need for it. We have also supported a mandatory rule involving crib bumpers that can lead to infant suffocation. A preventable infant death is tragic and the standard of placing a child on the back with nothing in the crib is a tested standard on which there should be no equivocation or confusion.

We applaud the agency for its role in setting a number of mandatory standards for products in a child's environment which include: framed child carriers (in which parents carry their children on their back); soft infant and toddler carriers; baby carriages and strollers; infant bedside sleepers; bassinets and cradles. It is also involved in the development of many voluntary standards.

### **Education and Awareness:**

The CPSC is one of the most effective educators about child safety. It plays this role involving a number of risks ranging from drowning in swimming pools to poisoning, from television tip-overs to carbon monoxide risks and dangerous products. Education and awareness are effective when it comes to child safety and there is evidence supporting that.

One safety area in which Safe Kids works with the CPSC and other organizations concerns the dangers involving televisions and furniture falling on a child that results in significant injuries and fatalities. Between 2000-2011, 349 people were killed in television or furniture tipovers, and 84% of them were children under 9-years-old.

Educating parents and caregivers about this risk is our best tool to decrease this risk to kids in the home. Both the agency and Safe Kids based their awareness campaigns on evidence. We used earned and social media as a principal platform to communicate with the public during a time when television watching has heightened attention. We have held TV Safety Day for two years on the day before the Super Bowl. The CPSC is a critical part of the overall education and awareness campaign.

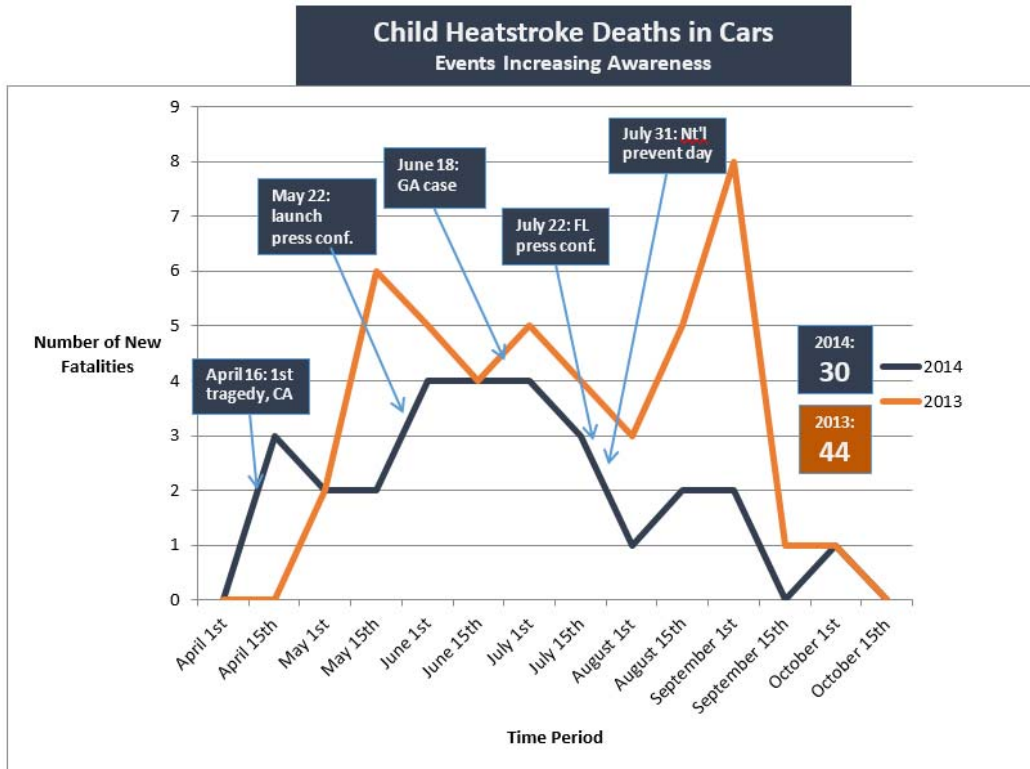
This awareness campaign is relatively new, but is showing signs of success. We conducted a survey of parents and saw that there was a 10% increase in knowledge about televisions tipping over and causing injury. Significantly, the number of parents who said they heard or read about TVs tipping over and injuring children increased from 27 percent in 2012 to 37 percent in 2013.

Behavior change is a challenge, but through awareness, among other tools, it can happen.

This second case history below involves a risk on which the CPSC does not work but the experience is instructive. Every summer, there are tragedies involving small kids who have been left behind in cars and died from heat stroke. As of yet, there is no scientifically proven technology that has been developed to avert these incidents. Creating awareness about the danger is the way that NHTSA and organizations like Safe Kids have used to prevent these tragedies. In 2014, with the assistance of the Auto Alliance, we surveyed parents about their knowledge, attitudes and behavior surrounding the issue. Highlights from the survey are as follows:

- The survey process began in spring of 2014, and since then knowledge of the heat stroke risk has dramatically increased.
- A survey this spring demonstrates that the awareness has been sustained through the winter.
- Awareness about the problem was higher among moms and grew from 74% in 2014 to 86% in 2015. The awareness of dads caught up: 60% knew in 2014 and now it's 83%.
- Of people who are aware of the heatstroke risk, 78% are more likely to take action as bystanders.
  - o Of that 78%, bystanders said, in this order, they'd most likely "call 911," break into the car, or try to find the parents.
- 55% say they take specific steps to make sure they don't leave their child behind

As awareness grew, the number of incidents declined. In 2014, 30 kids died from heatstroke in a vehicle—the 2<sup>nd</sup> lowest number since record keeping started in 1998 as compared to 44 the year before. In 2014, the greater number of deaths occurred earlier in the warmer season, and declined after the awareness campaign kicked in along with news of the actions of a father in Georgia that prosecutors charged were malicious. The chart below shows the trends comparing 2013 and 2014.



This is solid evidence that educating the public is effective.

**Increasing Recall Awareness:**

A challenge we face together is increasing consumer awareness about recalled products and the public's response to a recall. This is important to products under CPSC's jurisdiction and also to car seats. When consumers learn of a recalled product, too few take action.

As stated earlier, we believe the CPSC does a great job in identifying and negotiating recalls, but getting the word out is challenging and the CPSC alone lacks adequate resources to get the news to the public. We urge the Committee to work with the agency and the consumer safety community to provide greater resources for increasing awareness about recalls. This is also a priority for the National Highway Traffic Safety Administration that is responsible for reviewing the safety of car seats and motor vehicles. A record number of car seats were recalled in 2014.

**Conclusion:**

Prevention is key to keeping kids safe. If we prevent drowning with effective pool safety education, we further the mission of child safety. If we prevent injuries by pulling a dangerous product from the marketplace, we are fulfilling the child safety effort. Prevention is also a cost-effective investment because an injury avoided also eliminates the need for emergency room visits. In this way the small investment the federal government makes in consumer product safety are tax dollars well spent. It also fulfills everyone's hope for happy, healthy and productive families.

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