

Teething Tiger

The Consumer Product Safety Commission has a ways to go to exercise its full power

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A GOVERNMENT Accountability Office [report](#) on the Consumer Product Safety Commission (CPSC) [released](#) last week makes it clear the agency has all the power it needs to fulfill its mission to protect the public from potentially harmful imported goods. The problem is that the agency has neither the money nor the personnel to fully exercise it.

The underfunding and understaffing of the CPSC became painfully apparent in 2007, when, the GAO notes, product recalls were at their highest level in 10 years. There were 473 recalls, 82 percent of which involved imported goods. Last year was even worse. Remember all those lead-laden products from China? [According to the GAO](#), between 1998 and 2007, the number of products from China nearly quadrupled "to constitute 42 percent of all imported consumer goods." The GAO also pointed out that this increase in consumer product imports has come while the CPSC has become "progressively smaller in terms of staff and resources." The independent regulatory agency is required to have five commissioners. According to the GAO, the CPSC has had no more than three serving at once since 1986, hasn't been authorized to fund more than three commissioners since 1993 and has been led by two since 2006.

Congress passed the [Consumer Product Safety Improvement Act](#) last year to address these deficiencies. More funding and staff were authorized for the CPSC. The law gives the agency enhanced powers related to product safety standards and recalls, and it gives the CPSC new legal levers to address the safety of imported products. But the agency hasn't been able to put many of its new powers to use. There are 20 rulemakings that must be initiated or completed by next August. Implementation of one, covering certain testing and certification requirements, has been put off until February because the CPSC is laboring under the previous year's budget and could not keep up with industry inquiries. Work hasn't even begun on another rule to create a "substantial product hazard list" that would enhance the CPSC's power to block entry of products that don't meet voluntary standards at ports.

There is also the problem of information-sharing between the CPSC and Customs and Border Protection. A 2002 agreement between the two agencies was supposed to ease the flow of manifest information from incoming cargo ships to the commission. Customs and Border Protection says the information is not specific enough for the commission's purposes. The CPSC disagrees. Both are working to devise a system that would allow the commission to better target shipments for inspection upon entry to U.S. ports. Once this and other authorities given to the CPSC are fully implemented, we'll have a clearer idea whether these powers granted by Congress actually are protecting the public.