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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

July 27, 2021

The Honorable Gene L. Dodaro  
Comptroller General  
United States Government Accountability Office  
441 G Street N.W.  
Washington, D.C. 20548

Dear Comptroller Dodaro:

The Consumer Product Safety Commission's ("CPSC" or "Commission") Office of Import Surveillance, responsible for monitoring consumer products entering the United States through ports, dispatches inspectors to ports around the country to look for products that violate federal laws or safety rules administered by the CPSC. Typically, CPSC inspectors conduct thousands of safety screenings each month. In December 2020, however, reports emerged that the Commission had significantly curtailed port inspections for several months earlier in the year.<sup>1</sup> In March 2020, due to the spread of COVID-19, CPSC leadership directed port inspectors to begin working remotely, rendering them largely unable to conduct in-person inspections of shipments of products until such screenings resumed in September.<sup>2</sup>

Though the agency attempted to compensate for the absence of on-site personnel by conducting remote screenings, this decision led to CPSC inspectors performing significantly fewer port safety screenings in comparison with previous years.<sup>3</sup> This, coupled with an increase in American online shopping due to the pandemic, has led to the possibility that CPSC has allowed significantly more hazardous products into the domestic market than it has in previous years.

The Consolidated Appropriations Act of 2021 included language directing CPSC to ensure that investigators remain stationed at ports of entry for the remainder of the COVID-19 pandemic to the maximum extent feasible and to hire 16 additional port inspectors.<sup>4</sup> Congress later appropriated \$50 million for CPSC to carry out these directives in the American Rescue Plan Act of 2021.<sup>5</sup> On March 23, 2021, the Ranking Members of the Senate Committee on Commerce,

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<sup>1</sup> Letitia Stein and Brett Murphy, *Are your kids' Christmas gifts safe? Toys at risk for lead, poison after US stopped inspections amid COVID-19*, USA TODAY (Dec. 11, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Pub. L. 116-260, div. FF, title XX.

<sup>5</sup> The American Rescue Plan Act of 2021, Pub. L. No. 117-2 § 7401 (2021).

Science, and Transportation, the House Committee on Energy and Commerce, and their respective subcommittees with jurisdiction over the CPSC wrote a letter to CPSC Acting Chairman Robert Adler requesting an accounting of how this funding is spent at the end of each fiscal year.<sup>6</sup>

The Consolidated Appropriations Act of 2021 also directed CPSC to issue a report to Congress on, among other things, the risks to consumer safety associated with the reduction in port surveillance activity during the pandemic.<sup>7</sup> CPSC complied with this directive in the form of a staff report released on June 25, 2021.<sup>8</sup> The report has been criticized, however, for failing to answer basic questions about the risk to consumers from dangerous products that entered the market during the period of lax in-person inspections or how the agency plans to mitigate those risks.<sup>9</sup>

Given the number of important questions surrounding this issue that remain unanswered by CPSC, we request that the Government Accountability Office undertake an analysis of CPSC's decision to withdraw port inspectors during the COVID-19 pandemic and the risks to consumers from dangerous products that may have increased as a result. In particular, we request that the analysis assess:

- The decision-making process behind the initial decision to withdraw port inspectors, including whether appropriate Commission members and staff were kept informed of related developments;
- The necessity of the withdrawal of port inspectors given contemporary understanding of the risks of COVID-19, the availability of personal protective equipment, and other relevant considerations;
- The nature and adequacy of CPSC's internal assessment of the risks to consumers of dangerous products escaping detection at the ports due to the decision to withdraw inspectors, both prior to the initial decision and any updates made over the course of the following year;
- Whether any attempt was made to mislead members of Congress and appropriate congressional committees about the withdrawal of port inspectors;
- The timeline of the status of in-person staffing at the ports, including the length of time that inspections were being done entirely remotely and the date on which full in-person staffing was restored;

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<sup>6</sup> Letter from Sen. Roger Wicker, Ranking Member, S. Comm. on Commerce, Sci., & Transp., Rep. Cathy McMorris Rogers, Ranking Member, H. Comm. on Energy & Commerce, Sen. Marsha Blackburn, Ranking Member, S. Subcomm. on Consumer Protection, Product Safety, and Data Security, and Rep. Gus M. Bilirakis, Ranking Member, H. Subcomm. on Consumer Protection and Commerce, to Hon. Robert Adler, Acting Chairman, CPSC (Mar. 23, 2021), on file with the Committee.

<sup>7</sup> *Id.*

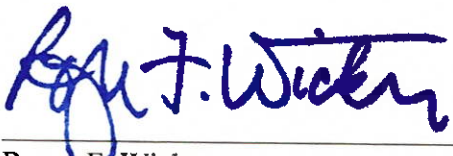
<sup>8</sup> Staff of the U.S. CPSC, *Staff Report to Congress Pursuant to Title XX, Section 2001 of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) Port Surveillance* (Jun. 25, 2021).

<sup>9</sup> Letitia Stein and Tricia L. Nadolny, *Hazardous goods found for sale after consumer protection inspectors were pulled from ports during COVID-19*, USA TODAY (Jul. 14, 2021).

- Whether additional resources appropriated to CPSC to address port inspection issues were appropriately expended by the Commission pursuant to congressional direction;
- The effectiveness of methods of remote inspection employed by the Commission during the period of withdrawal compared to in-person inspection;
- The amount and type of products in violation of laws or standards administered by CPSC that likely entered the U.S. market due to the withdrawal of in-person port inspectors, including whether those products present a danger to consumers or are otherwise noncompliant;
- The nature and effectiveness of CPSC's efforts to mitigate the risks associated with dangerous products entering the U.S. market due to the withdrawal of in-person port inspectors; and
- The degree of risk to American consumers from dangerous products that remains due to CPSC's actions during this period, and any recommendations for how CPSC or Congress can act to further mitigate these risks.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Chapin Gregor with the Senate Committee on Commerce, Science, and Transportation minority staff at (202) 224-1251.

Sincerely,



Roger F. Wicker  
Ranking Member  
U.S. Senate Committee on  
Commerce, Science, and Transportation



Marsha Blackburn  
Ranking Member  
Subcommittee on Consumer  
Protection, Product Safety, and Data  
Security