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Testimony

of Rosario Palmieri

Vice President, Labor, Legal and Regulatory Policy National Association of Manufacturers

before the Committee on Commerce, Science and Transportation U.S. Senate

on A Growth Agenda: Reducing Unnecessary Regulatory Burdens

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TESTIMONY OF ROSARIO PALMIERI, VICE PRESIDENT, LABOR, LEGAL AND REGULATORY POLICY OF THE NATIONAL ASSOCIATION OF MANUFACTURERS

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COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION U.S. SENATE

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Chairman Thune, Ranking Member Nelson and members of the Committee on Commerce, Science and Transportation, thank you for the opportunity to testify about federal regulations and how the rulemaking process impacts businesses in the United States. I am pleased to provide this testimony on the regulatory agenda of the U.S. Consumer Product Safety Commission (CPSC) and the impact of its regulations on manufacturers and other stakeholders.

My name is Rosario Palmieri, and I am the vice president of labor, legal and regulatory policy for the National Association of Manufacturers (NAM). The NAM is the nation's largest industrial trade association and voice for more than 12 million men and women who make things in America. The NAM is committed to achieving a policy agenda that helps manufacturers grow and create jobs. Manufacturers appreciate your attention to the regulatory burdens that are impacting their competitiveness and growth. In particular, we thank the chairman and ranking member for their efforts to improve our regulatory system. Manufacturers that produce finished goods or component parts regulated by the CPSC and their suppliers account for 6.5 million jobs in the United States in 2015.¹

The committee's attention to the impact of agency regulations on manufacturers in the United States is extremely important, and the NAM is pleased that special attention has been focused on the CPSC. As an independent regulatory agency, the CPSC is not bound by orders that direct executive branch agencies to employ sound regulatory principles, and the justifications and data the CPSC uses for its regulatory are not subject to any substantive review by an objective third party. Manufacturers greatly appreciate the efforts by Chairman Thune and Senator Moran, chairman of the Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security, to hold the CPSC accountable so that its resources are devoted to efforts that would enhance consumer safety and advance its mission as Congress has intended.

I. Manufacturing in the United States

Manufacturing in the United States lost 2.3 million jobs in the past recession. Since then, we have gained back 822,000 manufacturing jobs. Yet, the sector has struggled over the past two years from global headwinds and economic uncertainties. Manufacturing employment declined by 45,000 in 2016, with essentially stagnant production growth.

On the positive side, signs at year's end indicated that business leaders and consumers were more upbeat about activity in 2017, especially since the election. To ensure that demand

¹ Source: U.S. Census Bureau, Annual Survey of Manufacturers, Retrieved from https://factfinder.census.gov/

and output improve this year, the United States needs not only improved economic conditions but also government policies more attuned to the realities of global competition.

Manufacturing has the highest multiplier effect of any economic sector. For every \$1.00 spent in manufacturing, another \$1.81 is added to the economy. In addition, for every worker in manufacturing, another four employees are hired elsewhere. In 2015, manufacturers in the United States contributed \$2.17 trillion to the economy (or 12.1 percent of GDP), and the average manufacturing worker in the United States earned \$81,289 annually, including pay and benefits—27.4 percent more than the average nonfarm business worker.

Nearly 95 percent of all manufacturers in the United States have fewer than 100 employees, and the Small Business Administration defines a small manufacturer as a firm with fewer than 500 employees. To compete on a global stage, manufacturers in the United States need policies that enable them to thrive and create jobs. Growing manufacturing jobs will strengthen the U.S. middle class and continue to fuel America's economic recovery. Manufacturers appreciate the committee's focus on ways to reduce regulatory burdens. Unnecessarily burdensome regulations place manufacturers of all sizes at a competitive disadvantage with our global counterparts.

a. Regulatory Burdens Facing Manufacturers

Manufacturers face more environmental and safety regulations than other businesses. The NAM issued a study² on the expansive set of federal regulatory requirements that are holding manufacturers back. Manufacturers face 297,696 restrictions on their operations from federal regulations. Eighty-seven percent of manufacturers surveyed as part of our study indicated that if compliance costs were reduced permanently and significantly, they would invest the savings on hiring, increased salaries and wages, more research and development and/or capital investment. Regulations impose real costs that impact a company's bottom line, so it is extremely important that our regulatory system be transformed so that we are effectively protecting health and the environment while minimizing and seeking to eliminate unnecessary burdens. Despite the acknowledgment of lawmakers of the problems with our regulatory system, things are getting worse. Ninety-four percent of manufacturers surveyed said the regulatory burden has gotten higher in the past five years, with 72 percent reporting that the burden is "significantly higher."

Manufacturers, particularly small manufacturers, know very well the importance of allocating scarce resources effectively to achieve continued success, which includes increased pay and benefits for employees. Every dollar that a company spends on complying with an unnecessary and ineffective regulatory requirement is one less dollar that can be allocated toward new equipment or to expand employee pay and benefits. Government-imposed inefficiencies through poorly designed and inefficient regulations are more than numbers in an annual report. They are manifested in real costs borne by the men and women who work hard to provide for their families.

b. Regulatory Environment and the Need for Reform

Our regulatory system is in need of considerable improvement and reform. New regulations are too often poorly designed and analyzed and ineffectively achieve their benefits.

² NAM. *Holding Us Back: Regulation of the U.S. Manufacturing Sector.* January 2017. Retrieved from http://www.nam.org/Data-and-Reports/Reports/Holding-Us-Back--Regulation-of-the-U-S--Manufacturing-Sector/

They are often unnecessarily complex and duplicative of other mandates. Their critical inputs—scientific and other technical data—are sometimes unreliable and fail to account for significant uncertainties. Regulations are allowed to accumulate with no real incentives to evaluate existing requirements and improve effectiveness. In addition, regulations many times are one-size-fits-all without the needed sensitivity to their impact on small businesses. We can do better.

The complexity of rulemaking and its reliance on highly technical scientific information has only increased since the passage of the Administrative Procedure Act (APA) in 1946. Whereas independent regulatory agencies like the CPSC, the National Labor Relations Board and the Securities and Exchange Commission are not bound by executive branch orders, memorandum and guidance, these agencies are required to comply with the APA.

As the modern federal regulatory state expanded, Congress grew increasingly concerned about the significant regulatory and paperwork burdens imposed on the public, particularly small businesses. In September 1980, the Regulatory Flexibility Act (RFA) was signed into law and requires federal agencies—including independent regulatory agencies—to thoughtfully consider small businesses and other small entities when developing regulations. If an agency determines that a regulation is likely to have a "significant economic impact on a substantial number of small entities," the agency must engage in additional analysis and seek less burdensome regulatory alternatives. In addition to requiring improved regulatory analysis to better determine the small entity impact, the RFA attempted to improve public participation in rulemaking by small businesses. It also requires agencies to publish an agenda semiannually, listing expected rulemakings that would impact small businesses and to conduct "look-back" reviews—required under Section 610 of the law—of regulations that affect small entities to identify rules in need of reform.

There have also been presidential directives aimed at improving the regulatory state. The NAM welcomed efforts by President Barack Obama to reduce regulatory burdens. The president signed executive orders, and the Office of Management and Budget (OMB) issued memoranda on the principles of sound rulemaking, considering the cumulative effects of regulations, strengthening the retrospective review process and promoting international regulatory cooperation. Executive Order 13563 affirmed the principles of sound rulemaking, and Executive Order 13579 strongly encouraged independent regulatory agencies like the CPSC to comply with those provisions. The former order states,

Our regulatory system must protect public health, welfare, safety and our environment while promoting economic growth, innovation, competitiveness and job creation. It must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative....It must measure, and seek to improve, the actual results of regulatory requirements.

Manufacturers and the general public agree with these principles and believe the regulatory system can be improved in a way that protects health and safety without compromising economic growth. Unfortunately, this initiative and others of past administrations have not yielded real cost reductions for manufacturers or other regulated entities.

Agencies are failing in their responsibility to conduct analysis that would better assist them in understanding the true benefits and costs of their rules and how to best achieve policy objectives. Despite existing statutory requirements and clear directives from the president to

improve the quality of regulations, manufacturers face an increasingly inefficient and complex myriad of regulations that place unnecessary costs on the public.

c. Improving Regulations Issued by the CPSC

The president does not exercise similar authority over independent regulatory agencies like the CPSC as he does over other agencies within the executive branch. Independent agencies are not required to comply with the same regulatory principles outlined in executive orders and OMB guidance as executive branch agencies and often fail to conduct any analysis to determine expected benefits and costs.

Congress should require independent regulatory agencies to conduct robust cost-benefit analyses of their significant rules and subject their analysis to third-party review through the Office of Information and Regulatory Affairs (OIRA) or some other office. Congress should also confirm the president's authority over these agencies. If there is consensus that this process makes executive branch rules better, why would we not want to similarly improve the rules issued by independent regulatory agencies? Consistency across the government in regulatory procedures and analysis would only improve certainty and transparency of the process.

Independent regulatory agencies are required to comply with the RFA, but agencies are adept at utilizing loopholes in current law to escape many of the substantive requirements as Congress intended. Since independent regulatory agencies are not accountable to the OIRA nor do they participate in interagency review of their rules, accountability mechanisms to ensure executive branch agency compliance with the RFA do not exist for them. A stronger RFA is necessary because the courts are the only backstop to noncompliance by independent agencies. Congress should reform the RFA and close loopholes in the law so that agencies conduct robust analysis of their rules and issue more efficient and effective regulations.

II. Regulatory Activity by the CPSC

The CPSC was created in 1972 with the enactment of the Consumer Product Safety Act (CPSA), which established the authority for the CPSC to regulate consumer products and pursue recalls. In the wake of intolerable lapses in children's product safety, the Consumer Product Safety Improvement Act (CPSIA) was passed in 2008, amending the CPSA and providing the agency additional regulatory and enforcement authority. The NAM supported the law and provisions that would give the CPSC more staff and financial resources to deal with the dramatic rise in imported consumer products and globalized supply chains.

Since the CPSC's creation, the private sector has worked hand-in-hand with the CPSC in protecting consumers. The founding principle of the CPSA makes clear that product safety is best achieved through a cooperative relationship with the private sector. Congress further asserted this principle when it amended the CPSC's governing statute through enactment of the CPSIA in 2008. Manufacturers and the CPSC have a shared commitment to product safety, and we firmly believe that any significant changes to policies and processes should be developed cooperatively as Congress intended. Unfortunately, the CPSC has engaged in a series of highly controversial rulemakings without engaging stakeholders and is evolving into a command-and-control regulatory agency, which is antithetical to the longstanding intent of Congress.

The success of the U.S. regulatory system for protecting consumers relies heavily on a cooperative relationship between the CPSC and all stakeholders, including manufacturers, retailers, importers, consumer groups and others. Over the past decade, the CPSC has

seemingly ignored this important principle. It has unilaterally issued proposed regulations that exceed its statutory authority or are in violation of the CPSA. This aggressive agenda diverts important resources that should be devoted to protecting consumers. Meanwhile, the CPSC has all but ignored a congressional mandate³ that it reduce the regulatory burdens imposed by third-party testing.

a. Failure to Engage Stakeholders

Manufacturers of consumer products and other stakeholders support a collaborative effort between the CPSC and industry to promote product safety for consumers. This is particularly important as the agency considers significant changes in its longstanding policies on engaging with stakeholders on important activities, such as voluntary recalls, corrective action plans (CAPs), the public disclosure of information and import risk assessment. However, many of these regulatory proposals are drafted behind closed doors with no input from manufacturers, retailers, importers or other impacted entities.

Over the past three and a half years, the NAM, other interested parties and Congress have requested that the CPSC improve its engagement with stakeholders. These requests have been ignored or dismissed. In July 2016, the House-passed Financial Services and General Government Appropriations Act for Fiscal Year 2017 (H.R. 5485) would have dedicated \$1 million of the CPSC's funding toward the creation of advisory committees with the goal of improving stakeholder participation in key policy decisions made by the CPSC. Though the provision was not included in the continuing resolution passed at the end of the previous session of Congress, the intent of Congress is clear: engagement with stakeholders is critical for the agency to understand complex international supply chains and consumer behavior. Instead of issuing rulings and policies from an isolated ivory tower, such engagement would enable the agency to formulate regulations that will quickly, effectively and efficiently enhance product safety without unduly burdening the regulated community. Transparency is critical for the regulated community and consumer advocates to understand the CPSC's expectations and priorities.

b. Proposed Rule on Voluntary Recalls

Since enactment of the CPSIA, the most controversial regulation put forth by the CPSC arguably has been a proposed rule known as the "voluntary recall rule." Published in November 2013, the proposed rule⁴ would negatively impact the CPSC's voluntary recall process and would place significant burdens on manufacturers and retailers of consumer products. The proposed rule, among other things, would make voluntary CAPs and voluntary recalls legally binding, remove a company's ability to disclaim admission of a defect or potential hazard and empower CPSC staff to include compliance programs in CAPs. If finalized, firms could face increased enforcement jeopardy and legal consequences in product liability, other commercial contexts or a civil penalty matter. The rule would also violate protections guaranteed under the First Amendment by prohibiting firms from making truthful public statements expressing their views regarding the existence of a safety defect. From a policy standpoint, the paramount concern of manufacturers, retailers and others is that the rule would harm the CPSC's and industry's efforts to protect consumers effectively. Nearly all public comments to the proposed rule expressed this concern.

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³ Pub. Law 112-28

⁴ 78 Fed. Reg. 69793

Instead of enhancing consumer protections, the proposed changes would extend the period of negotiation between a subject firm and CPSC staff, slowing down or impeding agreement on CAPs. Any delays in implementing a recall can increase the risk to consumers. The proposal also seriously threatens the Fast-Track recall program—an expedited recall process which the agency touts as a model of good governance. The concern is so significant that former Democratic CPSC Chair Ann Brown and Senators Angus King (I-ME), Bob Casey (D-PA) and Pat Toomey (R-PA) submitted letters expressing concern over the proposed rule and the impact it would have on the Fast-Track program.

The CPSC developed this monumental proposed change to the voluntary recall process without any input from stakeholders and to date has not sought any stakeholder feedback outside of the 2013 notice. The CPSC also has rebuffed repeated requests by lawmakers and interested parties, including the NAM, to engage stakeholders on ways to improve recall effectiveness and the voluntary recall process. Common sense dictates that the CPSC, at a minimum, should participate in a constructive dialogue with industry partners who are primarily responsible for conducting recalls.

The CPSC also conducted no regulatory analysis to assist it in developing a regulatory proposal that would effectively meet its goal of improving recall effectiveness. To the contrary, the NAM and nearly every other commenter discussed ways in which the proposed rule would actually harm the CPSC's and industry's abilities to conduct recalls effectively. In its notice of proposed rulemaking, the CPSC provides no data or information supporting its conclusion that the proposal is necessary or that there is a problem that the CPSC does not already have the tools to address. Interestingly, the CPSC asserts that it is not required to comply with the procedural requirements of the APA and the analytical requirements of the RFA because it determined its proposal is an "interpretative rule." However, the substantive provisions of the proposed regulation would place new obligations on companies, implement fundamental changes of longstanding practice and processes, establish new rights and responsibilities on regulated entities and legally bind subject firms in ways not currently provided. Moreover, because the proposed rule would be the basis for enforcement decisions and would broaden existing legal requirements, the CPSC should comply with both the rulemaking procedures established by the APA for substantive rules and the analytical requirements of the RFA.

CPSC Chairman Elliot Kaye has repeatedly stated that the rule is not safety-focused in his opinion and was not a priority. In an October 2015 hearing before the Commerce Committee's Consumer Protection, Product Safety, Insurance and Data Security Subcommittee, Chairman Kaye committed to Subcommittee Chairman Moran that he would keep the committee fully informed if there were any changes in his intentions to move forward on this proposal. Manufacturers and others were then alarmed when the CPSC announced at an August 31, 2016, decisional meeting that it intended to consider a final version of this proposal. There had been no indication—and no outreach to stakeholders—that the CPSC would consider a final rule.

As the CPSC continues with this rulemaking, it is ignoring clear direction from Congress that the rule be withdrawn. The joint explanatory statement for the FY 2015 omnibus appropriations bill (H.R. 83) clearly expressed bipartisan opposition to the proposed rule. In recent years, the House has twice passed amendments to the Financial Services and General Government funding bills, which would prevent the agency from proceeding on this rule.

The NAM stands united with private-sector stakeholders in urging the CPSC to withdraw this misguided proposal and work cooperatively with interested parties to develop strategies that will improve the effectiveness of recalls and accomplish the desired policy objectives. We further ask the CPSC to formalize stakeholder engagement on this and other important issues. Through formal engagement with manufacturers, retailers, consumer advocacy organizations and others, the CPSC can better maximize the effectiveness of product safety programs and minimize unnecessary burdens on both regulated entities and CPSC staff. It will also provide the CPSC with additional resources for responding to emerging issues, whether they be product-focused or a newly identified need to modify CPSC policies and processes.

c. Proposed Mandatory Standards for Table Saws

The CPSC will soon vote on a motion to issue proposed mandatory safety standards for table saws. The briefing package⁵ was made publicly available on January 18. The CPSC initiated the rulemaking in October 2011 with an advance notice of proposed rulemaking,⁶ which followed a 2006 CPSC vote granting a petition to impose mandatory standards that could be achieved only through the use of one claimed patented technology owned by the person who submitted the original petition in 2003.

If the CPSC were to proceed with this rulemaking, it would create a government-mandated monopoly run by the petitioner, who possesses more than 100 granted patents related to the technology that the CPSC would mandate. Currently, the most popular table saw models can be purchased for a couple hundred dollars. In its briefing package, the CPSC acknowledges that the least expensive model on the market employing the technology it would mandate is \$1,300, contradicting its own claim that the least expensive table saws under a mandatory standard would increase in price by only \$300. Table saws incorporating the patented technology would increase in price by approximately \$1,000—four times the average price and an \$875 million impact only for the benchtop category of table saws. This would essentially eliminate or ban cost-effective models from the market, significantly harming businesses that use the machines. Such a burden is not justifiable for do-it-yourself or small contractor customers.

The CPSA requires the CPSC to conduct regulatory analysis, including potential costs and benefits when issuing a proposed rule. The analysis relies on inadequate and outdated data as justification for its monopoly-setting standard. For example, the CPSC's estimate for anticipated increases in the retail costs for table saws is based on information provided by the petitioner and owner of the patented technology the CPSC seeks to mandate. This rulemaking illustrates a trend at the agency where the CPSC has failed to conduct adequate cost-benefit analyses with its rulemakings and imposes prohibitive costs on manufacturers and consumers without accounting for the actual risks associated with the products.

Regulation should not be used to advantage one technology or one company over another. The CPSA dictates that the CPSC can issue a mandatory standard only on a finding that an existing voluntary standard would not prevent or adequately reduce the unreasonable risk of injury in a manner less burdensome than the proposed CPSC mandatory standard. If the CPSC proceeds with a mandatory standard, such action would undermine the industry's

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⁵ CPSC Briefing Package. "Proposed Rule: Safety Standard Addressing Blade-Contact Injuries on Table Saws." January 2017. Retrieved from https://www.cpsc.gov/Newsroom/FOIA/ReportList?field_nfr_type_value=commission ⁶ 76 Fed. Reg. 62678

⁷ 15 U.S.C. 2058(c)(1)

incentive to develop new alternative table saw safety technology, cause companies to exit the table saw market and impose unnecessary and significantly increased costs on consumers.

d. <u>Proposed Rule on the Public Disclosure of Information, Section 6(b)</u>

In February 2014, the CPSC issued a proposed interpretative rule that would significantly alter its policy on publicly disclosing information on companies and products. Section 6(b) of the CPSA requires the CPSC to "take reasonable steps to assure" any disclosure of information relating to a consumer product safety incident is accurate and fair. The congressionally mandated protections of Section 6(b) are critical as they encourage companies to report potential product hazards and defects voluntarily and work cooperatively with the CPSC. With enactment of the CPSIA in 2008 and H.R. 2715 as recently as 2012, Congress chose to preserve Section 6(b) and the protections it provides manufacturers.

The proposed rule would undermine a successful and cooperative process that has been in place for more than 30 years. The CPSC's proposal is not aligned with the intent of Section 6(b) and would limit the protections afforded to manufacturers when the CPSC publicly discloses information. If finalized, the rule would significantly narrow the information that is subject to Section 6(b) requirements and permit the CPSC to not notify firms when releasing information that is "substantially the same as" information it previously disclosed. A company also would not be allowed to request notification that the CPSC plans to subsequently disclose similar information. The rule would also eliminate protections for the disclosure of information subject to attorney–client privilege and limit a company's ability to have comments withheld. Importantly, the CPSC is proposing to exempt from Section 6(b) information that is publicly available, including information that is available on the internet.

As with the voluntary recall rule, the CPSC developed its proposed changes to Section 6(b) behind closed doors with absolutely no input from the stakeholders who would be directly impacted by the rule. We strongly urge the CPSC to withdraw this rule. Yet, the CPSC announced this past August its desire to finalize the rule. We believe that the private sector and the CPSC share a common goal to better protect consumers and lessen the burdens associated with the Section 6(b) process on CPSC staff, while ensuring the CPSC complies with the statutory requirements that information it releases is fair and accurate. Without stakeholder engagement, the CPSC's advancement of this rule could chill the strong and cooperative relationship it has with businesses—a relationship that is a fundamental element of the CPSC's and industry's success in protecting consumers from potentially hazardous products.

e. <u>Proposed Mandatory Standard for Recreational Off-Highway Vehicles (ROVs)</u>

In October 2014, the CPSC proposed a mandatory standard for ROVs despite admitting that it had no evidence showing its proposed changes would improve safety. If the CPSC continues with its rulemaking, it would be a precedent-setting maneuver in that it is forcing the industry to accept unproven changes under the threat of a mandatory standard rulemaking. A mandatory rule would also violate the CPSA requirement that the CPSC defer to voluntary standards.⁸

The industry has recently updated voluntary consensus standards to address many of the safety concerns that have been raised by CPSC staff over the past few years. The ROV industry is highly innovative and employs extensive safety measures through advancements in

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^{8 15} U.S.C. 2056(b)(1)

research and technology. The industry uses engineering and the consideration of vehicle use (including driver preferences and the conditions in which vehicles are driven) to make ROVs the safest possible. If the CPSC finalizes its proposed rule, it would violate the CPSA by establishing a design mandate, directing companies on what features vehicles should have and how those vehicles should be manufactured.

On January 25, the CPSC voted against a motion to terminate the ROV rulemaking, despite the implementation of a robust new voluntary standard. The failure to terminate this rulemaking unmistakably conflicts with the CPSA's requirements that the CPSC defer to voluntary standards and terminate a rulemaking proceeding when voluntary standards would address concerns the CPSC may have.

f. <u>Proposed Rule on the Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates</u>

The CPSIA established the Chronic Hazard Advisory Panel (CHAP) to study the effects of all phthalates and phthalate alternatives used in children's toys and child care articles. The law⁹ further directs the CPSC to issue a final rule based on the panel's findings and recommendations. The CHAP issued its report and recommendations in July 2014, more than three years after the statutory deadline. On December 30, 2014, the CPSC published a proposed rule to implement the CHAP's recommendations. The CHAP report relied on outdated data and was not subject to an open public comment period in accordance with guidelines set forth in the OMB's "Final Information Quality Bulletin for Peer Review" and was only subjected to a nonpublic peer review. The OMB bulletin establishes strict minimum requirements for the peer review of highly influential scientific assessments, including a requirement that an agency "make the draft scientific assessment available to the public for comment at the same time it is submitted for peer review...and sponsor a public meeting where oral presentations on scientific issues can be made to the peer reviewers by interested members of the public."

The need for more rigorous peer review is essential because the CPSC's proposed rule is predicated on a precedent-setting cumulative risk assessment used by the CHAP as it developed its recommendations. The CPSC should ensure that the data and analysis used to support regulatory activity complies with the OMB's and the CPSC's own information quality guidelines, which state that the CPSC will apply "risk assessment practices...that are widely accepted among domestic and international public health agencies." When misapplied within the regulatory process, this cumulative risk assessment methodology could have broad implications across different agencies and numerous regulatory programs and for all manufacturers of industrial chemicals and consumer products.

III. Conclusion

Chairman Thune, Ranking Member Nelson and members of the committee, thank you for the opportunity to testify today and your attention to these issues. The CPSC's aggressive regulatory agenda would establish significant challenges in meeting the consumer protection objectives that manufacturers, retailers and others share with the CPSC. The CPSC should embrace the prospect of developing regulatory proposals cooperatively with impacted stakeholders, including manufacturers, retailers, consumer advocacy organizations and others.

⁹ 15 U.S.C. 2057c

We urge the CPSC to formalize proactive engagement with interested parties so that its commitment is realized in actions and not just words. We are committed to working together with the CPSC and other stakeholders to advance consumer protections and improve its processes.