

Statement of R. David Pittle, Ph.D.¹

CPSC Spotlight Forum
U. S. Senate Visitors Center
Washington, D.C.
July 22, 2025

Senator Blumenthal, Senator Klobuchar, distinguished members on the dais,

Thank you for the opportunity to share my views regarding the future of CPSC.

EXECUTIVE SUMMARY

My name is David Pittle, and I have been engaged in the product safety field for the last 55 years. I am here today to strongly urge the senate to continue CPSC as an independent agency; one whose safety actions are decided by a bipartisan collegial body, subject to judicial review, and one whose safety programs and operations are subject to annual congressional oversight.

Throughout its history, beginning in 1973, CPSC has been highly effective at protecting consumers from unreasonably dangerous consumer products, whose risks are generally latent and thus difficult for consumers to discern. CPSC has been successful in large part because its work has been insulated from inappropriate political and commercial interference.

Protecting consumers from predictable deaths and injuries is not a political issue. Rather, it is a complex mixture of technical, economic, and legal factors. The solutions benefit consumers directly, but they also impact manufacturers and retailers, whose interests must be taken into full account. Saving lives must start and end with the research-based judgments of scientific and policy experts who are dedicated to the core mission of CPSC.

In making the case to continue CPSC as an independent bipartisan collegial body, I don't argue that there is no role for differing political perspectives and policy views regarding CPSC's proposed safety rules. Indeed, having a commission comprised of product safety experts from different political parties as the regulatory decision makers ensures that

¹ Pittle served two terms as CPSC commissioner (1973-82)

full and robust debate over proposed regulatory actions will always occur. Moreover, most decisions are made openly, and observable by all stakeholders. Under this arrangement, the agency's actions are decided by the concurring votes of at least three commissioners based on the technical, economic, and legal analyses of the issues under consideration.

Finally, the work of an independent collegial body whose members have staggered terms benefits from greater continuity of commitment and institutional memory rather than the whipsaw effects of an ever-changing string of single administrators who have the authority to change agency direction radically, whether based on a personal bias or directed by a phone call from someone higher up on the org chart.

I look forward to the Q & A session to discuss these issues in greater depth.

Thank you.

PERTINENT ISSUES

PERSONAL BACKGROUND

The theme of my career has been consumer protection, with a special focus on reducing personal risks from using consumer products. Starting out as a faculty member at Carnegie-Mellon's College of Engineering, then confirmed as a CPSC commissioner, then the Technical Director of Consumer Reports responsible for all of its product testing and scientific research, and finally as an active participant in the voluntary standards community whose organizations, such as UL, ANSI, ASTM, AHAS, and CPSCS, are engaged in writing hundreds of voluntary safety standards that enhance the safety of consumers in their home environment.

From these positions, I have studied the in-depth analyses of injury and death statistics of consumers, the performance of thousands of consumer products, the analyses of questionable product designs, and the recalls of defective products. And I have worked to develop safety standards to correct a wide variety of hazards. I have seen up close which remedial actions have worked, and which ones have failed.

These experiences, spanning over five decades, have led me to firmly conclude that an independent bipartisan collegial body is far superior to a single administrator to lead an agency with a mission as complex and important as CPSC's.

CPSC ACTIONS HAVE GREATLY IMPROVED CONSUMER SAFETY

CPSC has responsibility for the safety of some 15,000 different product categories. Nowhere has the commission's work been so satisfying as the enhanced safety of our children (and grandchildren). Since the agency opened its doors in 1973, it has reduced the number of crib deaths by nearly 80 percent, childhood poisonings by over 80 percent, injuries from fire by 41 percent, injuries from baby walkers by almost 90 percent, and virtually eliminated childhood suffocations from playing in abandoned refrigerators.

Similar safety gains have occurred with household products ranging from rotary lawn mowers, chainsaws, architectural glass, and hedge trimmers to the flammability of children's sleepwear, toys, furniture stability, electrocution hazards from hairdryers, and mattress flammability. The complete list goes on and on.

It is important to note that because it is responsible for such a wide range of product categories, CPSC staff must maintain a wide scope of technical expertise and experience. Without those resources, the agency is hampered from making progress in a timely fashion whenever a serious problem becomes apparent, as they do on a regular basis. Simply put, when CPSC's resources are cut short of technical staff and research funds, consumers pay a price in terms of increased injuries and deaths. The shame is that most of these injuries and deaths are preventable.

THERE ARE MANY STAKEHOLDERS IN THE QUEST FOR SAFER PRODUCTS

The product safety community has expanded greatly in recent years. In particular, voluntary standards organizations such as ANSI, ASTM, and UL work cooperatively with CPSC to make progress on projects of overlapping interest. CPSC does a lot to support and help expand the expertise of the voluntary standards community. Whenever the voluntary standards group can make sufficient headway in convincing its industry members to adopt adequate safety corrections, CPSC will defer to the voluntary standard. This reduces agency costs, helps reduce risks faster, and spurs future cooperation.

CPSC SHOULD REMAIN AS AN INDEPENDENT AGENCY WHOSE SAFETY ACTIONS ARE DECIDED BY A BIPARTISAN COLLEGIAL BODY

“One might ask why it’s so important that CPSC remain as an independent, highly visible agency. As former CPSC Commissioners who have worked at, monitored, and written about the agency for the past fifty years, we believe the answer is unambiguous: To be effective in protecting consumers from serious safety hazards, the agency needs to be free of improper control from political and commercial interests – concerns that led Congress in 1972 specifically to reject placing CPSC within what was then known as Health, Education & Welfare (HEW). And, it must have the ability to take swift action that gets the public’s attention without going through endless, time-consuming levels of review.

In short, were CPSC to be subsumed in a monolith like HHS and stripped of its independence and visibility, the likelihood of timely and effective safety action would be seriously compromised.”²

² Reprinted from “Trump’s War on the CPSC is the Most Dangerous Yet;” Adler, Robert; Pittle, R. David; Product Safety Letter; <https://productsafetyletter.com/Free/9850.aspx>; May 27, 2025.

Value of a bipartisan collegial body for decision making

A collegial body comprised of experts from within fields pertinent to an agency's mission is far superior to a single administrator. The atmosphere of competitive intelligence thrives on vigorous open debate and an exchange of ideas. Commissioners focus on the technical, economic, and legal merits of the issues before them when they make a decision. As equals in the process of trying to persuade each other, they are not at all reluctant to disagree and press their own point of view. This is a healthy atmosphere within which the best decisions can be made. Moreover, since these debates, indeed the entire decision-making process, are open to the public (i.e., held in the "sunshine"), the participants are generally well prepared.

Compare this model to a single administrator whose ideas are either seldom or reluctantly challenged, and who has the authority to fire or sideline anyone who disagrees with them—and people know it.

Being an "independent agency" is not totally independent

Using the term "independent agency" can be misleading; it is not as "independent" as the name might imply. For example, the agency's regulatory actions are generally subject to judicial review and can be overturned. And when it needs to bring legal action against a violative company, they need to seek approval from the Department of Justice.

The President nominates the agency's decision makers and selects which one will serve as Chair. He drafts his own proposed budget for the agency and sends it to congress, and he can offer legislative proposals that can affect the agency's authority. And, of course, public cajolery by the President is also an available tool.

And last, but not least, the agency is subject to congressional oversight from the House and the Senate at least once a year. As a member of CPSC for nine years, the other commissioners and I (and CPSC's senior staff) were always heavily influenced by what the oversight committees had to say about our performance.

Value of staggered terms

The value of staggered terms for a collegial body cannot be overstated. Even when a commissioner's term comes to an end and a new commissioner is approved by the Senate, the direction of the agency enjoys a high degree of continuity of purpose both for regulatory decisions and for longer term research projects. Likewise, institutional memory is enhanced because the vast majority of staff and decision makers are still in place. Such stability improves efficiency and reduces chaos.

Value of being able to act quickly to inform the public

An important part of CPSC's work involves notifying the public about emerging hazards as well as warning consumers about dangerous products that somehow found their way into the market. When this occurs, CPSC must be nimble and move quickly to protect the public. Its effectiveness would be seriously blunted if it had to seek time-consuming levels of review and sign off before taking action. Should it become a tiny bureau within a huge sprawling monolith like HHS, that is highly likely to be its future.

Value of "removal for cause"

Removal for cause is a vitally important concept for independent agencies. It serves as a protection for the integrity of the work, and the integrity of the decision-making process. It protects employees from worrying about arbitrary removal because of their party affiliation or as a punishment for a decision unfavorable to friends of the boss or their campaign contributors.

Value of CPSC maintaining its original mission and its original structure

CPSC's original mission was critically important in 1972, and it remains critically important today. Unfortunately, no one has yet figured out how to stop unreasonably dangerous products from finding their way into the marketplace. Whether because of poor product design or inadvertent mistakes sneaking into the manufacturing process, these things happen. Many have been corrected by CPSC, but with rapidly emerging technologies and new product designs, they keep coming—and consumers pay a heavy price until the risks become manifest and understood well enough for CPSC to take corrective action. That is the landscape of our open-market system.

To reduce these risks, CPSC must conduct considerable research and work with manufacturers, retailers, voluntary standards organizations, designers, and consumers to find solutions. It takes time, resources, and a focused commitment to succeed. If CPSC is shuttled off to the bowels of HHS, its ability to do its job—the job consumers have come to depend on—will be greatly diminished.

Imagine CPSC absorbed by HHS today. From recent news reports, we learn that HHS has become a place where long-established scientific experts and experienced staff are being fired or sidelined in massive numbers, not for cause but for working in areas that have suddenly become out of favor with top political appointees at HHS. Moving into such a chaotic system would strangle CPSC's ability to protect the public.

SUMMARY

CPSC is the one force in society today that has the authority and the experience to protect the lives and well-being of consumers from unreasonably dangerous consumer products.

Congress made the right choice in 1972 to create CPSC as an independent agency, and it should hold firmly to that decision now. The Senate should reject any proposal that weakens CPSC or forces it into HHS.