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## Opening Remarks for Brett Horn

Thank you to Senator Blumenthal, Senator Klobuchar for holding this roundtable and to the other congressional members in attendance for your interest. I'm here not just as a stakeholder in the product safety community, but as a father who lost his son to a preventable tragedy; and as a conservative voice who believes in both limited government and in life saving regulation, in particular when children's lives are at stake.

While I firmly believe individual citizens must be reasonably responsible for our own safety, I also believe that with the power to manufacture and the platform to sell comes a responsibility to provide safe products. The unfortunate reality is certain retailers and manufacturers have failed to provide their customers a minimum 'duty of care' by ensuring their products are free from the unreasonable risk of harm - which is why the CPSC exists.

I spend a majority of my time working on behalf of Charlie's House, a child safety organization which I founded in 2008. *Our signature programs include the nation's first physical safety demonstration home (In Kansas City, MO) and a recently launched an international safety program with our 'Virtual Safety Experience', which is an app that allows parents & caregivers the opportunity to virtually tour a home and learn about various home hazards and how to prevent potential injuries.* I am also an active member of ASTM International Committee F15 on Consumer Products serving as the Vice Chair for Consumer Participation, a member of the Board of Directors for International Consumer Product Health and Safety Organization (ICPHSO), a recent addition to Baby Safety Foundation Board (Formerly JPMA Cares), and the past Chairman of Parents Against Tip-overs where I was a leading advocate behind the passage of The STURDY Act. These product safety roles have me engaged with the CPSC commission & staff somewhat regularly. My comments today however, are my own personal experiences and beliefs, and do not represent the official position of any of these organizations.

I did not choose product safety...unfortunately the product safety world chose me. In 2007 one of my triplet children Charlie was tragically killed at the age of 2 ½ when after awaking from a nap, a clothing dresser tipped over on him and took his precious life. The crashing dresser didn't make a sound as Charlie's little body was sandwiched between it and the floor. Charlie was trapped, and died from asphyxiation.

For years after Charlie died, I carried the crushing weight of blame. I was his father, my children's protector and he was killed...in my own home, the one place he should have been safest. In 2007 there were few safety warnings, and no public campaigns. I

thought what happened to us was a tragic but isolated accident. As I searched for answers in the years that followed, I uncovered that Charlie wasn't alone. Hundreds of thousands of children were being injured from furniture tip-overs and at least 279 others had died. This wasn't random. It was a **product crises** caused by weak, unstable dressers which had quietly flooded the US market after manufacturers shifted to cheaper overseas production in the 80's & 90's.

The most frustrating part was learning that the furniture industry wasn't doing anything about it. They knew children were dying, yet they did nothing...neither did the CPSC, not at first. While it was too late for our own children, several other victims' parents & I began to advocate for change. We wanted to make sure no other family would have to endure the pain we had. Our first stop was the CPSC.

At the CPSC, we appealed to each Commissioner to make furniture tip over a priority, we begged that they develop a more stringent mandatory rule to stop this tragic type of incident, we used data, we worked with CPSC technical staff, we shared our stories, and we joined & even led voluntary standards efforts - and in time...we got results. The truth is that it took too long...of course from our victim's perspective the CPSC is far too slow. They are a reactive agency, at least when it comes to implementing new regulations. They rely upon incidents and 'data', before acting to protect consumers.

At this time I'd like to recognize another father who I met for the first time today Brandon Heie. Brandon & his wife Jacquelyn are an example of why 'time matters' in these product hazard situations, as their 3 year old daughter Natalie was killed by a irresponsibly manufactured dresser in **2021**. 14 years after Charlie and 25 years after the tip-over hazard was first identified. We had the solution before 2021 (long before 2021)...Yet political divisions still delayed safety - change was yet a year & a half away, and far too late for young Natalie. Brandon, thank you for being here today, I know how much courage it takes, and I am sorry we weren't able to get things done quicker to protect your daughter.

The momentum for change with furniture, involved voluntary standards in combination with the threat of CPSC regulation, and eventually an act of Congress to merge the two paths into one. However, none of these life saving changes would have happened without the CPSC's lead in data collection, incident reporting, testing, annual tip-over reports, rule development, and their collaborative efforts in the voluntary standards process. Additionally the CPSC's recent aggressive enforcement will hopefully prevent other bad actors from attempting to sell clothing dressers in the US, which are not compliant with The STURDY Act. Children are safer as a result of the CPSC, they

protect US citizens and specifically our most vulnerable, our children. This work is absolutely essential to every American household.

POTENTIAL HHS CONSOLIDATION: *What originally seemed to have been an 'afterthought' with a one paragraph suggestion in a leaked OMB passback draft to HHS, is now getting more consideration.* Honestly, I support many of the administration's current efforts to cut wasteful spending, as do a large percentage of Americans. At no time however, have I considered the CPSC a fiscally mismanaged agency. Merging the CPSC into HHS doesn't seem to make sense, as any potential cost savings would also result in a **less** efficient agency, with many more levels of bureaucracy between stakeholders and decision makers. CPSC priorities would likely take a backseat to existing HHS priorities like Medicare, Medicaid, NIH, CDC, FDA and other high budget items. This move could result in an unregulated retail market with a higher rate of injury to consumers, resulting in negative safety consequences for decades to come. *Retailers, manufacturers, importers, marketplaces and consumers all want and need a consistent regulatory agency - a move to HHS would result in 'uncertainty' in the short run and 'political instability' in the long run. Further, legal challenges to existing rules such as STURDY may arise as Congress has given this authority to the CPSC, not HHS.*

As there are no explanations of cost savings or detailed plans of how to integrate into HHS, it appears as if this consolidation has only been looked at with an eraser and pencil, without asking what the 'human costs' may be.

*A better alternative would be a legislative solution which would protect and update the CPSC's regulatory authority to govern a modern retail landscape. Legislation should include:*

- *Regulatory control over online marketplaces*
- *Safety barriers to entry for products manufactured overseas*
- *Outlined responsibility and liability of the entire supply chain who sell hazardous products.*
- *Requirement of proactive 'vetting' safety steps from those who wish to sell, distribute or manufacture products for sale in the US markets.*
- *Higher civil penalties for entities who knowingly sell hazardous products*

A final word. As much as we have all praised the CPSC in today's hearing, it must be pointed out that the agency is not just under threat from outside pressures, it's faltering from within. The bipartisan cooperation which once defined this Commission has given way to infighting and political games, as historical courtesies are being ignored.

Commissioners come and commissioners go, but CPSC's mission of safeguarding the American public must remain the constant.

I urge the active commissioners to respect the current political framework, stop stoking the fire of further division and restore the respect, collaboration, and civility that once made the CPSC a model of what government can do right.

Further, I urge the President to put Americans' **Safety** First by exempting vital consumer safety rules from current regulatory freezes and by nominating Acting Chairman Peter Feldman to lead the CPSC as Chairman. The fate of the CPSC may be in question, but the NEED for it is not. Americans are unknowingly purchasing hazardous products from unregulated foreign 'bad actors' who have no regard for our health & safety. I urge congress to protect the CPSC, improve upon it, and allow it to continue saving lives.

Thank you.