

Comments by Donald L. Mays at the CPSC Spotlight Forum

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Thank you Senator Blumenthal and Senator Klobuchar for inviting me to speak to you, and perhaps other members of US Congress, about the US Consumer Product Safety Commission.

I am Don Mays, a consumer product safety expert with more than 40 years of experience. Throughout my career, I've held leadership positions in a prominent consumer organization, an international testing laboratory, a pre-eminent consulting firm, and a major manufacturer of consumer products. I now run my own product safety consulting practice. Also, as a volunteer, I chair ASTM's F15 Committee on Consumer Products and serve as President of the Society of Product Safety Professionals. This wide range of experience has given me unique insight into the world of product safety and the importance of the CPSC in protecting consumers from unsafe products.

The CPSC is at a crossroads. The current administration threatens to upend the effectiveness of this small but critically important agency. The genesis of the CPSC was the need for a government watchdog that would work independently of political and commercial influence in protecting consumers from dangerous products. For more than 50 years, the CPSC has effectively prevented an untold number of deaths, injuries, and cases of property damage. While the lives saved and injuries prevented cannot be enumerated, the safety of products in the marketplace and consumers' homes has substantially improved. No longer can manufacturers sell cribs that can strangle infants, toys that can choke or poison children, fabrics that easily catch fire, or furniture that can tip over and entrap or crush children, just to name a few. It is obvious to me that if the CPSC is required to take their foot off the gas pedal, lives will be lost, children and adults will suffer life-changing injuries, and unscrupulous companies will be emboldened to make and sell potentially harmful products.

The CPSC performs three critical functions: (1) removing unsafe products from the marketplace and consumers' homes; (2) supporting the development of rules, regulations, and standards, whether mandatory or voluntary, to ensure future products are safe; and (3) conducting research into product safety issues to help both manufacturers and the public understand and prevent product hazards. I will discuss each of these.

Recalls: In the first six months of this year, the CPSC announced 208 recalls and 61 product safety warnings. They are on course to set a record for the most recalls in a single year. Just a few years ago, only about 15 percent of recalls were due to a

violation of a federal regulation. So far this year, 43 percent of CPSC recall announcements cite violations of federal standards. Why the shift? Our marketplace is being flooded by substandard products being sold by third-party vendors through sites like Amazon.com. Many of these are small, Chinese manufacturers who thumb their nose at the CPSC when the agency demands a recall. This situation highlights the need for the CPSC to have even sharper teeth. Instead, the administration's plan could hobble the agency in its ability to safeguard the US marketplace.

Regulations and Standards: Generally, the CPSC is required to rely on the development of voluntary industry standards to help address known safety hazards. When standards don't exist, are ineffective, or lack widespread compliance, the CPSC writes their own regulations. The agency has recently attempted to initiate rulemaking to improve the safety of toys, including tightening the regulation of button and coin cell batteries, and addressing the hazards of water beads and neck floats. They have also attempted to begin rulemaking on micromobility devices such as e-bikes, whose lithium-ion batteries have caused dozens of deaths due to fire. Unfortunately, the rulemaking has been sidelined and is being held hostage by political wrangling, leaving consumers exposed to hazards that should be addressed through regulation.

In the absence of rulemaking, the CPSC works closely with standards development organizations such as ASTM International and Underwriters Laboratories. CPSC staff input and incident data sharing are critically important to the standards development process. Short circuiting that effort in any way will lead to unsafe products remaining on the market, jeopardizing consumer health and safety. The CPSC must continue to allow its staff to participate in voluntary standards activities.

Research: The CPSC staff produces regular research reports on certain product categories that analyze incident data that is collected through various means. Their research helps to track the effectiveness of regulations and standards and exposes hidden hazards that would be otherwise unknown. Parents of young children, for example, cannot be expected to measure the lead content of a toy or identify a suffocation hazard in an infant rocker. These CPSC reports not only inform consumers, but they provide critical information to manufacturers who want to make safer products. Undercutting budgets for this research, as we've seen with other government agencies, can only have negative consequences.

Product safety is not and should never become a political issue. Efforts to politicize the work of the CPSC or to assimilate the agency into a larger, bureaucratic organization will adversely affect the work of the CPSC in protecting American consumers. The consequences will be increased deaths and injuries. The agency must stay independent, isolated from political ideologies, to remain effective. The safety of American consumers depends on it.