

**REMARKS OF PETER A. FELDMAN
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BEFORE THE
AMERICAN HOME FURNISHINGS ALLIANCE REGULATORY SUMMIT
COLFAX, NORTH CAROLINA
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Good afternoon and thank you for inviting me to speak with you today. I last had the opportunity to address this summit back in 2019. I'm excited to be back, because so much has changed, not only with the world generally, but with the Commission in particular, our membership, direction, and authorities.

What has not changed is AHFA's commitment to safety and engagement with CPSC, which I believe is a model for other industries. What also hasn't changed is Bill Perdue. Bill, it is good to see you again!

I'm particularly excited about the Summit's theme: Where the Rubber Meets the Road. In my view, when it comes to industry and safety, the rubber meets the road in places like Arcadia, Wisconsin; Martinsville, Virginia; and right here in High Point, North Carolina. Not necessarily in Bethesda, Maryland, where CPSC is headquartered.

So, it is important for CPSC commissioners to get out into the field and hear directly from stakeholders, with a recognition not only of the jobs and wealth you all create in the United States, but also for a reality check on costs, benefits, and technical feasibility of rules that the agency might pursue.

We could not do what we do every day to protect American consumers without you. This afternoon, I want to focus my remarks on what I see as a few important issues, both now and over the coming months. Hopefully, if there is some time at the end, I'd be happy to answer any questions you might have.

STURDY Act

To start, I'd like to give an update on the Commission's enforcement of our standard for clothing storage units. Collectively, we have made significant progress improving furniture safety to protect children from the risk of tip-overs.

This is an issue that is near and dear to my heart. It is a success story that we can all be proud of. It is also a case study in what we are able accomplish when government, industry, consumer advocates and other stakeholders work together.

One of my first meetings when I became a commissioner was with the group Parents Against Tip-overs, or PAT. And one of the first standards meetings I attended as a commissioner, in 2018, was when CPSC technical staff, AHFA representatives, and safety advocates re-engaged on a technical standard and began laying the groundwork for what is now the law of the land.

By the time I joined the Commission, AHFA had done a lot of good work with the Commission on our Anchor It campaign, but it was clear we needed to pick up the pace on a strong safety standard.

If you recall, there was an effort for the Commission to adopt its own CSU rule, which lacked the broad consensus that the ASTM standard now enjoys. Congress gave us some much-needed direction in late 2022 when it passed the STURDY Act. The act provided clear guidance for the agency regarding safety standards and the expectations surrounding them.

Under that law, the Commission was finally able to approve a mandatory standard from ASTM – F2057-23 – and at the beginning of last September it took effect. Furniture makers around the world now know the specifications their products must meet in order to be sold legally in this country.

It's a huge accomplishment.

With the passage of the mandatory standard, the Commission ensured a reasonable amount of time was set for manufacturers and retailers to comply with the standards and to sell their existing inventory.

Along the way, we have been talking with retailers and furniture makers, and we have begun enforcement of the standards. The Commission has already announced two voluntary recalls under STURDY based on section 15 reports. And we've now issued two additional Notices of Violation, with more expected as we ramp up enforcement.

Thanks to the work of AHFA and advocates like PAT, we now have the tools to level the playing field for AHFA members and others who are forced to compete against unscrupulous market participants, many of whom are located overseas and seek unfair advantage by skirting mandatory safety requirements.

Robust enforcement of our safety standards not only helps consumers, but it also benefits compliant businesses by ensuring fair play. To that end, our enforcement work on STURDY is ongoing, and the Commission has made clear that it will be a priority.

Business Product Safety Complaint Portal

A second thing I want to talk about is the Commission's new online Business Product Safety Complaint portal. This portal, which launched in June, is intended to harness market forces and private sector knowledge to improve consumer safety.

I have long advocated for a formal and centralized trade complaint process at CPSC. This new portal will provide manufacturers, importers, and other market participants an opportunity to alert the Commission to dangerous or violative products more easily.

I worked with CPSC staff to create this portal based on a roundtable meeting that my colleague, Commissioner Dziak, and I held with stakeholders in Utah in February 2022. In that roundtable

and other meetings like it, we heard the frustration from firms about the flood of unsafe, foreign-produced junk that finds its way into the domestic market.

Businesses often find out about unsafe products before the Commission does – and they have every incentive to alert regulators about competitor products. Until now, they have not had a convenient mechanism to do so. The Commission has long had an option for consumers to report dangerous products through [saferproducts.gov](https://www.saferproducts.gov). Now there is a similar outlet specifically for the business community. You can visit it at www.cpsc.gov/Business-Product-Safety-Complaint, and I encourage you to do so.

This portal will allow CPSC access to timely market intelligence and will serve as a force multiplier in our safety efforts. It is my hope that AHFA members, and the business community more broadly, will embrace this new tool, and that Commission staff will use these reports to make safety assessments and take appropriate enforcement actions.

Again, I believe it is in everyone’s interest to have firms competing on a level playing field. This portal can be a valuable part of that effort. I encourage you all to report violative or otherwise unsafe products to the Commission.

E-Commerce

The third thing I want to talk about is e-commerce and the Commission’s activities in that area. I have maintained for some time that the Commission must rethink its market surveillance capabilities, including with respect to e-commerce and new and emerging distribution models.

In 2022, e-commerce sales in the United States totaled more than one trillion dollars, representing an eight percent increase over the prior year. That’s why CPSC set up its eSAFE team in the Office of Compliance and Field Operations to monitor online marketplaces for banned or recalled product listings, including under STURDY.

I want to be clear: These sales are illegal. It is against the law to sell banned or recalled consumer products, whether new or used. When eSAFE finds recalled and banned products, it issues formal notifications to each seller or website for takedown or other enforcement.

Last fiscal year, CPSC secured the removal of almost 60,000 units of violative products.

There is consensus on the Commission that major e-commerce platforms can do more to protect consumers by preventing both the listing and the sale of recalled products. Along with my colleagues, I have advocated that firms should incorporate access to recall information on their platforms to allow consumers to identify recalled products and seek remedies.

Distributors, retailers, and importers have affirmative duties under the Consumer Product Safety Act. And we’re bringing major cases in this area. We recently announced the unanimous determination of the Commission that Amazon was a “distributor” of certain products that are defective or fail to meet federal consumer product safety standards, and therefore it bears legal responsibility for their recall.

The specific products in this case were faulty carbon monoxide detectors, hair dryers without electrocution protection, and children's sleepwear that violated federal flammability standards.

The case remains ongoing, so I'm limited in what I can share beyond the background and current posture. But I can add that I'm also concerned about new market entrants, including Shein and Temu, and I believe that a review of these and other e-commerce firms is warranted to ensure compliance with the CPSA.

E-Filing and Ports

One of my central focuses over the past few years has been strengthening CPSC's posture at America's ports. CPSC's port inspectors are the front-line workers who assess, screen, and interdict dangerous consumer goods entering the United States before they ever make it into consumer hands. These inspectors physically screen cargo off container ships, at border crossings and airports, and increasingly, in de minimis e-commerce shipments. These shipments often originate in countries that do not respect our laws, such as China. For American families, every seizure of a dangerous or violative product represents a commensurate reduction in the risk of illness, injury, or death. To put it simply, CPSC port inspectors save American lives.

I've moved to reinforce our port and field teams, expanding the number of port inspectors by almost 65 percent, and increasing our footprint from 17 to 24 ports, prioritizing both high volume ports and those regularly processing inbound e-commerce shipments.

Our personnel are a key component of this mission, but so too are the data we use for surveillance and targeting. To that end, we are making better use of technology to improve efficiency and targeting at the ports. This work is ongoing, and the opportunity for expanding these capabilities remains intriguing.

Just last month, the Commission unveiled a new Import Shipping Tracking Tool to allow importers to better track the status of their shipments in real time, something that had previously been available only by phone and e-mail.

This year, the Commission is scheduled to finalize its eFiling Rule to modernize the agency's approach for filing certificate data for imports. This initiative will allow importers of regulated consumer products to electronically file certificate of compliance data with CBP. It doesn't create new obligations; it simplifies and modernizes the filing process for existing requirements and makes it easier for CPSC to verify.

What does this mean in particular for the furniture industry?

Of course, there will be a learning curve and that's why we encourage you to sign up for the testing phase of the program. I know there have been concerns raised about the implementation timeline for any requirement the Commission might adopt.

Our staff has heard those concerns, and I have as well. I want to assure you that the Commission will take that under consideration going forward with any proposal.

CPSC's Future

Looking forward, I intend to keep CPSC focused on its core safety mission – protecting Americans from the unreasonable risk of injury and death from the consumer products they use every day. This includes operating within our statute, conducting recalls for bona fide manufacturing and design defects, while also pushing back against regulatory overreach. I believe we are best served by following sound science to craft the right solution to any problems we find, rather than trying to make the science fit a pre-determined outcome.

Vigorous debate about policy is a sign of a healthy and well-functioning multi-member Commission. Disagreements exist, and the resulting debate can help ensure that we consider all sides of an issue before we take action.

That's why, for me, the most important parts of any Notice of Proposed Rulemaking that we issue are the sentences that end in question marks. We have a lot of smart people on our staff who are dedicated to the agency's mission – but we don't have all the answers. We rely on the expertise of others – including all of you – to help inform our efforts and make sure that we are coming up with not just a solution to the problem, but the right solution.

American Home Furnishings Alliance represents an important stakeholder sector. I want you to know that I am always happy to hear from your membership. Thank you for your attention and for allowing me to be here today.

I look forward to our continued partnership in helping to safeguard American consumers.