

Why GAO Did This Study

CPSC is responsible for ensuring the safety of thousands of consumer products, including imports, after they enter the U.S. market. Its jurisdiction covers a range of products—from children’s toys to off-road recreational vehicles. Identifying and assessing new and emerging consumer product risks can present challenges.

Questions have been raised in recent congressional hearings about the length of time CPSC takes to address a safety hazard, during which injuries and fatalities can continue to occur. Section 4 of the Consolidated Appropriations Act of 2014 mandated that GAO review CPSC’s ability to respond quickly to new and emerging risks.

This report discusses (1) how CPSC’s authorities and other factors may affect its response time to new and emerging hazards and (2) options and their trade-offs that may be available to address CPSC’s ability to respond to these hazards. GAO reviewed CPSC’s laws and regulations, prior GAO reports, and other published studies. Additionally, GAO interviewed CPSC commissioners and staff, consumer safety experts, legal experts, and representatives from consumer and industry organizations.

What GAO Recommends

GAO makes no recommendations in this report. In prior reports GAO has made a recommendation related to CPSC’s participation in voluntary standards development and suggested that Congress address restrictions on how CPSC is able to share information with its international counterparts.

View [GAO-15-17](#). For more information, contact Alicia Puente Cackley at (202) 512-8678 or cackleya@gao.gov.

CONSUMER PRODUCT SAFETY COMMISSION

Challenges and Options for Responding to New and Emerging Risks

What GAO Found

According to Consumer Product Safety Commission (CPSC) officials, industry representatives, consumer groups, and subject-matter experts GAO interviewed, the timeliness of CPSC’s responses may be affected by several factors, including (1) compliance actions that can involve litigation, (2) reliance on voluntary standards, (3) rulemaking procedures, (4) restrictions on sharing information with the public and international agencies, and (5) limited agency resources. For example, CPSC must defer to a voluntary standard if it determines that compliance with a voluntary standard would eliminate or adequately reduce the risk of injury and there is likely to be substantial compliance with the voluntary standard. However, because the laws do not establish a time frame for finalizing a voluntary standard, conflicting industry and consumer interests can delay its development, sometimes for years. CPSC has worked with the window covering industry since 1994 to develop a voluntary standard to address strangulation hazards stemming from window blind cords, but as of September 2014, no voluntary standard that addresses the ongoing safety concerns had been finalized. Further, new and emerging product safety risks present challenges because, statutorily, CPSC was established to respond to risks after products have been introduced into market.

Various options have been suggested for improving CPSC’s ability to respond to new and emerging product safety risks, including the following examples:

- *Preventative regulatory approaches.* Many representatives said that regulatory approaches designed to prevent hazardous products from entering the market—such as premarket approval—could reduce consumer injuries, but could also inhibit market innovation and impose burdensome costs on manufacturers and CPSC.
- *Expedited rulemaking authority.* Some stakeholders proposed expanding CPSC’s authority to use expedited rulemaking procedures similar to those authorized in 2008 in the Consumer Product Safety Improvement Act, which streamlined the rulemaking process for durable infant products. Most believed streamlined procedures would enable CPSC to promulgate rules in a more timely manner to address risks, but opinions differed on the extent to which the authority should be expanded.
- *Enhancing CPSC’s authorities to address unsafe imports.* CPSC has proposed several statutory changes to improve its ability to identify hazardous products at the ports of entry and prevent them from entering the marketplace. About half the representatives GAO talked to supported the proposed changes, with some exceptions where the changes would impose additional burdens on industry.
- *Enhanced data analysis capabilities.* Most representatives agreed that CPSC could respond to new and emerging hazards more quickly if it had additional funding for technology and staff with technical expertise in the areas of engineering, toxicology, and public health to analyze product hazard data and conduct risk assessments.