



Consumer Federation of America

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Testimony of Rachel Weintraub,

Legislative Director and General Counsel, Consumer Federation

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Hearing

Commission Agenda and Priorities FY 2019 and 2020

I appreciate the opportunity to provide comments on the Consumer Product Safety Commission's (CPSC) fiscal year (FY) 2019 and 2020 priorities on behalf of Consumer Federation of America (CFA).¹ I am Rachel Weintraub, CFA's Legislative Director and General Counsel. CFA is a non-profit association of approximately 280 pro-consumer groups that was founded in 1968 to advance the consumer interest through advocacy and education.

The CPSC is an incredibly important independent agency. Its mission impacts every American, every day: to protect the public from unreasonable risks of injury or death associated with the use of consumer products. The CPSC has numerous tools to fulfill this mission and all of these tools must be used to effectively protect consumers. For the agency to fulfill its mission, it relies upon the authority Congress granted to the agency through the passage of the Consumer Product Safety Act. The CPSC's mission relies upon agency action to issue mandatory standards, assess civil and criminal penalties, work on voluntary standards, conduct recalls, and educate consumers. The use of these tools in combination has historically led to the most effective consumer protections.

We urge the agency to take actions to protect consumers and enforce its laws. Our concerns include the failure to recall Polaris recreational off-highway vehicles that pose a known fire hazard to consumers. We are also concerned that in the last quarter of 2017, there were no civil penalties² assessed by the CPSC. Civil and criminal penalties serve an important deterrent effect to non-compliance with the laws enforced by the CPSC, and we urge the agency to prioritize this important element of its enforcement responsibilities. We specifically urge the CPSC to continue to assess significant penalties when the violations represent problematic disregard for the CPSC's laws.

¹ U.S. Consumer Product Safety Commission, Public Hearing on Fiscal Years 2019 and 2020 Commission Agenda and Priorities, Vol. 83 No. 41 Fed. Reg. 9953 (March 1, 2018), *available at*

<https://www.gpo.gov/fdsys/pkg/FR-2018-03-01/pdf/2018-04129.pdf>

² See <https://www.stericycleexpertsolutions.com/wp-content/uploads/2018/02/ExpertSolutions-RecallIndex-Q42017.pdf>

We hope that the agency increases its focus on mandatory standards. For example, the FY 2018 Budget Request³ includes 15 mandatory standards in various stages of rulemaking, while the FY 2019 Budget Request⁴ includes just 10 such rulemakings. Acknowledging that some of the rulemakings in 2018 will be finalized, the decrease in the number indicates that the CPSC can and should dedicate at least the same resources to the same number of rulemaking proceedings, and not less, in FY 2019.

It is imperative for consumers and for the regulated community that CPSC's laws are enforced rigorously and consistently and that all of the tools Congress gave to the CPSC are used.

My testimony focuses on key product safety issues facing American consumers.

I. Recreational Off- Highway Vehicles

Recreational off-highway vehicles (ROVs) pose hazards to consumers, and the CPSC's staff is aware of 335 deaths and 506 injuries related to ROV crashes from January 2003 to April 2013. An analysis of ROV crashes reviewed by the CPSC found that 68 percent of the crashes involved rollovers, and 52 percent of these rollovers occurred while turning the ROV. Where seat belt use or non-use is known for fatal victims, 86 percent of victims were ejected from an ROV, and 91 percent of those victims were not wearing a seat belt.

CFA and its partners documented 499 fatalities between January 1, 2013, and March 18, 2018. We documented 14 deaths in 2018 alone, and 130 fatalities in 2017, the highest recorded annual fatality count we have documented to date. In 2016, we documented 118 deaths and in 2015, we documented 87 deaths. These numbers are likely underestimates as they are based solely on media reports, and may increase as more data become available.⁵

We are concerned not only about the increasing number of recalls for ROVs, but also about the absence of recalls and more effective action for known fire hazards posed by ROVs. First, CFA completed an analysis⁶ of off-highway vehicle (OHV) recalls and found that over the past eight years, there have been 72 OHV recalls. The number of recalls increased from two recalls in 2010 to 24 recalls in 2017. We defined OHVs to include all-terrain vehicles (ATVs), recreational off-highway vehicles (ROVs), and utility task vehicles (UTVs).

CFA's analysis of CPSC OHV recall reports since 2010 found that the highest number of recalls occurred during the past three years. 2017 had the most recalls of all years analyzed. In addition, CFA

³ <https://www.cpsc.gov/s3fs-public/FY2018PBR.pdf?BIZZV4RI85b6qG7.GPDfnT2ZdDDBsQ.f> at 22.

⁴ <https://www.cpsc.gov/s3fs-public/FY2019PBR.pdf> at 23.

⁵ CFA Press Release, January 7, 2016, available on the web at http://consumerfed.org/press_release/more-than-500off-highway-vehicle-deaths-in-2015/.

⁶ <https://consumerfed.org/analysis-ohv-recalls-increasing-number-ohvs-pulled-market-due-safety-concerns/>

analysis of CPSC OHV recall reports from January 1, 2010 through December 31, 2017 found that 16 brands⁷ were involved in the recalls, and the brand with the most recalls was Polaris.⁸

CPSC reports identified at least 61 injuries and two deaths linked to OHVs that were subsequently recalled. Also, more than 880,000⁹ OHVs were estimated to be sold and subsequently recalled. We urge the CPSC to immediately and rigorously investigate what is causing the increase in OHV recalls.

OHV companies must do everything necessary to ensure the safety of their products. While we applaud companies for taking responsibility and recalling their products, problems should be identified before the products enter the marketplace and pose risks to consumers, reports of harm associated with products should be immediately reported to the CPSC, and recalls should be conducted quickly and effectively. The CPSC must investigate why the number of OHV recalls are increasing, must carefully review the industry-wide incidents and recalls, evaluate the effectiveness of the ATV and ROV standards to address these safety problems, and along with OHV manufacturers, work to prevent these tragedies and improve the safety of these vehicles.

Second, we are concerned about the failure to remove known fire hazards from the market in a timely and effective manner. On December 19, 2017, the CPSC and Polaris issued a short statement about Polaris RZR 900 and 1000 ROVs and fire safety risks.¹⁰

The statement informed consumers about fires caused by two models of Polaris ROVs. The joint statement included, “[M]ost of the vehicles were voluntarily recalled by Polaris in April 2016 to address fire hazards. However, users of the vehicles that were repaired as part of the April 2016 recall, continue to report fires, including total-loss fires. The 2017 RZR’s were not included in the April 2016 recall, but these models have also experienced fires.”

While it is critically important that the CPSC and Polaris warn consumers of this fire hazard, the statement did not provide consumers with enough information to protect themselves and their families. The statement included that fires have been associated with the recalled ROVs, ROVs that have been previously repaired as part of the recall, and ROVs that have not been subject to the recall.

We are very concerned that consumers do not have the necessary information to protect themselves from the fire hazard identified in the joint statement. In response, we wrote a letter to the CPSC urging action one month after this statement was issued. It has now been over three months since the public was alerted to the fire hazard. Consumers unwittingly are operating and riding ROVs that both Polaris and the CPSC know pose an unreasonable fire risk.

⁷ Brand, is used to denote the type of OHV being recalled. While the brand is sometimes synonymous with the manufacturer, it is sometimes the name of an OHV produced by a manufacturer of a different name. In some instances, it is not clear from the recall notice who the manufacturer is.

⁸ A single CPSC recall notice can include a single model or multiple models, as well as a single model year or multiple model years, or any combination of these factors.

⁹ There were five CPSC recall notices that included golf carts alongside OHVs. The CPSC recall notices did not separate the total units of the OHV products from the golf cart products. Therefore this total includes some units of golf carts.

¹⁰ <https://www.cpsc.gov/content/joint-statement-of-cpsc-and-polaris-on-polaris-rzr-900-and-1000-recreational-off-highway>

We urge the CPSC to immediately provide clear information to consumers about ROVs that are catching fire, as identified in the December 19, 2017, statement. We urge the Commission to immediately recall and stop sale of the ROVs mentioned in the statement that have been associated with fires, but not previously subject to recall, to re-issue recalls for the vehicles previously recalled and previously repaired as part of the recall program, and to conduct a thorough evaluation as to why these fires are occurring and implement solutions to prevent these fires.

Furthermore, the voluntary standards for these vehicles must be reevaluated to address these problems. That consumers are continuing to operate products that are known to have caused fires is creating a significant safety risk.

Finally, we urge the CPSC to issue injury and fatality statistics for ROVs annually. The CPSC releases this type of data for ATVs and it is an important addition to the public health research on ATVs. We need that same data for ROVs every year.

II. Window Coverings

This past January, a new version of the window covering voluntary standard was approved that, for the first time, will require some window coverings to be cordless. The standard requires window coverings sold as stock products (products sold “as is” in terms of color, design features, size) to be free of dangerous accessible cords. While it is significant that a subset of window coverings will, for the first time, be cordless, there is much more work to do to prevent consumers from the strangulation hazards posed by corded window coverings.

This updated version of the ANSI/WCMA standard was preceded by decades of mounting death and injuries caused by window covering cords, and extensive advocacy efforts by CFA, Parents for Window Blinds Safety, the American Academy of Pediatrics and others to protect children from the strangulation hazard posed by these cords. As a recently published *Pediatrics* journal article reported, approximately 11 children die and 80 children are treated for entanglement and near fatal injuries every year as a result of window cord strangulation.

We are concerned that non-compliant products could be sold online and that hazardous corded stock inventory will be liquidated throughout 2018. The CPSC, the WCMA, and others must affirmatively educate consumers, especially those with children, about the strangulation risks corded window coverings pose risks to their families.

Further, the CPSC should rigorously monitor the marketplace to ensure that once the voluntary standard is in effect, that loopholes do not exist that allow for more products to be considered custom, which would minimize the effect of the standard.

While this standard addresses future products sold, it does not address the millions of corded products in homes across the United States. The CPSC should prioritize reducing deaths and injuries from corded window coverings.

Finally, CFA continues to believe that a mandatory standard is necessary to make operating cords for window coverings inaccessible. We reiterate our request from the May 2013 petition that CFA, along with Kids In Danger, Consumers Union, Parents for Window Blind Safety and others filed with the CPSC

requesting that the CPSC promulgate mandatory standards to make operating cords for window coverings inaccessible.

The CPSC has long recognized window covering cords as a hidden strangulation and asphyxiation hazard to children and continues to identify it on its website as one of the “top five hidden hazards in the home.” Due to the documented and persistent hazard that cords on window coverings pose to children, the petition filed specifically asked the CPSC to prohibit accessible window covering cords when feasible, and require that all cords be made inaccessible through passive guarding devices when prohibiting them is not possible.

In a tragic 22-day period in 2014, four children were strangled to death by cords on a window covering: a 6-year-old girl in Maryland, a 3-year-old girl in Texas, a 4-year-old boy in Georgia, and a 2-year-old boy in Maryland. We are aware of the following fatality statistics for corded window coverings: 13 deaths in 2014; 20 deaths in 2015; 12 deaths in 2016; and one death in 2017, though these numbers are likely to increase as additional data are released.

We urge the CPSC—in light of the history of the voluntary standard and the documented and persistent hazard that cords on window coverings pose to children—to move forward with the mandatory rulemaking process that will effectively address the hazards posed by window covering cords.

While stock products are now cordless due to the voluntary standard, the market must be monitored to ensure more products are not being sold as custom. We urge the CPSC to consider Health Canada’s proposed regulation,¹¹ which would restrict the length of accessible window blind cords and the size of loops that can be created by those cords.

We also push the CPSC to implement a market surveillance program to ensure compliance with the most current voluntary standard, as well as a consumer education campaign. Time is of the essence. These products pose risks to children every single day.

III. Flame Retardants in Consumer Products

Flame retardants, found in numerous types of consumer products, are chemicals associated with serious human health problems. These include cancer, reduced sperm count, increased time to pregnancy, decreased IQ in children, impaired memory, learning deficits, hyperactivity, hormone disruption, and lowered immunity.

Flame retardants migrate continuously from everyday household products into the air and onto dust. As a result, 97 percent of U.S. residents have measurable quantities of toxic flame retardants in their blood. Children are especially at risk because they come into greater contact with household dust than adults do. Studies show that children, whose developing brains and reproductive organs are most vulnerable, have three to five times higher levels of flame retardants than their parents.

The CPSC received a petition from the American Academy of Pediatrics, American Medical Women’s Association, CFA, Consumers Union, Green Science Policy Institute, International Association of Fire Fighters, Kids in Danger, Philip J. Landrigan, M.D., M.P.H., League of United

¹¹ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2009-112/>

Latin American Citizens, Learning Disabilities Association of America, National Hispanic Medical Association, Earth Justice, and Worksafe. The petition urges the CPSC to adopt mandatory standards under the Federal Hazardous Substances Act to protect consumers from the health hazards caused by the use of nonpolymeric, additive form, organohalogen flame retardants in children's products, furniture, mattresses, and the casings surrounding electronics.

We appreciate that the CPSC voted to move forward with our petition and acknowledged that the CPSC has clear authority under the Federal Hazardous Substances Act to regulate potentially toxic chemicals, that there is clear legal precedent for the CPSC to regulate a class of chemicals, and that there is strong scientific evidence documenting the hazards posed to consumers by these chemicals.

We applaud the Commission in moving forward in the process of convening a CHAP to protect consumers from the health hazards posed by flame retardants, while not diminishing fire safety protections. We urge the CPSC to move forward in this process as quickly as possible.

We also applaud the CPSC's issuance of a Guidance Document on additive, non-polymeric organohalogen flame retardants as used in children's product, upholstered furniture, mattresses, and electronics casings. The CPSC published this guidance to protect consumers and children from "the potential toxic effects of exposure to these chemicals."

IV. Recall Effectiveness

The vast majority of consumers who own a recalled product never find out about the recall. Most recall return rates, if publicized at all, hover around the 30 percent mark. While there are now requirements for recall registration cards and online mechanisms for a subset of infant durable products, much more must be done to ensure that consumers find out about recalls of products that they own and to ensure that consumers effectively repair or remove the hazardous product from their home.

We urge the CPSC to prioritize this issue and take actions that will result in recalling companies more effectively recalling their products. We urge the CPSC to work with manufacturers of infant and toddler durable products to maximize awareness about product registration.

We appreciate that notes from last summer's recall meeting were recently made available to the public and that the CPSC provided an opportunity for stakeholders to engage in a dialogue about the factors essential to the most well publicized, effective recalls so that they can be replicated. We agree with how the Recall Effectiveness Workshop Report¹² characterized the key stakeholder suggestions. Specifically we support that the CPSC and others should explore ways to increase direct notice to consumers, expand the use of marketing strategies and technology, consider consumer and business incentives to promote effective recalls, and consider disseminating additional information on best practices.

We urge the Commission to build on these suggestions by requiring recalling firms to advance recall effectiveness by taking action on the initiatives identified at the workshop.

¹² See https://www.cpsc.gov/s3fs-public/Recall_Effectiveness_Workshop_Report-2018.pdf?R1VyLltrl8M_id.2vkAklHoUZjaSCab

In addition, we support the CPSC’s proposed Voluntary Recall Rule and urge the CPSC to finalize this rule to increase recall effectiveness.

V. SaferProducts.gov

Another high priority for the CPSC should continue to be the consumer incident database, SaferProducts.gov, required by the CPSIA.

In November of 2016, CFA along with other consumer groups released an analysis of SaferProducts.gov. The report concluded that the database is a must-visit site for anyone buying products for children, relatives, or friends. It enables government agencies, public safety entities, health care professionals, child service providers, and consumers to both report dangerous products and search the reports that others have submitted. Our report analyzed eight data points, including which manufacturers and which products have the most reports of harm among the roughly 29,000 reports submitted over five years. Key findings show that reports of harm in SaferProducts.gov are concentrated in a few specific manufacturers and product types. Specifically, we found:

- **Many reports of harm are concentrated among ten manufacturers.** Almost 40 percent of the reports are for products from ten manufacturers, with the rest spread out among 3,802 others.
- **Appliances make up a large percentage of reports among the top ten manufacturers.** Of the roughly 11,000 reports referencing one of the top ten manufacturers, 72 percent involve the “appliances” subcategory. Ranges or ovens of various types make up the vast majority of these reports with “electric ranges or ovens” comprising the largest segment (34 percent) of the top ten product types reported.
- **31 percent of reports document some level of injury.**
- **More than half of the 90 fatalities reported involved children age 12 or younger.**
- **Less than half of the published reports in SaferProducts.gov include manufacturer comments in response.**

We found that SaferProducts.gov is growing, easy to use, and provides helpful information. While a useful resource, we offer a series of recommendations for further improving the database:

- **Increase promotion of the site.** Additional outreach and training is needed to increase submissions by the public and healthcare professionals.
- **Expand the data sources included in SaferProducts.gov.** There are a variety of additional CPSC databases, such as staff in depth investigations, Medical Examiners and Coroners Alert Project, and the National Electronic Injury Surveillance System that would substantially increase the value of SaferProducts.gov if they were interoperable.
- **Release overall reports on data trends.** SaferProducts.gov contains a great deal of useful data, and the CPSC should compile and release an annual report identifying the trends in harm posed by products in the database.

- **Improve data categories and searchability.** Adding more macro-level categories such as “all children’s products,” in addition to the existing, micro-level categories, would make analyzing the data much easier. Additionally, a searchable field for the type of harm documented would enable consumers and researchers to better use this valuable resource.

We know that 35, 640¹³ reports have been posted to Saferproducts.gov and that while already a useful tool, more can be done to make it even more effective.

VI. CPSIA Implementation

The implementation of the Consumer Product Safety Improvement Act (CPSIA) has been and should continue to be of the highest priority for the CPSC. The CPSC has been effectively prioritizing CPSIA implementation. The CPSC has promulgated more rules that it ever has in its history, and has done so in a relatively short period. The rules are substantively strong and have an important and positive impact on consumers.

Because of the rules promulgated by the CPSC, 19 infant durable products including full-size cribs, non-full-size cribs, infant walkers, play yards, and strollers must now meet new robust mandatory standards. The crib standard, which went into effect in June of 2011, is of particular significance as it is the strongest crib standard in the world and offers our nation’s infants a safe sleep environment, which parents and caregivers have a right to expect. For all of these products, third party testing and certification requirements are required.

The CPSC has an additional six infant durable product rules to promulgate under section 104, the Danny Keysar Child Product Safety Notification Act. The CPSC is currently working on mandatory standards changing products, high chairs, inclined sleepers and will need to promulgate standards for stationary activity centers and gates. We urge the CPSC to continue to commit the staff time and resources necessary to prioritize the promulgation of these rules. We were concerned about CPSC’s past delay of the standards for high chairs and stationary activity centers.

In addition, the CPSC has the authority to add additional products under section 104 and we urge them to use this authority to protect infants and toddlers. The promulgation of mandatory safety standards for rules under section 104 is a critical component of the CPSIA that consumers recognize as necessary to ensure safety when using children’s products.

VII. High-Powered Magnet Sets

We were alarmed by the United States Court of Appeals for the Tenth Circuit decision that struck down the CPSC’s high-powered magnet set rule that we supported strongly. We are concerned by the consequences of that decision. Already, more rare earth magnets are entering the market, creating hidden hazards that could severely injure or even kill children who swallow more than one magnet. We urge that the CPSC take strong action to ensure that doctors and consumers are educated about these hazards, as well as work to reissue the rule.

VIII. All-Terrain Vehicles

¹³ Data received from the U.S. Consumer Product Safety Commission as of March 27, 2018.

According to the most recent data released by the CPSC,¹⁴ at least 101,200 people were injured while riding all-terrain vehicles (ATVs) seriously enough to require emergency room treatment in 2016. The estimated number of ATV related fatalities was 647 in 2015, though the 2015 data are not considered complete and the number of fatalities will almost certainly grow as more data are received.

In 2015, ATVs killed at least 53 children younger than 16, accounting for 16 percent of ATV fatalities. Forty-three percent of children killed were younger than 12 years old. Children under 16 suffered an estimated 26,800 serious injuries in 2016, representing 26 percent of all injuries.

The CPSC must prioritize the issue of ATV safety. The CPSC's ATV rulemaking was required to be finalized in August of 2012. The CPSC held an ATV Safety Summit in October of 2012, over five years ago. We urge the CPSC to complete the rulemaking, which should include a serious analysis of the safety hazards posed to children by ATVs, the adequacy of existing ATV safety training and training materials, and efforts to ensure that children are not riding ATVs that are too large and powerful for them.

In March 2014, CFA released a report, "ATVs on Roadways: A Safety Crisis." CFA evaluated laws from all 50 states and the District of Columbia and found that, in spite of warnings from manufacturers, federal agencies, and consumer and safety advocates, ATVs are unsafe on roadways. Yet for several years, an increasing number of states have passed laws allowing ATVs on public roads. In April of 2015, we updated the report to include ROVs and found that all states that allow ATVs on roads also allow ROVs on roads.

ATVs' design makes them incompatible with operation on roads. ATVs have a high center of gravity, and narrow wheel bases, which increases the likelihood of tipping when negotiating turns. The low-pressure knobby tires on ATVs are explicitly designed for off road use and may not interact properly with road surfaces.

Data from the CPSC and the National Highway Transportation Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS) document that a majority of ATV deaths take place on roads.

According to the CPSC's data from 2007, as analyzed by the Insurance Institute for Highway Safety, 492 of the 758 deaths for which location was identified (65 percent of ATV fatalities) occurred on roads.

According to the CPSC's data, ATV on-road deaths have increased more than ATV off road deaths. According to NHTSA's FARS database, as analyzed by the Insurance Institute for Highway Safety, 74 percent of ATV deaths occurring on roads occurred on paved roads.

In spite of the fact that a majority of ATV deaths occur on roads and that ATVs are incompatible with road use, CFA found that 36 states (71 percent) allow ATVs on certain roads under certain conditions.

¹⁴ 2016 Annual Report of ATV-Related Deaths and Injuries Statistics https://www.cpsc.gov/s3fs-public/atv_annual_Report_2016_0.pdf?ntwycn8wu3ITrXLnLC49kn_lxxDASq5e

Of these states, 23 states (64 percent) passed laws allowing or expanding ATV access on roads since 2004. Four states passed such laws in 2013 alone, and New Mexico became the 36th state in 2016.

32 of the 36 states, or 89 percent that allow ATVs on roads delegate some or all of the decisions about ATV access to local jurisdictions with authority over those roads.

Data compiled by CFA and our coalition partners document that between January 1, 2013, and March 26, 2018, there were 3,079 OHV fatalities in the United States. Of those deaths, 502 (16 percent) are of children who are less than 16 years old.¹⁵

We urge the CPSC and Congress to prioritize this issue, be a strong voice in opposing the operation of OHVs on roads, and be a leader in educating consumers about the dangers of on-road OHV use. Additionally, the CPSC could improve ATV death data by including how many deaths occur on private versus public roads.

IX. Furniture Tip-Overs

According to the CPSC's most recent data, every two weeks a child dies as a result of a piece of furniture, appliance or television falling on him or her. Further, each year, more than 38,000 children are injured as a result of a piece of furniture, appliance or television tipping over. Between 2000 and 2011, there were 363 tip-over related deaths. Eighty-two percent of those deaths involved children younger than 8 years old.¹⁶ While the ASTM standard for furniture has been modestly strengthened, much more needs to be done to improve the standard.

Further, increased efforts are necessary to bring all stakeholders together to collectively address this increasingly problematic, multifaceted, and dangerous injury pattern. We support the #AnchorIt campaign that seeks to educate consumers about the need to secure furniture to the wall. Further, while we applaud the recall last year of 29 million IKEA dressers associated with seven deaths, we are deeply concerned about the inadequacy and ineffectiveness of the recall and urge the CPSC and IKEA to encourage consumers to return the dressers and obtain a refund. We support that the CPSC is moving forward with a rulemaking to address these serious issues.

X. Laundry Packets

Highly concentrated single-load liquid laundry detergent packets pose a serious risk of injury to children when the product is placed in their mouths. According to the American Association of Poison Control Centers (AAPC):

“Some children who have put the product in their mouths have had excessive vomiting, wheezing and gasping. Some get very sleepy. Some have had breathing problems serious enough to need a ventilator to help

¹⁵ For 2017 and 2018, FARS data has NOT been included, thus these numbers will likely increase once that additional data source is included.

¹⁶ CPSC Report, Preliminary Evaluation of Anchoring Furniture and Televisions Without Tools, May 2015.

Available on the web at: <http://www.cpsc.gov/PageFiles/182505/Tipover-Prevention-Project-Anchors-withoutTools.pdf>

them breathe. There have also been reports of corneal abrasions (scratches to the eyes) when the detergent gets into a child's eyes.”¹⁷

In 2018 to date, according to the AAPC, 1,194¹⁸ children 5 and younger were exposed to laundry packets. In 2017, 10,585¹⁹ children 5 and younger were exposed²⁰ to laundry packets. In 2016, 11,528 children 5 and younger were exposed to laundry packets.²¹ In 2015, there were 12,594 exposures and in 2014 there were 11,714.²² In 2013, poison centers received reports of 10,395 exposures to highly concentrated packets of laundry detergent by children 5 and younger.²³

According to a *Consumer Reports* article from 2017,²⁴ laundry pods pose risks of death to adults with dementia. *Consumer Reports* includes CPSC data indicating “8 deaths related to ingesting liquid laundry packets in the U.S. between 2012 and early 2017 that have been reported to the Consumer Product Safety Commission. Two of the cases were young children and six were adults with dementia.”²⁵

According to a 2016 *Pediatrics* study,²⁶ child exposures to laundry detergent packets rose 17 percent from 2013 to 2014. Children exposed to laundry detergent packets were five to 23 times more likely to be hospitalized, and eight to 23 times more likely to have a serious medical outcome than children exposed to other detergent types or forms. In addition, the deaths of two children were associated with laundry detergent packets.

Based on two years of data, the National Poison Data System (NPDS) reported that 769 children required hospitalization for injuries that included seizures, vomiting blood, fluid in the lungs, dangerously slow heartbeats, respiratory arrest, gastric burn, and comas as a result of ingesting the contents of these packets. An analysis of these data published in the November 14, 2014, edition of *Pediatrics*²⁷ found that in 900 NPDS cases, 42 percent involved packets that were stored within sight or left out, 11 percent of cases

¹⁷ Laundry Detergent Packets, American Association of Poison Control Centers, <http://www.aapcc.org/alerts/laundry-detergent-packets/>

¹⁸ See <http://www.aapcc.org/alerts/laundry-detergent-packets/>

¹⁹ See <http://www.aapcc.org/alerts/laundry-detergent-packets/>

²⁰ The American Association of Poison Control Centers defines “exposure” to mean when someone has had contact with the substance in some way; for example, ingested, inhaled, absorbed by the skin or eyes, etc. Not all exposures are poisonings or overdoses., <http://www.aapcc.org/alerts/laundry-detergent-packets/>

²¹ Laundry Detergent Packets, American Association of Poison Control Centers, <http://www.aapcc.org/alerts/laundry-detergent-packets/>

²² Laundry Detergent Packets, American Association of Poison Control Centers, <http://www.aapcc.org/alerts/laundry-detergent-packets/>

²³ American Association of Poison Control Centers <http://www.aapcc.org/alerts/laundry-detergent-packets/>

²⁴ <http://www.consumerreports.org/laundry-cleaning/liquid-laundry-detergent-pods-pose-lethal-risk/>

²⁵ Ibid.

²⁶ Pediatric Exposures to Laundry and Dishwasher Detergents in the United States: 2013-2014; Gary A. Smith Mallory G. Davis, Marcel J. Casavant, Henry A Spiller, Thiphalak Chounthirath ; OI: 10.1542/peds.2015-4529 *Pediatrics* 2016;137; originally published online April 25, 2016; Available on the web at: <http://pediatrics.aappublications.org/content/pediatrics/137/5/e20154529.full.pdf>

²⁷ Pediatric Exposure to Laundry Detergent Pods, Amanda L. Valdez, Marcel J. Casavant, Henry A. Spiller, Thiphalak Chounthirath, Huiyun Xiang and Gary A. Smith, *Pediatrics*; originally published online November 10, 2014; <http://pediatrics.aappublications.org/content/early/2014/11/05/peds.2014-0057>

involved temporarily open outer packages, and another 9 percent of cases involved improperly stored packets.

A policy statement issued by the AAPC on laundry packets stated, “The American Association of Poison Control Centers (AAPCC) supports rigorous safety efforts pertaining to single-load liquid laundry packets (Laundry Packets), e.g., through packaging, labeling, product design, information dissemination, storing, handling and usage education, or otherwise.”²⁸

While the voluntary standard addresses the packaging container of the packets to some degree, the burst strength and flavor of the packets, and includes warning labels, more should be done. Our organizations have urged that the voluntary standard not only ensure that the outer packages are child resistant, but also require that the packets are individually wrapped to prevent ingestion or eye injuries and that there be comprehensive requirements for addressing the taste and burst strength of the film covering the packets (based on current European Union requirements). Multiple layers of safety are needed to protect children from hazards posed by laundry packets, particularly given that a significant number of children have gained access to loose detergent packets, and when they do, injury can be almost immediate.

Critically, all relevant data should be reviewed to determine whether the voluntary standard is effectively reducing incidents.

In addition, CFA believes that the most effective way to prevent laundry packet incidents is to require child-resistant packaging to cover liquid detergent packets. This includes addressing the design and color of the packets so that they aren’t as attractive to children or adults, the composition of the packets so that the consequences of exposure are less severe, and ensuring the adequacy of the warning labels to properly inform consumers about the risk.

While the voluntary standard was finalized in September 2015, we appreciate the active role that the CPSC has played in the voluntary standard process and urge the CPSC to continue to prioritize this issue to ensure that the voluntary standard effectively addresses the hazards posed by laundry packets. We further urge the CPSC to carefully monitor the incident data to ensure that incidents are decreasing. If the data indicate that the voluntary standard is not successfully addressing the hazard posed by laundry packets, we urge the CPSC to move forward with an effective mandatory standard.

XI. Conclusion

In conclusion, the CPSC plays a critical role ensuring that consumers are safe from product hazards. We support the CPSC’s existing priorities to strengthen its regulatory and enforcement efforts to fulfill its mission to protect consumers from hazards posed by consumer products. We urge the CPSC to consider including the additional priority issues that we outlined in our statement today. We urge the Commission to address these issues as soon as possible as many pose urgent hazards to consumers.

CFA looks forward to working with the Commission to address these issues.

²⁸ AAPCC Position Statement on Single-Load Liquid Laundry Packets
https://aapcc.s3.amazonaws.com/files/library/AAPCC_Laundry_Packet_Position_Statement.pdf

