

*** Consumer Federation of America * Consumer Reports * Kids In Danger *
U.S. Public Interest Research Group ***

May 23, 2023

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

**Joint Comments to the
Consumer Product Safety Commission on the
Proposed Draft Guidance for
Estimating Value per Statistical Life
Docket No. CPSC-2023-0013**

Consumer Federation of America (CFA), Consumer Reports (CR), Kids In Danger (KID), and U.S. Public Interest Research Group (U.S. PIRG) welcome the opportunity to submit the following comments in response to the U.S. Consumer Product Safety Commission (CPSC) in the above referenced draft guidance.¹ We support the CPSC's proposed guidance for estimating value per statistical life (VSL) and offer the following comments.

VSL is a widely used parameter in regulatory cost-benefit analyses to measure the value of preventing a fatality. This value calculates an individual's willingness to trade off spending on consumer products for improvements in safety, or reductions in risk, that would likely result in fewer fatalities. While many government agencies already use VSL in their regulatory analyses, this measure typically does not account for the greater value that society places on children's lives and underestimates the societal benefits for regulations that reduce fatality risk to children.

We support the CPSC's draft guidance because of the agency's emphasis on promulgating strong safety standards to protect people from serious injury or death. We view this proposed guidance as especially vital because it helps the CPSC fulfill its mandate to protect children.² Society properly places a high value on children's lives and prioritizes efforts to protect children from the risk of death. As such, we urge the CPSC to establish final guidance that reflects the higher value society places on children's lives and adopt a child-specific VSL that is at least twice the value as the VSL for adults.

As consumer rights advocates, we have seen the devastating impacts to families and communities when a child's safety is not properly accounted for. When applying a uniform VSL for both adults and children, the resulting analysis fails to appropriately measure the cost of a child's death and may lead to delayed action. Agency guidance on estimating VSL should ensure

¹ CPSC, "Notice of Availability: Proposed Draft Guidance for Estimating Value per Statistical Life" 88 Fed. Reg. 17826 (Mar. 24, 2023) (online at: www.govinfo.gov/content/pkg/FR-2023-03-24/pdf/2023-06081.pdf).

² See Consumer Product Safety Improvement Act of 2008, Pub. L. No. 110-314, 122 Stat. 3016 (2008) (online at: www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act).

that any child-specific value accounts for previously unquantified costs, including parental grief and emotional trauma. An approach that considers the incredible value of life-saving activities affecting children is paramount.

For decades, children and families have needlessly suffered because of inaction on persistent product hazards, including the risk of strangulation from custom window covering cords and the risk of tip-overs from unstable clothing storage units.³ Once the CPSC moved forward on mandatory rules to address these hazards, the agency rightly considered the emotional trauma and parental grief associated with these horrific incidents and accounted for these factors in its regulatory analyses.⁴ However, the CPSC has not meaningfully accounted for these factors in all cases when seeking to address hazards that disproportionately put children at risk.

In summary, the undersigned organizations support the proposed guidance, which will help CPSC staff to better calculate the societal costs of a product hazard. It is critical for the guidance to reflect the high value society places on the lives of children and protecting them from the risk of death. As such, it is imperative that the CPSC adopt a child-specific VSL that adequately considers these factors and is at least twice as large as the VSL for adults.

Thank you for your consideration of our comments. We look forward to continuing to work with the CPSC and all stakeholders to ensure that the CPSC establishes strong guidance for its staff to apply when proposing safety standards to address a product hazard.

Respectfully submitted,

Consumer Federation of America

Consumer Reports

Kids In Danger

U.S. Public Interest Research Group

³ See CPSC, “Safety Standard for Operating Cords on Custom Window Coverings” 87 Fed. Reg. 73144 (Nov. 28, 2022); *see also* CPSC, “Product Instability or Tip-Over Injuries and Fatalities Associated with Televisions, Furniture, and Appliances: 2022 Report” (Feb. 2023) (online at: www.cpsc.gov/s3fs-public/2022_Tip_Over_Report_Final.pdf).

⁴ 87 Fed. Reg at 73144 at 73172; CPSC, “Safety Standard for Clothing Storage Units” 87 Fed. Reg.72598 at 72647 (Nov. 25, 2022).