

**Hugh Hewitt Radio Program**  
**Interview with NAM President John Engler**  
**April 20, 2009**

**HH:** Let's turn to the Consumer Product Safety Improvement Act. For many, many weeks now I've covered on the program using my expert, Gary Wolensky, who's a lawyer with Snell & Wilmer, a series of interviews – and I've also had the Chairman, Nancy Nord, on the program – about the idiocy that is the Consumer Product Safety Improvement Act.

Over at the National Association of Manufacturers, you've got a great blog that covers this. Where are we with this? Are you making progress in getting the Congress to listen and fix this law?

**ENGLER:** You know, I think we're making some progress with rank and file members of Congress. But this is one where the leadership has simply got to acknowledge they made a mistake. They botched the bill, and they've got to change it, and they've got to back off on some of this tight implementation.

We're not talking about putting people and kids at risk here. We're saying that this is a regulatory scheme that's so pervasive, and it's right down to hitting mom and pop.

We had the big rally. You covered that and did a wonderful job. I mean, we had these companies – three, four people! ... This is like going after the lady that bakes the pie for the VFW fish fry or the church social. Some of these products that we're trying to regulate, it's just overkill.

And you've got to do this in a way...There's so many people – there's manufacturers, people who import, distributors, retailers. Everybody's concerned. We've even got the charities, as you know, in a tizzy because they're afraid that some of those lawyers who are looking for something to do, they're going to pounce on this!

Or, now, one of the other things that we fought against and lost when the bill was being debated is that you not only have the Consumer Product Safety Commission out there, you've now got 50 attorneys general acting as safety commissioners, and they could have all a different take on something.

So we've really got take a step back and look at how you phase this in.

There's no question. We have from time to time people who do risky, improper things. And sometimes that leads to a product, and we want to always catch that. But this goes so far beyond – and we can into some of the specifics – but just in

general, when Congress does regulatory overkill, and in this case, they did the overkill and threw it over to the agency and said, “Here. We’ve told you all these things you have to do, and now you do it.” It’s a small agency, and the President hasn’t gotten around – not surprisingly – to making these appointments. So we’ve got a mess on our hands.

**HH:** Wolensky tells me they passed a stay of enforcement for the ATVs for 12 and under, which is good, although I don’t think it solves the private plaintiff’s lawyer problem.

**ENGLER:** I don’t think so. And one of the cute things was the young kid who was going around Congress. He had big impact, he said, “You know, I’m not going to eat my ATV.”

**HH:** Right. So who is the blocking? [Rep. John] Dingell, he must be an old friend of yours.

**ENGLER:** Dingell is fine.

**HH:** Yeah, he is.

**ENGLER:** This is Henry Waxman, you know. He’s saving the planet. So you’ve got a situation...He’s got to give them some time.

If John Dingell had actually prevailed in the conference, I think it wouldn’t have been a perfect bill, but it would have been a lot more reasonable. And, frankly the Speaker ought to set aside some of her dislike for John Dingell and say, “Mr. Chairman, go fix this.”

**HH:** Yeah.

**ENGLER:** And he could do it.