



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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April 1, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

I join a number of others in respectfully requesting you to name a nominee to chair the Consumer Product Safety Commission (CPSC).

For nearly three years, there has been a vacancy at the commission, leaving just two commissioners to vote on policy decisions. The addition of a third vote, hopefully, will streamline the process of lengthy staff discussions and negotiations currently required to reach the unanimity needed to advance the agency's safety mission.

A new chairman will face a number of daunting challenges, the most pressing of which will be the implementation of the Consumer Product Safety Improvement Act (CPSIA). I welcome many of the new tools that the CPSIA provides the agency, as well as the needed modernizations to the statutes administered by the CPSC (some of which were first laid out in my PRISM proposal presented to the Senate Commerce Committee in July, 2007). Although well-intentioned, the CPSIA retroactively imposes expensive testing and burdensome content requirements – even on products that everyone agrees pose little or no safety risk.

The lead and phthalates bans in the new law will be especially challenging to the new chairman. The agency is being forced by this law to shift valuable safety resources away from hazards of concern and onto the regulation of products – such as books, bike tire valves and ball point pen tips – that no one has ever suggested pose real risks for children. This law has forced dealers to stop sale of youth ATV's when no one has ever suggested that lead poisoning from their use is a real risk and when the alternative – the use of adult-sized ATV's – is such a hazard. The uncertainty surrounding this law is forcing children's clothing and used children's books off the shelves of thrift stores. I do not believe that consumer safety is advanced by such results.

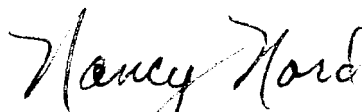
The new chairman will also face the severe economic damage the retroactive nature of the law is already having on small businesses and resellers, especially charities and thrift shops. Because Congress applied the law retroactively to existing inventory, products on store shelves and in warehouses that were considered

perfectly safe on February 9, 2009, became illegal on February 10. Small businesses, small retailers, crafters, and those who sell used products are being particularly hard hit by this law, but Congress and the courts have made it quite clear that the agency has no authority to change the reach of the law.

Upon joining the CPSC, the new chairman will be presented with a law that curtails the agency's ability to prioritize its regulatory activity based on an assessment of risks, the magnitude of those risks, and the actual consequences of the risks. This is only the beginning of the list of challenges our new chairman will face.

In your inaugural address, you eloquently stated that "the question is not whether our government is too big or too small, but whether it works." I believe it will take a full commission, working with Congress, to provide a sensible approach to this legislation, and urge you to name a new chairman in order to help us implement the much needed update of our statutes, thus increasing the protection of American families.

Sincerely,

A handwritten signature in black ink that reads "Nancy Word". The signature is written in a cursive, flowing style.

Nancy A. Word  
Acting Chairman