



May 8, 2007

Senator Daniel Inouye
Chairman
Senate Committee on Commerce, Science and Transportation
Washington, DC 20510-6125

Senator Ted Stevens
Ranking Member
Senate Committee on Commerce, Science and Transportation
Washington, DC 20510-6125

Dear Senators Inouye and Stevens:

Consumers Union, publisher of *Consumer Reports*, Consumer Federation of America, Public Citizen and U.S. PIRG recommend that you oppose the nomination of Michael A. Baroody, Executive Vice President of the National Association of Manufacturers (NAM), to the post of Chairman of the Consumer Product Safety Commission (CPSC).

The CPSC plays a critical role in protecting consumers from unreasonably dangerous products in the marketplace. There are more than 27,000 deaths and more than 33 million injuries each year associated with consumer products under the CPSC's jurisdiction. This Agency must be positioned to aggressively address current and emerging dangers including unsafe toys, ineffective product recalls, the hazards posed by all-terrain vehicles (ATVs) and pool drowning.

Unfortunately, over recent years there has been a drastic reduction in CPSC staff and resources. Indeed, current projections anticipate the CPSC soon will operate with only 401 employees – about half the employees it had in 1974 after it was created through an act of Congress. Now is no time to place someone at the helm of the CPSC whose professional experiences run contrary to the principles of consumer protection.

We are concerned that Mr. Baroody's nomination fails to meet the criteria set forth in the CPSC's governing statute, the Consumer Product Safety Act (CPSA). The CPSA provides specific direction to the President on the qualifications a nominee for the position of Chairman or Commissioner at CPSC must possess. Section 4(a) of the CPSA is clear and states, as follows:

*“In making such appointments, the President **shall** consider individuals who, by reason of their background and expertise in areas related to consumer products and protection of the public from risks to safety, are qualified to serve as members of the Commission.”* (emphasis added).

We find no evidence in Mr. Baroody's professional background to indicate that he meets these criteria. To the contrary, Mr. Baroody, and NAM have worked against the "protection of the public from risks to safety." Mr. Baroody and NAM formed a coalition to represent the interests of manufacturers before the CPSC, through which he and NAM, time and again, supported efforts to weaken consumer protection. For example:

- NAM opposed a consumer group-backed petition before the CPSC that would have increased recall effectiveness for children's products by including product registration cards in products used by children; and
- NAM supported diluting guidelines companies used to determine whether they must report substantial product hazards.

Other NAM advocacy activities have included:

- Urging New York Governor George Pataki to veto legislation in New York State that would have mandated fire safe cigarettes.

Consumers Union, Consumer Federation of America, Public Citizen and U.S. PIRG work with business and trade associations on a several important issues; for example, business efforts to reduce inflated health care costs and telecommunications companies and airlines seeking to increase competition. However, in this instance we are concerned about NAM's alignment with a business cost-cutting agenda that is contrary to consumers' interest in safe, high-quality and affordable products.

Similarly, while Consumers Union, Consumer Federation of America, Public Citizen and U.S. PIRG do not question Mr. Baroody's right to work on behalf of NAM's public policy agenda, which includes cutting costs for its members, there is nothing in Mr. Baroody's background that demonstrates his commitment to consumer protection. This unfortunately makes Mr. Baroody a poor choice to lead a critical consumer safety agency.

The CPSC must have a leader who will champion the cause of protecting consumers, especially children, from unreasonably dangerous or defective products. The CPSC plays too great a role in protecting the interests of children and other consumers to allow anything less. We find it difficult to imagine that Mr. Baroody, who has led NAM's many efforts to oppose greater consumer protection, will become such a champion. The health and well being of consumers is too important to take such a risk.

We therefore recommend that you oppose the nomination of Michael Baroody to the position of Chairman of the Consumer Product Safety Commission when his nomination is expected to come before the Senate Commerce Committee.

Thank you for your consideration of our request.

Sincerely,


Jim Guest
President
Consumers Union, Non-Profit Publisher
of *Consumer Reports*



Stephen Brobeck
Executive Director
Consumer Federation of America



President
Public Citizen



Margie Alt
Executive Director
U.S. PIRG

Cc: Members of Senate Commerce, Science
and Transportation Committee