



Sharing Information for Safer Amusement Ride Thrills

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April 3, 2007

The Honorable Daniel K. Inouye
Chairman, Senate Committee on Commerce, Science, and Transportation
722 Hart Senate Office Building
Washington, DC 20510

Re: **Michael Baroody nomination for CPSC Chairman - OPPOSE**

Dear Senator Inouye,

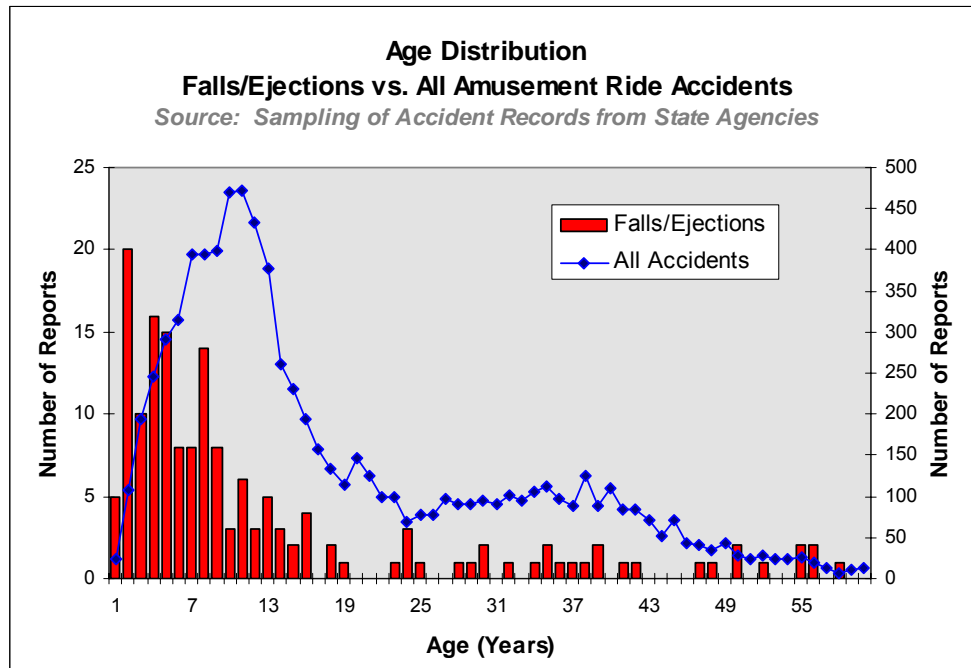
I am writing to voice my concern over President Bush's nomination of Michael Baroody to fill the vacant Chairman's position on the Consumer Product Safety Commission (CPSC). Saferparks is a non-profit dedicated to preventing amusement ride injuries through research, information sharing, and advocacy. Although a loophole in federal law exempts amusement rides operated at permanent parks from all federal safety oversight, the CPSC does have regulatory authority over amusement rides operated by traveling carnival companies.

Saferparks strongly opposes Mr. Baroody's nomination on two points:

- For the past 17 years, Mr. Baroody has been well-paid to protect and serve manufacturers' interests as a lobbyist for the National Association of Manufacturers (NAM). His long, close, and lucrative relationship with the businesses regulated by the CPSC cannot help but compromise his ability to act as an unbiased, impartial watchdog over his former client base.
- Nothing in Mr. Baroody's resume, impressive though it may be from a business perspective, suggests he is qualified for this position. It took me fifteen minutes of perusing the NAM website before I could find mention of the word "safety", and that was on the Historical Highlights page: "*During the period from 1908 to 1916, the NAM exercised leadership in the field of workplace safety*". More recently, NAM has focused on public relations and government relations, including a member phone-in campaign that resulted in repeal of a federal worker safety rule, which Mr. Baroody's organization called "a particularly satisfying victory".

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products. The agency's work is highly technical and, at times, sparks intense confrontations with manufacturers. Chairmanship of this agency requires the ability to focus on the well-being of consumers rather than the economic growth of manufacturers. I do not believe that Mr. Baroody is the right choice to carry out that important role.

Over the past five years, I have worked closely with CPSC staff on issues related to the safe containment of young children on amusement rides. Children are at highest risk for injury on amusement rides due to their small size and inexperience with machinery hazards. Half of all ride-related accidents involve children under 13. The risk differential is even greater for accidents involving a fall or forceful ejection during the ride cycle. Two thirds of those victims are nine years old or younger.



Industry lobbyists, like Michael Barody, routinely argue for reduction or elimination of regulatory oversight by pointing out that manufacturers have a vested interest in protecting the safety of their customers. Businesses view safety as just one of many variables affecting profitability, however. Amusement ride manufacturers sell to park and carnival operators, not directly to consumers. Amusement rides can be popular and profitable to business while also exposing child riders to serious safety hazards.

- Lowering rider height limits for an amusement ride can increase risk exposure for the smallest riders, but has also proven an effective business strategy to broaden the market for a ride.
- Designing cars with bench seats and fixed-position lap bar restraints increases the odds that small children will slide into an ejectable position, but those cars also load more quickly and are simpler to operate, thereby increasing sales volume and lowering labor costs.

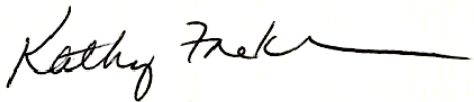
The Consumer Product Safety Commission was created to balance industry's focus on low cost market expansion with consumers' need for safe products and accurate, useful information on residual risk. Checks and balances are a necessary component of any healthy system. The CPSC serves consumers by enacting and enforcing a system of checks and balances on manufactured goods. The United States Senate serves the

citizens of this great country by enacting and enforcing a system of checks and balances on the power of the executive branch.

In the coming weeks, the Senate Commerce Committee will hold confirmation hearings on Mr. Baroody's nomination. I urge you to block this appointment. With all the bright engineering minds and dedicated public servants in this country, President Bush can find a far better candidate to chair the Consumer Product Safety Commission.

Thank you for taking the time to read this. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Kathy Fackler" followed by a long horizontal flourish.

Kathy Fackler
President, Saferparks

Cc: Representative Ed Markey