

January 14, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee, on Commerce, Science
and Transportation
United States Senate
511 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Wicker and Ranking Member Cantwell:

We write to you to express our serious concerns regarding reports¹ that the White House is considering nominating Dr. Nancy Beck to be chairman of the Consumer Product Safety Commission (CPSC).² Throughout her career, Dr. Beck has opposed and weakened safety standards that impact our health, safety, and environment, particularly with respect to toxic chemicals. If nominated and confirmed to lead the CPSC, she will have a perch to do even more damage to public health and consumer protection for many years. This is unacceptable.

The CPSC's jurisdiction is vast. It is responsible for protecting consumers against "unreasonable risks of injury or death" from consumer products,³ with responsibility for ensuring that more than 15,000 products are safe, including toys, household chemicals, furniture, and all-terrain vehicles. From lead paint to flame retardants to toxic per- and poly-fluoroalkyl substances (PFAS) to asbestos, Dr. Beck has fought against safeguarding the public from dangerous chemicals found in consumer products.

A congressional investigation found that Dr. Beck improperly intervened in agency decisions and scientific determinations when she worked as a policy analyst in the Office of Management and Budget (OMB) during the Bush administration.⁴ More recently, as an official at the Environmental Protection Agency (EPA), she has been the architect of numerous policies to

¹ Todd C. Frankel & Juliet Eilperin, *White House Considering Former Chemical Industry Executive to Lead Product Safety Commission*, WASH. POST (Dec. 12, 2019), <https://www.washingtonpost.com/business/2019/12/10/white-house-considering-former-chemical-industry-executive-lead-consumer-product-safety-commission/#comments-wrapper>.

² The term "chairman" is codified in statute and states that the chair is the "principal executive officer of the Commission" and exercises "all of the executive and administrative functions of the Commission." 15 U.S. Code § 2053.

³ *About CPSC*, U.S. CONSUMER PROD. SAFETY COMM'N, <https://www.cpsc.gov/About-CPSC> (last visited December 19, 2019).

⁴ See Committee on Science and Technology, U.S. House of Representatives, *Nipping IRIS in the Bud: Suppression of Environmental Science by the Bush Administration's Office of Management and Budget* (June 11, 2009), available at <https://www.documentcloud.org/documents/4113586-EPA-and-Toxic-Chemical-Rules.html#document/p94/a382944>.

undermine health protection from toxic chemicals that would protect servicemembers, children, and at-risk communities. If nominated and confirmed, there is strong reason to believe that Dr. Beck would use the same zeal for weakening safety standards as she has done in previous government posts; but would have even more power to do so.

In particular, we fear that if Dr. Beck were CPSC chair, she would undermine efforts to protect consumers from PFAS, a class of persistent and toxic chemicals that have been linked to testicular and kidney cancer, birth defects, and immune system disorders and other health effects.⁵ PFAS are found in many consumer products as well as firefighting foam that is used on military bases. The “Defense Department listed 126 facilities where tests of nearby water supplies showed the substances exceeded the current safety guidelines.”⁶ There is strong bipartisan concern about PFAS contaminating drinking water across the country, including at dozens of military bases. While at EPA, Dr. Beck assisted in delaying the release of a government study on the risks posed by PFAS which the White House deemed a “public relations nightmare.”⁷

Between her stints at OMB and EPA, Dr. Beck was a senior executive at the American Chemistry Council, a powerful chemical industry lobbying group. This is important because the CPSC has jurisdiction to safeguard consumers from products that are hazardous due to the presence of chemicals. The CPSC has issued a rule limiting the use of phthalates in children’s products and is currently considering a rule limiting the use of organohalogen flame retardants in certain products. The American Chemistry Council has ardently opposed these protections, which have significant impacts for the health and safety of consumers. We are concerned that Dr. Beck will thwart the CPSC’s ability to protect consumers from the well documented harms that these chemicals pose.

If nominated and confirmed, Dr. Beck could be one of the most egregious examples of the proverbial fox guarding the henhouse. The CPSC is already hamstrung by laws that make it hard for the agency to robustly protect families from unreasonable injury and death. For example, recent reports have shown how a little-known provision of the law stopped the CPSC from

⁵ Per- and Polyfluoroalkyl Substances (PFAS) and Your Health, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY, <https://www.atsdr.cdc.gov/pfas/PFAS-health-effects.html> (last visited Jan. 13, 2020) and Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, https://www.niehs.nih.gov/health/materials/perfluoroalkyl_and_polyfluoroalkyl_substances_508.pdf (last visited Jan. 13, 2020).

⁶ Annie Snider, *White House, EPA Headed Off Chemical Pollution Study*, POLITICO (May 14, 2018), <https://www.politico.com/story/2018/05/14/emails-white-house-interfered-with-science-study-536950>; see generally Maureen Sullivan, Deputy Assistant Secretary of Defense, *U.S. House of Representatives Committee on Armed Services Briefing on “Addressing Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA),* PowerPoint slides (March 2018), available at https://partner-mco-archive.s3.amazonaws.com/client_files/1524589484.pdf.

⁷ See Snider note 6.

informing the public about how inclined sleep products were linked to the deaths of more than 70 infants.⁸ The agency has also come under fire for working with a stroller company to evade undergoing a recall for faulty parts that contributed to injuries of more than a hundred children and adults.⁹

Giving Dr. Beck a post to slow down, weaken, or kill safety standards will have a lasting impact. Nothing less than the safety of your constituents is at stake. We urge you to make clear that you stand with our families, our children, our servicemembers, and our environment and oppose this nomination. With questions, please contact Remington A. Gregg, at rgregg@citizen.org.

Sincerely,

American Association for Justice
Arizona PIRG
Asbestos Disease Awareness Organization
AFL-CIO
CALPIRG
Center for Environmental Health
Center for Justice & Democracy
Center for Science in the Public Interest
Citizens' Environmental Coalition
Clean and Healthy New York
Clean Production Action
Clean Water Action
Coming Clean
Consumer Federation of America
CoPIRG (Colorado)
ConnPIRG
Earthjustice
Environmental Defense Fund
Environmental Health Strategy Center
Environmental Working Group
Florida PIRG
Food & Water Action

⁸ Public Citizen, DELAY AND SECRECY: HOW SECTION 6(B) OF THE CONSUMER PRODUCT SAFETY ACT KEEPS CONSUMERS IN THE DARK, *available at* <https://www.citizen.org/article/delay-and-secrecy/> (last visited Dec. 19, 2019) and Rachel Rabkin Peachman, *When Recalls Fail*, CONSUMER REPORTS (Oct. 31, 2019), <https://www.consumerreports.org/recalls/when-recalls-fail/>.

⁹ All Things Considered, *How a Stroller Company Avoided a Recall with the Help from the CPSC*, NPR (April 3, 2019), <https://www.npr.org/2019/04/03/709573914/how-a-stroller-company-avoided-a-recall-with-help-from-the-chair-of-the-cpsc>.

Georgia PIRG
Green Science Policy Institute
Healthy Babies Bright Futures
Illinois PIRG
Institute for Agriculture and Trade Policy
International Union, UAW
Iowa PIRG
Kids In Danger
League of Conservation Voters
Maryland PIRG
MASSPIRG
Moms Clean Air Force
MoPIRG (Missouri)
NCPIRG
NHPIRG
NJPIRG
NMPIRG
National Consumers League
Natural Resources Defense Council
Ohio PIRG
OSPIRG (Oregon)
PennPIRG
PIRGIM (Michigan)
Public Citizen
Protect All Children's Environment
RIPIRG
Safer Chemicals Healthy Families
Safer States
TexPIRG
Union of Concerned Scientists
Union Veterans Council
U.S. Public Interest Research Group
WashPIRG
WISPIRG (Wisconsin)

cc: Members of the Senate Commerce, Science and Transportation Committee