

Why GAO Did This Study

Growing numbers of consumer product recalls in 2007 and 2008, particularly of imported toys and children's products, focused increased attention on CPSC. In the 2012 Consolidated Appropriations Act, Congress directed GAO to analyze the potential safety risks associated with new and emerging consumer products. CPSC's approach focuses on new hazards, which could be risks associated with both new and existing products. Therefore, this report evaluates the authority and ability of CPSC to (1) stay generally informed about new risks associated with consumer products and use available information to identify product hazards, and (2) assess and address new risks posed by consumer products in a timely manner.

GAO reviewed CPSC's statutory and regulatory authorities to respond to product hazards; reviewed agency documents on risk assessment; reviewed CPSC corrective actions; and met with agency officials and representatives from national consumer, industry, and legal organizations with expertise in consumer product safety and risk assessment. GAO observed CPSC's testing facility and demonstrations of its information system upgrades.

What GAO Recommends

To better enable CPSC to target unsafe consumer products, Congress may wish to amend section 29(f) of CPSA to allow CPSC greater ability to enter into information-sharing agreements with its foreign counterparts that permit reciprocal terms on disclosure of nonpublic information. CPSC supported this matter.

View [GAO-13-150](#). For more information, contact Alicia Puente Cackley, 202-512-8678, cackleya@gao.gov

CONSUMER PRODUCT SAFETY COMMISSION

Agency Faces Challenges in Responding to New Product Risks

What GAO Found

The Consumer Product Safety Commission (CPSC) has broad authority to identify, assess, and address product risks, but faces some challenges in identifying and responding to new risks in a timely manner. CPSC uses various means to stay informed about risks that may be associated with new or existing products. These methods include (1) market surveillance activities for imported products, retail stores, and Internet sales; and (2) formal agreements and various activities with other agencies. However, certain legal restrictions may hamper CPSC's ability to stay informed about new product hazards to public health and safety. Specifically, because of certain restrictions in the Consumer Product Safety Act (CPSA), CPSC cannot agree to allow foreign agencies to disclose nonpublic information they receive from CPSC. While the Consumer Product Safety Improvement Act (CPSIA) allows CPSC greater freedom to disclose information to U.S. courts, Congress, and state and local agencies, CPSC has been unable to complete information-sharing agreements with foreign counterparts as envisioned because it cannot offer its counterparts reciprocal terms on disclosure of nonpublic information. Due to the growing number of imported consumer products, this restriction on sharing information may hinder CPSC's ability to identify risks from new products in a timely manner, possibly leading to injury and death if unsafe products enter the U.S. market. CPSC also faces challenges in collecting and analyzing large quantities of data in order to identify potential product risks. Some sources CPSC uses to identify injuries or death are dated—for example, death certificates can be 2 or more years old—or contain limited information about the product involved in the incident. To respond to these challenges, the agency has key efforts under way. First, CPSC is upgrading its data management system. According to CPSC, the upgrades are designed to enhance CPSC's efficiency and effectiveness, enable a more rapid dissemination of information, and allow consumers to search the database through a publicly available Internet portal. CPSC officials expect the upgrades to be completed in fiscal year 2013 and fully operational in fiscal year 2014. Second, in response to a CPSIA requirement, CPSC is working with Customs and Border Protection to test a new approach for identifying unsafe consumer products at the ports. CPSC port investigators have found this approach to be effective and have prevented hundreds of consumer products that were in violation of U.S. safety rules or found to be hazardous from entering commerce.

Timeliness of CPSC's actions to assess and address new risks depends on the specific product or hazard. For example, the simplest assessments may only take a few days, such as testing a product for lead content. More complex assessments can take years to complete, such as tracking potential chronic hazards from certain chemicals and nanotechnology (which involves the ability to control matter at the scale of one billionth of a meter) because no standard method for measuring toxicity associated with nanotechnology currently exists. CPSC uses various approaches to address product hazards, including conducting compliance activities, developing mandatory safety standards, and educating the public about safety hazards and safe practices. CPSC can take action to address a product hazard more quickly if it is addressing a known hazard. However, addressing a new or emerging risk can take CPSC years because it may need to develop new standards or approaches.