

U.S. Senate votes to bolster consumer product safeguards

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From toys to toothpaste, China-made products have come under increasing scrutiny in the United States after a wave of recalls. (Aly Song/Reuters)

Responding to a wave of defective toys and other goods, the U.S. Senate has approved a measure that would overhaul the nation's consumer product laws and strengthen the safety agency that oversees the marketplace.

Besides increasing the staff and budget of the Consumer Product Safety Commission, the legislation passed Thursday would create a public database of complaints about products and would empower state prosecutors to take action if they believe the U.S. government is not doing enough to protect consumers in their states.

The congressional action marks the first major consumer product legislation in 18 years and comes as U.S. regulators struggle to oversee the explosive growth of foreign goods, many of which are imported from countries with less stringent safety standards.

Goods made in China, particularly, have come under increasing scrutiny after a wave of recalls of products ranging from toys to toothpaste.

The Senate bill, which had the support of consumer groups, was adopted 79 to 13 over the objections of the administration of President George W. Bush and of major manufacturers. It will now be sent to a conference committee to be reconciled with a more modest measure endorsed by the White House and the manufacturers.

An administration statement issued before the Senate voted on the bill criticized it and embraced the House of Representatives version, saying it "takes positive steps toward further ensuring that Americans are protected from unsafe products." The consumer groups say the House measure, approved unanimously last December, is a concession to the manufacturing industry.

In recent weeks, the Senate bill was watered down to gain the support of a core group of Republicans, most notably the senior Republican on the commerce committee, Senator Ted Stevens of Alaska and Senator Susan Collins of Maine. The bill was sponsored by Senator Mark Pryor, Democrat of Arkansas, who said it was "more comprehensive and provides for greater transparency and enforcement" than the House bill. The Senate on Tuesday rejected the House bill by a vote of 57 to 39.

The Consumer Product Safety Commission has been hampered by the failure of the White House to fill a vacancy on the three-member commission, which has prevented the agency from issuing new rules or penalizing companies that violate the existing ones. The commission has a staff of about 400, roughly half its size in the 1980s. Fifteen inspectors monitor all imports of consumer products under the supervision of the agency, a marketplace that last year was valued at \$614 billion.

Both the House and Senate legislation would increase the budget and staffing of the Consumer Product Safety Commission and would grant it the authority to issue rules and penalize companies even though the agency lacks a quorum. Both measures would also significantly reduce the acceptable levels of lead in toys.

But the Senate measure goes farther. It would create a public database of complaints; it would permit the attorneys general to seek court injunctions if products endanger residents in their states and the U.S. government is not acting; and it would make mandatory many of the toy safety standards that are now voluntary and in so doing, require that toys are tested to comply with a comprehensive set of rules.

The Senate bill would also increase the possible maximum penalty for violations to \$20 million from the current \$1.25 million. And it would make it a crime for any company that sells a product that has been recalled.

During a week of debate, Republican critics led by Senator Jim DeMint of South Carolina attacked the legislation for being too onerous on businesses and creating "a playground for plaintiffs' attorneys." The Democratic and Republican supporters of the measure responded with a parade of stories and pictures of children who were killed or injured from a variety of defective products like cribs that collapsed, toys made with lead and small magnet toys that were swallowed.

The White House announced a lengthy list of objections to the Senate legislation. It criticized one provision that would give an enforcement role to state prosecutors and another that would extend whistle-blower protections to company employees who disclose safety violations. The administration also opposed provisions that would create a public database of consumer safety complaints, and that would require that the laboratories that test certain children's products for safety be independent and privately owned.

"These provisions threaten to burden American consumers and industry in unproductive ways, and may actually harm a well-functioning product safety system," the administration statement said. The statement did not mention a threat of veto.

The congressional action has been prompted by a spate of food and product recalls beginning last year that has highlighted the difficulties facing U.S. regulators.

"We've seen toy after toy recalled in this country - 29 million toys were recalled in 2007 alone," said Senator Amy Klobuchar, Democrat of Minnesota and the author of the provision in the bill that would sharply reduce lead levels in toys. "We've seen a record number of imports coming in from other countries that don't have the safety standards that we do."

"The current system has been broken by years of neglect, an agency that hasn't told the truth about the problems and an administration that has turned its back on the problems," Klobuchar said.

Echoing the sentiments of some manufacturers and the administration, DeMint unsuccessfully sought to derail the bill. He said that the whistle-blower protection provision "makes it legally impossible to fire disruptive employees" and that the public database would be used "to anonymously smear companies" by circulating "frivolous complaints filed by left-wing interest groups."

DeMint also said the provision providing new authority to state prosecutors "undermines a cooperative relationship between businesses and the Consumer Product Safety Commission."

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