

United States Senate

WASHINGTON, DC 20510

January 7, 2010

The Honorable Inez M. Tenenbaum
Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum:

In the lead up to your confirmation to be Chairman of the Consumer Product Safety Commission (CPSC), we had the opportunity to discuss your nomination, your background, and our concerns with the Consumer Product Safety Improvement Act (CPSIA). Specifically, we discussed concerns with flexibility in implementation of the CPSIA and the law's impact on small businesses. You pledged to report back to us on the CPSIA, including problems with implementation and your recommendations for resolving the many unintended consequences of the statute. Additionally, you made similar overtures during your nomination hearing before the Committee on Commerce, Science, and Transportation.

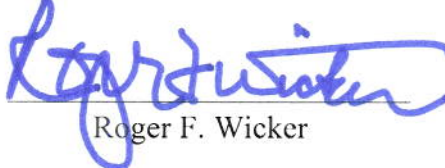
Since your confirmation, we have stood ready to provide the Commission with the needed flexibility under the CPSIA and resolve many of the law's unintended consequences. Unfortunately, more than six months have elapsed, and we have yet to receive any official communication from you addressing these outstanding issues.

As you know, Public Law 111-117 included report language requiring the Commission to "assess enforcement efforts of section 101(a), including difficulties encountered, as well as recommendations for improvement to the statute." We are hopeful that your report, which must be submitted to Congress no later than January 15, 2010, addresses all statutory issues, not just those limited to section 101(a), that you have identified through your implementation of the CPSIA, including those discussed in your nomination hearing and our prior meetings.

We all agree protection of our children is paramount. Congress can fix the CPSIA to ensure it accomplishes the safety intended without unnecessarily overburdening our economy. This can only be achieved with your assistance, the mandated detailed report to Congress, and increased transparency of your efforts to implement the law. We look forward to your report.

Sincerely,


Kay Bailey Hutchison


Roger F. Wicker