

Tenenbaum Sails Through Senate Confirmation as Chair of CPSC

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On Friday, the U.S. Senate unanimously confirmed Inez Tenenbaum as the new Chairman of the Consumer Product Safety Commission ("CPSC" or "Commission"). The vote came unusually quickly – only three days after her confirmation hearing before the Senate Commerce Committee on Tuesday.

Ms. Tenenbaum could be sworn into office as early as this week, bringing the Commission to three sitting Commissioners for the first time since July 2006, when then Chairman Hal Stratton resigned. Her arrival could eliminate some of the perceived gridlock in the Commission's implementation of the Consumer Product Safety Improvement Act ("CPSIA"). During her confirmation hearing, Ms. Tenenbaum stated that she will make implementation of the CPSIA her highest priority. For example, she repeatedly noted the importance of promptly issuing clear regulations and guidance for businesses to follow. She emphasized a "common sense" approach to implementation. Although Senate Commerce Committee ranking member Kay Bailey Hutchison (R-TX) and others have called for a review of the CPSIA to examine its unintended consequences, Ms. Tenenbaum stated that recommendations to Congress about revising the statute would be premature before a full Commission is in place.

During her confirmation hearing, Ms. Tenenbaum also made the following points:

- She intends "to ensure that the Commission is operated in an open, transparent, and collaborative way...."
- "Regular and timely public communication is critical to keeping the public informed about consumer product safety." To that end, she will ensure that implementation of the CPSIA-mandated incident database "is created in a timely fashion and is easily accessible by the public." She noted that the National Highway Traffic Safety Administration already has a similar model database.
- She will maintain open lines of communication with Congress, other federal agencies, foreign governments, and state agencies.
- Surveillance of imported products should increase, through efforts such as accreditation and continually monitoring third-party laboratories, monitoring the certification of imports, hiring more inspectors at the ports, and working with Customs on dangerous imports.
- She also plans to prioritize issues relating to Chinese imports, including meeting with relevant CPSC staff to identify a timeline for activities relating to Chinese drywall, a source of frustration for several of the Senators attending the hearing.

Our May 6, 2009, client advisory, [Increasing Numbers: President Obama Nominates CPSC Chairman and Commissioner and Proposes More Money for CPSC](#), provides additional information about Ms. Tenenbaum's background.

Kelley Drye & Warren LLP

Kelley Drye & Warren's [Consumer Product Safety practice group](#) is experienced in providing advice on the difficult issues of how and when potentially hazardous consumer products must be reported to the CPSC. If product recalls are necessary, we work with our clients and CPSC staff to quickly develop and implement cost-effective communications programs that satisfy product liability concerns and minimize potential penalties. When the CPSC threatens or brings enforcement actions, we advise our clients on appropriate strategies.

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