

Congress of the United States
Washington, DC 20515

December 1, 2011

The Honorable Jo Ann Emerson
Chairman
Committee on Appropriations
Subcommittee on Financial Services and General Government
B300 Rayburn House Office Building
Washington, D.C. 20515

The Honorable José Serrano
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services and General Government
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Emerson and Ranking Member Serrano:

As Members of Congress representing the people and businesses involved in the manufacturing and distribution of window coverings, we write today concerning language currently included in the Senate Financial Services and General Government Appropriations bill (S.1573). This language, inserted in Section 505 by Senator Richard Durbin (IL), uses the appropriations process to create a new and unnecessary legislative mandate that would require the Consumer Product Safety Commission (CPSC) to go outside of their normal rulemaking process, drafting duplicative and unreasonable regulations for products manufactured, sold, and used throughout the country. If adopted, this requirement will be significantly harmful to our constituents with interests in the window coverings business. We respectfully request that this language be thoroughly discussed and ultimately removed during conference negotiations.

The driving force behind the inclusion of this language seems to be a desire to eliminate “any and all risk” from the window coverings industry. However, the window coverings industry has changed its standards and designs many times over the last 15 years. Additionally, those businesses and individuals involved in the manufacturing and sales of window coverings have a lengthy history of creating safety standards through the American National Standards Institute (ANSI) process. This voluntary process has led to the creation of the safest, most technologically advanced window coverings in the world today.

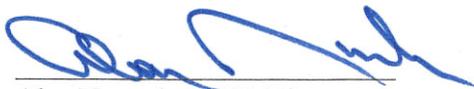
Currently, industry working in conjunction with the CPSC, is drafting a new standard and is designing new products that effectively manage and reduce risk through the ANSI process. If this provision is included in the final version of the FY 2012 Financial Services appropriations bill, it would mark the first time in the history of the Commission, that the CPSC would promulgate a mandatory rule under the Administrative Procedures Act (APA) without the consent of the regulated industry. Congress wrote the Consumer Product Safety Act (CPSA) with specific guidelines, including cost-benefit analysis and technical findings, that must be adhered to before a mandatory rule is promulgated. Under the proposed changes to APA, the Commission would not have to abide by any guidelines and would dictate to industry and consumers an unachievable standard.

We fully support the protection of consumers from unnecessary risks; however, it is unrealistic to eliminate all risk from any consumer product, which is the goal of the language in question. Today, in homes and office buildings across the U.S., there are more than two billion window covering products. These products exist because the corded operating system allows manufacturers the ability to create a product that meets the price point demands of consumers in the market. Unfortunately, the creation of a comprehensive new safety standard would not deliver any additional safety benefits. In fact the opposite would be true. Without price flexibility, consumers would be less likely to replace older window coverings with a new, more expensive product, meaning that products that do not meet current safety standards would remain in homes for a longer period of time. Further, a new mandatory standard would lead to the elimination of 80% of window coverings product lines and jeopardize thousands of jobs.

The language included by Senator Durbin is another example of the government unnecessarily interfering in the private sector. On behalf of workers and businesses, we ask for the removal of any language in the FY 2012 Financial Services appropriations bill that would create a mandatory standard for window coverings. Allowing industry and the CPSC to continue their work through the voluntary standards process offers industry the ability to be innovative and flexible; to manage risk, while still meeting the demands of the marketplace.

Thank you for your consideration, and hope that we can count on your support.

Sincerely,



Alan Nunnelee (MS-01)



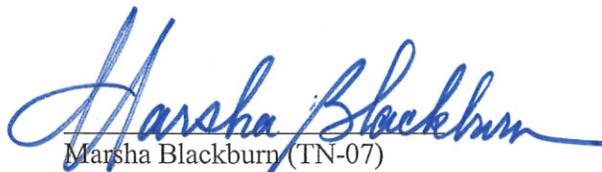
Rodney Alexander (LA-05)



Roscoe Bartlett (MD-06)



Rob Bishop (UT-01)

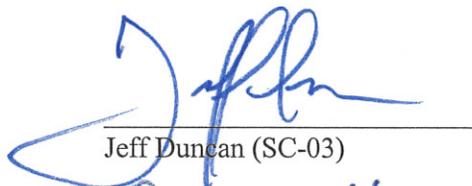

Marsha Blackburn (TN-07)


Paul Brown, M.D. (GA-10)

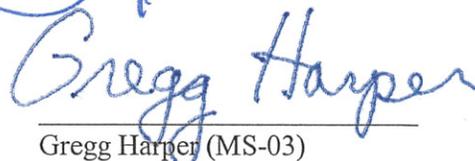

Corrine Brown (FL-03)

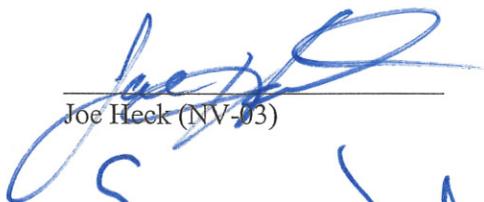

Jason Chaffetz (UT-03)


Howard Coble (NC-06)

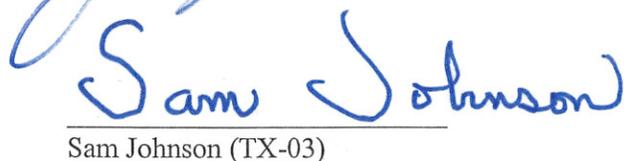

Jeff Duncan (SC-03)

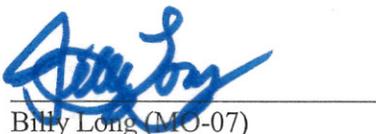

Tom Graves (GA-09)

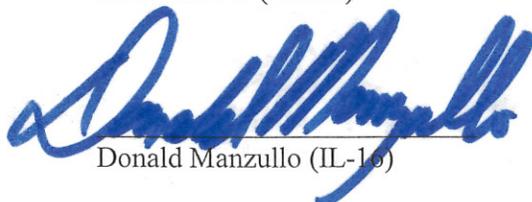

Gregg Harper (MS-03)


Joe Heck (NV-03)

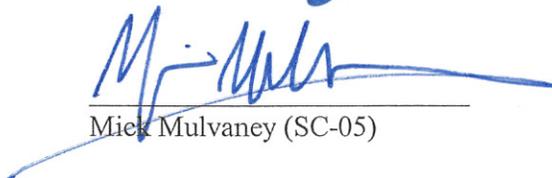

Lynn Jenkins (KS-02)

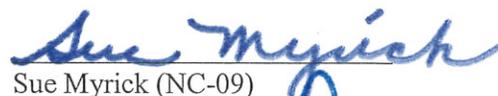

Sam Johnson (TX-03)


Billy Long (MO-07)

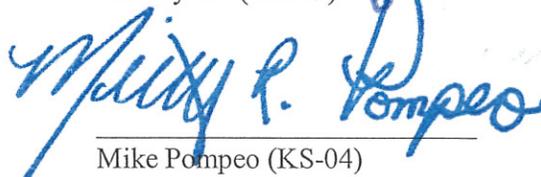

Donald Manzullo (IL-16)

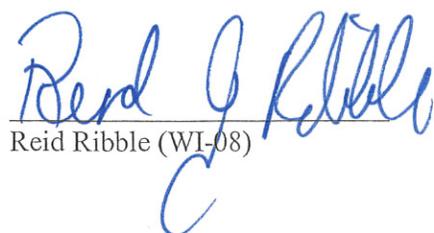

Jim Matheson (UT-02)

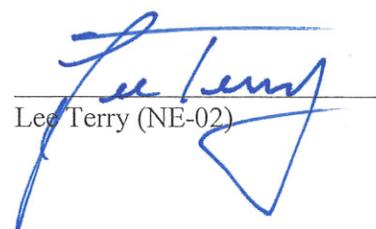

Mick Mulvaney (SC-05)


Sue Myrick (NC-09)


Steven Palazzo (MS-04)

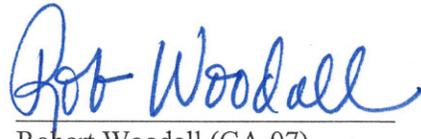

Mike Pompeo (KS-04)


Reid Ribble (WI-08)


Lee Terry (NE-02)



Scott DesJarlais, M.D. (TN-04)



Robert Woodall (GA-07)

cc: The Honorable Harold "Hal" Rogers
Chairman
House Appropriations Committee
H-307 Capitol Building
Washington, D.C. 20515

The Honorable Norm Dicks
Ranking Member
House Appropriations Committee
1016 Longworth House Office Building
Washington, D.C. 20515