

**WRITTEN REMARKS OF**

**HAROLD D. STRATTON, JR.**

**NOMINEE FOR CHAIRMAN AND COMMISSIONER OF THE  
CONSUMER PRODUCT SAFETY COMMISSION**

**UNITED STATES SENATE COMMITTEE ON  
COMMERCE, SCIENCE AND TRANSPORTATION**

**APRIL 25, 2002**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, IT IS AN HONOR TO APPEAR HERE BEFORE YOU TODAY AS THE PRESIDENT'S NOMINEE AS A MEMBER AND CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION (CPSC). I WELCOME THE OPPORTUNITY TO HAVE THIS DISCUSSION WITH THE COMMITTEE AND RESPOND TO YOUR QUESTIONS.

I AM JOINED HERE TODAY BY MY WIFE, THERESA RIVERA STRATTON, WHO I WOULD LIKE TO INTRODUCE AT THIS TIME. WE HAVE TWO YOUNG DAUGHTERS WHO ARE NOT WITH US TODAY. OUR OLDER DAUGHTER, ALEXANDRA, IS SEVEN AND IN THE FIRST GRADE. SHE IS IN SCHOOL TODAY IN ALBUQUERQUE. OUR YOUNGER DAUGHTER, CLAIRE, WHO IS 2 ½, IS WITH HERE GRANDMOTHER IN SANTA FE TODAY.

SO THAT YOU MIGHT KNOW ME A LITTLE BETTER, I WOULD LIKE TO TELL YOU A BIT ABOUT MYSELF.

I WAS BORN IN MUSKOGEE, OKLAHOMA AND REARED IN OKLAHOMA CITY. MY FATHER SERVED AS A B-17 PILOT IN THE ARMY AIR CORP IN WORLD WAR II AS A MEMBER OF THE 8<sup>TH</sup> AIR FORCE AND SUBSEQUENTLY PRACTICED LAW BACK IN OKLAHOMA FOR OVER 35 YEARS. MY MOTHER, SISTER AND HER FAMILY, CONTINUE TO LIVE IN TAHLEQUAH, OKLAHOMA, WHICH IS THE CAPITAL OF THE CHEROKEE NATION, OF WHICH MY DAUGHTER, ALEXANDRA AND I ARE ENROLLED MEMBERS.

I ATTENDED THE UNIVERSITY OF OKLAHOMA WHERE I RECEIVED A BACHELORS DEGREE IN GEOLOGY AND JURIS DOCTOR DEGREE IN LAW. SUBSEQUENT TO GRADUATING FROM LAW SCHOOL, I SERVED MY ARMY ROTC COMMITMENT ON ACTIVE DUTY IN THE UNITED STATES ARMY. THEREAFTER, IN EARLY 1977, I PERMANENTLY MOVED TO ALBUQUERQUE, NEW MEXICO TO BEGIN MY CAREER IN THE PRIVATE PRACTICE OF LAW AND LIVE IN THE VARIED AND DIVERSE CULTURE AND ENVIRONMENT THAT IS NEW MEXICO.

IN 1978, I WAS ELECTED TO THE NEW MEXICO HOUSE OF REPRESENTATIVES WHERE I SERVED FOUR TERMS. AMONG OTHER POSITIONS, I SERVED AS CHAIRMAN OF THE JUDICIARY COMMITTEE, VICE CHARIMAN OF THE ENERGY AND NATURAL RESOURCES COMMITTEE— AND, ONE TERM ON THE TRANSPORTATION COMMITTEE. I ALSO SERVED TERMS ON THE NEW MEXICO JUDICIAL COUNCIL AND THE COMMISSION ON UNIFORM STATE LAWS.

IN 1986, I WAS ELECTED TO THE OFFICE OF ATTORNEY GENERAL OF NEW MEXICO. THERE, IN ADDITION TO ACTING AS THE ATTORNEY FOR NEW MEXICO STATE GOVERNMENT, I OVERSAW THE STATE'S ONLY DEDICATED, CONSUMER PROTECTION AGENCY AND THE STATE'S LARGEST WHITE COLLAR CRIME PROSECUTION UNIT. WHILE SERVING AS ATTORNEY GENERAL, I PRESIDED OVER AND MANAGED NOT ONLY THE DAY-TO-DAY ACTIVITIES OF THE CONSUMER PROTECTION DIVISION, WHERE WE HANDLED BETWEEN ONE AND TWO HUNDRED CONSUMER

INQUIRIES A DAY, BUT ALSO OVERSAW A NUMBER OF SIGNIFICANT CONSUMER ACTIONS AND WHITE COLLAR CRIME PROSECUTIONS.

SINCE I WAS LIMITED TO SERVING ONE TERM AS ATTORNEY GENERAL BY THE NEW MEXICO CONSTITUTION, I REENTERED THE PRIVATE PRACTICE OF LAW IN ALBUQUERQUE IN 1991 WHERE I HAVE PRACTICED UNTIL THE PRESENT. SINCE THAT TIME, MY PRACTICE HAS CONSISTED PRIMARILY OF COMPLEX AND COMMERCIAL LITIGATION, ADMINISTRATIVE AND GOVERNMENTAL LAW AND, MORE RECENTLY, CONSULTING AND LOBBYING.

IN MY CAREER I HAVE BEEN HONORED TO ARGUE AND HANDLE CASES IN THE UNITED STATES SUPREME COURT, SEVERAL U.S. CIRCUIT COURTS OF APPEALS, NUMEROUS U.S. DISTRICT COURTS, THE NEW MEXICO AND OKLAHOMA SUPREME COURTS AND COURTS OF APPEALS AND MANY OTHER COURTS OF LESSER JURISDICTION.

I AM ADMITTED TO THE PRACTICE OF LAW IN NEW MEXICO, OKLAHOMA, COLORADO AND TEXAS AS WELL AS IN NUMEROUS OTHER FEDERAL JURISDICTIONS INCLUDING THE U.S. SUPREME COURT.

IN EACH OF THE CAPACITIES IN WHICH I HAVE SERVED, MY HIGHEST PRIORITY HAS BEEN TO WORK AND SERVE WITH HONESTY, INTEGRITY, IMPARTIALITY AND FAIRNESS, TOWARD MY STAFF AND EMPLOYEES, OTHER STATE EXECUTIVE AND LEGISLATIVE OFFICIALS, MY COLLEAGUES IN THE LEGAL COMMUNITY AND THE PEOPLE I HAVE SERVED AND REPRESENTED.

IT IS MY SINCERE COMMITMENT, SHOULD I BE CONFIRMED, TO CONTINUE THESE PRIORITIES AND TO SERVE ON THE CPSC WITH INTEGRITY, FAIRNESS, AND WITH INDEPENDENT, UNBIASED JUDGMENT AS CHAIRMAN OF THIS VERY IMPORTANT INDEPENDENT COMMISSION.

CONGRESS HAS PROVIDED THE COMMISSION WITH THE POWER TO UNDERTAKE ACTIONS, WHICH HAVE THE POTENTIAL TO AFFECT THE SAFETY OF EVERY CONSUMER IN AMERICA, AND PARTICULARLY THOSE CONSUMERS WHO ARE MOST VULNERABLE AND HARD TO REACH, SUCH AS THE ELDERLY AND OUR CHILDREN. THE COMMISSION'S JURISDICTION OVER SAFETY ASPECTS OF CONSUMER PRODUCTS IS BROAD AND FAR-REACHING. THE COMMISSION'S ACTIONS HAVE SAVED MANY LIVES AND PREVENTED MANY INJURIES, SUBSTANTIALLY IMPROVED THE SAFETY OF COUNTLESS CONSUMER PRODUCTS, AND HEIGHTENED THE PUBLIC'S AWARENESS AND KNOWLEDGE OF CONSUMER PRODUCT SAFETY.

MY TENURE IN BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF GOVERNMENT, I BELIEVE, PROVIDES A HELPFUL PERSPECTIVE FROM WHICH TO APPRECIATE THE IMPORTANCE OF EACH BRANCH OF GOVERNMENT'S UNIQUE RESPONSIBILITIES AND DUTIES. AS A RESULT, I UNDERSTAND THAT THIS COMMITTEE IS AN IMPORTANT STAKEHOLDER IN THE SUCCESS OF THE COMMISSION AND ITS MISSION TO PROTECT CONSUMERS. IF CONFIRMED, I WILL WELCOME A CONTINUING DIALOGUE WITH THIS COMMITTEE. SINCE THE COMMISSION'S CHAIRMAN IS RESPONSIBLE FOR ENFORCING THE LAWS AS PASSED BY THE CONGRESS,

FREQUENT DIALOGUE WITH THIS COMMITTEE WILL ENSURE THAT THE COMMISSION UNDERSTANDS THE COMMITTEE'S POSITIONS AND PROVIDES THE COMMITTEE WITH THE INFORMATION IT NEEDS TO EFFECTIVELY PERFORM ITS LEGISLATIVE RESPONSIBILITIES.

FINALLY, I WOULD NOT PURPORT TO BE AN EXPERT ON ALL ISSUES CURRENTLY PENDING BEFORE THE COMMISSION, NOR HAVE I FORMED ANY PRE-CONCEIVED POSITIONS ON ANY PENDING OR POTENTIAL MATTERS THERE. I WOULD LIKE, HOWEVER, TO SUGGEST TO THE COMMITTEE THREE GENERAL TOPICS, IN ADDITION TO THOSE THAT MAY CURRENTLY BE ON THE COMMISSION'S AGENDA, THAT I BELIEVE ARE IMPORTANT TO THE FUTURE SUCCESS OF THE COMMISSION'S MISSION.

FIRST, I WOULD LIKE TO EXPLORE WAYS IN WHICH THE COMMISSION COULD IMPROVE ITS PERFORMANCE AND INCREASE ITS EFFICIENCIES THROUGH VARIOUS METHODS INCLUDING IMPROVED INTER-AGENCY CONSULTATION AND INFORMATION SHARING. IT IS MY UNDERSTANDING THAT SEVERAL OTHER FEDERAL AGENCIES POSSESS DATA, INFORMATION AND EXPERTISE THAT COULD BE USEFUL TO THE COMMISSION'S MISSION. IMPROVED COORDINATION WITH SUCH AGENCIES COULD MAXIMIZE THE COMMISSION'S BUDGETARY AND RELATED RESOURCES.

SECOND, THE COMMISSION'S CONSUMER EDUCATION OUTREACH PROGRAMS AND CONSUMER NOTIFICATION PROCEDURES ARE CRITICAL TO PROTECTING CONSUMERS AND SHOULD BE STRENGTHENED AND

ENHANCED TO THE MAXIMUM EXTENT POSSIBLE. WHILE I REALIZE THAT THE COMMISSION CONTINUES TO STRIVE TO IMPROVE COMMUNICATION WITH CONSUMERS, I WOULD HOPE TO LEAD THE COMMISSION IN ENHANCING ITS EDUCATIONAL PROGRAMS AND COMMUNICATION WITH THE ALL OF THE NATION'S CONSUMERS.

I BELIEVE THIS EFFORT TO BE PARTICULARLY IMPORTANT IN RELATION TO OUR MOST VULNERABLE AND HARD TO REACH CONSUMERS. THIS INCLUDED SENIORS, PARENTS, CONSUMERS WHO ARE LESS FORTUNATE ECONOMICALLY AND THOSE OF OUR CITIZENS WHO DO NOT SPEAK ENGLISH AS THEIR FIRST LANGUAGE. COMING FROM NEW MEXICO WHERE HISPANICS CONSTITUTE 42% OF THE POPULATION AND NATIVE AMERICANS CONSTITUTE ABOUT 11% OF THE POPULATION, I APPRECIATE THE NECESSITY OF PROVIDING COMMISSION INFORMATION TO CONSUMERS IN A MULTI-LINGUAL FORMAT. I INTEND TO USE MY INVOLVEMENT AND RELATIONSHIP IN THE NATIVE AMERICAN COMMUNITY AND IN THE HISPANIC AND SPANISH SPEAKING COMMUNITY TO IMPROVE AND ENHANCE THE DISSEMINATION OF CONSUMER INFORMATION TO THIS SEGMENT OF OUR POPULATION.

THIRD, I BELIEVE IT WOULD BE USEFUL TO CONTINUE TO ENHANCE THE COMMISSION'S OVERSIGHT OF IMPORTED PRODUCTS. I KNOW THAT EFFORTS TOWARD THIS GOAL ARE WELL DOWN THE LINE BETWEEN THE COMMISSION AND THE U.S. CUSTOMS SERVICE. IN LIGHT OF THE INCREASING NUMBER OF CONSUMER PRODUCTS IMPORTED FROM

FOREIGN COUNTRIES, THE COMMISSION'S RESPONSIBILITY IN THIS AREA IS SUBSTANTIAL. WHILE WORKING WITH THE APPROPRIATE GOVERNMENT AGENCIES, INCLUDING CUSTOMS, I WOULD LIKE TO REVIEW THE EXISTING PROCEDURES AND, IF WARRANTED, ATTEMPT TO IMPROVE THE NATURE OF THE COMMISSION'S OVERSIGHT OF SUCH PRODUCTS.

MR. CHAIRMAN, SHOULD THE SENATE DECIDE TO CONFIRM ME FOR THIS VERY IMPORTANT POSITION, I LOOK FORWARD TO CARRYING OUT THE MISSION OF THE CPSC. I CAN ASSURE YOU, THAT WITH TWO YOUNG DAUGHTERS, I THINK OF CONSUMER PRODUCT SAFETY EVERY SINGLE DAY. I LOOK FORWARD TO BRINGING THIS INTEREST AND CONCERN TO THE CONSUMER PRODUCT SAFETY COMMISSION.

ONCE AGAIN, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM HONORED TO APPEAR BEFORE YOU TODAY AND AM PREPARED TO RESPOND TO YOU'RE YOUR QUESTIONS.