

Robert S. Adler
Committee on Commerce, Science and Transportation
United States Senate
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Good morning, Mr. Chairman, Ranking Member Hutchison, and members of the Senate Commerce, Science, and Transportation Committee.

I am extremely honored to have been nominated by President Obama to serve as a Commissioner at the U.S. Consumer Product Safety Commission (CPSC), an agency that I have been involved with in one way or another for the past 36 years. If confirmed, I look forward to working with newly-appointed Chairman Inez Tenenbaum and the other CPSC Commissioners to promote product safety for American consumers in a vigorous and responsible fashion.

I would like to introduce my wife, Terrie Gale, and my son, Paul Adler. Terrie has just stepped down after 17 years as the attorney for the police department in Chapel Hill, North Carolina. This January, Terrie and I will celebrate 35 years of marriage, and I thank her for her love, support and friendship over these years.

My son, Paul, is a third year graduate student on his way to a Ph.D. in Modern American History at Georgetown University. What amazes me about Paul is that, as a result of his studies, he knows more about the 1960's and 1970's than I do – and I lived through them.

Mr. Chairman and members of the Committee, as I reflect on my life and career, I like to think of it as one dedicated to public service – which I hope to continue at the CPSC. As a young lawyer some 40 years ago, I eagerly enlisted in the War on Poverty in a program run by the federal Office of Economic Opportunity as a Reginald Heber Smith Community Lawyer, or “Reggie” as we were called. In this capacity, I worked at a legal services program in Pittsburgh for several years specializing in consumer law reform litigation – which sparked a lifelong commitment to promoting and protecting consumer rights.

Following this job, I served as a Deputy Attorney General for the Pennsylvania Justice Department heading a regional office of consumer protection. At the Bureau of Consumer Protection, among other things, I fought to stop pyramid sales schemes, bad collection practices, odometer rollbacks, and other varieties of business fraud. Dealing with the victims of these abuses only heightened my commitment to safeguarding consumers in the marketplace.

During my years in Pittsburgh, I helped organize a local consumer group headed by a Professor of Electrical Engineering at Carnegie-Mellon University, David Pittle. One day out of the blue, David informed me that he was soon to be appointed as one of the five original Commissioners at the newly-established Consumer Product Safety Commission. To my delight, he invited me to join him as his attorney-adviser. Thus, began my 36-year association with the Consumer Product Safety Commission, an agency whose mission I strongly cherish and support.

I worked on Commissioner Pittle's staff for 9 years, and each year that passes confirms for me that David represents the very best of what a CPSC Commissioner should be. Given his deep

commitment to the consumer movement, David always fought to protect and promote consumer rights, but he relied on more than sympathy and good intentions. With a Ph.D. in electrical engineering and a solid foundation in science, David never fell for rhetorical or simplistic solutions. He always insisted on sound facts supported by technical excellence when he made decisions. Never once in the years I worked for him do I recall him casting a product safety vote in a partisan manner. Should I be confirmed, I hope to operate with the same dedicated, pragmatic, fact-based approach that he did.

After David's departure, I briefly worked for Sam Zagoria, a wonderful and witty CPSC Commissioner who left the agency when Ben Bradlee, the editor of the Washington Post, asked him to join the paper as its Ombudsman. This ended my years working at the CPSC, but did not end my involvement with the agency. Shortly after this, I joined the Subcommittee on Health and the Environment of the House Energy and Commerce Committee chaired by Congressman Henry Waxman, where one of my major assignments was oversight of the CPSC. I'm sure everyone here knows Congressman Waxman's many outstanding accomplishments as a legislator, but on a personal note I want to say that he is one of the finest, most decent and gracious bosses I've ever had.

After several years on the Health Subcommittee, I accepted an offer to join the faculty at the University of North Carolina at Chapel Hill as one of four law professors in the business school. After several years of late nights spent researching, writing and publishing, I received tenure, and I am today a full professor with the title of Luther Hodges, Jr., Scholar in Law & Ethics.

In my 20-plus years at Kenan-Flagler, as the business school is now known, I have served as Associate Dean heading its undergraduate program and later its MBA program. I have taught a variety of commercial law courses, the school's mandatory business ethics course, and, most recently, a course in negotiation. In addition, for several years, I taught a course in business-government relations.

One of the delights of being a professor for me has been the opportunity to reflect on my time at the CPSC and on the Hill working on product safety issues. I have written a number of articles on these topics, and I think my understanding of the issues has grown as a result of my academic research. My commitment to and support for the CPSC as a necessary part of protecting consumers in the market has certainly deepened over the years.

As I contemplate a return to the CPSC, I am well aware that the product safety challenges are not necessarily the same as when I left. To pick just one example, I note that imported products now present far more serious problems than in years past. In fact, as I understand it, roughly 85% of current CPSC recalls involve imported products.

Nor is the CPSC the same agency that I left. It's gone through some turbulent times and regrettably has emerged as a far smaller agency – though with the same large mandate. In 1981, for example, the CPSC had a staff of roughly 900 FTE's. And while I am extremely encouraged by the recent hiring of a number of talented new agency staff, I note that even with the infusion of new funding in the Consumer Product Safety Improvement Act (CPSIA), the agency's authorized staff level remains more than 40 percent below that of thirty years ago.

I would like to make one brief comment about the recently-enacted CPSIA. I believe that passage of this Act stands as a monumental achievement in promoting product safety, and I can see that the challenge of meeting the 40-plus deadlines in the Act has been and continues to be immense and daunting. That said, I know that the CPSC staff has already met numerous deadlines through their hard work, and I have little doubt that every staff member at the agency will work tirelessly to implement the many remaining requirements. If I am confirmed, I hope to be part of that massive effort.

I also look forward to working with all of you and your staffs if I am confirmed. From my perspective, the critical element is to maintain a clear, transparent line of communication between the agency and the Congress so that both sides are confident that American consumers' best interest is being served.

I thank you for considering my nomination to be a CPSC Commissioner, and, if confirmed, I pledge my strongest commitment to carrying out my responsibilities in this job. I am now delighted to answer your questions.