

Anti-Secrecy Legislation Would Untie Hands of Nation's Product Safety Regulators in the Wake of Warnings of Peloton's Hazards

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Washington, D.C.- Today, Senator Richard Blumenthal (CT), Representative Jan Schakowsky (IL), and Representative Bobby Rush (IL) [introduced](#) critically important product safety legislation, [the Sunshine in Product Safety Act](#), that would repeal Section 6(b) of the Consumer Product Safety Act, a provision of law that prevents the U.S. Consumer Product Safety Commission (CPSC) from quickly releasing critical safety information to the public.

Section 6(b) is a secrecy provision, unique to the CPSC, that restricts the agency's ability to release timely safety information to the public related to children's and other consumer products.

The legislation is being introduced in the wake of the CPSC's announcement that [advised](#) consumers to stop using the Peloton Tread+ in light of a death and injuries associated treadmill. The CPSC released a "unilateral" [press release](#) because it wanted to quickly get information about the child's death out to the public.

Under Section 6(b), the CPSC is required to give a company an opportunity to comment on a proposed disclosure of information that names a company—or even if the public can “readily ascertain” the product. If the company has concerns about the wording or the substance of the disclosure, it can object. The CPSC must accommodate the company's concerns or inform them that they plan to disclose the information over its objections. The company can then sue the Commission to stop it from disclosing the information. Thus, Section 6(b) creates a time-consuming process between CPSC and the affected company that often delays or stops the release of important consumer safety information. Since the procedures outlined in 6(b) pertain to any type of information disclosure, the agency must undergo the same process before releasing information through other mechanisms than a press release or safety advisory, such as through a Freedom of Information Act (FOIA) request.

Section 6(b) made [news](#) in 2019 when it was disclosed that the Fisher Price Rock 'n Play and infant inclined sleep products from other companies were linked to infant deaths and injuries, but the CPSC was slow to release helpful information about the product, which led to additional deaths. While the CPSC and companies quibbled about wording, consumers unknowingly continued to place their infants in an unsafe product.

Consumer advocacy groups have sought the repeal of Section 6(b) for years.

“We applaud that Senator Blumenthal, Representative Schakowsky, and Representative Rush are introducing this important legislation to unbind the hands of the CPSC so they can effectively warn consumers about hazards posed by products. For too long this provision has prevented the

CPSC from doing its job to protect consumers,” stated Rachel Weintraub, Legislative Director and General Counsel at Consumer Federation of America.

“It is time to repeal this gag order that keeps our government from sharing safety information with consumers,” stated Nancy Cowles, Executive Director of Kids In Danger. “Let’s untie the hands of this small safety agency so rather than spend time cajoling companies to do the right thing, they can do their job and protect children and other consumers from dangerous products. Thank you to Senator Blumenthal, Representative Schakowsky and Representative Rush for stepping up for transparency and consumers.”

“How many times are we willing to allow 6(b) to prevent consumers from understanding the true risk of a consumer product in their homes?” said Remington A. Gregg, Counsel for Civil Justice and Consumer Rights at Public Citizen. “Repealing 6(b) is a moral imperative and we look forward to working with Sen. Blumenthal and Reps. Schakowsky and Rush to get the job done.”

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