

Congress of the United States
Washington, DC 20515

October 1, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Obama,

The Consumer Product Safety Commission (CPSC), which is tasked with protecting the public from unreasonable risks of injury or death from tens of thousands of consumer products, is penalizing our nation's brightest innovators and job creators through excessive and selective enforcement. Since the CPSC began enforcing Consumer Product Safety Improvement Act of 2008 (CPSIA), at least 20 businesses have closed their doors, 56 have reported being negatively impacted, and 10 have stopped production on certain children's lines. While child safety is everyone's primary concern, the disproportionate cost placed on small businesses and manufacturers due to burdensome regulatory overreach has been well documented.

The Commerce, Manufacturing, and Trade subcommittee recently held an oversight hearing of the CPSC to review the implementation and effectiveness of CPSIA. At this hearing, we learned that for only the second time in 11 years, the CPSC filed an administrative complaint against an innovative and growing American small business, Maxfield and Oberton Holdings, LLC. This small, New York-based company, are the creators of the magnetic executive desk accessories marketed as Buckyballs and Buckycubes. Unfortunately, the CPSC's overreach and lack of flexibility has virtually eliminated these products and the jobs associated with their sales and distribution. We ask that your administration examine and review this extremely rare legal action by the CPSC and instead continue to work cooperatively to keep a successful small business from being closed.

Buckyballs and Buckycubes are an extremely popular product with nearly 2.5 million sets sold over the past 3 years. The CPSC is working, without consultation or input from the company, to eliminate this product by stopping the sale of their products by directly approaching its retail partners and requesting a recall. These are not children's products. Until November 2011, the CPSC and industry worked cooperatively to educate and inform consumers that Buckyballs and Buckycubes were intended for adult use only through the use of warning labels and safety messaging. Unfortunately, the CPSC has now decided to act unilaterally and force retailers to cease distribution.

Mr. President, we know that education is the most effective tool the government can use when protecting consumers. We ask the that the CPSC work with industry to ensure that parents are

aware of potential hazards and that small businesses are allowed to grow without threat of burdensome regulatory action.

Sincerely,



Marsha Blackburn
Member of Congress



Sue Myrick
Member of Congress



Alan Nunnelee
Member of Congress



Mike Pompeo
Member of Congress



Phil Roe
Member of Congress



Mike Rogers (AL)
Member of Congress



Mike Rogers (MI)
Member of Congress

Cc: The Honorable Inez Moore Tenenbaum, Chairman, Consumer Product Safety Commission
The Honorable Robert S. Adler, Commissioner, Consumer Product Safety Commission
The Honorable Nancy A. Nord, Commissioner, Consumer Product Safety Commission
The Honorable Anne Northup, Commissioner, Consumer Product Safety Commission