

S. HRG. 111-446

**NOMINATION OF INEZ M. TENENBAUM TO BE  
CHAIRMAN AND COMMISSIONER FOR THE  
CONSUMER PRODUCT SAFETY COMMISSION**

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**HEARING**

BEFORE THE

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

**ONE HUNDRED ELEVENTH CONGRESS**

FIRST SESSION

—————  
JUNE 16, 2009  
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Printed for the use of the Committee on Commerce, Science, and Transportation



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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**NOMINATION OF INEZ M. TENENBAUM TO BE  
CHAIRMAN AND COMMISSIONER FOR THE  
CONSUMER PRODUCT SAFETY COMMISSION**

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**TUESDAY, JUNE 16, 2009**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:36 a.m. in room SR-253, Russell Senate Office Building, Hon. Mark L. Pryor, presiding.

**OPENING STATEMENT OF HON. MARK L. PRYOR,  
U.S. SENATOR FROM ARIZONA**

Senator PRYOR. I'll go ahead and call us to order, here. I want to thank Ms. Tenenbaum for being here, and I also want to thank Senator Rockefeller for asking me to chair this today.

We are on a relatively tight timeframe because we have a vote scheduled on the Senate floor at 11:45 a.m., so what I'd propose, with my colleagues' indulgence, is that I'll do a very brief opening statement. Senator Hutchison is on her way, but she wanted me to go ahead and start. If she wants to do an opening statement, that'd be great, and then I'll introduce our introducers, and then we'll let the nominee speak. And then we'll try to keep our questions to 5 minutes, if at all possible, because we'll try to move through these.

We understand there are several Senators on the way, but they've encouraged me to get started, given our timeframe this morning.

I'm very delighted to have Ms. Tenenbaum here. She is a real breath of fresh air. I'm glad that the White House saw fit to nominate her. I knew that we were in pretty good shape when, the day she was announced, we had several consumer groups, as well as several business groups, come out in support of her. She also has the encouragement and support of her two home-State Senators, and we all know—on this Committee, we understand the trials and tribulations of the CPSC over the last few years. I think—just in layman's terms, what has happened is, the CPSC has had its budget cut, and its resources dwindled as its challenges have increased. And when we saw this huge influx of products that were manufactured overseas, most notably China, but from a lot of places overseas, the CPSC just, quite frankly, was not able to keep pace with that and was overwhelmed.

We've been working on this over the last couple years in this Committee. We were able to pass a bill last year. It passed overwhelmingly, went through both houses, and went through conference. Unfortunately, since that bill was passed, there has been a lot of controversy about the implementation of that. And so, most of that's been resolved at this point. There are still a few outstanding issues.

So, Ms. Tenenbaum, assuming that she is confirmed, which I don't think there's any question about that at this point, based on what I know, she will inherit a lot of things that she has to get in order, and things to fix, and we are very delighted that you're here.

So, until Senator Hutchison gets here, if I may, what I may do is introduce Senator Lindsey Graham of South Carolina for a statement.

Welcome to the Committee.

**STATEMENT OF HON. LINDSEY GRAHAM,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator GRAHAM. Well, thank you, Mr. Chairman, I'm honored to be here.

It's a big honor for all of the people in South Carolina to have Inez nominated for such an important job. And I call her "Inez" because everybody that knows her feels very comfortable with her as a person. She is an enormously talented person. I'd like to thank President Obama for nominating her.

As you indicated, this is an area where you can make news quickly. The Chairman of the Consumer Product Safety Commission really holds a public trust, and I can assure you that the American consumer and their families are going to be in good hands with Inez at the helm of this very important public-safety institution.

She has a background that is just, I think, perfect for the job. She was our Superintendent of Education from 1996—excuse me, from 1998 to 2007. We had the fastest advancement of any State in the Nation, in terms of national testing among our student population, and that was a real desire of hers, to make sure that our students improved. And they did. And at the end of her tenure, our State was recognized as having the most rigorous academic standards, assessment, and accountability system in the Nation. And I think that's important for this job.

You know, in education you can devise a test for the teachers, or for the students, and a lot of people, you know, make sure that everybody does well on the test. Inez took a different path. She produced, I think, the most challenging test in the Nation to evaluate our students, and the goal is to bring out the best in the students of South Carolina. And she's going to do the same thing here.

Rigor will be applied to the products coming online that will be put into the free market, and I just could not think of a better person with the executive experience. She has been a tireless advocate for children all of her life. She's an environmental lawyer. She has dealt with toxic-waste issues. She has, like I say, been around politics most of my life, and is the type of person that—Sam's life too—she's the type of person that everybody, whether you agree with

her or not, respects, and this is a job where the American consumer needs to understand that they have somebody on their side.

The only blemish on her record I can see is that she has a Bachelor of Science and a Master's from the University of Georgia. But——

[Laughter.]

Senator GRAHAM.—a Law Degree from South Carolina kind of neutralized that.

But, all joking aside, I remember what last year was like, what this Committee went through, and Inez Tenenbaum has the exact experience we need and, more than anything else, the heart for what we need here. She will look out for the American public, and she will give the American people the leadership they deserve. And this organization that protects us all will be in good hands. And I recommend her to this Committee.

And on behalf of all South Carolinians, thank you for holding this hearing so quickly. I look forward to having her confirmed soon.

Senator PRYOR. Thank you, Senator Graham.  
Senator DeMint?

**STATEMENT OF STATEMENT OF HON. JIM DEMINT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator DEMINT. Thank you, Mr. Chairman. And I, too, thank you for expediting this hearing.

My only reservation in endorsing Inez is that that endorsement might hurt her with this Committee, so I hope that——

[Laughter.]

Senator DEMINT.—I hope that you'll overlook that.

We are very proud that she is representing South Carolina. She has been an advocate for children. She has practiced environmental law, and public-interest law. She is a serious nominee for this position, who has dealt with all of the issues in a large, controversial, public agency in South Carolina, and did that with professionalism and style.

And, as some of you know, she and I were in a hard-fought race for the Senate in 2004, and I was very excited to hear about the nomination. And my support means that I hope she won't run against me again.

[Laughter.]

Senator DEMINT. But, we are delighted, and I know this Committee has had a chance to meet her. There's absolutely no reason that we can't move her through in a hurry, and put her at the helm of this agency, which as the Chairman has pointed out, has a lot of challenges. We have increased the budget significantly. There'll be a lot of people hired. And there's probably no one better qualified to manage all of this than Inez Tenenbaum.

So, I definitely support her, and look forward to her confirmation.

Senator PRYOR. Thank you, Senator DeMint. And we understand that, at some point, you may join us here on the Committee.

Senator DEMINT. Right.

Senator PRYOR. We'd love to have that.

Senator Graham, you're certainly welcome to stick around, but we understand you have a very heavy schedule.

Senator Hutchison has joined us.

Would you like to say anything before we turn it over to our one and only witness today?

Senator HUTCHISON. No, Mr. Chairman, I'd like to hear from her, and then I will incorporate my opening statement into my questions.

Thank you very much.

Senator PRYOR. Thank you.

Inez Tenenbaum, you come very highly recommended. We appreciate your interest in public service and your willingness to take on this agency and all its very, very important tasks and responsibilities. And we would be delighted to hear your opening statement.

**STATEMENT OF INEZ M. TENENBAUM  
CHAIRMAN/COMMISSIONER-DESIGNATE  
U.S. CONSUMER PRODUCT SAFETY COMMISSION**

Ms. TENENBAUM. Good morning, Mr. Chairman, Ranking Member Hutchison, and Members of the Senate Commerce, Science, and Transportation Committee.

First of all, I want to say thank you to my two Senators, Jim DeMint and Lindsey Graham. It's an honor to have both of the Senators from my State support me, and I appreciate so much your being willing to step forward and endorse me to this Committee.

And I'm honored by President Barack Obama's nomination of me to serve as the Chairman of the United States Consumer Product Safety Commission. I thank the President for this tremendous opportunity, and if confirmed by the Senate, I will do my utmost to ensure the safety and the well-being of America's children and families.

I want to introduce my husband, Samuel. He and I have just celebrated our 25th wedding anniversary. And I thank him for his support and his encouragement during this nomination process.

Both Samuel and I were raised in Georgia. He is from Savannah, and I am from a small town called Pineview. My mother, Bernice Rhodes Moore, was an elementary schoolteacher, and my father, William Robert Moore, had a career in the United States Navy.

Consistent with President Obama's approach to governance, if confirmed as Chairman, I will ensure that the Commission is operated in an open, transparent, and a collaborative way, and in a manner worthy of the American people. As the new Chairman, I will reassure America's families that their government can and will protect them from unknown and unforeseeable dangers in the products that they use. While emphasizing the lifesaving mission of the Commission, I will also ensure that industry knows that their views will be heard and seriously considered.

I want to assure you that if I'm confirmed as the Chairman of the Consumer Product Safety Commission, I will be a partner with all of you in protecting the lives and the health of the children in our country.

My life's mission has been enhancing the quality of life for children and families in South Carolina. This mission has remained constant, though I've worked in different venues and on many different issues affecting the safety, the health, and the well-being of the children in my state.

From 1999 to 2007, I served as South Carolina's State Superintendent of Education, and directed and managed a State agency of nearly 1,000 employees. The Department of Education was a partner with the State's 85 school districts in implementing legislation and policy that was passed by the South Carolina General Assembly. Prior to being elected State Superintendent of Education, I worked in various capacities: an advocate for children and families, a public schoolteacher, licensing Head Starts, research director of a legislative committee, and an attorney in a private practice.

As an attorney, I practiced in the area of health, environmental law, and public safety. During this time, I served as the Chairman of the Environmental and Natural Resources section of the South Carolina Bar.

Before going into private practice, I was the director of a committee of the South Carolina House of Representatives, and, interestingly enough, that committee reported out the first South Carolina Lead Poisoning Prevention and Control Act. The Committee also passed the Drug Product Selection Act, the Hazardous Waste Management Act, and had responsibility for issues relating to public health and safety.

I'm well aware that, if confirmed by the Senate, that I would assume the Chairmanship of an agency that is faced with many challenges. And I want to ensure you that I will work collaboratively with the other commissioners at the Commission, as well as with you, to ensure that the Consumer Product Safety Improvement Act of 2008 is implemented in a timely and effective manner.

Those conclude my remarks this morning, Mr. Chairman. If confirmed, I will work with you in a full partnership to implement the laws that you pass, and I thank you for your attention today and for your full and fair consideration of my nomination. I would be happy to answer any questions.

Thank you.

[The prepared statement and biographical information of Ms. Tenenbaum follows:]

PREPARED STATEMENT OF INEZ M. TENENBAUM, CHAIRMAN/COMMISSIONER-  
DESIGNATE, U.S. CONSUMER PRODUCT SAFETY COMMISSION

Good afternoon, Mr. Chairman, Ranking Member Hutchison, and Members of the Senate Commerce, Science, and Transportation Committee.

I am honored by President Barack Obama's nomination of me to serve as Chairman of the United States Consumer Product Safety Commission. I thank the President for this tremendous opportunity and, if confirmed by the Senate, I will do my utmost to ensure the safety and well being of America's children and families.

I want to introduce to you my husband, Samuel. He and I recently celebrated our twenty-fifth wedding anniversary, and I thank him for his support and encouragement during this nomination process.

Both Samuel and I were born and raised in Georgia—he in Savannah and I in a small, rural town called Pineview. My mother, Bernice Rhodes Moore, was an elementary school teacher and my father, William Robert Moore, had a career in the United States Navy.

Consistent with President Obama's approach to governance, if confirmed as Chairman, I will ensure that the Commission is operated in an open, transparent, and collaborative way and in a manner worthy of the American people. As the new Chairman, I will reassure America's families that their government can and will protect them from unknown or unforeseen dangers in the products they use. While emphasizing the life-saving mission of the Commission, I will also ensure that the industry knows that their views will be heard and considered.

I want to assure you that as Chairman of the Consumer Product Safety Commission, I will be a partner with all of you in protecting the lives and health of our citizens.

My life's mission has been enhancing the quality of life for children and families in South Carolina. This mission has remained constant although I have worked in different venues and on many issues affecting the safety, health, and well-being of the children and families of my state. Indeed, my public service will be the foundation for my work protecting and working for the American people—alongside all of you.

My first employment in South Carolina was with the State Department of Social Services, after I had taught elementary school for several years in my native state of Georgia. My responsibilities at the State Department of Social Services involved licensing Head Start and other federally-funded childcare centers to ensure that the facilities protected the health and safety of children. I also represented the State Department of Social Services before committees in the South Carolina General Assembly to advocate for the passage of new legislation to increase the health, safety, and fire standards for childcare facilities and family and group childcare homes.

I then worked as the Director of Research for the Medical, Military, Public and Municipal Affairs Committee of the South Carolina House of Representatives. This Committee was responsible for developing legislation and approving regulations relating to health, human services, the environment, children and youth services, mental health, mental retardation, adult and juvenile correctional facilities, local government, and the state's National Guard.

It was through my work for this Committee that I first became knowledgeable about consumer advocacy and safety. Examples of legislation and regulations that I reviewed for the Committee included the Lead Poisoning Prevention and Control Act, the Hazardous Waste Management Act, the Pollution Control Act, and the Drug Product Selection Act. Examples of regulatory issues reviewed annually by the Committee included controlled substances; food products; air, water, and soil pollution; asbestos; barrier free design; restaurant sanitation; and pyrotechnic safety.

During my tenure as Director of Research, I also served on numerous ad hoc committees to study issues for the General Assembly. I served on the state's first Hazardous Waste Advisory Committee to work out issues between the Department of Health and Environmental Control, advocates for the environment, and the business/industry community. This work led to the passage of South Carolina's first hazardous waste management regulations.

From 1986 to 1992, I practiced law with Sinkler & Boyd, P.A. and worked in the areas of health, environmental, and public interest law. During this time, I served as the Chair of the Environmental and Natural Resources Section of the South Carolina Bar Association. My work in the environmental area included the regulation of underground storage tanks, the cleanup of property contaminated by hazardous waste, and the potential environmental hazards associated with real estate loans.

From 1999 to 2007, I served as South Carolina's State Superintendent of Education and directed and managed a state agency of nearly 1,000 employees. The agency was responsible for administering Federal and state education programs; providing training and technical assistance to educators in the state's public schools; certifying teachers and other educators; approving architectural and construction plans for school buildings; operating a statewide school and transportation system; overseeing a statewide meals program; and leading initiatives to maintain safe and healthy schools.

I believe that my work as a child advocate, an educator, an environmental lawyer, and a public servant has prepared me well to chair the Consumer Product Safety Commission. And I am well aware that I would assume the Chairmanship of an agency that is faced with challenges.

Some of these challenges include implementing in a timely manner the Consumer Product Safety Improvement Act of 2008, ensuring the safety of the surge of imports from countries that do not adequately regulate the safety of their manufactured goods, and accrediting a worldwide network of third-party laboratories to certify the safety of consumer goods globally.

If confirmed, I will make the implementation of the Consumer Product Safety Improvement Act of 2008 my highest priority. I pledge to regularly inform this Committee and Congress about our progress, and to work with you in an effort to meet the statutory deadlines and avoid unnecessary delays.

Regular and timely public communication is critical to keeping the public informed about consumer product safety. The Act recognizes this by requiring the Commission to establish a publicly available, searchable, Internet-accessible Consumer Product Safety Database that will allow consumers the opportunity to pro-

vide the Commission with information on possible defective products. As I understand it, the National Highway Traffic Safety Administration already has a similar model database on automobile safety that is accessible through its website. If confirmed as Chairman of the Commission, I will oversee the implementation of this database to make certain that it is created in a timely fashion and is easily accessible by the public.

Accrediting a worldwide network of third-party laboratories responsible for certifying that a children's product complies with U.S. safety standards will increase the enforcement abilities of the Commission. When the CPSC began operations in 1973, most consumer products were manufactured in the United States. From 1997 to 2007, imports increased over 200 percent and currently two-thirds of all U.S. consumer product recalls are of imported products. The vast majority of the recalled imports are from China. Through accreditation and continually monitoring third-party laboratories, the CPSC can significantly increase surveillance of imported products.

In addition, through additional funding appropriated by Congress and the passage of the Consumer Product Safety Improvement Act, more resources are now available to monitor the certification of imports, hire more inspectors at the ports, and work collaboratively with the Customs Service on dangerous imports. I am also optimistic that the CPSC can increase the number of memorandum of agreements with countries that send imports to the United States and provide more training for domestic and foreign manufactures to guarantee compliance with the Commission's rules and regulations.

In closing, I want to assure you as Chairman of the Consumer Product Safety Commission, I will be a partner with all of you in protecting the lives and health of our citizens. I want to work with you to improve the operations of the Commission and to ensure that both our domestic and foreign manufacturers are fully informed on how to meet the requirements of the Consumer Product Safety Improvement Act and other statutes enforced by the Commission. If confirmed, I commit to you that under my leadership the Commission will operate in an open, fair, and evenhanded manner and will invite participation by the public, consumer advocacy organizations, and industry.

Thank you for your attention today, and for your full and fair consideration of my nomination. I would be happy to answer any questions.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
 Inez Moore Tenenbaum (1984–present).  
 Margaret Inez Moore (maiden) (1951–1971; 1975–1984).  
 Inez Moore Lindeman (former marriage 1971–75).
2. Position to which nominated: Chair, Consumer Product Safety Commission.
3. Date of Nomination: June 9, 2009.
4. Address (List current place of residence and office addresses):  
 Residence: Information not available to the public.  
 Office: McNair Law Firm, PA; 1301 Gervais Street; Columbia, SC 29201.
5. Date and Place of Birth: March 8, 1951; Hawkinsville, Georgia.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Samuel Jay Tenenbaum (spouse); retired from family steel business; no children or stepchildren.
7. List all college and graduate degrees. Provide year and school attended.  
 BS, University of Georgia (1972).  
 MEd, University of Georgia (1974).  
 JD, University of South Carolina (1986).
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
 Special counsel, McNair Law Firm, PA; Columbia, SC (7/2008–present).  
 Education consultant, MetaMetrics Inc., Durham, NC (7/2007–3/2009).

Education consultant, Southwest Educational Development Laboratory, Austin, TX (3/2008–5/2009).

Consultant, Columbia College, Columbia, SC (2/2007–11/2007).

*South Carolina State Superintendent of Education (1999–2007)*, Columbia, SC.

The State Superintendent of Education is a constitutional officer who is responsible for the daily operations of the State Department of Education and who serves as secretary to the State Board of Education. I directed and managed the State Department, which employed approximately 1,000 employees, administered annual Federal and state appropriations for education, and implemented Federal and state statutes and regulations pertaining to education. The agency also administers numerous statewide systems for the state's eighty-five school districts, including student transportation and food services, programs for safe and healthy schools, selection and distribution of textbooks and instructional materials, creation and establishment of academic standards, assessment of student achievement, educator certification and professional development, data collection and analysis, and education research.

President and Founder, SC Center for Family Policy, 911 Lady Street, Columbia, SC (1992–1993; 1994–1997).

*Attorney, Sinkler & Boyd, P.A. (1986–92)* Columbia, SC.

I practiced in the areas of environmental, health, and public interest law and served as Chair of the Environmental and Natural Resources Section of the South Carolina Bar.

Law Clerk, McNair Law Firm, (1/1984–8/1984).

*Director of Research and Administration for the Medical, Military, Public, and Municipal Affairs Committee; South Carolina House of Representatives (1977–83).*

I directed research and committee operations. The committee was responsible for issues relating to public health and safety, the environment, aging, human services, juvenile justice, child welfare, mental health, mental retardation, social services, adult correctional facilities, foster care, local government, and the state guard. I also served on several ad hoc committees during this time, including the committee that developed the state's first hazardous waste management and disposal regulations.

*Licensing Specialist, Office of Child Development, South Carolina Department of Social Services (1975–77); Columbia, SC.*

I licensed Head Start Centers and federally-funded child care centers and served as legislative liaison to the South Carolina General Assembly on legislation to improve conditions in child care centers and group/family child care homes.

First Grade Teacher, John Milledge Elementary School, Augusta, GA (1974–75).

Elementary School Teacher, Colbert Elementary School, Colbert, GA (1972–74).

9. Attach a copy of your resume. See Attachment A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Board member, International African American Museum, 75 Calhoun Street, Charleston, SC 29401 (2006 to May 2009) affiliated with the City of Charleston.  
Board of Trustees, University of South Carolina, Columbia, SC 29208 (1999–2007).

Board of Trustees, SC Educational Television Commission, 1001 George Rogers Boulevard, Columbia, SC 29211 (1999–2007).

Board of Trustees, The Citadel, 171 Moultrie Street, Charleston, SC 29409 (1999–2007).

Board member, South Carolina Governor's School for the Arts Foundation, (2007 to May 2009).

Advisory Board, Dalton and Linda Floyd Family Mentoring Program, Coastal Carolina University, Conway, SC (2008 to May 2009).

Leadership Council, Robert E. McNair Center, Francis Marion University, Florence, SC (2008 to May 2009).

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership,

or other business, enterprise, educational, or other institution within the last 5 years.

Education consultant, MetaMetrics Inc., Durham, NC (7/2007–3/2009).  
 Education consultant, Southwest Educational Development Laboratory, Austin, TX (3/2008–5/2009).  
 Consultant, Columbia College, Columbia, SC (2/2007–11/2007).  
 Advisory Board, Trust of James Brown, 212 Newberry Street, Aiken, SC 29801 (11/2007–5/2009).  
 Board member, Washington Street United Methodist Church Foundation, 1401 Washington Street, Columbia, SC 29201 (1/2007–5/2009).  
 Board member, State Chamber of Commerce, 1201 Main Street, Columbia, SC 29201 (1/2005–12/2006).  
 Board member, Capital City Club, 1201 Main Street, Columbia, SC 29201 (1/2001–12/2008).  
 Board member, Allen University, 1530 Harden Street, Columbia, SC 29204 (1/1996–1/2007).  
 Board member, International African American Museum, 75 Calhoun Street, Charleston, SC 29401 (3/2007–5/2009).  
 Board of Trustees, University of South Carolina, Columbia, SC 29208 (1/1999–1/2007).  
 Board of Trustees, SC Educational Television Commission, 1001 George Rogers Boulevard, Columbia, SC 29211 (1/1999–1/2007).  
 Board of Trustees, The Citadel, 171 Moultrie Street, Charleston, SC 29409 (1/1999–1/2007).  
 Board member, South Carolina Governor's School for the Arts Foundation, 700 E. North Street, Suite 11, Greenville, SC 29601 (1/2007–5/2009).  
 National Institute for Excellence in Teaching, 1250 Fourth Street, Santa Monica, CA (1/2007–5/2009).  
 Southern Regional Education Board, 592 10th Street NW, Atlanta, GA 30318 (2/1999–5/2009).  
 Advisory Board, Dalton and Linda Floyd Family Mentoring Program, Coastal Carolina University, Conway, SC (1/2008–5/2009).  
 Advisory Board for Columbia, South Carolina. Knight Foundation, 200 S. Biscayne Blvd., Miami, FL (1/2008–5/2009).  
 Leadership Council, Robert E. McNair Center, Francis Marion University, Florence, SC (6/2008–5/2009).  
 Cliff Ridge Colony Homeowners Association Activity Committee, 104 Cliff Ridge Drive, Cleveland, SC 29635 (5/2007–5/2009).  
 Cliff Ridge Colony Homeowners Association Architectural Review Committee, 104 Cliff Ridge Drive, Cleveland, SC 29635 (5/2008–5/2009).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Member, Capital City Club, 1201 Main Street, Columbia, SC 29201 (1988 to present).  
 Member, Summit Club, 1301 Gervais Street, 20th FL, Columbia, SC 29201 (1984 to present).  
 Member, the Council of Chief State School Officers, Washington, D.C. (1999–2007).  
 Member, South Carolina Bar Association, member since November 1986.  
 Member, United States District Court, District of South Carolina, member since January 1987.  
 Member, United States Court of Appeals for the Fourth Circuit, since January 1987.  
 Member, South Carolina Women Lawyers Association—joined in 1994.  
 Board member, Washington Street United Methodist Church Foundation, 1401 Washington Street, Columbia, SC 29201 (2007 to May 2009).

Member, Washington Street United Methodist Church, 1401 Washington Street, Columbia, SC 29201—joined 1976.

Life Member, Hadassah. (I have been a life time member for over 10 years, but cannot say with certainty the year that I joined.)

Life member, University of Georgia Alumni Association, 2007 to present.

Member, University of South Carolina Alumni Association, 1986 to present.

Member, South Carolina Association of School Administrators, (1999–2007).

Junior League of Columbia Community Advisory Board (2002–2004).

Member, South Carolina Democratic Party, 1976 to present.

The United Methodist Church generally expects members to accept the religious precepts of the church, but otherwise none of these organizations restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

1994—Candidate for SC Lt. Governor in Democratic Primary. No outstanding debt.

1998—Candidate for and elected to be SC State Superintendent of Education. No outstanding debt.

2002—Candidate for and elected to be SC State Superintendent of Education. No outstanding debt.

2004—Candidate for U.S. Senate. No outstanding debt.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

See Attachment B for a list of political contributions and services rendered to campaigns as a volunteer.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

#### *Honorary Degrees*

Doctor of Humane Letters, Lander University, 2007.

Doctor of Laws, South Carolina State University, 2005.

Doctor of Laws, Newberry College, 2004.

Doctor of Humanities, Francis Marion University, 2003.

Doctor of Humane Letters, Southern Wesleyan University, 2003.

Doctor of Humane Letters, Winthrop University, 2003.

Doctor of Education, The Citadel, 2002.

Doctor of Humanities, Furman University, 2002.

Doctor of Laws, Columbia College, 2001.

#### *Awards and Recognition*

Israel's Star of David Award, Israel Bonds, 2009.

Community Service Award, Cooperative Ministries, 2008.

Honorary Member, Order of the Coif, South Carolina University School of Law, 2008.

Woman of Achievement Award, South Carolina Commission on Women, 2007.

Order of the Palmetto presented by Governor Mark Sanford, 2006.

Richard Young Award for Education, Allen University, 2006.

J. Waites Waring Humanitarian Award, United Black Fund of the Midlands, 2005.

Distinguished Public Service Award, Delta Kappa Gamma Society International, Alpha Eta State, 2005.

Award of Achievement, Spartanburg Technical College, Women's History Month, 2005.

Program Partnership Award, South Carolina Vocational Rehabilitation Association, 2004.

Friend of Gifted Education, South Carolina Council of Gifted Education, 2003.

Distinguished Service Award, Greater Columbia Community Relations Council, 2002.

Citation for Vision and Commitment to Educational Excellence, South Carolina Governor's School for the Arts and Humanities, 2002.

Whitney M. Young Award, Boy Scouts of America, Indian Waters Council, 2001.

Distinguished Alumni Award, North Carolina Center for Creative Leadership, 2001.

Compleat Lawyer Award, University of South Carolina School of Law, 2000.

Partner in Progress Award, Southern Association of Colleges and Schools, 2000.

Friend of Reading, South Carolina Reading Recovery Association, 1999.

Woman of Distinction, Congaree Girl Scouts, 1999.

John Bolt Culbertson Civil Libertarian of the Year Award, American Civil Liberties Union, 1989.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

2008

Inez Tenenbaum, *Tunky Riley's Quiet Leadership*, THE STATE, March 15, 2008, at A11.

2007

Inez Tenenbaum and Barbara S. Neilson, *Presidential Candidates Must Address Education*, THE STATE, May 1, 2007, at A7.

Inez Tenenbaum, *A legacy of joy, honor, and accomplishment as your State Superintendent*. South Carolina Department of Education Website.

See <http://ed.sc.gov/agency/superintendent/former/inez/messages/index.html> for other messages from Inez Tenenbaum from 2005–2007.

2006

Inez Tenenbaum, *Dedication, Hard Work Needed to Continue School Improvements*, article sent to South Carolina newspapers, 2006.

Inez Tenenbaum, *Preparing Students to Compete in a Global Economy*, article sent to South Carolina newspapers, 2006.

Inez Tenenbaum, *Improving Graduation Rate a Top Priority*, article sent to South Carolina newspapers, 2006.

Inez Tenenbaum, *The State of Education: Commitment. We Must Keep Building on Our Successes*, SPARTANBURG HERALD-JOURNAL, April 9, 2006, at A13.

Inez Tenenbaum, *Diploma Deficiency: An Essential Priority: State is Committed to Strategies to Raise Graduation Rate*, SPARTANBURG HERALD-JOURNAL, August 13, 2006, at A13.

Inez Tenenbaum, *School Report Card Results Should be a Call to Action for South Carolina*, THE ROCK HILL HERALD, November 18, 2006, at 5A.

Inez Tenenbaum, *Many Things to Appreciate in House Budget*, S.C. Dept. of Education Website, Message from Inez Tenenbaum, March 30, 2006.

Inez Tenenbaum, *Education Oversight Committee Calls for Expanded 4K Programs*, S.C. Dept. of Education Website, Message from Inez Tenenbaum, March 17, 2006.

Inez Tenenbaum, *Year Ends With Accolades for Performance, Standards*, S.C. Dept. of Education Website, Message from Inez Tenenbaum, June 20, 2006.

Inez Tenenbaum, *The Challenge of Our High Standards*, THE STATE, November 19, 2006, at D3.

2005

Inez Tenenbaum, *Already Successful Palmetto Achievement Challenge Test (PACT)*, THE STATE, June 24, 2005 at A11.

Inez Tenenbaum, *South Carolina Leading the Nation in Education Improvements*, sent to South Carolina newspapers, 2005.

Inez Tenenbaum, *Defeat for Voucher Plan a Boost for Public Education*, sent to South Carolina newspapers, 2005.

Inez Tenenbaum, *Childhood Health and Academics Closely Aligned*, Palmetto Health publication, 2005.

Inez Tenenbaum, *Schools that Receive Public Funds Should be Accountable to the Public for Producing Results*, sent to South Carolina newspapers, 2005.

Inez Tenenbaum, *Making the PACT [Palmetto Achievement Challenge Test] System More Useful*, SC Department of Education Website, A Message to Educators from Inez Tenenbaum, May 26, 2005.

Inez Tenenbaum, *State of the Schools 2005—An Open Letter to the People of South Carolina*, June 2005.

Inez Tenenbaum, *Private School Vouchers Threaten South Carolina's Education Progress*, SC Dept. of Education Website, A Message to Educators from Inez Tenenbaum, March 9, 2005.

Inez Tenenbaum, *Misleading Tactics Employed by Tax Credit Advocates*, BLUFFTON TODAY, May 9, 2005, at 13.

Inez Tenenbaum, *"Bump in the Road" No Reason to Abandon Accountability*, sent to South Carolina Friends of Education, November 10, 2005.

Inez Tenenbaum, *SAT Scores Confirm: South Carolina Should Stay the Course in Education*, article sent to South Carolina newspapers, 2005.

Inez Tenenbaum, *Downplaying School Improvements Will Never Lead the Way to Success*, article sent to South Carolina newspapers, 2005.

#### 2004

Inez Tenenbaum, *Relief Tax Cuts for our Middle Class, Trade Are Key Elements*, SPARTANBURG HERALD-JOURNAL, October 10, 2004, at A13.

Inez Tenenbaum, *SAT Dip Can't Tarnish Improvement*, CAROLINA MORNING NEWS, September 2, 2004, at 2.

Inez Tenenbaum, *Middle Class Needs to be Protected*, THE STATE, August 22, 2004, at D3.

Inez Tenenbaum, *Washington Must Develop Some New Incentives to Create Jobs Here at Home*, SPARTANBURG HERALD-JOURNAL, May 30, 2004, at A13.

Inez Tenenbaum, *Discipline on Trade Needed to Protect South Carolina Jobs*, THE STATE, May 11, 2004, at A9.

Inez Tenenbaum, *Put American Jobs First*, CHARLOTTE OBSERVER, February 29, 2004, at 6Y.

Inez Tenenbaum, *Year of School Improvements Despite Drain on Resources*, CAROLINA MORNING NEWS, January 7, 2004, at 2.

Inez Tenenbaum, *South Carolina Tackles Truancy*, Carolina Youth Alliance publication, Spring/Summer 2004, at 4.

Inez Tenenbaum, *A Cleaner South Carolina Should Start in the Classroom*, sent to South Carolina newspapers, 2004.

#### 2003

Inez Tenenbaum, *3-Point SAT Dip Can't Tarnish 32-point Improvement by Students and Teachers*, article sent to South Carolina newspapers, 2003.

Inez Tenenbaum, *Wide Disparity in Results Shows Need for Uniform Standards*, CAROLINA MORNING NEWS, September 28, 2003 at 2.

Inez Tenenbaum, *Results Shows Needs for Uniform Standards*, THE STATE, September 27, 2003, at A11.

Inez Tenenbaum, *Editorial Misses the Mark on State Education System's Current Budget Crisis*, THE SPARTANBURG HERALD-JOURNAL, April 27, 2003, at A13.

Inez Tenenbaum, *Budget Cuts Put Improvements at Risk*, THE CAROLINA MORNING NEWS, February 23, 2003, at 2.

Inez Tenenbaum, *We Must Answer Our Challenges with Courage*, PALMETTO ADMINISTRATOR magazine, February 10, 2003.

Inez Tenenbaum, *National Test Scores Show Positive Trends for South Carolina Schools*, article sent to South Carolina newspapers, 2003.

#### 2002

Inez Tenenbaum, *Reflection on First Term as State Superintendent of Education*, PALMETTO ADMINISTRATOR magazine, August 5, 2002.

Inez Tenenbaum, *Service-Learning Teaches Academics While Strengthening Communities*, IN OUR SCHOOLS, a publication of the South Carolina Department of Education, Vol. 2, No. 2, 2002

Inez Tenenbaum, *Message to South Carolina Voyager Readers*, VOYAGER magazine, 2002.

Inez Tenenbaum, Article on South Carolina's educational initiatives for IMPACT, Junior League of Columbia, August 20, 2002.

Inez Tenenbaum, *Continuing Our Progress*, THE STATE, October 9, 2002, at A13.

Inez Tenenbaum, Article on South Carolina's school report cards, PALMETTO ADMINISTRATOR magazine, November 11, 2002.

Inez Tenenbaum, Article on Lander University's School of Education, President's Report, Lander University, November 2002.

Inez Tenenbaum, *Hard Work Pays Off on SAT*, CAROLINA MORNING NEWS, September 1, 2002, at 2.

Inez Tenenbaum, article on South Carolina's education progress, CAROLINA YOUTH ALLIANCE magazine, October 1, 2002.

Inez Tenenbaum, *Teacher Appreciation Day is Everyday*, article sent to South Carolina newspapers, 2002.

#### 2001

Inez Tenenbaum, *School Goals High, but Attainable*, THE STATE, December 21, 2001, at A13.

Inez Tenenbaum, *Workforce Readiness Crucial to a Dynamic South Carolina*, MAGAZINE FOR COMPETITIVE MANUFACTURES IN SOUTH CAROLINA, September 4, 2001.

Inez Tenenbaum, *Business Community's Involvement is Key to Accountability Success*, South Carolina Chamber of Commerce and High Performance Partnerships, 2001.

Inez Tenenbaum, *New School Year Brings Excitement, Challenges*, sent to South Carolina newspapers, 2001.

Inez Tenenbaum, *School Year Proves that South Carolina Education Can Improve*, THE STATE, June 3, 2001, at D3.

Inez Tenenbaum, *National Report Card Provides More Evidence that South Carolina is on the Right Path*, article sent to South Carolina newspapers, 2001.

Inez Tenenbaum, *Truancy is the First Sign of Trouble*, article sent to South Carolina newspapers, March 2001.

Inez Tenenbaum, *Involvement is the Key to Accountability Success*, IN OUR SCHOOLS, a publication by the S.C. Dept. of Education, Vol. 1, No. 1, 2001.

Inez Tenenbaum, *Teacher Pay, Buses, Truancy, and Technology Top the List of New Budget Priorities*, IN OUR SCHOOLS, a publication by the S.C. Dept. of Education, Vol. 1, No. 2, 2001.

Inez Tenenbaum, *Statewide Focus on School Improvement Produces a Year of Improving Test Scores*, IN OUR SCHOOLS, a publication by the S.C. Dept. of Education, Vol. 1, No. 3, 2001.

#### 2000

Inez Tenenbaum, *SAT Scores Represent Latest Good News About Schools*, CAROLINA MORNING NEWS, September 2, 2000, at 5.

Inez Tenenbaum, Article on Truancy for the South Carolina Center for Family Policy newsletter, October 2000.

Inez Tenenbaum, Article on the Takeover of Allendale County Schools, Allendale County Newspaper, 2000.

Inez Tenenbaum, *Attorney General Is Wrong about Sex Education Law*, sent to South Carolina newspapers, 2000.

Inez Tenenbaum, *Teacher Pay, Buses, Truancy, and Technology Top the List of New Budget Priorities*, article sent to South Carolina newspapers, 2000.

Inez Tenenbaum, *Education Reform Requires Comprehensive, Common-Sense Approach*, IN OUR SCHOOLS, a publication by the S.C. Depart. of Education, Vol. 1, No. 1, 2000.

#### 1999

Inez Tenenbaum, *Together, We Can Move Forward and Achieve Excellence*, article sent to South Carolina newspapers, 1999.

Inez Tenenbaum, untitled article on the essential factors necessary for education progress, 1999.

Inez Tenenbaum, *Foundation is in Place for Systemic, Measurable Change*. Article distributed by State Department of Education, 1999.

Inez Tenenbaum, *This School Year Crucial as We Move into New Century*, Article distributed by State Department of Education, 1999.

Inez Tenenbaum, untitled article on parental involvement distributed by the South Carolina Department of Education, 1999.

1997

Inez Tenenbaum, *Success by Six Chair Visits White House*, Success by Six, UNITED WAY OF THE MIDLANDS newsletter, March 1997.

Inez Tenenbaum, *Research Underlies Importance of Early Education for Children*, THE STATE, May 18, 1997.

1992

Inez Tenenbaum, *The Prochoice Perspective. In the Beginning: Ethical Issues Surrounding the Beginnings of Human Life*. Seminar for the Center for Ethical Development, Newberry College, 1992 at 75. Raymond M. Bost, editor.

Inez Tenenbaum, an article on the prochoice perspective, CANDLER HOSPITAL MAGAZINE, Savannah, Georgia, 1992.

1991

Inez Tenenbaum, *Lender Liability and the 'Is it Contaminated Property' Marketplace*, Seminar for the Natural Resources/Real Estate Practices Section at Mid-year Meeting of the South Carolina Bar, January 25, 1991, at 9.

1989

Inez Tenenbaum, *Current Legal Issues in Dealing with Problem Loans—Environmental Issues*, Sinkler & Boyd, P.A. seminar for the South Carolina Bankers Association, September 26, 1989, at 20.

Inez Tenenbaum, *Poll Reveals Voters Attitudes on the Abortion Issue*, THE STATE, December 15, 1989, at 23A.

1985

Inez Tenenbaum, *Majority May Freeze Out Minority Shareholders Provided Compensation is Adequate*, Annual Survey of S.C. Law, S.C. LAW REVIEW, Vol. 37, Autumn 1985, at 28.

Inez Tenenbaum, *Use of General Obligation Bonds for Industrial Development is Unconstitutional*, Annual Survey of S.C. Law, S.C. LAW REVIEW, Vol. 37, Autumn 1985, at 47.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony: None.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have been an advocate for children and families throughout my career as a public school teacher, state licensing agent for Federal child care facilities, research director of a legislative committee, attorney, and state superintendent of education. As Director of Research for the Medical, Military, Public, and Municipal Affairs Committee of the South Carolina House of Representatives, I was involved in the passage of statutes and regulations relating to public health and safety. Examples of these issues are the South Carolina Lead Poisoning Prevention and Control Act, the Drug Product Selection Act, and the Hazardous Waste Management Act. The Committee had the responsibility for approving regulations promulgated by state agencies such as the Department of Health and Environmental Control, the Board of Pharmaceutical Examiners, and the State Fire Marshall's office. Examples of regulatory topics reviewed annually by the Committee included controlled substances; milk and other food products; air, water, and soil pollution; asbestos; barrier free design; and pyrotechnic safety.

I have also directed and managed a large agency that has responsibility for distributing state and Federal funds to 85 school districts. In virtually all of my positions in both the public and private sectors, I have been responsible for developing and enforcing legislation, regulations, and policy relating to public health, the environment, and the safety of children and the general public. I have experience in administrative proceedings, regulatory compliance, advocacy, and developing policy in the areas of public health, safety, education, and food safety.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed, I will consider it a top priority to ensure that the Consumer Product Safety Commission has proper management and accounting controls. My experience managing a state education agency that employed approximately 1,000 employees and that had the responsibility for administering state and Federal education programs and appropriations, certifying educators, operating the state's student school transportation system, overseeing the school meals programs, reviewing and inspecting school construction plans, and coordinating initiatives for safe and healthy schools has prepared me to manage the Commission. Over the course of my career as a practicing attorney, staff to a state legislative committee, and state superintendent of education, I have significant experience with the administrative procedures, due process, and regulatory compliance issues in both the private and public sectors.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The surge of imports of consumer goods from countries that do not adequately regulate the safety of their manufactured goods, which puts Americans at risk. The sheer volume of imports poses a challenge to the inspection capacity of the Consumer Product Safety Commission.

The lack of resources to hire inspectors, laboratory staff, and expand the size of the laboratory/products safety testing facilities. This has been a challenge for the Commission as it carries out its mandate to protect consumers. The recent increase in financial resources for the CPSC that was supported by President Obama and Congress will help to ameliorate these challenges.

Effectively implementing the extensive requirements of the Consumer Product Safety Improvement Act of 2008. If confirmed, I will look forward to working with Congress, the consumer advocacy groups, and the business community on this effort.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

The South Carolina State Retirement System will pay \$1,123.33 per month to me when I reach 65 years of age. I also hold a 401K account with the McNair Law firm, which I will be rolling over to a private account if confirmed.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Commission's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Commission's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

I served as a national surrogate speaker for the Obama Presidential Campaign in 2007 and 2008 and was a member of the Campaign's Education Policy Advisory Committee and the South Carolina Obama Steering Committee. In these roles I was involved in speaking for the campaign on issues and working to develop the educational policy for the Obama Campaign.

As South Carolina's State Superintendent of Education for two terms (1999–2007), I testified annually on the state's education budget to education subcommittees in both the South Carolina House of Representatives and the South Carolina Senate. If requested by the Committee, I appeared before the House or Senate education committees on particular legislation.

As State Superintendent, I served as secretary to the State Board of Education, and worked with the Board on the passage of regulations affecting public education.

6. Explain how you will resolve any potential conflicts of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Commission's designated agency ethics official and that has been provided to this Committee.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

I was the subject of an ethics complaint to the South Carolina Ethics Commission in late 2006 filed by Richard Beltram. It involved the Jim Rex for State Superintendent of Education campaign and alleged improper use of state employees' e-mail addresses for solicitation of campaign contributions. The complaint was dismissed for lack of probable cause.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

As State Superintendent of Education, I have been named as a defendant in several lawsuits:

*Wall v. SC Board of Education*; Civil CA No. 2008–CP–07–2631; Beaufort County Court of Common Pleas. I was named individually and in my official capacity as former State Superintendent of Education. Case is pending.

*Jane Doe v. SC Department of Education*; Civil CA No. 2007–CP–07–632; Jasper County Court of Common Pleas. I was named individually and in my official capacity as State Superintendent of Education. Case is pending.

*Jane Doe v. SC Department of Education*; Civil CA No. 2007–CP–07–3125; Beaufort County Court of Common Pleas. I was named as a defendant individually and in my official capacity as former State Superintendent of Education. Case is pending.

*Sloan v. Tenenbaum*; SC Supreme Court Memorandum 2008–MO–003. (Heard 12/2007 and when opinion was published the caption was amended to *Sloan v. Rex*, who is the current State Superintendent of Education). Lower court ruled in favor of State Department of Education and South Carolina Supreme Court affirmed.

*Abbeville v. State of South Carolina*, 353 SC 58, 515 S.E.2d 535; The State Department of Education, the State Board of Education, and the State Superintendent of Education were dismissed as parties to the suit.

*Appointed Guardian Ad Litem*

*Alexander v. McLawhorn*, Civil Action No. 3:90–3062–17. I was appointed guardian ad litem for the juveniles incarcerated at the South Carolina Department of Juvenile Justice by Federal District Judge Joseph Anderson in this

class action suit. Case was resolved and dismissed on 12/11/2003. I resigned as guardian in 1993.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

#### ATTACHMENT A

##### RESUME OF INEZ MOORE TENENBAUM

#### Education

1972: BS, University of Georgia; Athens, Georgia.

1974: MEd, University of Georgia; Athens, Georgia.

1986: JD, University of South Carolina School of Law; Columbia, South Carolina; Associate Editor-in-Chief, *South Carolina Law Review*.

#### Employment

2008 to present: Special Counsel, McNair Law Firm, PA.

Joined McNair Law Firm as special counsel in the area of public school finance.

2007–2009: Education consultant.

Provide consultation to the Southwest Educational Development Laboratory (SEDL) and the Southeast Comprehensive Center to build the capacity of state departments of education, school districts and schools in meeting the goals of No Child Left Behind.

Provide consultation to MetaMetrics, Inc., a North Carolina corporation, developer of the Lexile Framework for Reading.

1999–2007: South Carolina State Superintendent of Education.

Elected in 1998 and 2002. The State Superintendent of Education is a constitutional officer who is responsible for the daily operations of the State Department of Education and who serves as secretary to the State Board of Education. The State Department administers annual Federal and state appropriations for education and implements Federal and state statutes and regulations pertaining to education. The agency also administers numerous statewide systems for the eighty-five school districts, including student transportation and food services, programs for safe and healthy schools, selection and distribution of textbooks and instructional materials, creation and establishment of academic standards, assessment of student achievement, educator certification and professional development, data collection and analysis, and education research.

1992–97: Founder and President; South Carolina Center for Family Policy.

Created center to restructure the state's juvenile justice system, to create community programs designed to prevent juvenile delinquency and to reduce the number of incarcerated youth in state's institutions.

1986–92: Attorney; Sinkler & Boyd, PA.

Practiced in the areas of environment, health, and public interest law; appointed by Federal judge Joseph F. Anderson, Jr. as guardian of more than 600 juveniles incarcerated in the state's juvenile facilities in a class action suit based on unconstitutional conditions of confinement at the facilities.

1977–83: Director of Research and Administration; Medical, Military, Public and Municipal Affairs Committee; South Carolina House of Representatives.

Carried out Committee's responsibility for all legislation relating to health, human services, adult and juvenile corrections, state military affairs, local and county government, environment, and aging.

1975–77: Licensing Specialist, Office of Child Development; South Carolina Department of Social Services.

Carried out process for licensing of Head Start centers and Federal child care centers; served as legislative liaison to the South Carolina General Assembly on legislation to license child care centers.

1974–75: Faculty Member, John Milledge Elementary School; Augusta, GA.

Taught first grade.

1972–74: Faculty Member, Colbert Elementary School; Colbert, GA.

Taught second and fourth grades.

#### **Board and Commission Memberships**

Chairman, Midlands Go Red Event, American Heart Association, 2008.

Board of Directors, South Carolina Governor's School for Arts and Humanities Foundation, 2007 to present.

National Advisory Board, Milken Family Foundation's National Institute for Excellence in Teaching, 2007 to present.

Board, Southern Regional Education Board, 1999 to present.

South Carolina International African-American Museum, 2006 to present.

Board of Directors, Washington Street United Methodist Church Foundation, 2007 to present.

Community Advisory Board of Columbia, South Carolina, for the Knight Foundation, 2007 to present.

Dalton and Linda Floyd Family Mentoring Program, Coastal Carolina University (2008–09).

Leadership Council, Robert E. McNair Center, Francis Marion University (2008–09).

Board of Directors, State Chamber of Commerce, 2005–06.

Board of Trustees, University of South Carolina, 1999–2007.

South Carolina Educational Television Commission, 1999–2007.

Board of Visitors, Citadel, 1999–2004.

Founding member, Women in Philanthropy, 2002 to present.

Junior League of Columbia Community Advisory Board (2002–04).

Chairman, United Way of the Midlands Success by Six, 1996.

Board of Directors, United Way of the Midlands, 1996–98.

Board of Trustees, Allen University, 1996–2007.

Board of Directors, Common Cause, 1996–97.

Board, Governor's Juvenile Justice Task Force, 1995–97.

Board of Directors, South Carolina Family Connections, 1995–97.

Board of Directors, McKissick Museum, 1992–94.

Board, University of South Carolina Law School Partnership, 1990–92.

Board of Directors, Nurturing Center, 1990–93.

Board of Directors, Martin Luther King Monument Foundation, 1995.

Chairman, Environment and Natural Resources Section of South Carolina Bar Association, 1990–91.

Participant, Leadership South Carolina, 1982–83.

Board of Directors, International Year of the Child, 1980.

Board of Directors, South Carolina Cystic Fibrosis Foundation, 1978.

**Honorary Degrees**

Doctor of Humane Letters, Lander University, 2007.  
 Doctor of Laws, South Carolina State University, 2005.  
 Doctor of Laws, Newberry College, 2004.  
 Doctor of Humanities, Francis Marion University, 2003.  
 Doctor of Humane Letters, Southern Wesleyan University, 2003.  
 Doctor of Humane Letters, Winthrop University, 2003.  
 Doctor of Education, The Citadel, 2002.  
 Doctor of Humanities, Furman University, 2002.  
 Doctor of Laws, Columbia College, 2001.

**Awards and Recognition**

Israel's Star of David Award, Israel Bonds, 2009.  
 Community Service Award, Cooperative Ministries, 2008.  
 Honorary Member, Order of the Coif, South Carolina University of South School of Law, 2008.  
 Woman of Achievement, South Carolina Commission on Women, 2007.  
 Order of the Palmetto presented by Governor Mark Sanford, 2006.  
 Richard Young Award for Education, Allen University, 2006.  
 J. Waites Waring Humanitarian Award, United Black Fund of the Midlands, 2005.  
 Distinguished Public Service Award, Delta Kappa Gamma Society International, Alpha Eta State, 2005.  
 Award of Achievement, Spartanburg Technical College, Women's History Month, 2005.  
 Program Partnership Award, South Carolina Vocational Rehabilitation Association, 2004.  
 Friend of Gifted Education, South Carolina Council of Gifted Education, 2003.  
 Distinguished Service Award, Greater Columbia Community Relations Council, 2002.  
 Citation for Vision and Commitment to Educational Excellence, South Carolina Governor's School for the Arts and Humanities, 2002.  
 Whitney M. Young Award, Boy Scouts of America, Indian Waters Council, 2001.  
 Distinguished Alumni Award, Center for Creative Leadership, Greensboro, North Carolina, 2001.  
 Compleat Lawyer Award, University of South Carolina School of Law, 2000.  
 Partner in Progress Award, Southern Association of Colleges and Schools, 2000.  
 Friend of Reading, South Carolina Reading Recovery Association, 1999.  
 Woman of Distinction, Congaree Girl Scouts, 1999.  
 John Bolt Culbertson Civil Libertarian of the Year Award, South Carolina American Civil Liberties Union.  
 Member, State Commission on International Year of the Child, 1979.

**Personal**

Born: March 8, 1951; Hawkinsville, GA.  
 Married: Samuel Jay Tenenbaum; June 3, 1984.

## ATTACHMENT B

## Inez Tenenbaum

Year	Candidate or Political Organization	Contributor	Amount	Service to Campaign
1999	Anne Frances Bleecker for County Council	Inez Tenenbaum	\$1,000	
1999	David Eckstrom for State Superintendent of Education Retirement of Debt	Samuel Tenenbaum	\$3,500	
1999	Andy Brack for Congress	Inez Tenenbaum	\$300	
1999	Andy Brack for Congress	Samuel Tenenbaum	\$1,000	
1999	Bill Bradley for President	Samuel Tenenbaum	\$1,000	
1999	Carol Moseley Braun for U.S. Senate	Samuel Tenenbaum	\$1,000	
1999	Jim Bryan for State Senate	Inez Tenenbaum	\$1,000	
1999	Friends of Jim Clyburn Committee	Inez Tenenbaum	\$1,000	
1999	Jane Frederick for Congress	Samuel Tenenbaum	\$1,000	
1999	Jane Frederick for Congress	Inez Tenenbaum	\$100	
1999	Jane Frederick for Congress	Inez Tenenbaum	\$250	
1999	Gore 2000	Samuel Tenenbaum	\$250	
1999	Gore 2000	Samuel Tenenbaum	\$750	
1999	Gore 2000	Inez Tenenbaum	\$1,000	I served on the SC Steering Committee for Gore 2000.
1999	Gore 2000	Samuel Tenenbaum	\$750	
1999	Nancy Keenan for Congress	Inez Tenenbaum	\$500	
1999	Bob Kerrey for U.S. Senate	Samuel Tenenbaum	\$1,000	
1999	Reelect John Land to SC Senate	Samuel Tenenbaum	\$1,000	
1999	SC Legislative Black Caucus	Inez Tenenbaum	\$1,000	
1999	Lourie for SC Senate	Samuel Tenenbaum	\$1,000	
1999	Mezvinsky for U.S. Senate	Samuel Tenenbaum	\$1,000	
1999	Bill Nelson for U.S. Senate	Samuel Tenenbaum	\$1,000	
1999	Pope for SC Senate	Samuel Tenenbaum	\$1,000	
1999	Pope for SC Senate	Inez Tenenbaum	\$600	
1999	Joe Riley for Mayor	Samuel Tenenbaum	\$500	
1999	Robb for U.S. Senate	Samuel Tenenbaum	\$500	
1999	Saleeby for SC Senate	Inez Tenenbaum	\$1,000	
1999	Setzler for SC Senate	Samuel Tenenbaum	\$1,000	
1999	James Smith for SC House	Samuel Tenenbaum	\$500	
1999	Washington Political Action Committee	Samuel Tenenbaum	\$1,000	
1999	DCCC	Samuel Tenenbaum	\$1,000	
1999	SC Democratic Caucus	Samuel Tenenbaum	\$1,000	
1999	SC Democratic Party	Inez Tenenbaum	\$2,500	
1999	SC Democratic Leadership Council	Samuel Tenenbaum	\$500	
1999	BackPac (Senator Bob Kerry)	Samuel Tenenbaum	\$5,000	
1999	John McCain for President 2000	Samuel Tenenbaum	\$1,000	
1999	Stabenow for U.S. Senate	Samuel Tenenbaum	\$250	
2000	Carper for U.S. Senate	Inez Tenenbaum	\$1,000	
2000	Andy Brack for Congress	Samuel Tenenbaum	\$1,000	
2000	Braun for U.S. Senate	Samuel Tenenbaum	\$1,000	
2000	Brightharp for Congress	Samuel Tenenbaum	\$500	
2000	Bryan for SC Senate	Inez Tenenbaum	\$500	
2000	Citizens for a Competitive America (Sen. Hollings)	Samuel Tenenbaum	\$1,000	
2000	Trish Caulder for SC House	Inez Tenenbaum	\$250	
2000	Trish Caulder for SC House	Inez Tenenbaum	\$250	
2000	John Drummond for SC Senate	Inez Tenenbaum	\$1,000	
2000	John Drummond for SC Senate	Samuel Tenenbaum	\$1,000	
2000	Jane Frederick for Congress	Inez Tenenbaum	\$750	
2000	Martin Frost for Congress	Samuel Tenenbaum	\$1,000	
2000	David Haller for SC House	Inez Tenenbaum	\$500	
2000	David Haller for SC House	Inez Tenenbaum	\$500	
2000	John Land for SC Senate	Inez Tenenbaum	\$1,000	
2000	Friends of Dick Lugar for Senate	Samuel Tenenbaum	\$500	
2000	Lawrence for SC House	Samuel Tenenbaum	\$500	
2000	Mizell for SC Senate	Samuel Tenenbaum	\$1,000	
2000	Kay Patterson for SC Senate	Inez Tenenbaum	\$500	
2000	Spratt for Congress	Samuel Tenenbaum	\$1,000	
2000	Brian Schweitzer for U.S. Senate	Samuel Tenenbaum	\$1,000	
2000	Brian Schweitzer for U.S. Senate	Samuel Tenenbaum	\$1,000	
2000	Bernice Scott for County Council	Inez Tenenbaum	\$1,000	
2000	Bernice Scott for County Council	Inez Tenenbaum	\$500	
2000	Verne Smith for SC Senate	Inez Tenenbaum	\$500	
2000	Stabenow for U.S. Senate	Samuel Tenenbaum	\$500	
2000	Stabenow for U.S. Senate	Samuel Tenenbaum	\$100	

## Inez Tenenbaum—Continued

Year	Candidate or Political Organization	Contributor	Amount	Service to Campaign
2000	SC Black Caucus	Inez Tenenbaum	\$1,000	
2000	DCCC non-federal account	Samuel Tenenbaum	\$5,000	
2000	Democratic National Committee	Samuel Tenenbaum	\$5,000	
2000	Nancy Keegan for Congress	Inez Tenenbaum	\$250	
2000	Washington Political Action Committee	Samuel Tenenbaum	\$1,000	
2001	Steve Benjamin for Attorney General	Inez Tenenbaum	\$1,000	
2001	Steve Benjamin for Attorney General	Inez Tenenbaum	\$250	
2001	Bob Coble for Mayor	Samuel Tenenbaum	\$500	
2001	Vince Ford for School Board	Inez Tenenbaum	\$500	
2001	Ben Gregg for Agriculture Commissioner	Samuel Tenenbaum	\$1,000	
2001	Hahn for Mayor	Samuel Tenenbaum	\$1,000	
2001	Alex Sanders for U.S. Senate	Samuel Tenenbaum	\$1,000	
2001	Alex Sanders for U.S. Senate	Samuel Tenenbaum	\$1,000	
2001	Shaheen for U.S. Senate	Samuel Tenenbaum	\$1,000	
2001	Brent Weaver for Congress	Samuel Tenenbaum	\$1,000	
2001	Brent Weaver for Congress	Samuel Tenenbaum	\$1,000	
2001	Washington Political Action Committee	Samuel Tenenbaum	\$1,000	
2001	Washington Political Action Committee	Samuel Tenenbaum	\$1,000	
2001	Democratic National Committee	Samuel Tenenbaum	\$200	
2001	Democratic National Committee	Samuel Tenenbaum	\$100	
2001	Democratic National Committee	Inez Tenenbaum	\$200	
2001	SC Democratic Party	Inez Tenenbaum	\$1,000	
2001	SC Democratic Party Victory Account	Samuel Tenenbaum	\$3,500	
2001	Martin Frost for Congress	Samuel Tenenbaum	\$500	
2001	Gephardt in Congress Committee	Samuel Tenenbaum	\$1,000	
2002	Bowles for U.S. Senate	Samuel Tenenbaum	\$1,000	
2002	Beth Burns for SC Senate	Inez Tenenbaum	\$500	
2002	Beth Burns for SC Senate	Inez Tenenbaum	\$250	
2002	Friends of Jim Clyburn	Samuel Tenenbaum	\$1,000	
2002	Friends of Jim Clyburn	Inez Tenenbaum	\$500	
2002	Committee to Elect Artur Davis to Congress	Samuel Tenenbaum	\$1,000	
2002	Gephardt in Congress Committee	Samuel Tenenbaum	\$1,000	
2002	Reelect Govan to the House	Inez Tenenbaum	\$1,000	
2002	Ben Gregg for Agriculture Commissioner	Samuel Tenenbaum	\$1,000	
2002	Lander for Comptroller General	Samuel Tenenbaum	\$1,000	
2002	Leventis for Lt. Gov.	Samuel Tenenbaum	\$250	
2002	Leventis for Lt. Gov.	Samuel Tenenbaum	\$500	
2002	Shaheen for U.S. Senate Committee	Samuel Tenenbaum	\$500	
2002	Kit Smith for County Council	Inez Tenenbaum	\$1,000	
2002	Rick Wade for Sec. of State	Samuel Tenenbaum	\$1,000	
2002	Washington Political Action Committee	Samuel Tenenbaum	\$1,000	
2002	Steve Benjamin for Attorney General	Inez Tenenbaum	\$250	
2003	Anne Frances Bleecker for Council	Inez Tenenbaum	\$500	
2003	John Kerry for President	Samuel Tenenbaum	\$1,000	
2003	John Kerry for President	Samuel Tenenbaum	\$1,000	
2003	Reelect Land to SC Senate	Samuel Tenenbaum	\$500	
2003	Lander for SC Senate	Samuel Tenenbaum	\$500	
2003	Reelect Lourie to SC Senate	Samuel Tenenbaum	\$500	
2003	Reelect Matthews to SC Senate	Inez Tenenbaum	\$500	
2003	Reelect Patterson to SC Senate	Inez Tenenbaum	\$500	
2003	Riley for Mayor	Samuel Tenenbaum	\$500	
2004	Carson-John Victory Fund	Samuel Tenenbaum	\$1,000	
2004	Justin Kahn for SC Senate	Samuel Tenenbaum	\$1,000	
2004	Reelect Leventis to SC Senate	Samuel Tenenbaum	\$500	
2004	Reelect Joel Lourie to SC Senate	Samuel Tenenbaum	\$500	
2004	Reelect Matthews to SC Senate	Samuel Tenenbaum	\$500	
2004	Reelect Matthews to SC Senate	Samuel Tenenbaum	\$350	
2004	Andy Rosenberg for Congress	Samuel Tenenbaum	\$500	
2004	Reelect Vincent Sheheen to SC Senate	Inez Tenenbaum	\$500	
2004	Kit Smith for SC Senate	Samuel Tenenbaum	\$1,000	
2004	Kit Smith for SC Senate	Samuel Tenenbaum	\$1,000	
2004	Inez Tenenbaum for U.S. Senate	Samuel Tenenbaum	\$2,000	
2004	Jay West for SC Senate	Samuel Tenenbaum	\$500	
2004	Jay West for SC Senate	Samuel Tenenbaum	\$500	
2004	DCCC	Inez Tenenbaum	\$500	
2004	Florida Leadership PAC	Samuel Tenenbaum	\$1,000	
2004	SC Legislative Black Caucus	Samuel Tenenbaum	\$1,000	
2004	Democratic Party of South Carolina	Samuel Tenenbaum	\$5,000	
2004	Democratic Party of South Carolina	Samuel Tenenbaum	\$5,000	
2005	Barber for Lt. Governor	Samuel Tenenbaum	\$1,000	
2005	Barber for Lt. Governor	Inez Tenenbaum	\$100	
2005	Citizens for Biden	Samuel Tenenbaum	\$1,000	

## Inez Tenenbaum—Continued

Year	Candidate or Political Organization	Contributor	Amount	Service to Campaign
2005	Casey for Pennsylvania	Samuel Tenenbaum	\$1,000	
2005	Cantwell for U.S. Senate 2021	Samuel Tenenbaum	\$500	
2005	Condon for City Council	Inez Tenenbaum	\$500	
2005	Friends of Joe Lieberman	Samuel Tenenbaum	\$1,000	
2005	Friends of Joe Lieberman	Samuel Tenenbaum	\$1,000	
2005	John Spratt for Congress	Samuel Tenenbaum	\$1,000	
2005	Stabenow for U.S. Senate	Samuel Tenenbaum	\$1,000	
2005	Whitehouse for U.S. Senate	Samuel Tenenbaum	\$1,000	
2005	SC Democratic Caucus	Samuel Tenenebaum	\$1,000	
2005	SC Democratic Party	Samuel Tenenbaum	\$5,000	
2005	SC Democratic Party	Inez Tenenbaum	\$250	
2006	Moore for Governor	Samuel Tenenbaum	\$3,500	
2006	Defelice for Agriculture Commissioner	Samuel Tenenbaum	\$500	
2006	Defelice for Agriculture Commissioner	Samuel Tenenbaum	\$300	
2006	Jim Rex for State Superintendent of Education	Samuel Tenenbaum	\$1,000	
2006	Jim Rex for State Superintendent of Education	Samuel Tenenbaum	\$250	
2006	Jim Rex for State Superintendent of Education	Inez Tenenbaum	\$2,000	
2006	Jim Rex for State Superintendent of Education	Samuel Tenenbaum	\$1,000	
2006	Grady Patterson for Treasure	Samuel Tenenbaum	\$250	
2006	Grady Patterson for Treasure	Samuel Tenenbaum	\$250	
2006	Sellers for SC House	Samuel Tenenbaum	\$500	
2006	Drew Theodore for Comptroller General	Samuel Tenenbaum	\$1,000	
2006	Drew Theodore for Comptroller General	Inez Tenenbaum	\$1,000	
2006	SC Senate Democratic Caucus	Samuel Tenenbaum	\$1,000	
2006	Robert Barber for Lt. Gov.	Samuel Tenenbaum	\$500	
2006	Robert Barber for Lt. Gov.	Samuel Tenenbaum	\$1,000	
2006	Robert Barber for Lt. Gov.	Samuel Tenenbaum	\$300	
2006	Bob Coble for Mayor	Samuel Tenenbaum	\$1,000	
2006	Forward Together PAC (Mark Warner)	Inez Tenenbaum	\$500	
2006	Forward Together PAC	Inez Tenenbaum	\$1,000	
2007	Dollars for Democrats	Samuel Tenenbaum	\$3,000	
2007	Obama for America	Inez Tenenbaum	\$2,300	I served as a volunteer in the Obama campaign and was a national surrogate speaker, on the education advisory committee, and on the SC Steering Committee.
2007	Obama for America	Inez Tenenbaum	\$2,300	
2007	Bridge PAC (Jim Clyburn)	Samuel Tenenbaum	\$1,000	
2007	Biden for President	Samuel Tenenbaum	\$2,000	
2007	Friends of Mary Landrieu	Inez Tenenbaum	\$1,000	
2007	Jim Rex for State Superintendent of Education	Samuel Tenenbaum	\$500	
2007	Belinda Gergel for City Council	Samuel Tenenbaum	\$1,000	I served on the Gergel Steering Committee as a volunteer.
2007	Jim Rex for Our Schools	Samuel Tenenbaum	\$100	
2007	Footlik for Congress	Samuel Tenenbaum	\$500	
2007	SC Democratic Party	Samuel Tenenbaum	\$500	
2007	Sellers for SC House	Inez Tenenbaum	\$1,000	
2007	Belinda Gergel for City Council	Inez Tenenbaum	\$1,000	I served on the Gergel Steering Committee as a volunteer.
2007	Anne Frances Bleecker for City Council	Inez Tenenbaum	\$500	
2007	Democratic National Committee	Samuel Tenenbaum	\$500	
2007	Jim Rex Campaign	Inez Tenenbaum	\$150	
2008	Runyan for City Council	Inez Tenenbaum	\$500	Volunteer and wrote letter of endorsement for direct mail.
2008	Norrell for SC Senate	Inez Tenenbaum	\$500	
2008	Middleton for SC House	Inez Tenenbaum	\$500	
2008	Darrell Jackson for SC Senate	Samuel Tenenbaum	\$1,000	
2008	Landrieu for U.S. Senate	Inez Tenenbaum	\$1,000	
2008	Shaheen for U.S. Senate	Inez Tenenbaum	\$1,000	
2008	Greenville Democratic Women	Inez Tenenbaum	\$500	
2008	Carl Levin for U.S. Senate	Inez Tenenbaum	\$1,000	
2008	Rise SC	Samuel Tenenbaum	\$1,000	

## Inez Tenenbaum—Continued

Year	Candidate or Political Organization	Contributor	Amount	Service to Campaign
2008	Spratt for Congress	Samuel Tenenbaum	\$500	
2008	Klobuchar for Minnesota 2012	Samuel Tenenbaum	\$500	
2008	Obama for America	Samuel Tenenbaum	\$500	
2008	Obama for America	Samuel Tenenbaum	\$750	
2008	Rob Miller for Congress	Samuel Tenenbaum	\$1,000	
2008	Ketner for Congress	Samuel Tenenbaum	\$1,000	
2008	Obama for America	Samuel Tenenbaum	\$1,000	
2008	Kay Hagen Senate Committee	Inez Tenenbaum	\$1,000	
2008	Obama for America	Inez Tenenbaum	\$500	
2008	Obama Victory Fund	Inez Tenenbaum	\$250	

Senator PRYOR. Thank you. And thank you for that statement.

For the Senators who have just arrived, it looks like we have a vote scheduled for 11:45, unless somebody tells me that changes. And what I'd like to do is have everyone submit their opening statements for the record, and just dive right into questions.

And I'll start, and I'll try to keep mine to less than 5 minutes, if I can.

Ms. Tenenbaum, let me ask about your background. I think one of the most significant things you've done in your life is taking on the challenges in South Carolina with the education system. Can you tell the Committee how you think that has helped to prepare you for the task that you have at the CPSC?

Ms. TENENBAUM. Thank you, Mr. Chairman.

As State Superintendent of Education, I managed an agency with over 1,000 employees. That agency worked to implement policy and regulations that were passed by the South Carolina General Assembly. And we also worked with the school districts to provide transportation, food service, textbooks, and to train teachers in areas of teaching and learning. I had multiple projects going on at the same time in various divisions, and we regularly had to implement legislation, many times in a very quick fashion that was passed by the General Assembly. I never tried to fight legislation passed by the General Assembly. If it wasn't perfect at the moment, then I worked with the General Assembly and worked with the statute to see if I could implement that statute.

I am very familiar with the regulatory process, due process, writing and implementing regulations, working to form consensus with industry, with advocacy groups, with people concerned about the well-being of children, to make sure everyone has a fair hearing. I think that has trained me to know that we do not act alone in the Executive Branch. If I'm confirmed as Chairman, I need to have a partnership with you, to inform you regularly on matters in which the Commission is involved, and to seek your guidance and assistance in carrying out the laws you pass.

Senator PRYOR. Thank you.

Could you talk a little bit about your management style? You mentioned you had 1,000 employees in South Carolina. You'll have 500 here. I think it's fair to say, and I think most people would agree, that there is an issue of morale at the Consumer Product Safety Commission right now, just for various reasons, and—could you talk a little bit about your management style and some of the things you would like to see happen at CPSC?

Ms. TENENBAUM. Thank you, Mr. Chairman.

If confirmed, I want to assure you that the Commission will operate in an open, transparent, and collaborative way, and in a way that engenders the trust from the President, the Congress, and the American people. The Commission will have proper management and accounting controls, and operate to the greatest efficiency. I want to employ persons with the greatest talent, integrity, and motivation to protect Americans from unsafe products.

One of the things that is urgent is the full implementation of the Consumer Product Safety Improvement Act, which you passed last year. We have third-party certification of products coming online, accreditation of third-party laboratories, tracking labels on which guidance is due in August.

We also have a mandate under that law to increase public awareness on consumer products, and create a website in which consumers can talk about their experiences with products and search other products. One of the largest challenges that we will face is timely implementation of regulations so that industry has guidance.

I have heard about the morale at the agency, and I think some of those morale problems come from the fact that the Commission has a large agenda, a surge of imports, and so much to handle, and yet it did not have the staff in place and did not have the budget necessary to meet all of these challenges.

So, I want to work with you to use wisely the 71-percent increase in the budget that you've provided for this coming year, to hire the people who have the greatest motivation to protect the people, and to work to settle many of these unintended consequences you may not have anticipated when Congress passed the Act.

Senator PRYOR. Thank you.

I do think this is going to be work in progress. I mean, I think you need a little bit of time to get your feet wet and get our bearings there at that agency. So, as issues present themselves, I'm sure the Committee would appreciate hearing from you on various things, whatever they may be, challenges, successes, whatever they may be.

And I think it's probably a good idea, maybe, for you to come back to the—either the Committee formally, or have a meeting informally with us, say, in—I'll just say 60 days after your confirmation, to give us a sense of how things are going. And if there are specific issues that are still out there, maybe we can talk about those in detail once you're there.

Senator Hutchison?

**STATEMENT OF HON. KAY BAILEY HUTCHISON,  
U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. Well, thank you, Mr. Chairman.

I was very pleased to have a meeting with Ms. Tenenbaum last week, and I was very encouraged with her talk of her record of working with the South Carolina legislature in her position as head of education in the State. And I think that's a good sign for working with Congress, as well.

As you know, we did pass the Act last year. Our Chairman was a real leader in that effort. And I think that many good things

were done in that legislation. However, there are some glitches, as often happens with legislation, and some areas where there have been differences of opinion about the intent of some of the language. So I would like to ask you a couple of questions.

First is the required question that the Ranking Member always asks, and that is that our committee has always worked well with staff in the agencies, and the heads of agencies; and when we are developing or proposing legislation, we need their technical expertise. And my question is, can all of our members of the Committee count on being able to call in to your agency for the expertise that we might need to help us draft legislation, or to exercise our responsibility in oversight?

Ms. TENENBAUM. Yes, Senator. And thank you for that question.

You will have access to the work of the agency. We have very talented people at the agency. You can talk with the scientists, with the engineers, with the experts in that area. Also, we want you or any member of your staff to be able to call me at any time. We will work with you in partnership.

Senator HUTCHISON. Well, one thing I think our committee probably will need to do is have a hearing on the Act that we passed last year, to see where the kinks are, and see where we need to do some technical corrections.

Let me ask you one question on that. We discussed some of the unintended results impacting thrift stores, charity sales, small businesses, and you used the word “common sense” in your description of what you think is right in the enforcement arena. So, I would ask you if you think the law gives you sufficient flexibility for the common sense enforcement that I think we agree is the right standard? And where do you think it doesn’t give enough flexibility, and the law is clear, even if it is pretty hard to enforce?

Ms. TENENBAUM. Well, thank you, Senator.

It would be premature—and we talked about this in your office—to take a position on whether the law needs to be amended. But, I hope that my tenure at the Commission will be seen as a tenure where we worked with people to exercise common sense in a regulatory manner.

Acting Chairman Moore has said that we need to wait until the Commission is fully formed to collectively make decisions. I am a collaborator. I want the input of my fellow Commissioners, as well as the staff, and also in conversation with you, to discuss implementation of some areas of the law, and to address areas that are unclear.

As soon as we can have guidance and regulations in place, industry will know what to do. I know there are some areas, like tracking labels, on which industry is waiting for answers. And, as soon as we can promulgate the regulations and get guidance in place in all of these areas by working with industry and consumers to ensure that their concerns are heard, the fewer complaints you will receive about the law here in the Senate.

Senator HUTCHISON. Could I ask you one other question regarding the use of stays of enforcement. Where you have found that a business needs more time to comply with the law, do you think the stays of enforcement are sufficient, or do you think we need to revisit, maybe, that area of the law to give more flexibility, again,

when a business does need more time? Or, in the situation with the youth ATV vehicles, where there needs to be some other approach.

Ms. TENENBAUM. The Commission has issued a general stay of enforcement on testing and certification requirements. There are some products that are not included in that stay, like lead-based paint, pacifiers and cribs. But, they also specifically issued a stay of enforcement for the ATVs, to give the industry more time to see if they could remove lead from the ATVs without jeopardizing structural integrity.

The stays of enforcement seem to be working. The general stay of enforcement for testing and certification gave the Commission time to write regulations. As soon as these regulations are in place, the Commission will probably have to issue fewer stays of enforcement.

As I have found out in doing my research and talking to members of this committee, and to others who are involved with enforcing the law, what is needed is the clear guidance on all of these sections of the CPSIA, and also, regulations. And once those are in place, I think you will see fewer stays of enforcement.

Senator HUTCHISON. Thank you very much, Mr. Chairman.

Senator PRYOR. Thank you.

Senator Lautenberg?

**STATEMENT OF HON. FRANK R. LAUTENBERG,  
U.S. SENATOR FROM NEW JERSEY**

Senator LAUTENBERG. Thanks, Mr. Chairman.

Thank you, Ms. Tenenbaum, for your willingness to take on this assignment.

We, in our professional life here, have a chance to meet candidates for office that are recommended, and it's so nice, very frankly, when we have someone who is here, presenting themselves to the Committee, who have the kind of background that you have, which is, I think, perfectly suited to taking the responsibility that you're about to take. And I noticed that your focus is on the quality of life for children. And that's really a principal focus for the Consumer Product Safety Commission.

One of the things that we've seen happening now is that there is a focus on toy guns. News reports have shown the popularity among children with toy guns that look like real AK-47s, or other assault rifles. As a matter of fact, in some instances, young people have been killed by police officers who believe, because these guns look so realistic, that they're holding a weapon, and the consequence is terrible. And we see lots of injuries. In 2007, we had something like 11,000 injuries from toy guns, whether it's in the production of these things, or whether it's the way the parts are put together.

But last year—you were discussing morale a moment ago with the Chairman—I sent a letter to the CPSC asking it to investigate this issue, but I never received a response. Now, I'm hoping that, with your confirmation, that you'll work with me to review the safety of these guns. Is that a problem for you in any way?

Ms. TENENBAUM. No, sir——

Senator LAUTENBERG. Not the working with me, I mean——  
[Laughter.]

Ms. TENENBAUM. Thank you, Senator.

I will work with all the Members of Congress. When I was State Superintendent of Education, if a member of the legislature wrote me, I answered that letter. In fact, I read the letters from legislators personally. If I needed to call the House or Senate member to find out what their concerns were, I did.

Senator LAUTENBERG. Your reassurance—

Ms. TENENBAUM. I will work with you.

Senator LAUTENBERG.—your assurance is noted.

Last year, I met with a New Jersey family whose daughter was severely injured due to a crib that collapsed. Oddly enough, my wife's daughter, my step-daughter, had a baby, and she's just turning a year old, and I was with her this weekend, and she was chewing the paint off the crib. And even though these things are lead free, I don't think it's very healthy for children to have paint chips in their system.

Now, under your leadership, will the CPSC require cribs to be tested so—to prove that they are durable and will not collapse under pressure?

Ms. TENENBAUM. Thank you, Senator.

If I'm confirmed, I will see that the requirement under the new law, the Consumer Product Safety Improvement Act, to take voluntary crib standards and make them mandatory, is carried out. That's what this law requires for durable nursery equipment and products. Those products were under voluntary standard, and the law requires the Commission, this year, to issue rules to make them mandatory. And therefore, we would have enforcement over the manufacturers if the paint chips came off in a baby's mouth.

Senator LAUTENBERG. Despite the high number of recalls on children's products, consumers rarely return recalled products. As a matter of fact, it's only—it's estimated that only 5 percent of the time do they do so. I hope that you'll increase outreach with the— with a full complement of staff so—to make consumers aware of the recalls of dangerous products. And that certainly is a quality-of-life issue. We can do pretend here—pretend for the moment that you are Chairman, and that you will look to see that, when there is a recall, that a reason is produced for doing so, and that you'll do your best to alert the public to the importance of accepting a recall and returning the product.

Ms. TENENBAUM. Thank you. I will, if I'm confirmed, make public information and education a top priority. I also will work with the States' Attorneys General departments of health and environment control, and the State consumer affairs offices to enlist their support with recalls.

One of the things the agency is charged to do is to educate the public on recalls. I've understood that the agency has recalled certain items, and then later on there were deaths attributable to those items. It would worry me tremendously if that happened on my watch. Public information will be a top priority.

Senator LAUTENBERG. Thanks.

Thanks, Mr. Chairman. Thank you, Ms. Tenenbaum.

[The prepared statement of Senator Lautenberg follows:]

PREPARED STATEMENT OF HON. FRANK R. LAUTENBERG,  
U.S. SENATOR FROM NEW JERSEY

Mr. Chairman, so much of what we in the Senate—and all Americans—do is motivated by the instinct to protect our children.

Just last week, we passed long-overdue legislation to shield our kids from the dangers of smoking.

And in the Senate Environment and Public Works Committee, we have been taking a hard look at toxic chemicals in everyday products our kids come in contact with.

Today, we turn our focus to the Consumer Product Safety Commission, which oversees products that cause 27,000 deaths and 33 million injuries each year.

It's essential for the Commission to have the resources to protect our children and families—and the leadership to get the job done.

Unfortunately, in the past, it has been lacking both.

The previous Administration's funding cuts were so severe, for example, that the CPSC had less than half the number of workers it had in 1980.

We cannot expect a skeleton staff to ensure the safety of 15,000 consumer products—a number that's still growing.

But President Obama has recognized the needs of the CPSC and given it the resources and leadership it deserves.

The President's budget includes more than \$105 million to hire and train more staff, conduct more outreach and education about safety, and gain the expertise needed to ensure consumer products are safe.

The President has also chosen a smart and skilled leader in Inez Tenenbaum.

As the former South Carolina Superintendent of Education, Ms. Tenenbaum knows what it takes to keep children safe—and she has proven she can do just that.

While in that role, she was responsible for raising student achievement scores and improving educational standards across the state—a sign that her policies put kids first, which is the kind of mindset I believe we need at the CPSC.

If confirmed, I look forward to working with Ms. Tenenbaum to increase the safety of children's products and I am eager to hear her testimony about how she plans to do so.

Thank you, Mr. Chairman.

Ms. TENENBAUM. Thank you.

Senator PRYOR. Thank you.

Senator DeMint?

Senator DEMINT. Thank you, Mr. Chairman.

You've really covered a lot of my concerns with the current law, and words like "common sense" encourage me. I know the agency has done some things to delay implementation. It seems, perhaps, not beneficial—and, Inez, you and I have talked a fair amount about this law and whether or not we need legislation. And we'll just wait to hear from you on that.

But, just one comment that goes under the umbrella of common sense is, that the goal is more safety, not more regulation. And the problem we often have is—we develop a comprehensive regulatory scheme, that tends to favor large companies who have contingents of lawyers and people who can deal with them. And in this country, there are a lot of small manufacturers of a lot of products, a lot of small toy manufacturers, and handmade toys. And some of the law has been interpreted in a way that would make it very difficult for these companies to do the type of testing that would be necessary to comply in any way that they could afford to do it.

And I would just ask you, as you look at this, is to remember that the whole point of this is not to run small companies out of business. But, if we have such a heavy regulatory scheme, it may be very difficult for them to afford the tests that are required to comply. There are often other ways to do that, such as, make sure the components are tested, not necessarily the final product. But,

I would just appeal to you to do everything you can to make sure that we make our products safer, but also keep America a good place to make products.

Ms. TENENBAUM. Thank you, Senator.

I'm very sensitive to the concerns of small businesses. My husband worked with his family's steel company, a small business, for many years. I understand that there is a great deal of worry among the toy manufacturers and other smaller businesses. Because the CPSC is a quasi-judicial administrative body, I cannot say how I would vote. I have to refrain from doing that. But, I will approach the interpretation of this law in a common sense way. The component testing is an issue that will get full attention but I cannot project how I will vote or the issue beforehand—

Senator DEMINT. Sure.

Ms. TENENBAUM.—without talking to my fellow Commissioners and the staff at the CPSC.

But, that is an issue that the hand-held toy and the small manufacturers have brought up. If the components are tested, and we know they contain no lead, can we go forward and not have a test on the finished product? And that will receive my full attention and consideration, if confirmed by this Senate.

Senator DEMINT. It's all I can ask. Thank you.

Ms. TENENBAUM. Thank you.

Senator DEMINT. I yield back, Mr. Chairman.

Senator PRYOR. Thank you.

Senator Boxer?

**STATEMENT OF HON. BARBARA BOXER,  
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Thank you, and welcome. And congratulations on this great nomination. And, you know, one of the former, I think, most memorable, Chairmen of this Committee, Fritz Hollings, is a great fan of yours. You know that.

Ms. TENENBAUM. Thank you, yes.

Senator BOXER. And I figure that anyone who has earned the admiration and respect of Senator Fritz Hollings, Senator Lindsey Graham and Senator Jim DeMint is the person of great ability.

[Laughter.]

Senator BOXER. And the ability to bring people together and to win their respect, means so much in the role that you're going to play.

And I only have one question. I'm going to preface it by some remarks, which will show where my bias is. And my bias is in protecting children, and it always has been. And I know you come from that place as well.

But, I just want to make sure you know that it was in the 1980s, when I came to Congress, that all of our regulations were based on protecting a 155-pound man. And that was how—that's everything that was done, including all of the tests that went through the NIH. There were no women in the tests, there were no children in the tests.

And we worked together, all of us, across party lines, to change that. And I think the beauty of our work is very simple. When you protect the children, you protect everyone. If you go—if you protect

a 155-pound man, a healthy man, it's going to be good for all those guys who are in that category. But, the vulnerable folks—the children, the pregnant women, those with disabilities, and so on—are not protected. So, it's such a win-win to protect the children.

And I think that was our goal when we wrote this law that you are going to find yourself in the middle of, the Consumer Product Safety Improvement Act. So, I guess that my one question is, can you assure me that, in your work, that you will put the children first?

Ms. TENENBAUM. Senator, thank you. I appreciate that question.

And yes, I will put the children first. I often gave a speech, as State Superintendent of Education, and I quoted the Hopi Indians, who, before they made any decision, would ask one thing: is it good for the children? And I will ask, before we make any rulemaking, is this good for the children of the United States?

Thank you.

Senator BOXER. Well, thank you. I think, following that, we can't go wrong. We'll all be protected, and yet you're going to do it in a way that allows responsible companies to make good products and sell those products.

And I'm just so excited about your nomination, and extremely pleased at the bipartisan support you've received thus far.

And I hope, Mr. Chairman, that we can move this very quickly.

Thank you.

Ms. TENENBAUM. Thank you.

Senator PRYOR. Thank you.

Senator Warner?

**STATEMENT OF HON. MARK WARNER,  
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Thank you, Mr. Chairman.

I know this is kind of a chorus we're hearing from both sides, but I want to add my strong support of Inez. As I've had the opportunity to work with her in politics, I've had the opportunity to work with her when she did such a great job in education in South Carolina. She was a great partner, we found, in Virginia, on a series of education initiatives. And I think you are absolutely the right person at the right time for an agency that has truly been troubled.

And while I know you introduced your husband, there are—looking around this room, there are a series of other distinguished South Carolinians who are here to show support for you. Some of them—it's tough to get them all in the same room with the same common cause. I hope you're not paying all of them, because some of them are, you know, pretty expensive, high-priced folks here in town now.

[Laughter.]

Senator WARNER. But, Inez, let me just put a marker out. I know, I think, when the Chairman was initially talking, as we came in, he had raised an issue that he has played a leadership role on, along with Senator Landrieu, Senator Martinez and Senator Nelson, from Louisiana and Florida, respectively, and that's this Chinese drywall issue.

I know your agency, or your new agency, is working on this issue. I can tell you that the stories that we heard with some of

the folks who've been victimized by this, almost Kafkaesque tragedy, was pretty remarkable when we had them in recently. The folks from your agency were saying they were starting the testing. I want to make sure Virginia continues to be—because we've been hit down in Hampton Roads on this issue.

But, it was amazing. They were saying, "We're doing the testing, but we still don't have enough money or resources to do it in a timely manner."

And in effect, these people, who are living in these virtually worthless homes at this point, were basically told, you know, "We think it's tough, we understand it's challenging, but you've got to continue to live in these places where you could be creating a health hazard for yourself and your children."

And, Inez, the thing that was most remarkable—afterwards, a series of the families came out and talked to me about the fact that some of the inspectors had stopped going in and inspecting in person, and instead were simply soliciting the information over the phone, because the inspectors were finding, just coming in and spending an hour or two in the home, they were starting to get some of the ill health effects, in terms of finding shortness of breath and finding, breaking out and other bad health effects. And it was just amazing to me that our Federal Government was then saying, "We don't even want to send our inspectors in to do this, we want to do it over the phone. But, by the way, if you have the misfortune, having done nothing wrong on your own part, to be living in one of these health hazards, we have no recourse for you."

So, from my colleagues, you're hearing other issues of great concern, but this Chinese drywall problem is an enormous, enormous challenge. I hope you will continue to also press to make sure that we can work with you to find relief for these families. And if there is legislative solutions that need to be taken, I know the Chairman has moved aggressively on this issue. I just want to add my voice—we'll be there to do all we can to make sure this issue is brought to full and speedy resolution.

I know you've—not even into the job. I'm sure you've been briefed on this a little, but if you've got any comments about the Chinese drywall issue, I would love to hear them.

Ms. TENENBAUM. Thank you, Senator.

If I'm confirmed, I will work with you to get a resolution to the Chinese drywall. I have met with Senator Bill Nelson, and I understand how concerned he is. He has told me about the respiratory problems, the corrosion of the wiring in homes, and the fear that even the gas lines in the walls may be corroding in homes in Florida.

Also, I've reviewed the letter that Acting Chairman Nancy Nord wrote to Senator Nelson, laying out a five-track strategy from the Commission. And I'm also aware that two Senators—or, four Senators have asked the Commission to set aside \$2 million of the new appropriation just to address the Chinese drywall problem.

I want to commend the Commission for creating the website so people can write in, and also for the work that they've done with the EPA and the Centers for Disease Control to test the Chinese drywall.

What I'm hearing, too, is that the EPA and the CPSC haven't concluded what the problem is through these environmental tests. So, we need to work collaboratively on this, and, if confirmed, I would like to work with you to find out what is causing the respiratory problems, and what are the toxic elements in the gypsum of the Chinese drywall.

I understand that the counterpart agency in China, the counterpart to the Consumer Product Safety Commission, is working with the Commission to resolve this, and that Chinese leaders are very aware of it and are trying to address it.

But, it is a very real problem, causing people great hardship, physically, as well as damage to their property, rendering their homes worthless. And I will assure you that, if I'm confirmed, it will be of top priority to me.

Senator WARNER. The only thing I would ask, Inez, is that—a lot of this is taking place in Louisiana and Florida—they have different climate issues, in terms of humidity, than folks we've got in Virginia. And elsewhere, I think we're up to 36 states now that have experienced this problem. And it's remarkable to me that the testing and finding the cause is taking this long, when it's evident from the families, and then again even from the Consumer Product Safety Commission staff, that you start to feel the ill effects, literally just being exposed for a few hours.

So, I would hope that money would be well spent to expedite this process. And as you do the additional testing—and I can just speak from the Virginia standpoint, but I'm sure my other colleagues, who've got other different weather conditions—simply testing it in the Florida- or Louisiana-type humidity issues—we've got humidity in Hampton Roads, but—in Virginia Beach and Norfolk—but, probably not quite as much as they've got in certain areas in Florida—make sure that you've got other States involved in those tests, as well.

Ms. TENENBAUM. Thank you, Senator.

I have spoken to Senator Pryor about the same issue in Arkansas, which probably has similar climate to Virginia. But, it is widespread. And I, like you, don't understand why the best scientists can't come to a conclusion on what is in this drywall. But, I will, if confirmed, make sure it gets full attention. And even if we have to use outsource testing to get to the root of it, we need to find out what is in this drywall that is making people sick.

Senator WARNER. Mr. Chairman, one thing I'd simply add—and I know my time's up, but—and you heard from both of our colleagues from South Carolina—the one thing that Inez is famous about is, when she gets a hold of a bone, she doesn't let it go until she figures out an answer. And I can't think of a better person, on a host of these issues, to take them on in this new, important role, than Inez Tenenbaum.

Ms. TENENBAUM. Thank you.

Senator WARNER. Great to see you.

Ms. TENENBAUM. Thank you, Senator.

Senator PRYOR. Thank you.

Senator Isakson?

**STATEMENT OF HON. JOHNNY ISAKSON,  
U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Thank you, Chairman Pryor. I came, for three reasons.

Everybody's calling you "Inez," I will, too. First is that both you and your husband are Georgians, and we're very proud of that.

Second, you're a graduate of the University of Georgia, and we're extra proud of that.

And, third, I had the privilege of chairing the Georgia Board of Education in the late 1990s, when you became Superintendent of Education in South Carolina, and I watched what you did in South Carolina, and I want to say that everything that Senator DeMint said was absolutely correct. You did a marvelous job and demonstrated the kind of attitude somebody at the CPSC should have to deal with the difficult problems.

I really don't have a question. I do have two—I want to make two endorsements.

First is what Senator Warner said. This is—the Chinese drywall situation is one of any number of product problems coming out of China. We obviously can't pass laws that regulate production in China, but we have gateways, which are our ports, and we have a Commerce Department, and we have a CPSC. And I think, somewhere along the line, if you get the chance, a task force of representatives from the ports, Homeland Security, the Commerce Department, and the CPSC, can possibly come up with some ideas of a threshold of entry that could give us some degree of protection, or at least send a signal to the world that we are looking at the quality of the products that are coming in.

Second, I co-sponsored Senator DeMint's legislation dealing with the Consumer Product Safety Improvement Act, which I voted for, and Chairman Pryor spent a lot of time on, but it did have a lot of unintended consequences. Just one, by way of example: I have eight, soon to be nine, grandchildren. One of my daughters-in-law, the mother of three, all under 5, chairs the largest second-hand clothing sale and second-hand book swap in the history of mankind, I think, but it raises a ton of money for their church. When that law passed, within weeks they were called by their attorneys and told to cancel both those sales because of the potential effect and legal liability that was put on them as a second-hand seller of a product they neither manufactured nor took any responsibility for.

So, we need to look at the unintended consequence of that legislation. I know there's a stay right now on the implementation. But, I hope you'll apply the same due diligence you did in South Carolina education to that particular subject, and try and get it to where the unintended consequences are not so onerous for people, for whom it was never intended.

Ms. TENENBAUM. Thank you, Senator. If I'm confirmed, I will work to resolve many of these issues that are coming back to you and other members of this Committee. I've read the guidelines that the CPSC has promulgated on the second-hand stores, and have asked people in the second-hand stores how things are going. And many of them said, well, we've read the guidelines, and are now

not selling durable nursery products unless we know that product has not been recalled.

The Commission has a website, but it requires us to be even more diligent in informing the public about products recalled, so that second-hand thrift stores aren't always in a quandary about whether or not to sell something.

We can work closely with the State Consumer Products Safety Commissions and the Attorneys General to educate people about what is required to be recalled and what they can and cannot sell.

A public education campaign is certainly needed, once all these regulations are in place. If I'm confirmed, I pledge to work with you to do that.

Senator ISAKSON. Thank you very much. The best of luck to you.

Ms. TENENBAUM. Thank you. And thank you for being here.

Senator PRYOR. Thank you.

Senator Klobuchar?

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much. Thank you, Ms. Tenenbaum, for being here, and your family.

I also have warm words. I remember being down there twice, now, to South Carolina, and you were very gracious. I had quite an experience down there at Representative Clyburn's fish fry that I will never forget, and you were certainly a gracious host, thank you very much.

You and I have talked already about the toy safety and the children's product safety bill that was so important to me. We had a 4-year-old boy die from swallowing a lead charm. He didn't know it was lead. Mom didn't know it was lead. When he died after the lead going into his bloodstream—it was tested as 99 percent lead. It was from China. And that's why I felt so strongly about getting this bill done. I was pleased we got it done and passed on a bipartisan basis.

But, now I look back on how some of these problems, which I feel very deeply—in my State—we have the two biggest domestic manufacturers of ATVs and snowmobiles in Minnesota, Polaris and Arctic Cat. And when I look back at it I think, one, it would have been good to have had a more collegial relationship with the agency, in terms of working together when these problems came on the scene. And, based on what I've heard about your working style, I think that that will happen.

Two, as the legislation was drafted, I think it would have been helpful to work more proactively with the CPSC.

And the third thing, which we've focused on a lot today, is the implementation. The handmade toy lines actually got its genesis in Minnesota, and you've already answered some questions on working with them. And I just had one ATV point, just to let you know how important it is in our State. We just, this weekend, had 1,600 ATV riders decide to ride in a line to break the Guinness Book of World Records, in Silver Bay, Minnesota, to have the longest line of ATVs—I know you're jealous, Senator Pryor.

[Laughter.]

Senator KLOBUCHAR. They wouldn't be doing that in Arkansas.

But, the question that—I specifically have right now, because, of course, this day was much appreciated; I don't think any of the Senators thought that the law was going to be applied this way. And that—again, you're going to be on a judicial body—quasi-judicial—that'll be deciding this. But, what's happened right now is that, as of July 12, the ATV, snowmobile, and motorcycle manufacturers have to submit to the CPSC a report that lists each component part that is made of metal and is accessible to children. And there may be hundreds of these parts. And the problem for them is, they're trying to figure out what's accessible. Because the CPSC is supposed to issue a final rule on accessibility, and what's accessible, on August 14. So, there's this lag where they're supposed to give all their parts, but they don't know what's accessible til August 14.

And so, what they're trying to get is some kind of an extension so that they can find out what the CPSC defines as accessible, before they go through these hundreds of parts that they'd list.

And I just wondered if you had any thoughts on that, in general. You may not want to answer it specifically.

Ms. TENENBAUM. Thank you, Senator.

I wanted to add that I read the transcript from the Senate debate on this law, and know how much these situations has affected you and your State personally. Danny Keysar, the child who swallowed the charm off the Reebok shoe and all of the children who were hurt from consumer products became very real to me after reading the Senate transcript. Because, you're right, there are so many people who have died and had been injured seriously because we haven't been more vigilant about children's products.

Under the CPSIA, you granted three exemptions from the lead limits. One exemption is for inaccessible parts. The second exemption is for certain electronic devices. The third is, if through normal and foreseeable use or abuse of the product, you can document that any lead is not absorbed into the body. Those are the three areas where a product can be exempt.

The stay of enforcement has been issued on the ATVs so that the industry can—

Senator KLOBUCHAR. Right.

Ms. TENENBAUM.—work to see if less lead is needed without interfering with structural integrity.

One of the largest issues facing the Chairman is how soon we can get clear answers on all these questions.

Senator KLOBUCHAR. Right.

Ms. TENENBAUM. When I was elected State Superintendent of Education, I came into an agency that had been cut in its budget and staff, and did not have the resources to implement a new law that the General Assembly had just passed, the Education Accountability Act. There was confusion in the schools on how the new statute would be implemented. We had to take that law apart, figure out what we needed to do, work overtime, put the policies and procedures in place, and we worked as hard as we could to implement it in a very short period of time.

And once it was implemented, the uncertainty was greatly reduced.

Senator KLOBUCHAR. Exactly.

Ms. TENENBAUM. This is the same situation I'm hearing about now with the implementation of the CPSIA.

Senator KLOBUCHAR. OK.

Ms. TENENBAUM. As soon as we can issue guidance and regulations to help industry interpret this law, industry will comply.

Senator KLOBUCHAR. We appreciate that. And just so you know, the ATV industry strongly supported this law because it had some good safety standards that would apply to foreign manufacturers that had already applied to domestic, and that's the irony of this. They supported this, and it was interpreted in a way that I don't think any Senator, anyone, expected.

And just one last thing, if I could, Mr. Chairman. The Virginia Graham Pool Act is something that I also worked hard on, after we had a tragedy in Minnesota with Abigail Taylor. And there, with Senator Pryor and others, we were able to get that done a few months after this tragedy happened. And it has started to be implemented all over the country. We've worked well with the CPSC. Commissioner Nord and I just did an event together on this.

And I just wanted to just say to you, we know the CPSC can't enforce it on every little pool all over the country, every public pool, but we also know that the education efforts will be very important here. So, please take a look at that. Because we've found, in our State, we have had no incidents since this happened, because, of course, it hit people's hearts so much, so the pool operators are all going out and making sure things are in better shape. And I think if we can emulate that nationally, we'll be in much better shape.

Ms. TENENBAUM. Thank you, Senator.

I checked in South Carolina about the implementation of the pool standards and found last spring the State Department of Health and Environmental Control had written all of the public pool owners to inform them about the regulation. Right now, the supply for the drain covers doesn't meet the demand, I have heard. So, parts and supply are the issues, not the content of the law, from what I understand.

Senator KLOBUCHAR. All right. Thank you very much.

Ms. TENENBAUM. Thank you.

Senator PRYOR. Thank you.

Senator Vitter?

**STATEMENT OF HON. DAVID VITTER,  
U.S. SENATOR FROM LOUISIANA**

Senator VITTER. Thank you, Mr. Chairman.

And thank you, Ms. Tenenbaum, for your willingness to serve. Thank you very much.

I wanted to focus on the Chinese drywall issue, also. It has caused an enormous negative impact in Louisiana. By our estimates, there are up to 7,000 Louisiana homes affected. And all of those situations are as Senator Warner described. There are serious health symptoms, and yet people don't know exactly what the health bottom line is. Also, there's major damage to the home, such as corrosion of piping and wiring, which brings up fundamental safety issues with gas lines and the like.

In Louisiana, it's sort of triply tragic because, by definition, these are folks who were flooded by one of our hurricanes, Katrina or

Rita or Gustav or Ike. That's why they're ripping out old drywall and why they're putting in this new stuff. So, by definition, virtually every one of those folks were hard hit by a hurricane or just recovering and have finally put their house back together, and then they discover this, and they have to start all over, and their house is a loss, sometimes a complete loss, yet again. So, it's really tragic for folks in that situation.

I'm certainly continuing to work with Senator Nelson, Senator Landrieu, and many others, on legislation and on funding, which has the CPSC studying this issue on a more accelerated timetable, to study three things in particular. Number one, the relationship between the drywall and health symptoms; so, what's the bottom line on health, number one. Number two, the relationship between the drywall and electrical and fire safety issues. And number three, the tracing of the origin and distribution of the drywall.

So, I know that's going on. The big issue is timing. Even with these funding assurances, even with a study ongoing, the word is it's taking months and months. What can you tell us about the current plan at CPSC with regard to the timing of this study?

Ms. TENENBAUM. Well, I understand this committee had a hearing 2 weeks ago on Chinese drywall.

Senator VITTER. Right.

Ms. TENENBAUM. At the hearing, the EPA gave you the results of its tests. And I understand the tests were inconclusive. The EPA did not have a report for you on what in the drywall was causing the problem. Is that correct, Senator?

Senator VITTER. That's my understanding, yes.

Ms. TENENBAUM. And I've reviewed the letter that Commissioner Nancy Nord wrote to Senator Bill Nelson. Florida has launched its own investigation to use high-performance liquid chromatography, or HPLC, to isolate the particles of the drywall that may be emitting the gases.

I understand that the EPA has looked at in-home tests as well as chamber tests. And no conclusive report has been issued on what substance in the drywall is causing the emissions of the sulfur or contaminating the walls.

My access to information about the CPSC is through the public domain and what I have found on the Commission's website along with the briefing books that I have been given by CPSC staff, but, I would like to meet with the scientists before I tell you what the time-frame is. It is my understanding that everyone is still grappling with the science, and the testing of the drywall. Once we get some information, I will work with you on solving this problem. We need to engage in a public information campaign to let people know what the hazards are, and what their recourses are against the companies that sold them the drywall.

Senator VITTER. Well, my understanding is that, even with everything that's been done, and funding commitments for CPSC to focus on this immediately, it's going to be a matter of many, many months, which strikes me as really frustrating and inadequate.

What will you try to do to accelerate that at CPSC?

Ms. TENENBAUM. Well, if I'm confirmed, the first week all the Commissioners will be invited to have a briefing by the staff. I'll ask the staff to come up with timelines to conclude the tests, and

to get back with the Senate Commerce Committee and also with Senators and House members from other States that are affected by the drywall and expedite this as soon as possible.

Senator VITTER. OK. Well, I'd—

Ms. TENENBAUM. We will have a full briefing and come up with a schedule of implementation working with you to make sure you are fully informed.

Senator VITTER. Great. I appreciate that, and I look forward to following up with regard to that specific timetable, because right now, it's on a very frustrating multi-month timetable.

Mr. Chairman, if I could just have a couple other questions—  
Senator PRYOR. Please do.

Senator VITTER.—because this really is important.

This is also part of a broader issue, obviously, with China. China is clearly the biggest problem, worldwide, with regard to many products. In Louisiana, another big concern is contaminated seafood. That's not your jurisdiction, I understand that. But, my point is, it's clearly a pattern with regard to China. What are your thoughts about focusing on this Chinese pattern, to really get some significant new results across the board?

Ms. TENENBAUM. If I'm confirmed, one of the first things I'll do is ask for a meeting with the leader of the Chinese counterpart to the CPSC, which is the Administration for Quality Supervision, Inspection, and Quarantine, to make clear the importance of China complying with the—in standards for consumer product safety. I also want to work with the Chairman to see if the delegation from this Committee would visit China, or meet with my counterpart from China to talk about our concerns.

The CPSC has a memorandum of agreement with China, which needs to be reviewed, given the large number of imports coming from China. We also communicate through the third-party testing certification, under the Consumer Product Safety Improvement Act to ensure that products coming from China are meeting the standards. Third-party testing will be implemented this year along with the tracking labels. Before goods come into the port, the manufacturer or importer must provide third-party testing results to the ports. The CPSC can work with Customs to make sure that the certificate is with the imported products. With the extra funding that Congress has provided to the CPSC; the Commission could increase the number of people at our ports to ensure that the third-party certificates are correct.

Senator VITTER. Right.

Ms. TENENBAUM. This enforcement will require monitoring and vigilance on the part of the Commission to ensure that these third-party laboratories are doing their job correctly and are not filing either false claims or just not doing their work in a competent manner.

The system will ensure Americans that the products coming from China and other countries meet consumer product safety standards and do not contain lead, phthalates, or other—

Senator VITTER. Right.

Ms. TENENBAUM.—toxic chemicals.

Senator VITTER. Mr. Chairman, can I ask one last, brief question?

And, Ms. Tenenbaum, you can give the answer for the record, because I don't want to hold everything up.

I strongly believe that one of the problems is that in the past there has not been enough common work and coordination among multiple involved agencies, like the International Trade Commission, Customs, USTR, and your soon-to-be agency, working together for a practical result.

For instance, in this Chinese drywall situation, at the end of the day, if the only action is some sort of class-action suit against some shell entity in China, which is really some arm of the Chinese government, that goes into litigation and takes years and years more, that's not a solution. That's not a good result. That's maybe making some lawyers busy and/or rich, but it's not helping the victims.

Really, what has to happen is for this to be a priority of the U.S. Government, including USTR, CPSC, and everybody who deals regularly with China, to get a practical resolution, and have the victims reimbursed in a whole and a quick way.

And I just ask, for the record, your responses to that idea, and how would you work toward that sort of practical, bottom-line result.

Senator VITTER. Thank you very much.

Ms. TENENBAUM. Well, thank you Senator, that is an excellent question, and I'm glad you brought that up.

The CPSC is opening an office in China, but the Commission needs to coordinate, and not duplicate, its efforts by working with other agencies and sharing resources.

Senator VITTER. Thanks.

Ms. TENENBAUM. If I am confirmed, I look forward to meeting with the people who direct these agencies to coordinate our efforts and work together more closely.

Thank you.

Senator PRYOR. Thank you.

Senator Cantwell?

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman and Ms. Tenenbaum. Great to see you. Thank you for the meeting in my office last week.

Ms. TENENBAUM. Thank you.

Senator CANTWELL. And we're glad that your nomination is before the Committee today.

I was wondering if I could ask you about emerging products that are associated with hazards. In 2007, the Commission established a pilot program for an early-warning system on emerging products and associated hazards. And my understanding is that that system uses subject-matter experts and electronic assessment tools to allow the Commission staff to quickly identify these issues and propose corrective action. Do you know whether this pilot has been successful?

Ms. TENENBAUM. I don't, Senator Cantwell. I thank you for the question, but I don't have information on that. It seems like a common sense approach to work with the industries ahead of time to advise them of the regulation and the requirements on consumer

products before they develop these products and put them in the stream of commerce.

Senator CANTWELL. I guess that's what I was getting at, is whether, in principle, that approach helps the Commission to be more proactive than completely reactive. And should the Commission be proactive when it comes to emerging safety issues in consumer products?

Ms. TENENBAUM. The Commission should be proactive in working with industry so industry doesn't have inventory it cannot sell. The sooner the Commission can promulgate regulations and work with industry in implementing these regulations, the less costs would be incurred by industry in developing products that it later has to recall.

Senator CANTWELL. Several of the unforeseen issues the Commission has had to address in implementing the Consumer Product Safety Commission Improvement Act involve smaller businesses, and—do you think the Commission is well positioned for conducting outreach to smaller consumer product manufacturers? I know the Commission leverages its staff by using standards committees and organizations, like the Underwriters Lab and ANSI. But does the Commission also leverage its relationship with the Small Business Administration and other agencies within the Department of Commerce, like NIST and the Manufacturing Extension Partnership?

Ms. TENENBAUM. Senator, I don't know the specific answer to that, because I haven't discussed that issue with the Commission staff, but the Commission needs to have a partnership and also regular meetings with the leaders of these other commissions so we don't duplicate resources in enforcing the same standard.

Senator CANTWELL. OK. Another issue. I know—I understand interested parties can submit petitions to the Commission that can ultimately lead to rulemaking. And to the best of my knowledge, those petitions have led to rulemaking. And do you have any sense, or any thoughts, on that, the amount of time that it takes or how the Commission does that as it initiates its own rulemaking?

Ms. TENENBAUM. Thank you, Senator.

I don't have firsthand knowledge about that. But, under my leadership, if I'm confirmed, I hope members of the general public, industry, consumers, and interested parties would feel that they could approach the Commission and make suggestions in rulemaking. We certainly would invite comment on proposed rules and take those comments very seriously.

Senator CANTWELL. I know that there's so much that the Commission faces, and a heavy workload. Are there any current activities you might consider de-emphasizing or delaying? And are there some of these things that are just going to get delayed anyway because of the level of staffing?

Ms. TENENBAUM. Well, the staff has been cut in half over the last 10 years, and because of the increase in appropriations last year, the Commission will be able to hire 100 additional people. Under the new law the Commission will have around 500 staff positions. Because of the surge of imports, the importance of consumer safety, and the number of deaths from consumer products, new staff positions are greatly needed.

One of the challenges will be implementing the CPSIA in a timely manner and promulgating the final rules so that industry and consumer groups will know what is required, and eliminate the uncertainty surrounding this Act at this point.

If the Commission doesn't have enough staff it can coordinate with other agencies. The agency does not have to do everything by itself if another agency has the capacity to assist or if the research can be performed by outsourcing.

Senator CANTWELL. Well, thank you—

Ms. TENENBAUM. But, there are numerous agencies in the Federal Government that could expand the enforcement and help with the workload of the CPSC.

Senator CANTWELL. Well, thank you, Ms. Tenenbaum, I appreciate your answers, and I appreciated our meeting and your past experience at the State level. I think you'll bring a great deal of experience and leadership to the Commission. So, thank you.

Ms. TENENBAUM. Thank you, Senator.

Senator PRYOR. Thank you.

Senator McCaskill?

**STATEMENT OF HON. CLAIRE McCASKILL,  
U.S. SENATOR FROM MISSOURI**

Senator McCASKILL. Thank you. I just wanted to stop by briefly and congratulate you.

Ms. TENENBAUM. Thank you.

Senator McCASKILL. I think your nomination is such a wonderful development for this very, very important and neglected part of our government. The tenacity you have shown in your career, and your willingness to take on projects against the odds suits you very well for the challenge that you've accepted. And I hope that—I'm sure many of your visits in front of this Committee will not be as pleasant as the one today—

[Laughter.]

Senator McCASKILL.—but I want to make sure that we don't chase you off.

Ms. TENENBAUM. No.

[Laughing.]

Senator McCASKILL. So, I don't want to spend a lot of time talking specifically about issues.

I will say that it's very important—and I know you've discussed this in other questioning, and I know that your answers have been exactly what I was looking for—but I think the problem we've got with the legislation that we passed is the confusion and uncertainty. And you combine that with a failure to embrace the notion of common sense, and our phones ring off the hook. And—I mean, when I've got women that I revere that are librarians crying on the phone to me, I know that something is amiss, because I don't think government should ever make librarians cry.

[Laughter.]

Senator McCASKILL. I just think that is a bad idea, generally speaking.

So, I want to make sure that I convey to you how much I hope your common sense takes firm control of this situation, and that we quickly move toward very clear guidance, so that if there are

any remaining issues that we need to go back and take a look at, that we can do so. Let me give you an opportunity to speak to that just briefly, if you would, Ms. Tenenbaum.

Ms. TENENBAUM. Thank you, Senator. And I appreciate you being here and coming by, and I appreciate your question.

If I'm confirmed as the Chairman of the Commission, it is my goal to implement the rules and the regulations, and issue guidance pursuant to the CPSIA as soon as possible.

Your phones are ringing off the hook because there are so many unanswered questions about how certain sections of the new law will be interpreted and what industry is supposed to do. Consumer advocacy groups are concerned. Everyone needs to know what the roadmap's going to look like.

In implementing legislation in South Carolina year after year, I have found that once comprehensive legislation of this nature is passed you have pushback because of unanswered questions. As soon as you can put in place the regulations, and the guidance, and answer the unanswered questions, the phone calls are greatly reduced. Then the agency can go about the business of implementing the Act. This is my goal.

Senator MCCASKILL. Well, that's terrific. And I—on behalf of the librarians, and the great thrift-store operators, and the wonderful folks that hunt, with their ATVs, in Missouri, I thank you for that. And I look forward to a strong working relationship over the coming years. And I know you're going to be very good at this job. Congratulations.

Ms. TENENBAUM. Thank you.

Senator MCCASKILL. Thank you, Mr. Chairman.

Senator PRYOR. Thank you, Senator McCaskill.

Let me, if I may—our vote is on, and let me just have a couple of follow-up questions, if I can, or follow-up observations.

One of the things Senator Lautenberg talked about was, he had written a letter to the CPSC, and he never received a response. I don't know if this is true, but anecdotally I've heard, and I hope it's not true, that there was favoritism shown to Republican inquiries, as opposed to Democratic inquiries, and I certainly hope that wasn't the case. But I would definitely hope that, as long as you're Chairman, you'll be very politically neutral when it comes to communicating with House, Senate, Attorney Generals, Governors, whatever the case may be.

Ms. TENENBAUM. Senator, I will. My track record as State Superintendent of Education was to treat all persons who wrote letters to the State Department, or requested me to visit schools, as politically neutral. I will be in the Executive Branch, and I want to work with everyone in the Congress, and throughout the Federal and State government, as best I can.

Senator PRYOR. Well, that's the way it should be.

Let me also mention an observation. The Chinese drywall case is an illustration of how much easier it is to fix the problem before it comes into the United States. And now, with that Chinese drywall—that is in houses, it's ruining houses, and it has ruined their value. The cost to the end user, the homeowner, is much greater than the cost of the drywall. If we could have gone back a few years in time, and if we had an inspector there, if we had

an office there—you mentioned that—if we had someone there to say, “No, that cannot come in to the U.S.,” just think about how many millions and millions of dollars people around the country would have saved.

Another thing I want to say before I close is, I think, when we talk about librarians and ATVs and other matters that we’ve talked about today, thrift stores, et cetera—I think that what’s happened—what you can see is, is—when the agency runs properly, it can help resolve these issues before the industry gets to a chaos point.

But, I think, in the last few months, what you’ve seen is, with some actions of the agency or individuals there, or whatever the case may be, statements made by them, you saw almost a panic in a lot of sectors of our economy, with people not knowing what to do. And I think you’ve done a good job of addressing that today.

So, I think that dose of common sense that people have talked about, and that spirit of cooperation, and working together to resolve this and get to a resolution that’s good for everybody, I think that’ll be a great breath of fresh air.

Now, one last thing before I close. And that is, the Chairman, who is Senator Rockefeller, and Senator Hutchison, the Ranking Member, have asked all Senators to get their questions for the record in today by 6 p.m.

That’s good news for you, because that means what they are hoping is, we’ll be able to move this nomination quicker. Normally, we leave the record open for a couple of weeks. But they would like to get the questions in today, if possible. So I’m just telling that so all the staff will hear.

Senator PRYOR. And, Ms. Tenenbaum, we really, really appreciate your interest in public service, and your willingness to take on this Commission. And we’ve enjoyed our time together and your responses to the questions, and thank you. And we look forward to working with you as you’re the Chairwoman of the Consumer Product Safety Commission.

With that, we’ll adjourn the hearing.

[Whereupon, at 11:56 a.m., the hearing was adjourned.]



## A P P E N D I X

PREPARED STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

I would like to thank the Chairman and Ranking Member for holding today's hearing.

The Consumer Product Safety Commission is an extremely important agency that oversees the safety of over 15,000 consumer products.

If confirmed, you will take over as Chair of the Commission at a very challenging time.

With the passage of the Consumer Product Safety Improvement Act of 2008, the Commission has even greater responsibility and more demands on its limited resources.

As you work to carry out this new law, you will have a great deal of unresolved challenges as we move forward.

From baseball cards, to children's books, to second-hand thrift stores, this law has had a broad reach in terms of new testing requirements and lead limitations.

I understand that some progress has been made with the current Commission to deal with industry-specific concerns for products that pose a very limited threat to children with regards to the safety of parts and components of these products.

I encourage you to continue this work to achieve common sense outcomes for consumers and businesses alike.

In my state of South Dakota, I know of several retailers who were forced to warehouse small ATVs that were intended for children under the age of 12.

Not only did this cost them valuable business, but it encouraged parents to push the limits of what is appropriate for their kids by considering the purchase of a larger, adult-sized ATVs.

If you are confirmed, I look forward to working with in you as you implement the Consumer Product Safety Improvement Act in a common sense manner that considers the true risk of certain products, [such as youth ATVs and children's reading books.]

Again, I thank you for your willingness to serve and look forward to learning more about your thoughts on important issues facing the Commission.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO INEZ M. TENENBAUM ON BEHALF OF HON. CHRIS DODD

*Question 1.* Small business owners and craftspeople are concerned with the Commission's ability to exempt certain materials and products. To date, the Commission has exempted certain products, such as books and natural materials, from lead testing requirements because the materials are inherently safe and when used as intended, provide little or no risk of lead exposure. If confirmed, will you act quickly and clearly to provide guidance on other materials that are inherently safe, do not require lead testing, and categories of products that pose no lead risk if used as intended?

Answer. I agree that the Commission needs to act to provide guidance on other materials that meet the statutory criteria for exemption from the lead limits imposed by the CPSIA. While the Commission has already exempted certain products, other products may also qualify for a similar exemption under the CPSIA. If confirmed as Chairman, I will work diligently to ensure that guidance on other materials that may qualify for an exemption is promulgated by the Commission. I hope that such guidance would address the questions and concerns of industry, including small business owners and craftspeople.

*Question 2.* Do you foresee the need to ask Congress for additional authority to regulate products in a common-sense manner?

Answer. As I am not yet confirmed, it would be premature for me to take a position on whether the law needs to be amended. However, I do hope to work with all concerned parties to implement the CPSIA in a common-sense manner. Acting

Chairman Moore has said that the Commission needs a third Commissioner before making decisions and recommendations to Congress. I agree with Acting Chairman Moore and, if confirmed as Chairman, I look forward to working with the other Commissioners and the CPSC staff to make these kinds of determinations and reporting them to this Committee and Congress.

*Question 3.* Can you provide assurance that you will work with industry and trade groups to educate small businesses on how to work within the parameters of the CPSIA?

Answer. I understand that there is a great deal of confusion, especially among small businesses, about the CPSIA and its requirements. If confirmed as Chairman, I will work to ensure that the CPSC provides guidance to help clear up this confusion and address the concerns of small businesses. I believe that once this guidance is promulgated by the Commission, many of the concerns of small businesses will be addressed and small business owners will be able to learn how to work within the parameters of the CPSIA.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
INEZ M. TENENBAUM

*Question 1.* The Consumer Product Safety Improvement Act instructed the Consumer Product Safety Commission to study and develop safety standards for durable nursery products including cribs. If you are confirmed, will you work with the Consumer Product Safety Commission to develop a stronger standard for crib durability and require cribs to be durability-tested as part of these safety standards?

Answer. If confirmed, I will see that the requirement under the CPSIA to take voluntary crib standards and make them mandatory is carried out by the Commission. Durable nursery products used to be governed by voluntary standards but the CPSIA requires the Commission to issue rules creating mandatory standards for these products. The development of these standards is greatly beneficial as it will also give the Commission enforcement authority over these products. If confirmed as Chairman, I will work with the Commission and the CPSC staff to ensure that mandatory standards which reduce the risk of children's injuries from these products are developed as required under the CPSIA, which includes the periodic review and revisions of the standards to ensure they meet the highest level of safety.

*Question 2.* If you are confirmed, will you work with the Consumer Product Safety Commission to consider promulgating regulations requiring cribs and other durable nursery products to contain warning labels against the use of soft bedding?

Answer. As I am not yet confirmed, it is premature for me to take a position on the specifics of any regulations concerning cribs and other durable nursery products that the Commission might promulgate in the future. However, if confirmed, I look forward to examining this issue, and to working with the Congress, the other Commissioners, and the CPSC staff to promulgate the most effective regulations for enhancing the safety of cribs and durable nursery products in the U.S. marketplace.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARK L. PRYOR TO  
INEZ M. TENENBAUM

*Question.* Section 108 of the CPSIA requires that a chronic hazard advisory panel (CHAP) study the effects on children's health of all phthalates and phthalate alternatives as used in children's toys and child care articles. Can you assure me that the CHAP will be free from political influence?

Answer. If confirmed as Chairman, I will work to ensure that the Chronic Hazard Advisory Panel conducts an impartial and *de novo* study of the phthalates and phthalate alternatives subject to the interim ban as required by the CPSIA. It is my understanding that the CPSC has already taken steps to ensure that scientists serving on this panel will be free from potential conflicts of interest. In the CPSC's February 10, 2009 letter to the President of the National Academy of Sciences, the CPSC requested that the Academy nominate more than 21 qualified scientists for the panel because the nominees must be willing to serve on the panel and must also pass the conflict of interest criteria. According to the letter, in order to pass the conflict of interest criteria, a panel member cannot receive compensation from or have substantial financial interest in any manufacturer, distributor, or retailer of products or chemicals covered by the CHAP or be a Federal employee, excluding those Federal employees at the National Institutes of Health, the National Toxicology Program, or the National Center for Toxicology Research. To the extent that any additional measures are necessary to further ensure the impartiality of the CHAP and

to make certain it is free from political influence, I will work with the other Commissioners to identify and implement such additional measures if confirmed as Chairman.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
INEZ M. TENENBAUM

*Question 1.* Congress gave CPSC the authority interpret the Consumer Product Safety Improvement Act (CPSIA) to interpret the law's requirements in a common sense way to allow the agency to exempt certain products from lead content rules. I do not believe motorcycles, for example, should fall under the same lead ban that applies to children's toys. As CPSC Chair, will you support a flexible, common sense approach to interpreting the law that ensures a high level of consumer safety?

Answer. If confirmed as Chairman of the CPSC, I will reasonably interpret the CPSIA as written by Congress in a common-sense manner that also ensures a high level of consumer product safety. It would be my goal to implement rules and regulations, and to issue guidance pursuant to the CPSIA, as soon as possible to address the CPSIA lead limits and similar concerns currently surrounding the new laws. As always, these rules, regulations, and guidance materials must be promulgated while keeping in mind that the ultimate mission of the agency is the protection of the American consumer.

*Question 1a.* Will you address the issue raised by constituents in my state of motorcycles inappropriately falling under the same lead ban as children's toys?

Answer. Because I am not yet confirmed, it would be premature for me to take a position on whether motorcycles should be exempted from the CPSIA lead limits. It is my understanding that the Commission has already stayed enforcement of the CPSIA lead limits for certain component parts of youth motorized vehicles until May 1, 2011. While I cannot yet take a position on this issue, if confirmed, I intend to lead the Commission in fully reviewing and addressing the implementation issues surrounding the CPSIA lead limits and products such as youth motorcycles.

*Question 2.* How will you work with manufacturers, U.S. Customs and Border Patrol, and foreign governments to protect American children and consumers from unsafe imported products?

Answer. If confirmed, protecting American children and consumers from unsafe and imported products will be a priority for me upon assuming the Chairmanship. I understand that unsafe imports are a significant issue currently facing the agency and, if confirmed, I hope to address this issue through close coordination with manufacturers, U.S. Customs and Border Patrol (CBP), and foreign governments. I understand that the CPSC staff has already prepared an Import Safety Strategy which outlines four overall objectives for increasing the safety of imported consumer products. If confirmed, I hope to carry out the strategies already developed by the CPSC and execute new strategies to enhance the safety of imported consumer goods. One new powerful tool granted to the Commission through the CPSIA is the change in presumption about how a product will be handled once it has been refused admission into the country because, for example, it does not comply with a consumer product safety rule or does not have the appropriate certificate of conformance. The presumption is now that the shipment will be destroyed. I think the Commission can use this powerful tool to police the marketplace, and if confirmed, I will pursue the use of this new enforcement power with CBP.

*Question 3.* How will you work with state attorneys general to help ensure compliance with consumer product safety rules?

Answer. State attorneys general and state agencies are going to be a great resource to the Commission and, if confirmed as Chairman, I hope to foster highly beneficial partnerships with them and promote common agendas for consumer protection. If confirmed, I would keep an open dialogue with state attorneys general and promote open communication between the Commission and their offices in order to ensure compliance with consumer product safety rules. In addition, I would also work closely with the state departments of health and environmental control and state consumer affairs offices to provide public information and education to industry and consumers to help ensure compliance and foster understanding of the consumer product safety rules.

*Question 4.* CPSC and other regulatory agencies rely on consensus standards developed by accredited standards development organizations. The U.S. Code of Federal Regulations currently includes 6,000 references to such standards, including many in critical areas involving health and safety.

Although CPSC technical experts participate in standards development activities relevant to consumer safety, CPSC has often been more reluctant than other agencies to reference existing voluntary safety standards as mandatory requirements. Last year, Congress directed CPSC to reference several such standards, which are updated more regularly than consumer rules, in order to ensure a higher level of children's safety. Congress also instructed CPSC to reference updated versions of these standards shortly after they are revised. Will you encourage CPSC staff to continue to participate in standards development organizations that are relevant to protecting consumer safety?

Answer. CPSC staff participation in standards development organizations is very important to protecting consumer safety and, if confirmed as Chairman, I will encourage the CPSC staff to continue to participate in these organizations. I believe such participation is highly beneficial to the continued education of CPSC staff and can help foster the development of standards which ensure the highest level of consumer safety.

*Question 4a.* Will you consider referencing the resulting standards when they are consistent with the Commission's regulatory objectives?

Answer. As I am not yet confirmed as Chairman, it would be premature for me to take a position on whether the Commission would reference these kinds of standards. In addition to the ASTM International Standard F963-07, the CPSIA gives the Commission the ability to adopt other ASTM standards if the standards would further reduce the risk of injury associated with children's toys. If confirmed as Chairman, I look forward to working with the other Commissioners and the CPSC staff to determine whether the remaining ASTM standards, as well as any other additional standards, should be adopted or referenced by the Commission to further enhance the safety of children's toys.

*Question 4b.* Will you ensure that CPSC rules stay current with emerging safety threats in order to protect children and consumers from unsafe products?

Answer. If confirmed as Chairman, I will work diligently to ensure that the CPSC rules stay current with emerging safety threats in order to protect American children and consumers from unsafe products. The Commission has a regular rule review process and I believe that updating Commission rules and regulations is essential to addressing emerging threats and acting in a proactive, rather than a reactive manner. If confirmed, it will be my goal to work with the Commission and CPSC staff to identify and address foreseeable threats before they become a serious danger to American consumers.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK WARNER TO  
INEZ M. TENENBAUM

*Question 1.* Just to make sure we are on the same page, I want to make clear that I understand precisely how Virginia drywall concerns will be incorporated into how CPSC will be moving forward. First, I understand that CPSC collected samples of corroded smoke alarms, corroded electrical receptacles and corroded copper tubing from homes constructed with Chinese drywall on June 2, 2009 in Chesapeake. My understanding is that CPSC will analyze those components—collected from Virginia homes—in controlled lab conditions to determine how the corrosion occurred and how the corrosion impacts the components' functionality—for example how the corrosion would stop a fire alarm from working properly. Is that correct?

Answer. As I am not yet confirmed as Chairman and only have access to information available in the public domain, I can only answer this question to the extent that this information is currently available to me. According to information from the CPSC, to date, the Commission has received hundreds of reports of potentially defective Chinese drywall from residents in 19 states and the District of Columbia. Virginia is included in this group of states and, if confirmed as Chairman, I will work to ensure that this issue is addressed in Virginia as well as the other affected states. Regarding component testing, according to Commissioner Nancy Nord's letter to Senator Bill Nelson, the CPSC's Directorate for Engineering Sciences will be examining and testing components in homes that may be affected by emissions from Chinese drywall. Her letter goes on to list the components that will be tested and how the testing will be conducted. If confirmed as Chairman, I look forward to working with the other Commissioners and the CPSC staff to review this testing plan and ensure that the agency is doing all that it can to address the problems associated with Chinese drywall.

*Question 2.* Second, I understand that the CPSC will be conducting an in-home air sampling study of 50 homes, and that Virginia homes will be a part of that study. Is that correct?

Answer. According to Commissioner Nord's letter to Senator Bill Nelson, the CPSC's Directorate for Health Services is planning to collect air monitoring data in homes as a part of the investigation into Chinese drywall. As I am not yet confirmed as Chairman and only have access to publicly available information, I cannot definitely state whether Virginia homes will be a part of that study. However, if confirmed, I will work the CPSC staff to ensure that this and other studies are scientifically sound and adequately representative of all consumers affected by the Chinese drywall issue.

*Question 3.* Third, I understand that CPSC will be conducting two tests using unpainted drywall from Virginia. One test will be an elemental analysis to determine what components the Virginia drywall contains. Another has been referred to as the "chamber studies," where you will test unpainted, untainted drywall from Virginia in a variety of environmental situations, humidity levels, etc. The purpose of this test is to better understand why the Virginia drywall corrodes and emits gases in a variety of situations. Is that correct?

Answer. As I am not yet confirmed as Chairman, I am not familiar with the specifics of the testing that the CPSC intends to conduct in its investigation of the Chinese drywall issue. If confirmed, I will make the Chinese drywall problem a high priority and I would be happy to answer your questions in more detail when I have more information. If confirmed as Chairman, I look forward to working with the other Commissioners and the CPSC staff to ensure that the Commission carries out efficient and conclusive testing through which consumers can gain a thorough understanding of the problems associated with Chinese drywall.

*Question 4.* When do you anticipate that these studies be done? Will they be publicly available so victims of this drywall problem will be able to easily access them?

Answer. Completing these studies and properly informing the public on this issue must be a top priority. Although I do not have access to the CPSC timeline for the completion of these studies, I do understand that at least a preliminary testing timetable has been developed. If confirmed, I will work to ensure that the deadlines mandated by this timetable are met and also updated or changed as necessary to adequately and efficiently address the issues presented by the Chinese drywall problem. Since I am not yet confirmed, I cannot definitely state whether these tests will be publicly available. However, if confirmed, I will make sure that the affected consumers will be promptly and sufficiently informed of the important issues and information related to the Chinese drywall in their homes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO  
INEZ M. TENENBAUM

*Question 1.* Ms. Tenenbaum, small businesses represent nearly 99 percent of small businesses in the United States, and as Ranking Member of the Committee on Small Business and Entrepreneurship, I am committed to limiting burdensome Federal regulations on our Nation's entrepreneurs.

With that in mind, small business owners are extremely concerned with the Consumer Product Safety Improvement Act of 2008 (CPSIA) and how it is being implemented by the Consumer Product Safety Commission (CPSC). It is critical that the CPSC ensure that it is satisfying its responsibilities of protecting the public, while mitigating the negative impacts on small businesses.

I am specifically concerned with the CPSC's ability to exclude goods deemed safe for public use from lead testing requirements. Many small business owners feel that their products should be excluded, but have yet to hear if the CPSC plans to act on additional cases. I cannot overstate how critical it is that CPSC expeditiously work, within the constraints of the law, to exclude merchandise that poses no danger to the public. Additionally, businesses should be made aware of the process which the CPSC intends to take when determining what to exempt from third-party testing requirements. Finally, if products are excluded, the decision must be presented with sufficient clarity and certainty for business owners to fully comprehend the legal status of their unique merchandise. Can you share your thoughts on this issue?

Answer. I agree that it is of the utmost importance that the CPSC expeditiously work to develop guidance and make determinations of what products should be exempted from the CPSIA lead limits. Clear guidance and communication from the Commission on this issue is especially important for small business owners. If confirmed, it is my goal to make effective use of the new budget resources recently re-

ceived by the Commission to implement rules and regulations, and to issue clear guidance pertaining to this issue as soon as possible. In my experience in South Carolina, the key to successfully implementing these kinds of comprehensive laws is providing those affected with regulations, rules, and guidance which provide them with a clear roadmap of how the legislation will be enforced and how to comply. If confirmed as Chairman, I will approach the implementation issues with the CPSIA in the same manner.

*Question 2.* Does the CPSC have sufficient ability under the current statute to exempt products that do not pose a risk to children? Do you believe, as CPSC staff insinuated in a recent letter to Representative Dingell, that a legislative fix is necessary to give the CPSC flexibility to implement the CPSIA? If not, why do you disagree with the CPSC's staff position from this letter dated March 20, 2009?

Answer. As I am not yet confirmed, it would be premature for me to take a position on whether the Commission has adequate flexibility, under the CPSIA, to exempt children's products that do not pose a risk to children. I know from my review of the CPSIA that there are currently three methods built into the CPSIA to waive the lead standards for certain types of children's products. These methods include exemptions for inaccessible component parts, lead in certain electronic devices, and exemption by CPSC rule where the Commission determines that the normal and foreseeable use and abuse of a children's product will not result in the absorption of any lead into the body.

With regard to whether a "legislative fix" is necessary to give the CPSC flexibility to implement the CPSIA, I am not currently in a position to state whether I believe that Congress should amend the CPSIA. I do agree with Acting Chairman Moore's position that any request or recommendation that Congress amend the CPSIA should come from the Commission once there are three Commissioners. If confirmed as Chairman, I look forward to fully reviewing the implementation issues with the other Commissioners and the CPSC staff to make these kinds of determinations and report the Commission's ultimate findings and recommendations to this Committee and to Congress.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
INEZ M. TENENBAUM

*Question 1.* With regard to the implementation of the Consumer Product Safety Improvement Act, do you believe the Commission has adequate flexibility to waive the new lead standards or testing requirements for certain types of children's products?

Answer. As I am not yet confirmed, it would be premature for me to take a position on whether the Commission has adequate flexibility, under the CPSIA, to waive the new lead standards or testing requirements for certain types of children's products. I know from my review of the CPSIA that there are currently three methods built into the CPSIA to waive the lead standards for certain types of children's products. These methods include exemptions for inaccessible component parts, lead in certain electronic devices, and exemption by CPSC rule where the Commission determines that the normal and foreseeable use and abuse of a children's product will not result in the absorption of any lead into the body. I understand that there are a number of open rulemakings and some pending petitions involving the Commission's interpretation of these lead exemptions that, if I am confirmed, I will be asked to vote upon. In voting on these matters, in each instance the Commission will be addressing its ability to grant or deny certain requests or to grant other relief as appropriate.

*Question 2.* If so, do you believe the Commission can safely and responsibly carry out the Consumer Product Safety Improvement Act while exempting certain products such as youth ATVs, which may not pose a significant threat in terms of lead contamination?

Answer. While it is premature for me to state whether the CPSIA provides adequate flexibility to waive lead standards for certain children's products, I do believe that the Commission can safely and responsibly carry out the goals of the CPSIA if certain children's products were to be exempted pursuant to the provisions spelled out in that Act. The CPSIA gives the Commission the ability to exempt by rule certain children's products from the lead limits, and I believe that the Commission should utilize the discretion afforded to it under the CPSIA wisely.

*Question 3.* I understand that the Commission has provided a stay of enforcement for certain children's products. For example, the Commission has provided a stay for youth ATVs through May 1, 2011. However, State Attorneys General still have

authority to enforce this law, even though the Commission has issued a stay. How do you plan to work with States Attorneys General to ensure these offices and the Consumer Product Safety Commission are enforcing the same regulations? If the Commission were to exempt certain products from the Consumer Product Safety Improvement Act, would that restrict States Attorneys General from taking enforcement action with regards to these products?

Answer. I hope to foster beneficial partnerships with state attorneys general and state agencies and promote common agendas. The Commission has requested that state attorneys general refrain from prosecuting certain types of CPSIA violations. However, you are correct in that the Commission cannot prohibit state attorneys generally from bringing a civil action to obtain appropriate injunctive relief because the Commission has stayed enforcement of certain requirements under the CPSIA. I hope that state attorneys general will honor the Commission's request and, if confirmed, I will do my utmost to work with them to ensure a cooperative approach on any issues that might arise. Also, if a state attorney general were to proceed with such an action, the attorney general is required to give the Commission 30 days notice before filing a complaint under the CPSIA. If the Commission was not already informed beforehand, I believe the CPSC would use this 30-day time period to try to address and fully resolve any issues with an attorney general pursuing such an action. With regard to Commission exemptions, it would be premature for me to take a position on whether states attorneys general are restricted from taking enforcement action on Commission-exempted children's products until I have had the benefit of consultation with the other Commissioners and the CPSC staff on this issue in the event that I am confirmed.

*Question 4.* The Consumer Product Safety Improvement Act enacts several new regulations on manufacturers and retailers, such as third-party testing, tracking labels, and new lead limitations. I understand there is a cost-benefit tradeoff to this law, and we all want safer children's products. However, the Commission should make implementation as cost effective as possible. As the Chair of the Consumer Product Safety Commission, what are three actions you will take to lower the cost of compliance with this new law?

Answer. I sympathize with business owners, especially small business owners, who will face increased costs to comply with the mandates of the CPSIA. If confirmed, I will do my best to support workable standards and testing regimes that minimize the economic impact on businesses while still protecting American consumers. I do believe that the right balance can be struck between enforcement, testing, and keeping regulatory burdens at a level so as to make implementation effective and cost efficient. Although it would be premature for me to commit to specific actions I would take to ensure cost efficiency, I can assure you that, if confirmed, I will: (1) examine cost-effective alternatives, such as component based testing, already recommended to the Commission by industry and small businesses; (2) seek out ideas for other ways to lower the cost of compliance; and (3) work with this Committee, the Congress, and industry and small businesses on this issue.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
INEZ M. TENENBAUM

*Question 1.* By law, the Consumer Product Safety Commission has broad authority over products in the U.S. marketplace. As a protection against undue influence, the Consumer Product Safety Act includes prohibitions on a Commissioner holding stocks or bonds of substantial value in an entity engaged in business before the Commission. I recognize your attempts to reconcile your financial interests with the requirements of the law. Given the breadth of the Commission's jurisdiction, will you please review your financial interests to ensure no inherent conflict of interest will exist upon your confirmation?

Answer. In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's designated agency ethics official to identify potential conflicts of interest. If I am confirmed as Chairman, any potential conflicts of interest that arise will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Commission's designated agency ethics official and that has been provided to the Committee.

*Question 2.* Will you also commit to recuse yourself from any and all proceedings that may come before the Commission as a result of any financial conflict that may arise during your tenure?

Answer. If confirmed as Chairman, whenever a potential conflict of interest arises, I will consult with the agency's designated ethics official and recuse myself when appropriate.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO  
INEZ M. TENENBAUM

*Question 1.* When Congress considered the CPSIA, it not only took into account prior studies that the CPSC had conducted on various phthalates, but also recognized that not all phthalates or other plasticizers are equal and treated them distinctively. Therefore, Section 108 of the bill permanently bans three low-molecular-weight phthalates from their use in children's products and childcare articles.

Congress also recognized the health and safety distinctions of the high-molecular-weight phthalates, diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-n-octyl phthalate (DnOP). For these, Congress passed a narrower, temporary prohibition that is similar to action previously taken by the CPSC involving a voluntary prohibition of the use of DINP in pacifiers, rattles, and teething rings. After scientific review through the establishment of an independent Chronic Hazard Advisory Panel (CHAP), the CPSC concluded in 2003 that there was "no demonstrated health risk" associated with the use of DINP in children's toys or childcare articles.

Under the requirements of the CPSIA, DINP will be studied again, but the bill also requires that an independent team of scientists study not only DINP and other high-molecular-weight phthalates but also the alternatives to these phthalates. The overall goal is to determine the safety of *all plasticizers* in children's products. Clearly, the intent of Congress is that a scientific process, unfettered by political influence, should determine the safety of plasticizers used in toys. The study will provide the basis for a final Federal regulation on the use of plasticizers in children's products. Therefore, it is critical that we move forward quickly because manufacturers will use other plasticizers that have not been nearly tested at the level that DINP has been tested.

Given the level and amount of assessments that have been done on certain phthalates and the relative paucity of studies of alternatives to phthalates or other high-molecular-weight phthalates, will you work to expedite consideration of the CHAP and issue a final regulation on what plasticizers are safe?

Answer. If confirmed as Chairman, I will work to ensure that the Chronic Hazard Advisory Panel's study will be performed in an impartial manner and within the time table established by the CPSIA. It is my understanding that the process of assembling this panel's membership is already underway. After the panel is assembled, it is required to complete its examination within 18 months under the CPSIA. The panel is then required to report its findings to the Commission after 180 days and the Commission must make a final determination on what phthalates, if any, should be permanently banned by rule within 180 days after receiving the panel's report. If confirmed as Chairman, I will work with the panel and the Commission to ensure the study is impartial and performed as expeditiously as possible within the deadlines mandated by Congress in the CPSIA.

*Question 2.* In 2007, in the case involving a children's toy product, a manufacturer substituted a particular untested and unproven chemical in the manufacturing process. The end result was that the product, when ingested, operated similarly to the "date rape" drug, GHB, and the illness and hospitalization of some children who ingested the beads led to a massive recall. What can the Commission do to ensure that we are not similarly substituting chemicals that have already been tested with others that have not been fully assessed for safety during the duration of this temporary prohibition?

Answer. The responsibility of testing and fully assessing the safety of these chemicals ultimately lies with the individual manufacturers of these products. I understand this concern though and, if confirmed as Chairman, I will work with the other Commissioners and the CPSC staff to determine what proactive measures the Commission can take, aside from enforcement after the fact, to prevent occurrences similar to the Aqua Dots episode during the interim prohibition.