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September 14, 2021

Hon. Richard Blumenthal
Chair
Subcommittee on Consumer Protection,
Product Safety, and Data Security
United States Senate
Washington, D.C. 20510

Hon. Marsha Blackburn
Ranking Member
Subcommittee on Consumer Protection,
Product Safety, and Data Security
United States Senate
Washington, D.C. 20510

Dear Chair Blumenthal, Ranking Member Blackburn and Members of the Subcommittee on Consumer Protection, Product Safety, and Data Security,

As the subcommittee conducting oversight of the Consumer Product Safety Commission (CPSC), I wanted to bring to your attention the Freedom of Information Act request (#21-F-00565) that the National Waste & Recycling Association (NWRA) filed September 13 with the CPSC.

NWRA's FOIA request asks CPSC to produce all correspondence between the CPSC and Apple, Samsung, Google, Microsoft and any other mobile phone manufacturers or operating system software providers regarding their products as well as any ancillary documents and records pertaining to the dangers that mobile phones present to waste and recycling workers.

In addition, NWRA is seeking all correspondence between the CPSC and other federal agencies on the topic of the hazards that mobile phones create on our nation's roads. The FOIA covers the period starting June 29, 2007 when the first iPhone went on sale through the date of the FOIA request.

NWRA met with CPSC Chairman Robert Adler and his staff last week to discuss the ongoing safety issue the waste and recycling industry faces from mobile phones being used by consumers while driving. Mobile phones are an inherently addictive consumer product resulting in injuries to and fatalities of waste and recycling collection workers struck by mobile phone users who are driving. These victims are the same men and women who remained on the job throughout the pandemic to prevent a waste-induced public health crisis.

A January 4, 2018 article in Psychology Today titled "Technology Designed for Addiction" gets to the heart of the problem. The addictive nature of mobile phones is not a design flaw, but rather a key element of the product's design.

In the past, there has been a game of agency ping-pong when it comes to the issue of mobile phones and the dangers that they present to drivers on our nation's roads and highways. StopDistractions.org CEO Jennifer Smith wrote, "When I lost my mom in 2008 I also contacted the Consumer Product Safety Commission. They pointed to [National Highway Traffic Safety Administration], NHTSA then sent me to the FCC, and the FCC sent me back to CPSC. It is a never-ending circle of pointing the finger at someone else to fix the epidemic of distracted driving and it just continues to get worse over time. When will someone in our federal government stick their neck out and do something about one of the leading killers on our roads???"

Before reversing course, CPSC initially refused to meet with NWRA inferring that the agency did not have jurisdiction over mobile phones and suggested NWRA take up the issue with agencies within the federal

Department of Transportation (USDOT). At that point, NWRA contacted NHTSA which in expected fashion passed the buck to the states in their response.

NWRA is the voice in the nation's capital for the private sector waste and recycling industry that is essential to maintaining the quality of American life. The delivery of waste and recycling services impacts all residential, commercial and industrial properties on a daily basis. NWRA members operate in all 50 states and the District of Columbia and can be found in most, if not all, U.S. congressional districts. Waste and recycling facilities number nearly 18,000 scattered throughout the U.S., mirroring population centers.

I urge your subcommittee in your oversight of the CPSC to inquire as to what the commission plans to do regarding the dangers that mobile phones present to highway users in general and waste and recycling collection workers specifically.

Should you have any questions, please contact NWRA's Chief Counsel & Senior Vice President of Government Affairs Jim Riley at 202-364-3744 or jriley@wasterecycling.org.

Sincerely,

A handwritten signature in cursive script that reads "Darrell K. Smith".

Darrell K. Smith, PhD
President and CEO

Enclosures:
NWRA FOIA request to CPSC
Psychology Today article