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October 4, 2021

Hon. Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Comptroller Dodaro,

The National Waste & Recycling Association (NWRA) writes the GAO to ask for clarification on federal agencies' jurisdiction over mobile phones as it relates to safety.

A November 2014 GAO report entitled "CONSUMER PRODUCT SAFETY OVERSIGHT: Opportunities Exist to Strengthen Coordination and Increase Efficiencies and Effectiveness" indicates that mobile phones/wireless devices are under the jurisdiction of the Consumer Product Safety Commission (CPSC), the Federal Communications Commission (FCC) and the Food and Drug Administration (FDA). While the FCC and the FDA cover the product as it relates to separate aspects of radio frequency energy issues, the report specifically states that "FCC does not directly regulate the safety of mobile phones and wireless devices."

The CPSC is referenced as the agency that "[r]egulates hazards associated with the chargers for these devices, such as to ensure that they do not catch fire." Beyond this, there is no indication in the report as to which agency has jurisdiction over the safety of mobile phones, but the reference to chargers would seem that the physical product itself would come under the auspices of CPSC.

In particular, NWRA is seeking to ascertain which federal agency would be in the position to regulate mobile phones as an inherently addictive product that causes distractions leading to injury and death.

In conversations with the Acting CPSC commissioner and the CPSC's Senior Attorney Advisor, they each strenuously denied that CPSC has jurisdiction over mobile phones at least as they relate to their addictive nature and the resulting distractions caused by them. Additionally, in response to a request from NWRA, the Department of Transportation denied that they have jurisdiction over mobile phones unless the devices are physically controlling vehicles.

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.

The waste and recycling industry is the sixth deadliest profession according to the Bureau of Labor Statistics and this is in part to our frontline workers being killed by mobile phone users who are engaging in distracted driving.

NWRA asks that you clarify this jurisdictional issue so our industry can work with the correct agency or agencies to promulgate appropriate regulation of mobile phones and save the lives of our frontline workers, many of whom are people of color. 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". The signature is written in black ink and is positioned above the typed name.

Darrell K. Smith, PhD, CAE, CIH
President & CEO