

Problem Defining the US Consumer Product Safety Improvement Act: Perception of China as a Cause and Implications for Asian Integration

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Introduction

On August 14, 2008, United States President George W. Bush signed the Consumer Product Safety Improvement Act (hereafter, *the Improvement Act* or *the Act*) into law, guaranteeing a new beginning for an agency that had for years been incapable of fulfilling its mandated function. Established in 1973, “the Consumer Product Safety Commission’s statutory purposes are to 1) protect the public against unreasonable risks of injury associated with consumer products; 2) assist consumers in evaluating the comparative safety of consumer products; 3) develop uniform safety standards for consumer products and minimize conflicting state and local regulations; and 4) promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries” (Mullock, 2008).¹

This responsibility is irrespective of whether products are consumed through interstate or foreign commerce. However, since the CPSC’s establishment, globalization of the world economy has increased the role of the US as a consumer of products manufactured in other countries.² Indeed, since the early 1990s products from China have contributed to an increasing percentage of this role.³ However, despite the larger number of imports coming into the US, annual resources provided for the CPSC have gradually decreased, meaning that the agency has increasingly had to do more work with less capacity.

The Improvement Act consists of two parts (hereafter, *titles*) that officially aim to serve two separate but related functions. By name, the second and more extensive title is directly responsive to the agency’s deficient human and monetary resources. It also seeks to remedy the lack of CPSC authority to punish increasingly more evasive standards violators in the international market. The first title, by name, is responsive to the large amount of children’s products recalled by the CPSC in 2007. A majority of these recalls were due to unacceptable amounts of lead used in paint or otherwise on toys during manufacturing. This title increases the standard for acceptable amounts of lead used in products intended for children and establishes a stricter and more deregulated method of testing to ensure product safety.

This paper is interested in how the main issues, or problems, addressed by the Improvement Act were defined by policymakers while they debated feasible solutions. This inquiry stems from the fact that this legislation was introduced at a time when US consumers were arguably not just concerned about the safety of imported products in general, but about products from China in particular. In this regard, the concept of policymaking as a process of *problem definition*, “identifying where problems come from, what they signify, and what kinds of solutions should be sought” (Rocheffort & Cobb, 1994), is employed.

This process implies that in the course of legislative debate, not only will problems and their solutions be negotiated, but one if not more perceived causes will be identified and explicitly tied to proposed solutions. Furthermore, “definitions matter because they determine the nature of public and private mobilization efforts to encourage or discourage a particular activity” (Baumgartner & Jones, 1994). By this logic, understanding how policymakers perceive problem causes is also

¹ Products not under the CPSC’s jurisdiction include food, drugs, cosmetics, tobacco, alcohol, firearms, automobiles, tires, boats, pesticides, and medical devices.

² According to US Census Bureau Foreign Trade Statistics, in 1989, the value of US imports was \$1.1 billion more than its exports to the rest of the world, a figure usually referred to in negative language as the *trade deficit*; in 2007, the amount was \$7.9 billion.

³ According to US Census Bureau Foreign Trade Statistics, in 1989, China’s percentage of US imports was 2.5 percent; by 2007, this had risen to 16.4 percent as China overcame Canada as the largest exporter to the US.

important when considering possible implications of proposed solutions, as solutions are ultimately implications of what policymakers perceive the cause of a given problem to be.

As the Improvement Act has just recently been made law, and the extent of its implications are not yet known, one aim of this paper is to facilitate an understanding of what they may be. Particularly, this paper highlights the context of complementary trade between the US and China, which was at the center of media attention when the Act was initially proposed. The first step in this direction was to gather an understanding of the content of the Act's two titles and the methods they introduce for solving two different sets of problems. However, the Act itself is a piece of legislation and the causes of the problems it seeks to remedy are not discernable in its content.

The central argument of this paper is that, though not visible in the Act, one cause perceived by policymakers was the safety and potentially adverse effects, especially to children, of products manufactured in China. This cause is considered applicable because of the high media salience of the issue of Chinese products at the time the legislation was introduced. This argument is outlined by an analysis not of the legislation itself, but of a debate that helped advance the legislation through Congress. This paper hypothesizes that in the debate, China was specifically identified as the most repeated and prominent cause of the set of problems intended to be solved with the Act's first title, which addresses the importing of children's products.

If the results of the frame analysis are any indication of why policymakers believed this legislation was necessary, then the Act is a reflection of how China's present role as the largest exporter to the US market is perceived. Since other bills designed to improve similar agencies that oversee other import categories are also being discussed, it will soon be important to know if the general trend in future legislative debates is to highlight China as the cause of respective problems, and if this cause affects the success of a given bill.⁴ In this regard, it is argued that in practice the Improvement Act crosses the boundary between domestic and foreign policy,⁵ delegating a more explicit responsibility to the CPSC concerning the enforcement of import safety standards.⁶

That China's economic role is also inextricably linked to other Asian countries through production networks is also relevant. China is not only an exporter but an importer of the parts from which they are manufactured. Thus, production exports to China that become Chinese exports to the US will also have to adhere to the new legislation. This complicated production process, is especially relevant for the Asian economy in that it makes up a large percentage of intra-Asian trade (Asian Development Bank, 2007),⁷ a phenomenon some scholars put at the center of Asian economic integration. Thus, this paper also reveals some additional implications, both positive and negative, regarding the role of the US market in this process.

⁴ Another agency that oversees a large amount of imported products from China and is currently being considered for a similar *Globalization Act* is the Food and Drug Administration.

⁵ According to Hersman, US foreign policy is growing increasingly more complex, "and the distinctions between foreign and domestic policy have steadily evaporated, bringing a greater number of issues and players into the foreign policy mix."

⁶ According to Lindsay, term *foreign policy* is meant "to encompass the entire array of policies that affect the US role in the world." It is thus not limited in scope to national security and crisis policy, which form the basis of how the term is traditionally used in the field of international relations.

⁷ A breakdown of Asian exports by the ADB based on the Global Trade Analysis Project database shows that "more than seventy percent of intra-Asian trade consists of intermediate goods used in production."

Problem Identification and Negotiated Solution

This section illustrates and summarizes the major actions taken by the Improvement Act. In order to introduce these actions, the corresponding problems they seek to solve are first explained. The purpose of the section is to show the extent of the problems the legislation covers and to introduce the main points that, if policy were made in a vacuum, would comprise the content of the debate analyzed later. For simplicity of explanation, problems listed in the second of the Act's two titles, which deals with the reform of the CPSC, will be described before those listed in the first title, which deals specifically with the safety of children's products.

Title II: Consumer Product Safety Commission Reform

Since 1973, the CPSC has issued recalls of products that have been proven or are potentially hazardous to consumers. These recalls are issued through press releases, whereby they are made public. In most cases, press releases include an official joint statement between the CPSC and the recalled product's manufacturer, importer, or distributor indicating that the recall is voluntarily. However, when the actors responsible are unwilling to recall their product, the CPSC can force a recall if agreed by a majority of its commissioners.

One of many administrative difficulties the CPSC has dealt with in recent years⁸ has been the inability to enforce such action and other regulatory measures due to its operating for extended periods without the minimum number of required commissioners for a quorum.⁹ In this situation, the CPSC must rely on the accountability of manufacturers, importers, or distributors to voluntarily recall hazardous products at the request of, or in cooperation with, the CPSC. The most recent resignation of a commissioner was in July 2006. By the time Congress debated the Improvement Act in December 2007, the remaining two commissioners had been powerless for almost a year.

Another administrative difficulty was the consistent decrease in staff members working at its main office in Bethesda, MD, or one of many US ports through which foreign products must pass before becoming the inventory of distributors. "In 1977 [the CPSC] had a staff of 900. The staffing level has declined sharply over the past three decades from a high of 978 in 1980. The budget for FY2007 culminated a two-year reduction of full-time employees from 471 to 420. The CPSC's request for FY2008 anticipated a decrease of an additional nineteen full-time employees" (Mulock, 2008). Added to personnel decreases was the inability to modernize the agency's product testing laboratory, in Gaithersburg, MD, responsible for providing evidence of a product's hazard.

The Improvement Act's second title addresses this gradual amalgamation of administrative and authoritative deficiencies of the CPSC. Specifically, it increases the CPSC's budget of \$80 million in 2008 and 2009 to \$118 million in 2010, gradually increasing further to \$136 million in 2014. It requires the agency to seat all five commissioners provided for by the original 1972 act, allowing the two commissioners present at the time of the law's signing to constitute a quorum until another seat is filled. Thereafter, two commissioners can constitute a quorum any time for up to one year as long as they are not from the same political party. Furthermore, the title requires the agency to have at

⁸ According to a ConsumerAffairs.com article, which identifies the Bush Administration as the cause of the CPSC's lack of funding, "Only four times has [the CPSC] ever gone more than six months with only two commissioners. Three of those times were under the [George W. Bush] administration."

⁹ The 1972 Consumer Product Safety Act provides for five commissioners. However, recently funding provided for the agency has only been enough to seat three, which is the minimum required for a quorum. If one of these seats becomes vacant, the remaining two commissioners may retain their regulatory power for a maximum of six months. If the seat remains vacant longer than six months, the remaining two lose all regulatory power until a quorum is again reached.

least 500 full-time employees by 2013 and decreases the agency's testing burden by requiring certain products to be tested by third parties.

In addition to these administrative problems, the environment in which the CPSC must operate in the 21st century is definitive of why it has become unable to operate effectively. "The economics of manufacturing today means that component and product suppliers are often foreign firms selling to US importers. The growing volume of imports is one factor challenging the agency, but there are many others, including an increasing number and variety of consumer products, more technically complex and sophisticated products, and products that are increasingly not 'from' any one place, but rather consist of parts and components from any number of countries" (US Consumer Product Safety Commission, 2008).

To address potential problems related to operating in this international environment, the second title allows the CPSC to more easily cooperate with foreign government agencies by sharing information, as long as it is used for consumer protection purposes, and by temporarily hiring officers or employees of foreign government agencies. It also sets an agenda for future inspection of foreign manufacturing plants by the CPSC and, as mentioned above, requires foreign manufacturers to consent to the jurisdiction of US courts.

Title I: Children's Product Safety

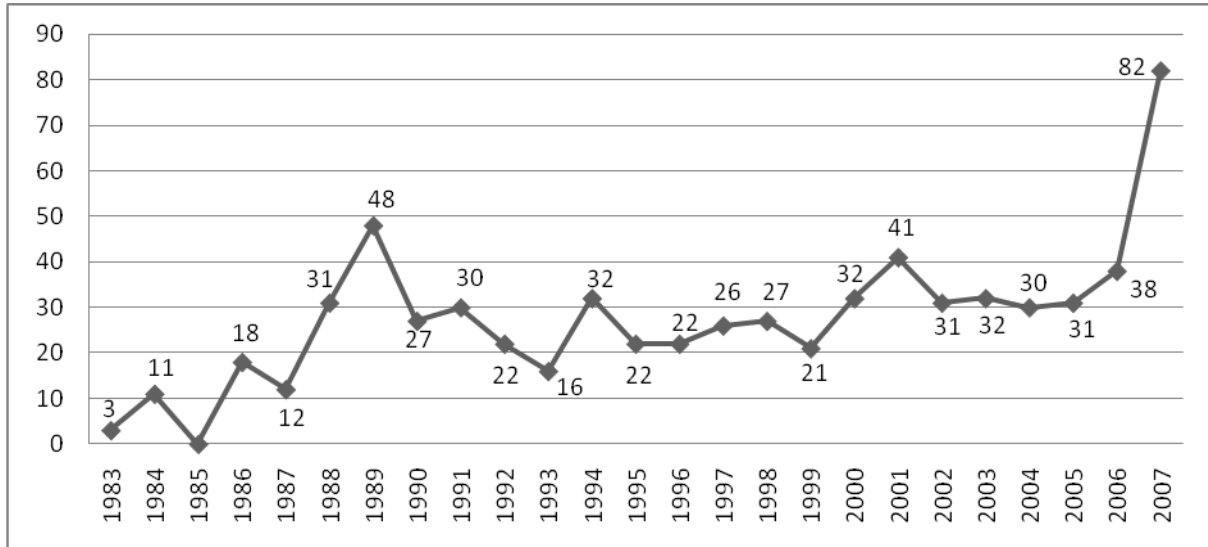
The first title addresses problems more closely related to products themselves, particularly children's products. In 2007, the amount of children's products recalled was substantially larger than any other year. Toy recalls, specifically, received considerable attention from the US news media, making the issue much more of an impetus for legislation than the administrative deficiencies outlined above. The number of toy recalls issued by the CPSC in 2007 can be seen by comparing the amount with previous years, as shown in Chart 1 below. However, without such media attention, it is often the case that consumers are not made aware of recalled products. Thus, one section of the first title, also known as the Danny Keysar Child Product Safety Notification Act,¹⁰ explicitly addresses the CPSC's inability to effectively notify consumers when certain products have been recalled.¹¹ The title requires manufacturers to supply consumers with a postage prepaid product registration card to facilitate the notification of recalls.

The title also addresses the particular hazard that caused the majority of children's product recalls in 2007 – high lead content – as well as a problem the CPSC had in tracking the exact location of where some products were manufactured. The salience of lead content in recalled toys in 2007 can be observed by comparing it with the types of hazards of all other recalled toys, as shown in Chart 2, and furthermore by comparing these percentages with those of previous years, as shown in Chart 3. The title imposes a gradual tightening of the standard of acceptable lead content and requires manufacturers to "place permanent and distinguishing marks on the product and its packaging that will enable the purchaser to ascertain the location of production" (US Consumer Product Safety Improvement Act, 2008).

¹⁰ Danny Keysar is the name of a 16-month-old who died in 1998 when his portable crib collapsed. The crib had been recalled by the CPSC in 1993.

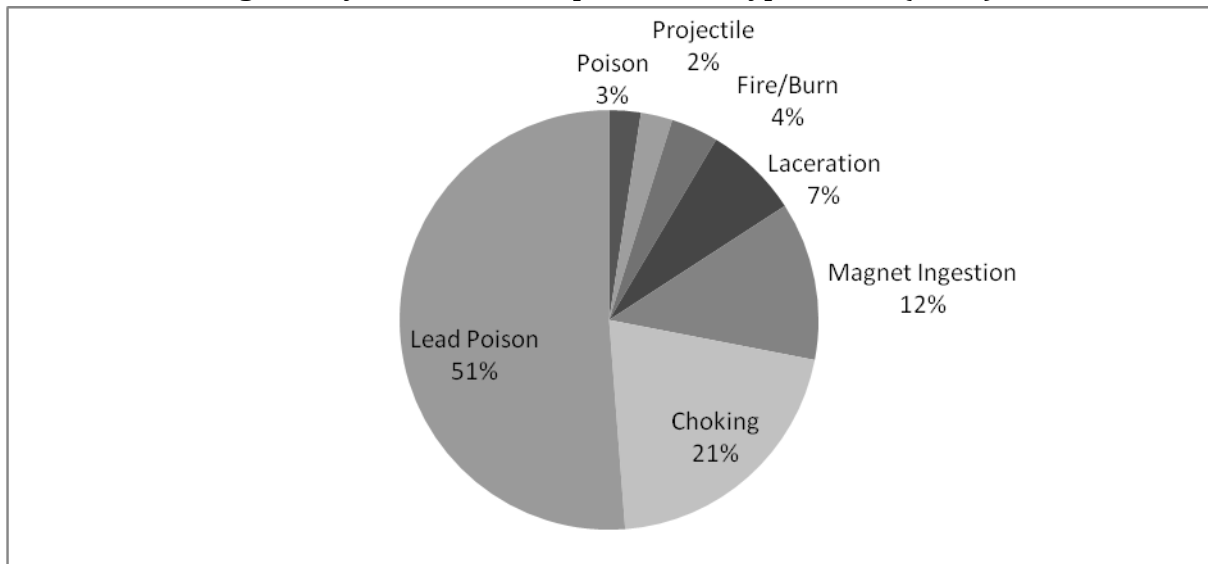
¹¹ According to the CPSC's summary of this section, these products mostly include those which children sit or lay in, such as cribs, chairs, carriers, strollers, walkers, and swings.

Chart 1: Amount of Toy Hazard Recalls per Year



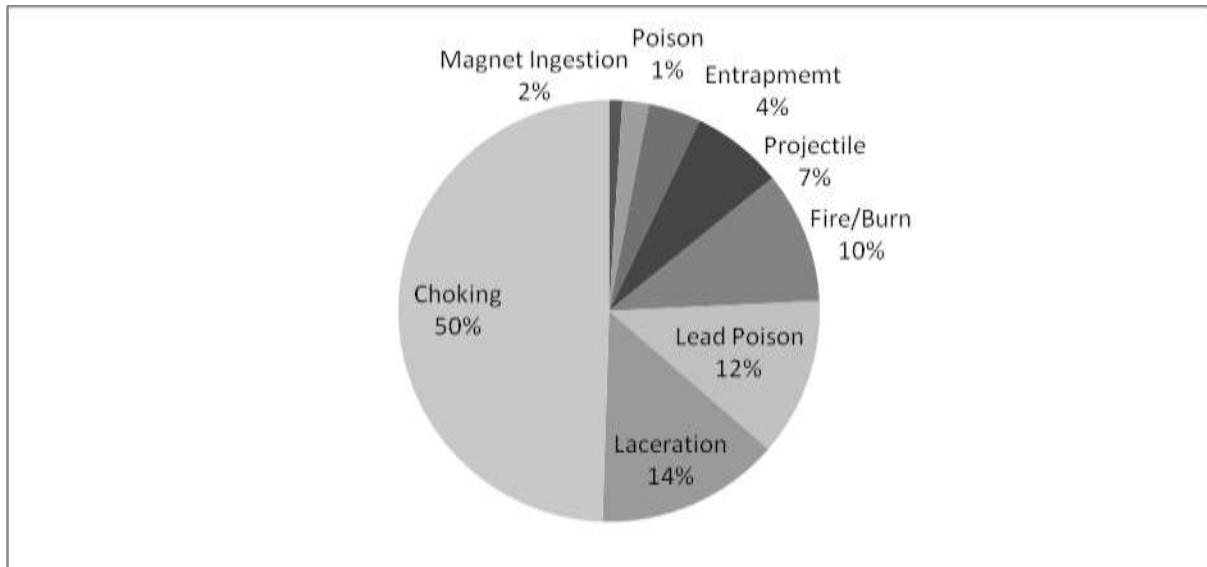
Source: Author's analysis; data from Consumer Product Safety Commission

Chart 2: Percentage of Toy Hazard Recalls per Hazard Type - 2007 (N=82)



Source: Author's analysis; data from Consumer Product Safety Commission

Chart 3: Percentage of Toy Hazard Recalls per Hazard Type – 2004-2006 (N=99)



Source: Author's analysis; data from Consumer Product Safety Commission

Problem Definition

Although problems as well as their corresponding solutions can be clearly identified from the content of the Improvement Act, this paper seeks to understand how the problems were defined by policymakers. In light of changes the Improvement Act makes regarding international trade and the existence of similar legislation currently being formulated for other agencies, it is necessary to understand the *perceived nature* of the problems being addressed (Rocheftort & Cobb, 1994).¹² This paper argues that the problems' perceived nature contributed to the attention it was given. An understanding of this nature is also necessary for contemplating the legislation's implications.

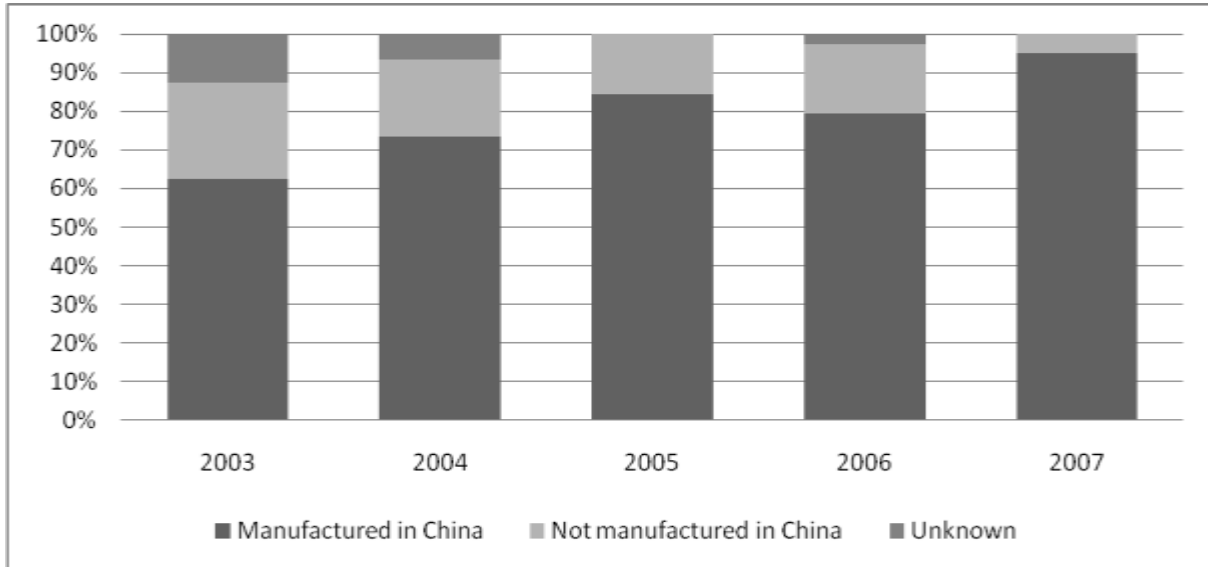
Understandably, a comprehensive effort toward this paper's aim would entail much more than a frame analysis of legislative debate. For example, policymakers' definitions of problems regarding consumer protection likely contain elements from the interests of product manufacturers, labor unions that represent their employees, the news media, as well as consumers within their constituency. However, while such a comprehensive analysis is beyond the scope of this paper, it does lend itself well to future studies. It is assumed for now that the most salient and persuasive of problem definitions articulated to policymakers through various ways and means were revealed by policymakers during the debate. Thus it is assumed that the debate's contents are to some degree representative of whatever factors shaped it.

In order to generate a hypothesis, this paper takes a look at some characteristics of imports in general, and recalls in particular, that preceded the introduction of the Improvement Act in November 2007. As noted above, China became the largest exporter of products to the US in 2007, accounting for 16.4 percent of all US imports. Regarding consumer products under the jurisdiction of the CPSC, "There has been a 101 percent increase in imports into the US over the last decade. [In 2007], approximately 42 percent of these products were from China, and the value of these imports from China nearly quadrupled from 1998 to 2007" (US Consumer Product Safety Commission, 2008).

¹² According to Rocheftort & Cobb, "Public policymaking must be understood as a function of the perceived nature of the problems being dealt with."

As one full title of the Improvement Act is designated for children’s products, controlling for related product categories can provide some clearer details about the environment in which this legislation was made. The general salience of recalled toys manufactured in China in recent years can be seen by comparing with the percentage of those not manufactured in China, as shown in Chart 4.¹³ Chart 4 also shows the salience of this percentage in 2007 in comparison with previous years. (The actual number of recalls corresponding to these percentages is shown in Chart 1.)

Chart 4: Percentage of Toy Hazard Recalls Manufactured in China – 2003-2007



Source: Author’s analysis; data from Consumer Product Safety Commission

In addition to the characteristics of recalls in 2007, the response to these recalls in the news media is looked at to get an idea of what content might comprise the debate. Similar to political discourse, when an issue receives a consistent amount of salient coverage, its content may begin to define and assess causes and solutions to the problem that initially made it newsworthy. What develops in this process is called a *news frame*.¹⁴ “Words and images that make up the frame can be distinguished from the rest of the news by their capacity to stimulate support or opposition to the sides in a political conflict” (Entman, 2004).

One of the ways this capacity of words, images, or ideas can be measured is by *magnitude*, which consists of their *prominence* and *repetition*. How problems are defined within the news can be detected, for example, in the content of headlines and article leads (for prominence) as well as in images that consistently appear (for repetition). This paper is not interested in arguing that the news media directly influenced policymakers in their defining of problems regarding the Improvement Act. However, it is not unreasonable to assume that among the perceivable causes of the problems identified in the Improvement Act, the actors with high magnitudes conveyed by certain influential news media might also have high magnitudes in the legislative debate.

¹³ The data for this chart was taken from the official press releases of product recalls. The *Unknown* category does not necessarily mean that the CPSC does not know where the recalled product was manufactured, only that that the information is not given in the official release.

¹⁴ According to Entman, *framing* is defined as “selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation, and/or solution.” The similarity to Rochefort & Cobb’s concept of *problem definition* is considered an indication of the appropriateness of framing as a tool for understanding how problems are defined in legislative debate.

Because of the emphasis the Improvement Act places on children's toys, the way the news media defined this problem in particular is considered. The main point here is to determine if the salience of toy recalls having been manufactured in China was picked up by the news media. If it was, then hypothesizing that China was identified as a high magnitude cause of the recalls in the debate is justified. The *New York Times* and *Washington Post* are used to generally assess this coverage, not only because they are the two newspapers read most by US policymakers, but also because they have the most influence among US newspapers on what is covered in the nightly television broadcasts of national news, whose content can be considered a barometer of major national issues in the US. Using LexisNexis, a search was run to retrieve articles from the six-month period between June 19, the day the first full-length news article about recalled toys appeared, and December 19, the day the legislative debate was held. The search required an inclusion of both the words *toy* and *recall* in the article's lead.

A total of fifty-four news articles appeared in these two newspapers, an average of about two per week. The majority of these articles (forty-two) appeared between mid-July and mid-October, an average of more than three per week. Reading through the articles highlighted the portrayal of three explicit causes of *dangerous toys*. When thought about in the context of a product's lifecycle, the causes are related to the design, manufacture, and testing of products. Of the fifty-four articles, forty implied that the location of manufacture caused the hazard leading to the recalls. All forty explicitly named China in this regard, making the image of China as an exporter of unsafe products highly repetitive. Thirty-two articles gave this information within the first three paragraphs, and seventeen made this implication in the headline, contributing to the image's prominence. Regarding the other aspects of a product's lifecycle, nine articles implied that faulty designs by US toy companies caused the problem leading to the recalls, and five articles implied that a faulty testing system and poor performance of the CPSC allowed hazardous products to enter the US. No articles implied that improper usage of products was the cause of a child's injury or death.

In sum, because of the high salience of toy recalls manufactured in China in 2007 as well as China's high degree of prominence and repetition in the news media related to these recalls, it is hypothesized that China as the location of manufacture will be portrayed in the debate as the most repeated and most prominent cause of toy recalls.

Method

In order to test this hypothesis, a debate that took place in the US House of Representatives on December 19, 2007, was analyzed to assess (similar to the reading of news articles) which aspect of a product's lifecycle was the most prominent and most repeated perceived cause of any problem addressed in the first title. Repetition is measured by simply counting the number of times foreign manufacturers are mentioned in the context of toy recalls. As for prominence, although testimonies do not contain headlines, it may be assumed that, like news articles, the most important content appears first. Thus, a cause mentioned earlier in the debate is considered more strongly perceived than one mentioned later on.

Even though the news articles did not portray improper product usage as a potential problem, this aspect of the product lifecycle was included with the other three as possible perceived cause. The time spent during the debate was explicitly allocated for this piece of legislation, so it was assumed that each statement made was in regard to the Improvement Act. The debate lasted forty-

five minutes and consisted of sixteen testimonies.¹⁵ Each testimony was read by the author with the aim of identifying explicit references to a cause of any problem addressed in the first title. When such a reference was found, its content, the point in the forty-five minute domain in which it was mentioned, as well as the aspect of the product lifecycle to which it refers was recorded.

Results

This section illustrates the actual mentioning of causes in the debate. In the forty-five minutes of debate, ten explicit references to the cause of a problem addressed by the first title were identified and categorized. It was hypothesized that a product's location of manufacture would be the most repeated cause. Foreign manufacturers (in particular, those in China) were mentioned throughout the debate (four times) in the context of the first title; however, the most repeated cause of any problem (five times) was the incompetence of the CPSC. US toy companies and their employees responsible for the design of products were only mentioned as victims and never as the cause of a problem. Finally, consumers were mentioned once as the cause of a problem for improperly using products. The ten perceived causes mentioned in the debate are shown, in the order in which they were spoken, in Chart 5.

It was also hypothesized that the location of manufacture would appear as a cause earlier in the debate than other perceived causes. Compared to the incompetency of the CPSC, the location of manufacture as a cause received attention earlier in the debate. Indeed, the last of the four times the location of manufacture was mentioned was just after the debate was half over. This particular cause dominated the first half of the debate, which may mean that it was more strongly perceived by the legislators. In comparison, the last three times the CPSC was mentioned were also the final three of the entire list, as this cause dominated the second half of the debate.

For the purposes of this paper, the results show that, above all, foreign manufacturers were a major aspect of policymakers' definition of this issue. Furthermore, the list of all causes found in the debate in Chart 5 shows that three out of four times (at 14', 21', and 24') the location of manufacture was mentioned, the image of China was explicitly cited. China and Chinese products were also mentioned several other times throughout the debate, though not as a reference to the cause of a problem addressed by the Act's first title. As shown in Chart 5, for example, the problem of dangerous or recalled toys becomes "recalls of Chinese-manufactured toys," a problem that was caused by the CPSC's "lack of authority" and can only be solved by allocated the CPSC "additional resources". Elsewhere in the debate, China is used to exemplify the US' growing dependency on imports.

The conclusion here is that to the extent that China was a perceived cause of recalled and/or hazardous products, the Improvement Act was a solution not only to that problem, but to the cause as well. The results show that China was not the only perceived cause, and perhaps not even the main perceived cause, but its salience as the only foreign country mentioned in the debate in any context yields some implications regarding the trade relationship between the US and China as well as any trade relationship in which China is a major actor, including China's role as the center of intra-Asian trade.

¹⁵ This total does not include instances when speakers only introduced the representative giving a testimony.

Chart 5: Mentioning of Perceived Causes Related to *Title I* in the Legislative Debate

Cause of Problem	Quote	Time
<i>Consumers improperly use safe products.</i>	“Lots of times products are not used properly, and that causes a problem. The CPSC cannot guarantee safety if the consumers don’t use their products properly.”	13'
<i>The location of manufacture is substandard.</i>	“Many members on both sides talked about the growing compliance shortfalls in toys that are manufactured outside the US, particularly in China. Specifically, our attention was focused on the spate of recalls which increased dramatically for toys with lead-based paints exceeding the US limit.”	14'
<i>The system for testing products is incompetent.</i>	“Today’s bill represents a step forward, an active response to an agency which has failed to take its regulatory responsibilities seriously for far too long, an agency that does not understand its regulatory function.”	17'
<i>The location of manufacture is substandard.</i>	“Recently, we’ve read many articles about products coming out of China, whether it be wheat gluten, whether it be contaminated toothpaste, whether it be excessive lead in the paints of toys and all of us are quite excited about this legislation, HR 4040, for the reformation that it makes in the CPSC.”	21'
<i>The system for testing products is incompetent.</i>	“After months of recalls of Chinese-manufactured toys, it is evident that the CPSC lacks strong authority and needs additional resources to protect the safety of our children and loved ones.”	22'
<i>The location of manufacture is substandard.</i>	“The real culprits remain, however, the trading partners who refuse to abide by international standards, countries like China and others who have lax oversight, who happen to be the leading countries that are involved with these appalling rates.”	24'
<i>The location of manufacture is substandard.</i>	“I am pleased to say that Mattel has worked hard to fix its problems, though I will continue to recommend that it move some or all of its manufacturing back to this country, where quality can be carefully monitored.”	26'
<i>The system for testing products is incompetent.</i>	“Unfortunately, the CPSC acting chairwoman seems content with the status quo.”	29'
<i>The system for testing products is incompetent.</i>	“Can you imagine listening to a member of the CPSC saying, “We need no more resources, everything is well.”	36'
<i>The system for testing products is incompetent.</i>	“In the middle of such a crisis, they were the only agency in the Federal Government saying, ‘Don’t give us any more money.’ And so it falls upon us now to be very vigilant to make sure that they do the work that they are supposed to do.”	40'

Source: Author’s analysis; data from C-SPAN Congressional Chronicles, December 19, 2007

Implications

As for the trade relationship between China and the US, as the largest exporter of products to the US, it seems reasonable that China will have some kind of influence on US trade policy. However, the nature of the effect China will have in this regard has not yet been established. If the above analysis of the way the Improvement Act was debated in Congress is any indication of things to come, then a more protectionist US trade policy toward China is foreseeable. However, this protectionism is not in the form of trade tariffs, but rather through an increase in the standard of products that the US depends on China for the most.¹⁶ Although China was not the only perceived cause of the problems existent in the products at the time of debating the legislation, its magnitude as a cause was high in that it was repeated numerous times throughout the debate and was the first major cause discussed by the policymakers. Furthermore, the even higher salience of China as a cause in the news media is more indicative of how the problem was defined at the societal level.¹⁷

This way of defining problems related to imports may be a foreshadowing of future legislation currently being developed. At the time the most salient attention in the news media about recalled toys appeared, another category of recalled products mostly imported from China was receiving similar attention. In this case, the presence of a toxic chemical found only in pet food in the US, a product under the jurisdiction of the Food and Drug Administration, was the problem. Although an analysis of news articles related to this problem has not yet been done, it can be hypothesized that its problem definition also focused on China as the main cause. Currently, a piece of legislation similar to the Improvement Act called the Food and Drug Administration Globalization Act is being developed. Indeed, this legislation was alluded to in the debate for the Improvement Act: "I look forward to working with my colleagues early in the next session to make sure that the food parents are putting on their table is also safe" (C-SPAN, 2007).

However, even though the problem definition contained the specific elements *recalled toys* and *China*, the implications of the Improvement Act extend beyond this range of product type and location of manufacture. Indeed, all 15,000 product categories under the jurisdiction of the CPSC must adhere to new regulations when exporting to the US. This includes many products manufactured in China that consist of parts imported from other Asian countries, a process of economic interdependence that some scholars use to define the phenomenon of Asian regional integration (Capannelli, 2008).

Indeed, after children's toys, the product types that the US is most dependent on China for are computers and computer peripherals, products that fit such a description. Even though these products have not received widespread recalls to instigate protective legislation, if the *made in China* brand itself becomes something that a large enough group of US consumers actively try to

¹⁶ According to the US Census Bureau Foreign Trade Statistics, in 2007, the four product categories in which the US is most dependent on China are toys, shooting and sporting goods, and bicycles (80.3%), computers (56.8%), computer accessories, peripherals, and parts (44.5%), and other (clocks, port typewriters, and other household goods (49.2%)).

¹⁷ According to the Pew Global Attitudes Project, Spring 2008, when asked, "How much if anything have you read or heard about the recalls of foods and goods manufactured in China over the past year – a lot, a little, not much, or nothing at all?", Americans responded 52 percent, 29 percent, 9 percent, and 8 percent, respectively, with 1 percent refusing to answer.

avoid,¹⁸ then the impact will not only affect China's economy but the Asian economy as well since the majority of intra-Asian trade consists of *intermediate goods used in production*. Furthermore, the final products comprised of these intermediate goods have been shown to be closely correlated and even responsive to demand from the US (Asian Development Bank, 2007).

Also closely correlated with supply from the Asian economy is demand from the European Union and Japan,¹⁹ two economies that have experienced similar increases of hazardous products from China in the last year.²⁰ Since safety standards are an essential element of the competitive nature of market economies, it is also not unreasonable to hypothesize that the Improvement Act could influence similar legislation in the EU and Japan, which would further impact the external demand pushing intra-Asian trade.

However, despite the presence of negative implications, it is also possible to find points of implied opportunity that can improve rather than exacerbate trade relations between the US and China – also with implications for Asian regional integration. Namely, the Improvement Act requires that the CPSC work more closely with its Chinese counterpart, the General Administration for Quality Supervision Inspection and Quarantine (AQSIQ), as well as Chinese manufacturers. One way in which this requirement is being executed is through the CPSC's China Program: "As a result of the trends of increased imports of Chinese manufactured consumer products and the related increase in product recalls, the CPSC developed and adopted the China Program. The Program is to engage officials from China in a cooperative dialogue and through working teams to reduce the risk of injury to American consumers from Chinese imports. The Program also seeks to educate Chinese manufacturers and other Chinese trade groups in strategies to improve the safety of Chinese consumer product exports and increase the rate of compliance of such products with CPSC's mandatory rules" (US Consumer Product Safety Commission, 2007).

Another example of international cooperation, established one month after the Improvement Act became law, is the trilateral EU-US-China Initiative, which so far has "brought together Chinese, EU, and US regulators, businesses, standard-makers, and test laboratories" in a series of training sessions in Beijing (European Commission Directorate General for Health and Consumers, 2008). "The goal of these sessions is to clarify the Chinese, US, and EU safety requirements for a number of key consumer products, such as toys, clothing, and certain electrical equipment, with a view to ensuring safety throughout the entire supply chain" (China-US-EU Tripartite Participants, 2008).

Clearly, the aim of such bilateral and trilateral agreements is not only to prevent recalls but to actively improve the safety and quality of products that China exports to the global economy. One potential effect of such an improvement might be found in the future perception of Chinese products from consumers in developed countries. Given the amount of products that China exports to the US, Europe, Japan, and other developed countries, if the consumer's perception of these

¹⁸ According to the Pew Global Attitudes Project, Spring 2008, when asked, "Do you think products made in China are as safe as products made in other countries, or do you think they are less safe than products made in other countries?", seventy-three percent of Americans responded that *Chinese products are less safe*.

¹⁹ In the referenced study by the ADB, the *Asian economy* consists of the People's Republic of China, Hong Kong, Indonesia, the Republic of Korea, Malaysia, the Philippines, Singapore, and Thailand.

²⁰ According to the Pew Global Attitudes Project, Spring 2008, when asked, "Do you think products made in China are as safe as products made in other countries, or do you think they are less safe than products made in other countries?", an average of eighty percent of respondents from the European countries France, Germany, Spain, and Poland answered that *Chinese products are less safe*. Ninety-three percent of Japanese respondents answered that *Chinese products are less safe*.

products is that they are of superior quality, the assumed increase in external demand would also increase intra-Asian trade and facilitate the process of Asian regional integration.

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