

CATHY McMORRIS RODGERS, WASHINGTON  
CHAIR

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-3641  
Minority (202) 225-2927

August 17, 2023

Mr. Jamie Iannone  
Chief Executive Officer  
eBay Inc.  
2025 Hamilton Avenue  
San Jose, CA 95125

Dear Mr. Iannone:

The U. S. Consumer Product Safety Commission (CPSC) is tasked with keeping the public safe from consumer products that pose an unreasonable risk of injury or death.<sup>1</sup> In addition to its own work, the CPSC relies on online marketplaces, like eBay Inc., to keep consumers safe by preventing the posting for sale of products that are known to be dangerous. It is our understanding that at least one such marketplace has been falling short on this mission.

We are aware that, since the beginning of 2022, the CPSC has sent one online marketplace at least three public letters and thousands of takedown requests, related to banned and recalled hazardous products that are available for sale on their platforms.<sup>2</sup> Of note, these products include the Fisher Price Rock ‘n Play, an inclined infant sleeper associated with approximately 100 infant deaths and recalled in 2019, and a prominent infant newborn lounger associated with infant deaths and recalled in 2021.<sup>3</sup> CPSC staff has also found that the Boppy Newborn Lounger, which was recalled in 2021, is also still for sale on the platform. CPSC has formally requested an average of about one thousand take down requests a month for this

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<sup>1</sup> See 15 U.S.C. §§ 2051–89.

<sup>2</sup> See Letter from Hon. Alex D. Hoehn-Saric, Chair, U.S. Cons. Prod. Safety Comm’n, to Mark Zuckerberg, CEO, Meta Platforms (July 13, 2022), [https://www.cpsc.gov/s3fs-public/CPSC%20to%20Meta%20Letter%2007\\_13\\_22.pdf](https://www.cpsc.gov/s3fs-public/CPSC%20to%20Meta%20Letter%2007_13_22.pdf); Letter from Hon. Alex D. Hoehn-Saric, Chair, U.S. Cons. Prod. Safety Comm’n, to Mark Zuckerberg, CEO, Meta Platforms (April 12, 2023), <https://www.cpsc.gov/s3fs-public/Letter-to-Meta-CEO-from-CPSC-Chair-Hoehn-Saric.pdf>; Letter from U.S. Cons. Prod. Safety Comm’rs, to Mark Zuckerberg, CEO, Meta Platforms (June 6, 2023), [https://www.cpsc.gov/s3fs-public/Letter-to-Meta-CEO-Zuckerberg-from-CPSC-Commissioners\\_2.pdf](https://www.cpsc.gov/s3fs-public/Letter-to-Meta-CEO-Zuckerberg-from-CPSC-Commissioners_2.pdf).

<sup>3</sup> Letter from U.S. Cons. Prod. Safety Comm’rs, to Mark Zuckerberg, CEO, Meta Platforms (June 6, 2023), [https://www.cpsc.gov/s3fs-public/Letter-to-Meta-CEO-Zuckerberg-from-CPSC-Commissioners\\_2.pdf](https://www.cpsc.gov/s3fs-public/Letter-to-Meta-CEO-Zuckerberg-from-CPSC-Commissioners_2.pdf).

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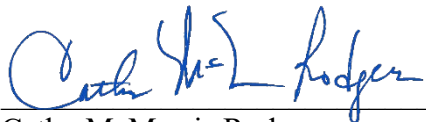
product.<sup>4</sup> To date, the volume of takedown requests has not slowed, and CPSC staff is unaware of any proactive measures to prevent these postings in the future.<sup>5</sup>

When companies like yours fail to prevent the sale of recalled products, your users and their children are placed at risk of purchasing and using a product that CPSC has found to pose a serious risk of injury and potential death.<sup>6</sup> So that we may determine the best next steps that the Committee can take to protect American families from unsafe products being sold on your platforms, please provide the Committee with answers to the following questions:

1. What systems do you have in place to ensure recalled products that the CPSC has determined pose a serious risk of injury and potential death are not able to be posted to your marketplace?
2. Do you have a compliance staff dedicated to consumer product safety issues?
  - a. If so, how many full and or part time staff are on that team?
  - b. What actions do you take to monitor CPSC recalls?
3. What actions will you take to ensure that the Fisher Price Rock 'n Play, Boppy Newborn Lounger, and similarly designed and/or other recalled products are not available on your platform moving forward?
4. Are there statutory issues that are creating a gray area where it is unclear what the platform's responsibilities are?
5. Will you commit to working with the Committee to find a solution to this, to ensure that CPSC's resources are not wasted on sending thousands of takedown requests for products that pose a known hazard and are for sale on your marketplace?

Please produce this information as soon as possible but no later than 5:00 p.m. on August 31, 2023. Please contact the Committee staff at (202) 225-3641.

Regards,



Cathy McMorris Rodgers  
Chair  
Committee on Energy and Commerce



Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*; Between February 7, 2022, and March 7, 2023, CPSC staff issued 3,981 takedown requests for the Fisher Price Rock 'n Play, which was recalled in 2019.

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Gus M. Bilirakis

Chairman

Subcommittee on Innovation, Data, and  
Commerce



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Jan Schakowsky

Ranking Member

Subcommittee on Innovation, Data, and  
Commerce