



555 West Washington Ave, Suite 200  
Madison, WI 53703

www.wccf.org  
608-284-0580  
608-284-0583

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TO: Assembly Judiciary and Ethics Committee  
Senate Judiciary, Utilities, Commerce and Government Operations Committee  
FR: Ken Taylor, Executive Director  
RE: Opposition to Special Session AB 1 and Special Session SB 1 – sections relating to actions against manufacturers, distributors, sellers, and promoters of certain products.

The mission of the Wisconsin Council on Children and Families (WCCF) is to ensure that every child in Wisconsin grows up in a just and nurturing family and community; free from danger to their health and well-being. WCCF does not represent a trade association or particular professional group. Rather, since 1881 our sole purpose has been to advocate for policies and investments that promote safe, stable, and healthy children and families.

For example, in the last session, WCCF supported SB 271, the BPA-Free Kids Act. This legislation protects children 5 years old and younger from exposure to this toxic chemical by prohibiting the manufacture or sale at the wholesale or retail level of children's bottles or cups that contain BPA and further requires manufacturers, wholesalers and retailers to clearly label children's bottles and cups as BPA free. The BPA-Free Kids Act had large bi-partisan support passing the Senate unanimously and passing the Assembly 95-2. Wisconsin put kids' safety first by passing this legislation.

WCCF believes passing SS AB1/SS SB1 as drafted would be taking a step back in kids' safety. We are particularly concerned about those provisions that reduce or effectively eliminate the responsibility of sellers and distributors to ensure that the products they sell are safe for children.

To us this is not about trial lawyers or business profits. This is about whether a parent can go to a local store and have confidence that the product they are buying for their child is safe and that if their child is injured or killed as the result of a defective product, they can effectively access the legal process to prevent the same thing from happening to someone else's child.

Currently, sellers and manufacturers are responsible for the products they sell. When parents buy a crib, stroller, or toys for their kids, they trust the seller of that product and assume the product is safe for their children. We are concerned that SS AB1/SS SB1 would effectively relieve the sellers and distributors from liability, resulting in potential harm to children.

We know that many products sold in the United States are not made in the US, making effective redress under SS AB1/SS SB1 with the manufacturer almost impossible. We also know that significant improvements in child product safety have resulted from a small number of lawsuits in which manufacturers and sellers have been held responsible for their failure to exercise due diligence when it comes to product safety. Changes in those products have saved lives and ultimately strengthened our communities and our economy.

As it relates to products that are used by and for children, “buyer beware” is not the standard for good business practice that we believe Wisconsin businesses should want to adhere to or that parents should accept. Therefore, we urge you to reject provisions of SS AB1/SS SB1 that take us in that direction.