

PETER FOSTER

Save our babies from red tape

My mother once accidentally crushed my thumb in a door. She was a good mother, but accidents happen. A door is in fact still a tremendous instrument for crushing digits, but should that make doors (or parents?) subject to legislative “recall” as safety hazards?

We live in a hyper-sensitive age, a state which is significantly encouraged by government legislators. A classic example is Bill C-6, a piece of “consumer protection” legislation that was recently passed unanimously in the House of Commons and is this week making its way through Senate Committee.

Last week, with suspiciously good timing for boosting concern over product safety, Health Canada announced a recall on certain drop-sided cribs, after an alleged spate of injuries including four deaths (all in the U.S.). However, as Jim Moore, the CEO of the Vancouver-based manufacturer of the cribs, Stork Craft, pointed out, those deaths happened over nine years, and were found to be the result of improper use. “If the assembly instructions are followed correctly and the warnings are adhered to,” he said, “there is no problem.”

Stork Craft stresses that all its cribs meet the standards of the Juvenile Products Manufacturers Association, the JPMA, which also issued a statement. This included the pointed remark by its executive director, Mike Dwyer, that “JPMA believes that instead of alarming parents, we should work together to educate them about the importance of the proper use, assembly and re-assembly of cribs and how to provide the safest sleep environment for a child.”

Why were drop-sided cribs invented? Because many mothers (and a lesser number of fathers) are short, and a drop side represents a convenience. Now that there are new “voluntary” guidelines stipulating fixed sides, are we going to see a spate of accidents as vertically-challenged parents drop babies while trying to heave them over the edge of the crib? That is the sort of perverse result that often comes about from too much regulation. The main point is that drop-sided cribs were invented for the convenience of parents and children. They weren’t designed fecklessly by greed-obsessed companies that didn’t give a damn for their customers. If they have problems, consumers, produ-

Any free-marketer, like Prime Minister Harper once was, knows that corporate self-interest protects consumers, not legislation

cers (and the tort system) can sort them out without too much government nannying.

Perish the thought.

Bill C-6 is part of the Harper government’s commitment to the consumer. Its introduction followed a spate of scares over imported toys and food, particularly from China, three years ago. Any free-marketer, as Stephen Harper once was, should be cynical about consumer protection because what ultimately protects the consumer is not legislation but the self-interest of manufacturers and retailers (and in China, which is a little earlier in its market development, execution).

It was predictable that both the *Toronto Star* and the *Globe and Mail* would be hot on the case of the cribs. A recent *Star* editorial portraying a world of killer cribs, finger chopping strollers, toxic painted toys, bacteria-contaminated baby teethingers, and infanticidal jungle gyms was enough to make a young person volunteer for sterilization. Who would want to bring a baby into such horror! But the *Star*’s most ridiculous suggestion — for once following the Conservative party line (but only because it was so very Liberal) — was that when some all-in-one toxic baby chopper is discovered, Health Canada “must go cap in hand and beg the company to agree to a voluntary recall.”

Let the *Star* name one instance in which the government had to go “cap in hand” to get a dangerous product off the shelves. On the contrary, grandstanding politicians can get perfectly safe products off the shelves faster than you can say “Bisphenol A.”

Conservative Senator Hugh Segal, although heavily outgunned on the Senate committee, has raised a number of pertinent questions about the legislation, as have some of the witnesses. These questions include the amount of discretionary power that the bill would give inspectors, and the possibility that reporting requirements could both burden companies and swamp Health Canada. There is also the danger that under the legislation consumer protection might be perverted towards trade protectionism. Finally, the legislation’s blank cheque nature means that the number of items covered could be increased exponentially (which is what has the “natural” medicine industry worried).

Health Canada officials have said they can more than handle the workload. After all, they’ve got new information handling systems. eHealth anyone? Also, they claim, we have to “harmonize” our legislation with that of the E.U. and U.S. We don’t want to be left behind in the red tape department, do we?

The French economist Anne-Robert-Jacques Turgot noted more than two hundred years ago why consumer protection was both impractical and unnecessary. It would, he wrote, be like “wanting to provide cushions for all the children who might fall.”

The way things are going, however, compulsory baby cushions may soon be a legislative requirement.