FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE
1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710
TELEPHONE: 202-434-9950
FAX: 202-434-9949

June 5, 2023

In the Matter of

LEACHCO, INC., CPSC Docket No. 22-1

Respondent.

ORDER GRANTING IN PART AND DENYING IN PART LEACHCO, INC.'S MOTION TO COMPEL DISCOVERY

Respondent moves to compel production or responses to those of its second set of requests for production ("RFP") and second and third sets of interrogatories to which Complaint Counsel objected. Leachco, Inc.'s Mot. to Compel Disc., at 1 (Mar. 16, 2023); Memo. in Supp. of Leachco, Inc.'s Mot. to Compel Disc., at 1, Ex. A–C (Mar. 16, 2023). Respondent claims the requests and interrogatories are relevant to its asserted lack of defect, and also to its claim of arbitrary and capricious enforcement action. Memo. at 2. Complaint Counsel opposes the motion, asserting that Respondent seeks to compel "materials purportedly related to 'defenses' that Leachco has never pleaded and consumer products that are not related to the products that are the subject of this litigation," Compl. Counsel's Opp'n to Leachco, Inc.'s Mot. to Compel Disc., at 1 (Mar. 27, 2023), or materials that are not relevant or protected by privilege, *id.* at 3.

For the reasons set forth below, Respondent's motion to compel is **GRANTED** in part and **DENIED** in part.

I. Facts

Complaint Counsel objected to the following RFPs:

> Request No. 64: All Communications—on or after February 9, 2022—between Complaint Counsel and Commissioners Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.
> . . .
>
> Request No. 66: All Communications—on or after February 9, 2022—between Complaint Counsel and the Office of Compliance and Field Operations Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.
> . . .

Request No. 68: All Communications—on or after February 9, 2022—between Complaint Counsel and the General Counsel Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.

. . .

Request No. 70: All Communications—on or after February 9, 2022—between Complaint Counsel and the Office of Communications Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.

. . .

Request No. 72: All Communications—on or after February 9, 2022—between Complaint Counsel and the Division of Regulatory Enforcement Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.

. . .

Request No. 74: All Communications—on or after February 9, 2022—between Complaint Counsel and the Division of Enforcement and Litigation Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco. CPSC Secretary [sic].

. . .

Request No. 76: All Communications (except Communications in which Leachco's counsel were copied)—on or after February 9, 2022—between Complaint Counsel and the CPSC Secretary Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.

. . .

Request No. 78: To the extent not captured above, all Communications—on or after February 9, 2022—between Complaint Counsel and all other employees of the Commission Concerning the Proceeding, Your Complaint, the Podster, and/or Leachco.

. . .

Request No. 83: All Documents reflecting studies, reports, or investigations relating to consumer misuse of infant products, including but not limited to, infant-lounger products.

. . .

Request No. 84: All Documents from 2000 to present, reflecting data Concerning deaths of infants involving consumer products.

. . .

Request No. 85: All Documents and data evaluated by the CPSC, and/or anyone acting on behalf of or at the direction of the CPSC, Concerning Sudden Unexplained Infant Death.

. . .

> Request No. 86: All Documents and data evaluated by the CPSC, and/or anyone acting on behalf of or at the direction of the CPSC, Concerning Sudden Unexplained Infant Death.
> . . .
>
> Request No. 87: All Documents and data evaluated by the CPSC, and/or anyone acting on behalf of or at the direction of the CPSC, Concerning consumer products that create or pose a risk of suffocation to infants.
> . . .
>
> Request No. 88: All Documents reflecting Tests on which the Commission relied to initiate its Complaint.

Memo. Ex. A.

Complaint Counsel objected to the following interrogatories from Respondent's second set:

> Interrogatory No. 46: Identify every other product Tested by the same people who Tested the Podster.
> . . .
>
> Interrogatory No. 47: Identify all Infant Lounger products on the market that the agency has determined are safe.
> . . .
>
> Interrogatory No. 48: Identify any infant product category on the market in which no infant deaths have occurred.

Memo. Ex. B. It further objected to the following interrogatories from Respondent's third set:

> Interrogatory No. 50: Identify all Infant Lounger Products that You have determined are unsafe.
> . . .
>
> Interrogatory No. 51: Identify all infant products, including but not limited to any Durable Infant or Toddler Products and Infant Sleep Products, that You have determined are unsafe.
> . . .
>
> Interrogatory No. 52: Identify all Infant Lounger Products that You have determined present a Substantial Product Hazard.
> . . .

Interrogatory No. 53: Identify all infant products, including but not limited to any Durable Infant or Toddler Products and Infant Sleep Products, that You have determined present a Substantial Product Hazard.
. . .

Interrogatory No. 54: Identify all Infant Lounger Products that You have determined present a Substantial Risk of Injury.
. . .

Interrogatory No. 55: Identify any infant products, including but not limited to any Durable Infant or Toddler Products Infant Sleep Products, that You have determined present a Substantial Risk of Injury.
. . .

Interrogatory No. 56: Identify each and every Infant Lounger Product whose risk of injury is outweighed by the usefulness of the product which is made possible by the same aspect which presents the risk of injury.
. . .

Interrogatory No. 57: Identify each and every infant product, including but not limited to each and every Durable Infant or Toddler Product or Infant Sleep Product, whose risk of injury is outweighed by the usefulness of the product which is made possible by the same aspect which presents the risk of injury.
. . .

Interrogatory No. 58: Identify any infant product category in which no infant injuries have occurred.
. . .

Interrogatory No. 59: Identify any infant product category in which no infant deaths have occurred.

Memo. Ex. C.

II. Respondent Is Entitled to Contend that the Commission's Enforcement is Arbitrary and Capricious, and RFPs and Interrogatories Aimed at Such, but Narrowly Tailored to Third-Party Products Evaluated as Part of This Proceeding, or Publicly Adjudicated, are Appropriate.

A. Respondent may challenge the enforcement action as arbitrary and capricious before this Court.

Neither party effectively supported its position on the most fundamental question: whether Respondent may request discovery of things related to a defense that the Commission action is arbitrary and capricious if it did not claim that defense in its Answer. Respondent cited many cases to assert why its requests were related to the standards for relevant data that must be

considered in the Commission's "reasoned analysis." *See* Memo. at 7–8. Regarding its ability to make such a claim, however, it only cites *Zen Magnets, LLC v. CPSC*. *See id.* at 7 (citing No. 17–cv–02645–RBJ, 2018 WL 2938326, at *3 (D. Colo. June 12, 2018)).

Complaint Counsel correctly points out that the procedural posture here is different from *Zen Magnets*, where arbitrary and capricious was the standard of review of a judge's decision for a final agency action. Opp'n at 8. *Zen Magnets* is therefore not supportive of Respondent's claim. Complaint Counsel, however, similarly failed to cite any cases that support precluding Respondent from challenging the Commission's enforcement action.

Complaint Counsel asserts that consideration of whether its enforcement action is arbitrary and capricious is not available because there has been no final agency decision. Opp'n at 7–8 (citing *FTC v. Standard Oil Co. of Cal.*, 449 U.S. 232, 239–43 (1980) (*Socal*); *R.R. Donnelley & Sons Co. v. FTC*, 931 F.2d 430, 431 (7th Cir. 1991); *Faison v. United States*, 102 Fed. Cl. 637, 641 (2012)). But like its complaint about the differing procedural posture in *Zen Magnets*, these cases only preclude review of interlocutory decisions, which are not yet at issue here.

In *Socal*, appellee sought an order from the FTC declaring that the issuance of the complaint was unlawful and should be withdrawn. 449 U.S. at 235. That request having been denied, it then filed a complaint in district court seeking the same remedy. *Id.* The Supreme Court reversed the Ninth Circuit's finding that issuance of the complaint was final agency action. *Id.* at 243 ("[T]he Commission's issuance of a complaint averring reason to believe that Socal was violating the Act is not a definitive ruling or regulation. It has no legal force or practical effect upon Socal's daily business other than the disruptions that accompany any major litigation.").

This case here is not directly comparable. A parallel might be drawn if Respondent had challenged the issuance of the Complaint in district court after having such a challenge rejected by this Court and subsequently by the Commission. If Respondent claimed, for example, in a motion for summary judgment, that the Complaint was arbitrary and capricious, and this Court denied it, *that* decision could not be immediately appealed. Alternatively, if this Court granted such a motion, then the case would be dismissed, and that would be appealable final agency action.

Similarly, *R.R. Donnelley* involved an appeal of the FTC's refusal to dismiss the complaint where the FTC's original request for a preliminary injunction in district court was denied. 931 F.2d at 431. The Seventh Circuit denied review because the decision not to dismiss the complaint was not a final agency action. *See id.* ("We may assume that the ALJ is mistaken, that the FTC will eventually hand Donnelley the laurel. We may even assume that if the FTC does not do this, a court will set aside its order. Still, the case is far from over.").

Faison simply involved a jurisdictional issue—that the APA granted jurisdiction over judicial review of final agency decisions to the district courts, not the Court of Federal Claims. It is therefore inapposite. As the parties have failed to provide relevant authorities governing their positions, this Court offers the following from the D.C. Circuit.

Discovery is proper on any issue or defense that *might* be raised in this case before it goes to trial. This Court is required to address a claim that agency enforcement is arbitrary and capricious. *See Arent v. Shalala*, 70 F.3d 610, 615 n.4 (D.C. Cir. 1995) ("In view of these indications that the parties contemplated the application of arbitrary and capricious review in this case, we disagree that, by deciding this case under *State Farm*, we are in any way 'second-guessing the parties' or 'reframing' the issues so as to decide this case on grounds not raised or argued by the parties."); *Meredith Corp. v. FCC*, 809 F.2d 863, 865 (D.C. Cir. 1987) ("[E]ven had Meredith not raised a constitutional challenge *but rather simply contended the enforcement of the doctrine as against it was per se arbitrary and capricious in light of the Commission's own Report, the Commission would have been obliged to treat that defense on the merits*.") (emphasis added).

While I affirm a general right to seek information that may show the agency's decision to file the complaint was arbitrary and capricious, the practical limits imposed by the nature of the proceedings here are an important caveat to that right. Unlike appellate review of a final action, with a static record of proceedings below,

B. Respondent is entitled to discovery narrowly related to other products that were evaluated in the Commission's investigation of the Podster.

Respondent relies heavily on administrative law-related cases to argue that its requests are relevant to a possible defense that the enforcement action is arbitrary and capricious. Complaint Counsel asserts Respondent is not entitled to obtain discovery regarding defenses that have not been pleaded. Opp'n at 3 (citing *Food Lion, Inc. v. United Food & Com. Workers Int'l Union*, 103 F.3d 1007, 1012–14 (D.C. Cir. 1997); *Sapir v. United States*, 154 Fed. Cl. 587, 593 (2021); *Hashem v. Hunterdon Cty.*, No. 15-cv-8585, 2017 WL 2215122, at *3 (D.N.J. May 18, 2017)).

The D.C. Circuit in *Food Lion*, however, found that the district court erred in finding relevant for discovery nonparty union documents "unrelated to either Food Lion or UFCW." 103 F.3d at 1010. The requested discovery was "fourth-party documents relating to other unions' 'corporate campaigns' against other employers." *Id.* at 1009. The court acknowledge, however:

> [W]e might have reached a different conclusion if Food Lion had plausibly alleged that a number of unions were conspiring under the aegis of a broader organization (such as the AFL–CIO) to carry on coordinated "corporate campaigns" encompassing a shared strategy of litigation conducted with the intent of harming or destroying one or a number of non-unionized employers.

Id. at 1014 n.10. *Sapir* only supports the contention that a party may not plead unsupported defenses or engage in fishing expeditions. 154 Fed. Cl. at 593. It is therefore irrelevant to whether Respondent may challenge the enforcement action if Complaint Counsel has not adequately supported its enforcement decision.

Complaint Counsel is correct, however, to point out that failure to act against other arguably similar products makes the action here arbitrary and capricious. *See In re Dye & Dye*, CPSC Docket No. 88-1, 1989 WL 435534, at *19 (C.P.S.C. July 17, 1991) (citing *Moog Indus. v. FTC*, 355 U.S. 411 (1958); *United States v. Legett & Platt, Inc.*, 542 F.2d 655, 658 (6th Cir. 1976), *cert. denied*, 430 U.S. 945 (1977)) ("The Commission is entitled to use its prosecutorial discretion to decide which companies to proceed against first, or at all."); *FTC v. Chemence, Inc.*, 209 F. Supp. 3d 981, 985–86 (N.D. Ohio 2016) (quoting *FTC v. Accusearch, Inc.*, No. 06–CV–105–D, 2007 WL 4356786, at *10 (D. Wyo. Sept. 28, 2007) ("The alleged inaction on the part of the FTC constitutes no more than the Commission's exercise of discretion and judgment in the allocation of agency time and resources and will not form the basis of an equitable estoppel defense.").

RFP No. 88 is relevant to a present issue, and to Respondent's possible constitutional challenge, as it requests documents regarding "Tests on which the Commission relied *to initiate its Complaint*." Memo. Ex. A (emphasis added). It is therefore relevant to the information relied upon for this action.

RFP Nos. 83–87 are overly broad and not relevant as they request all documents and data evaluated concerning all infant products, deaths of infants, and products that create a risk of suffocation, generally. This would require production of documents for any past action or contemplated action regarding such products, and not specifically the information relied upon for this action.

Interrogatory Nos. 46–48 are similarly overly broad and not relevant. The Commission determines whether products pose a hazard. It need not determine which products are safe, even as part of this investigation, or those for which no deaths have occurred. [1] Courts have ruled that a responding party may not answer an interrogatory "by interpreting the question to state a narrower contention." *United States ex rel. Pogue v. Diabetes Treatment Ctrs. Of Am., Inc.*, 235 F.R.D. 521, 526 (D.D.C. 2006); *see also United States v. Pritchett*, No. 5:09–CV–00322–F, 2010 WL 4484647, at *2 (E.D.N.C. Oct. 29, 2010). The request here, however, is overly broad, and Complaint Counsel is not attempting to read it more narrowly. Such an action might make the interrogatories answerable.

Parties have conferred and agreed to responses to a narrower interpretation. *See Mine Safety Appliances Co. v. N. River Ins. Co.*, No. 2:09-CV-00348-DSC, 2012 WL 12930444, at *3 (W.D. Pa. Apr. 9, 2012). More pertinent, courts have been amenable to requiring the reading of interrogatories with a "narrower and less troublesome interpretation." *Cason-Merenda v. Detroit Med. Ctr.*, No. 06-15601, 2008 WL 659647, at *2 (E.D. Mich. Mar. 7, 2008). This ruling, however, was based on two things absent here.

[1] A more narrowly tailored question could produce relevant evidence if comparisons were drawn by Commission staff between the Podster and other products. Otherwise, as with RFP Nos. 83–87, such inquiry would involve irrelevant third-party products that were not evaluated in association with this action.

First, the understanding of the narrower interpretation was "evidently shared by [both parties] alike until they sought the Court's intervention." *Id.* Further, the court noted the lack of intent for broad inquiry in contemporary or previous requests:

> [I]t bears emphasis that Defendant has not advocated such a reading of its interrogatory at any point in the proceedings on its motion to compel. In bringing this motion, Defendant did not ask that Plaintiffs be ordered to identify each and every individual interviewed by their counsel or outside investigators during the course of their pre-filing investigation. Rather, it has sought only the identities of the specific individuals identified as witnesses "A" through "H" in Plaintiffs' answer to the interrogatory.

Id. at *3.

The parties here have made no such shared acknowledgement that the requests should be read more narrowly. Respondent has also not demonstrated, in this or previous motions, that it only intends more narrow discovery of matters specifically related to this action. Other requests are clearly aimed at information about products against which the Commission has not taken action.

Further, Respondent clearly contends that the Commission has failed to make similar findings against or prosecute similar products. While this Court has already found that the evaluations of other products directly related to this action, or even publicly-available action against similar products, is discoverable, it declines to order the Commission to interpret Respondent's requests in the narrowest available—possibly allowable—manner.

Interrogatory No. 46 may have been relevant and sufficiently narrow had it requested the identity of other products tested by those who tested the Podster in their evaluation of this specific action. But to demand every other product tested by those people is far too broad and will not provide facts relevant to the evaluation of this product. Interrogatory Nos. 58–59 are similarly overly broad and irrelevant because they request information about all infant products whose use has not resulted in infant injury or death.

Interrogatory Nos. 50–57 are relevant to the extent that such determinations resulted in publicly-available action. The Commission may respond with infant products against which it has brought action. To the extent that the Commission has not brought action, inquiry into such products would be prohibited by the deliberative process privilege.

This Court therefore **GRANTS** Respondent's motion to compel with respect to RFP No. 88 and Interrogatory Nos. 50–57 [to the extent that they involve previous agency action against those products]. It **DENIES** Respondent's motion to compel with respect to RFP Nos. 83–87 and Interrogatory Nos. 46–48.

III. Complaint Counsel May Have Acknowledged that Prohibited Communication Has Occurred. Though Not Ripe, Such Communications Must Be Identified and Preserved for A Constitutional Challenge.

Respondent contends Complaint Counsel has broken Commission rules prohibiting communication about an ongoing case to a "decisionmaker" in the case. Memo. at 10. The Rules prohibit "[a]ny oral or written ex parte communication relative to the merits of any proceedings under these Rules . . . except as otherwise provided in paragraph (d) of this section." 16 C.F.R. § 1025.68(c). A "decision-maker" includes:

> Those Commission personnel who render decisions in adjudicative proceedings under these rules, or who advise officials who render such decisions, including: (i) The Commissioners and their staffs; (ii) The Administrative Law Judges and their staffs; (iii) The General Counsel and his/her staff, unless otherwise designated by the General Counsel.

Id. § 1025.68(b)(1). Permissible ex parte communications include those authorized by statute or the Rules, *id.* § 1025.68(d)(1), and "[a]ny staff communication concerning judicial review or judicial enforcement in any matter pending before or decided by the Commission," *id.* § 1025.68(d)(2).

The RFPs regarding Complaint Counsel's communications request those with Commission or General Counsel staff after the filing of the Complaint—e.g., Commissioners, Office of Compliance and Field Operations, General Counsel, Office of Communications, Division of Regulatory Enforcement, Division of Enforcement and Litigation, the Secretary, and all other employees of the Commission. RFP Nos. 64, 66, 68, 70, 72, 74, 76, 78. Such communications would be assumed to be prohibited communications between Complaint Counsel and either the Commission or General Counsel during the proceeding.

Complaint Counsel objected on the basis that such communications would be protected by privilege or other protection—e.g., attorney-client privilege, work product, or deliberative process—and because the requested documents "are not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issue involved in these proceedings—namely, whether Respondent's Podsters are defective and create a substantial product hazard." *See* Memo. Ex. A, at 13–14 (providing Respondent's requests and Complaint Counsel's responses to RFP Nos. 67 and 68).

The responses [and apparent existence of a privilege log for them] seem to acknowledge that there are communications between Complaint Counsel and the Commission General Counsel after February 9. If there are communications related to this action that are protected by privilege, that would be an admission that there Complaint Counsel has prohibited ex parte communications with either the Commission or General Counsel. Any administrative communications would not be protected by privilege, but would also not be relevant. Additionally, any communications regarding other actions would be protected, but would also not be relevant to the action here. Complaint Counsel would then only be required to produce communications after the issuance of the Complaint related to this action.

Complaint Counsel asserts Respondent has no basis to demand post-Complaint communications related to bias. Opp'n at 9 (citing *Hiramanek v. Clark*, No. 13-cv-28-RMW, 2016 WL 217255, at *6 (N.D. Cal. Jan. 19, 2016) ("Requests for post-complaint communications involving trial counsel generally are improper and call for presumptively privileged materials."). It also claims that "Respondent is not entitled to seek discovery about the internal workings of a federal agency simply because it believes the discovery might help it design an unpleaded defense." *Id.* at 10 (citing *Food Lion*, 103 F.3d at 1012–13).[2]

The holdings in *Hiramanek* and *Food Lion* provide much narrower protection than Complaint Counsel claims. *Hiramanek* simply supports the argument that any communication within the Commission after the commencement of the action is privileged and need not be on a privilege log. 2016 WL 217255, at *6 ("[C]ounsel's communications with the client and work product development once the litigation commences are presumptively privileged and need not be included on any privilege log."). It does not challenge Respondent's theory that Complaint Counsel should not be speaking about the case with the Commission or General Counsel, per the regulation.

The court in *Food Lion* did hold that "[n]o one would suggest that discovery should be allowed of information that has no conceivable bearing on the case," 103 F.3d at 1012 (citing 8 WRIGHT, MILLER & MARCUS, FED. PRAC. & PROC.: CIVIL 2d § 2008, pp. 105–06 (1994)), and that the requests were not related to the elements of the action brought, *id.* at 1013. But, as noted above, the decision simply prohibited the request for third- or fourth-party documents unrelated to the subject matter. The claim of potential bias here is directly related to prohibited communications between Complaint Counsel and the Commission or General Counsel about this action.

[2] Complaint Counsel also cites *In re Snap Inc. Secs. Litig.*, 17-cv-3679-SVW-AGR, 2018 WL 7501294, at *1 (N.D. Cal. Nov. 18, 2018), to argue that it should not have to produce materials after the Complaint or create a privilege log for them, and *United States v. Bouchard Transp.*, No. 09-cv-4490-NCG-ALC, 2010 WL 1529248, at *2 (E.D.N.Y. Apr. 14, 2010), to argue that privilege logs are generally limited to documents created before the initiation of litigation, there being a presumption that documents or communications created thereafter are privileged. These cases are inapposite, however, because a privilege log has already been created, and the court is not requiring such. It is the fact that the communications have been acknowledged to exist that is at issue here.

This Court **DENIES** Respondent's motion to compel with respect to RFP Nos. 64, 66, 68, 70, 72, 74, 76, and 78. The claim is not ripe for adjudication before this Court. It **ORDERS**, however, that Complaint Counsel identify communications between itself and either Commission or General Counsel personnel so that Respondent may preserve its constitutional challenge.[3]

Michael G. Young
Administrative Law Judge

Distribution:

Brett Ruff, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, bruff@cpsc.gov

Rosalee Thomas, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, rbthomas@cpsc.gov

Caitlin O'Donnell, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, codonnell@cpsc.gov

Michael J. Rogal, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, mrogal@cpsc.gov

Gregory Reyes, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, greyes@cpsc.gov

Frank Perilla, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, FPerilla@cpsc.gov

Oliver J. Dunford, Pacific Legal Foundation, 4440 PGA Blvd., Suite 307, Palm Beach Gardens, FL 33410, ODunford@pacificlegal.org

[3] The potential due process [bias] claim has been preserved for appeal. This Court recognizes that the Supreme Court has noted a problem with the concentration of legislative, prosecutorial, and adjudicative powers in a single agency. *See Seila Law LLC v. CFPB*, 140 S. Ct. 2183, 2202 n.8 (2020) ("[The agency] acts as a mini legislature, prosecutor, and court, responsible for creating substantive rules for a wide swath of industries, prosecuting violations, and levying knee-buckling penalties against private citizens.").

John F. Kerkhoff, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, JKerkhoff@pacificlegal.org

Frank Garrison, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, FGarrison@pacificlegal.org

Jessica L. Thompson, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, JLThompson@pacificlegal.org

Alberta E. Mills, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, amills@cpsc.gov