



UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION

MINUTES OF COMMISSION MEETING

Decisional Matter: Fiscal Year 2025 Operating Plan

(Briefing package dated October 4, 2024)

November 6, 2024

Chair Alex Hoehn-Saric convened the November 6, 2023, meeting of the U.S. Consumer Product Safety Commission in open session at 10:00 a.m. Commissioners Peter A. Feldman, Richard L. Trumka Jr., Mary T. Boyle, and Douglas Dziak were in attendance. The Chair made welcoming remarks and summarized the agenda item for the meeting.

Chair Hoehn-Saric introduced the decisional matter pending before the Commission and introduced staff that was present to address questions from the Commission: Austin Schlick, Executive Director; DeWane Ray, Deputy Executive Director for Safety Operations; Annette Evans, Deputy Executive Director for Operations Support; Bryan Burnett, Director of the Office of Information and Technology Services; Lyvette Wallace, Director of the Office of Human Resources Management; Rob Carroll, Budget Officer, Office of Financial Management, Planning and Evaluation; Pam Springs, Director of the Office of Communications; Duane Boniface, Director of the Office of Risk Reduction; and Rob Kaye, Director of the Office of Compliance and Field Operations.

Chair Hoehn-Saric advised that each Commissioner would have five minutes to ask questions of staff, with multiple rounds as necessary, followed by consideration of amendments. Before the first round of questions, the Chair stated that it was not appropriate to discuss legal advice given to the Commission by the Office of the General Counsel in an open session.

The Chair called for questions for staff. Commissioner Feldman asked staff about the feasibility of developing a litigation tool kit to be utilized by state attorneys general to enforce Commission actions under Section 24 of the CPSA, and to describe the potential composition of such a tool kit. Rob Kaye responded that staff could establish a web page portal that could house information such as CPSA Section 24 resource materials, case law, and state actions related to CPSC matters. The Chair, Commissioners Trumka, Boyle and Dziak, did not have any questions for staff.

Chair Hoehn-Saric excused staff and commenced consideration of the FY 2025 Operating Plan proposed by staff, as well as Commissioner-proposed amendments to the plan. The Chair advised that each Commissioner would be recognized by order of seniority and would have three minutes to explain any proposed amendments, followed by five minutes of questions or comments from Commissioners.

Chair Hoehn-Saric recognized himself and moved to direct staff to make technical and conforming changes to the FY 2025 Operating Plan to reflect organizational changes that were approved by ballot on October 8, 2024, including the transfer of the Small Business Ombudsman and Consumer Ombudsman to the Office of Communications and the renaming of the Office of Risk Reduction. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners expressed support for the amendment. Hearing no further discussion, the Chair called for a vote on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

The Chair called for other amendments in order of seniority and recognized Commissioner Feldman for an amendment cosponsored by Commissioner Dziak (Feldman Dziak 1). Commissioner Feldman explained that this amendment would direct the Executive Director and General Counsel to designate a formal liaison for CPSC coordination with state attorneys general and report back to the Commission with a plan regarding best practices and next steps concerning enforcement of Commission actions under Section 24 of the CPSCA. The Chair called for a second and Commissioner Trumka seconded the motion. The Commissioners expressed support for the amendment. Hearing no further discussion, the Chair called for a vote on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

The Chair recognized Commissioner Feldman for another amendment cosponsored by Commissioner Dziak (Feldman Dziak 2). Commissioner Feldman described the amendment, which would designate e-commerce platforms as an enforcement priority. The Chair called for a second and Commissioner Trumka seconded the motion. The Commissioners acknowledged staff's ongoing efforts in this area and concurred it was appropriate to explicitly identify e-commerce as a priority in the FY 2025 Operating Plan. Hearing no further discussion, the Chair called for a vote on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

The Chair recognized Commissioner Feldman for another amendment cosponsored by Commissioner Dziak (Feldman Dziak 3). Commissioner Feldman explained the amendment would direct staff to provide evidence of financial conditions of firms asserting inability to pay defenses in compliance and civil penalty matters. The Chair called for a second and Commissioner Trumka seconded the motion. Commissioners expressed support for the amendment. Hearing no further discussion, the Chair called for a vote on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

The Chair recognized Commissioner Feldman for another amendment cosponsored by Commissioner Dziak (Feldman Dziak 4). Commissioner Feldman explained the amendment would direct staff to develop for Commission consideration a plan for recalling firms to bear the financial costs associated with translating recall documents into other languages. The Chair called for a second and Commissioner Trumka seconded the motion. The Commissioners expressed support for the amendment. Hearing no further discussion, the Chair called for a vote

on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

The Chair recognized Commissioner Feldman for another amendment cosponsored by Commissioner Dziak (Feldman Dziak 5). Commissioner Feldman explained that this amendment originated from the several visits he and Commissioner Dziak took to various American Indian reservations and would direct staff to establish for Commission approval, a plan for engagement with American Indian and Alaska Native Tribal Nations in the spirit of Executive Order 13175, which requires consultation and coordination with Indian Tribal Governments. The Chair called for a second and Commissioner Trumka seconded the motion. The Commissioners expressed support for this amendment. Hearing no further discussion, the Chair called for a vote on the amendment. The Commissioners voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric called for other amendments and recognized Commissioner Trumka for an amendment (Trumka 1). Commissioner Trumka described his amendment to reduce budgetary costs associated with international travel and in-person training for foreign businesses. The amendment would also encourage voluntary standard bodies to provide virtual attendance options for staff to minimize travel costs. The Chair called for a second and Commissioner Feldman seconded the motion. Before the Commission could engage in discussions on this amendment, Commissioner Boyle introduced an amendment to Trumka 1 (Boyle Amendment to Trumka 1). The Chair explained that Commissioner Boyle's amendment is considered a second-degree amendment, which if adopted would amend Trumka 1, which would then be voted on as amended. The Chair asked Commissioner Boyle to describe her second-degree amendment. Commissioner Boyle explained that her amendment would allocate the funds garnered from Trumka 1 to the Office of Compliance and Field Operations since Trumka 1 is silent on how the recouped funds would be used by the agency. The Chair called for a second on Commissioner Boyle's second-degree amendment and Commissioner Feldman seconded the motion. The Commissioners expressed their respective positions for the amendment. The Chair called for a vote on Commissioner Boyle's second-degree amendment. The Commission voted (3-2) to not adopt the amendment. Chair Hoehn-Saric, Commissioners Feldman and Trumka voted to not adopt the amendment. Commissioners Boyle and Dziak voted to adopt the amendment.

The Chair called for any other second-degree amendments to Trumka 1 and hearing none commenced consideration of Trumka 1. Chair Hoehn-Saric recognized each Commissioner in order of seniority for questions, and the Commissioners discussed their respective positions for the amendment. Hearing no further discussion, Chair Hoehn-Saric called for a vote on Trumka Amendment 1. The Commission voted (3-2) to adopt the amendment. Commissioners Feldman, Trumka and Dziak voted to adopt the amendment. Chair Hoehn-Saric and Commissioner Boyle voted to not adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric recognized Commissioner Trumka for another amendment (Trumka 2). Commissioner Trumka described his amendment for staff to continue studying product hazards associated with infant sleep deaths. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners discussed their respective positions and support for the amendment. Hearing no further questions, the Chair called for a vote on the amendment. The Commission voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric recognized Commissioner Trumka for another amendment (Trumka 3). Commissioner Trumka explained that this amendment would maintain the 28% goal achieved last year for the “unique open rate” by consumers for CPSC recall announcements instead of the 24% target proposed by staff. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners discussed their respective positions for the amendment. After the discussion and hearing no further questions, the Chair called for a vote on the amendment. The Commission voted (3-2) to adopt the amendment. Commissioners Feldman, Trumka and Dziak voted to adopt the amendment. Chair Hoehn-Saric and Commissioner Boyle voted to not adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric recognized Commissioner Trumka for another amendment (Trumka 4). Commissioner Trumka explained that his amendment would set adequate performance targets for staff in the area of voluntary standards activities. The amendment would maintain the goal that was approved two years ago regarding staff’s participation in voluntary standards with positive outcomes. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners discussed their respective positions for the amendment. After the discussion and hearing no further questions, the Chair called for a vote on the amendment. The Commission voted (3-2) to adopt the amendment. Commissioners Feldman, Trumka and Dziak voted to adopt the amendment. Chair Hoehn-Saric and Commissioner Boyle voted to not adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric called for other amendments and recognized Commissioner Boyle for an amendment (Boyle 1). Commissioner Boyle explained that her amendment directs staff to conduct a pilot program to evaluate the capabilities of artificial intelligence and machine learning for translating recalls into Spanish. The amendment further directs the Executive Director to appoint and coordinate an intra-agency team to carry out this effort. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners discussed their respective positions and support for the amendment. After the discussion and hearing no further questions, the Chair called for a vote on the amendment. The Commission voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric called for other amendments and recognized Commissioner Boyle for another amendment (Boyle 2). Commissioner Boyle described her amendment which confirms that staff will seek authorization from the Commission during the mid-year process for use of any funds above the level of the CR level of \$150,975,000 and unexecuted balances. The Chair called for a second and Commissioner Feldman seconded the motion. The Commissioners expressed support for the amendment and hearing no further questions, the Chair called for a vote on the amendment. The Commission voted unanimously (5-0) to adopt the amendment; the Commission adopted amendment is attached.

Chair Hoehn-Saric called for any other amendments and, hearing none, moved for approval of the FY 2025 Operating Plan, as amended. The Chair called for a second and Commissioner Dziak seconded the motion. The Commission voted unanimously (5-0) to approve the FY 2025 Operating Plan, as amended.

Chair Hoehn-Saric stated that each Commissioner would have up to 10 minutes for closing remarks. The Chair provided his closing remarks and then recognized each Commissioner. Commissioners Feldman, Trumka, Boyle, and Dziak each gave closing remarks.

There being no other business, Chair Hoehn-Saric adjourned the meeting at 11:25 a.m.

For the Commission:

Alberta E. Mills

Alberta E. Mills

Attachments: Amendment proposed by Chair Hoehn-Saric (adopted by the Commission)

Amendments proposed by Commissioner Feldman/Co-sponsored by
Commission Dziak

(Feldman/Dziak 1 – adopted by the Commission)

(Feldman/Dziak 2 – adopted by the Commission)

(Feldman/Dziak 3 – adopted by the Commission)

(Feldman/Dziak 4 – adopted by the Commission)

(Feldman/Dziak 5 – adopted by the Commission)

Amendments proposed by Commissioner Trumka

(Trumka 1 – adopted by the Commission)

(Trumka 2 – adopted by the Commission)

(Trumka 3 – adopted by the Commission)

(Trumka 4 – adopted by the Commission)

Amendments proposed by Commissioner Boyle

(Boyle 1 – adopted by the Commission)

(Boyle 2 – adopted by the Commission)

(Boyle Amendment to Trumka 1 – not adopted by the Commission)

Motion of the Chair – Operating Plan **ADOPTED BY THE COMMISSION**

The Commission directs staff to make technical and conforming changes to the FY 2025 Operating Plan to reflect the Commission’s approval on October 8, 2024, of the ballot vote package, “Organizational Changes for Fiscal Year 2025,” dated October 2, 2024.

COPF-CODD FY 2025 OP PLAN AMENDMENTS

Feldman-Dziak 1 – State Attorney General Liaison **ADOPTED BY THE COMMISSION**

Purpose: To designate a formal liaison for CPSC coordination with state attorneys general.

Text: The Executive Director, in coordination with the General Counsel, shall designate a formal liaison to coordinate with state attorneys general and official organizations including the National Association of Attorneys General regarding state enforcement of federal consumer product safety protections and other federal-state cooperation for the purpose of carrying out the Commission’s authorities. The Executive Director shall report back to the Commission regarding outreach, collaboration efforts, best practices, and the feasibility of a litigation toolkit, including sample pleadings, practice guides, and other such documents, for actions under Section 24 of the Consumer Product Safety Act, 15 U.S.C. § 2073.

Feldman-Dziak 2 – E-Commerce Enforcement **ADOPTED BY THE COMMISSION**

Purpose: To designate e-commerce platforms as an enforcement priority.

Text:

1. On page OS 22, under the heading “FY 2025 Priority Activities and Milestones,” at the appropriate place, insert the following priority activities:
 - Priority Activity: Conduct assessments of business operations of e-commerce platforms to assure compliance with CPSC statutory and regulatory obligations.
 - Priority Activity: Conduct targeting initiatives, sampling, and evaluating of products from international e-commerce platforms that import, distribute, retail, or manufacture consumer products to identify hazardous, recalled, and banned products for enforcement action.
2. Staff shall submit for Commission consideration additional associated milestones for these activities, as appropriate.

Feldman-Dziak 3 – Enforcement Target Financial Verification **ADOPTED BY THE COMMISSION**

Purpose: To provide verifiable evidence of the financial condition of firms asserting inability-to-pay defenses in certain instances.

Text: Upon Commission consideration of a proposed Civil Penalty Settlement Agreement or Corrective Action Plan for a Class A Hazard, staff is directed to present evidence, such as audited financial statements or tax returns, of the financial condition of any firm (including parent,

subsidiary, and affiliated persons or entities, as appropriate) asserting an inability-to-pay defense against requested remedies and civil penalty assessments.

Feldman-Dziak 4 – Firms Incurring the Cost of Recall Translations **ADOPTED BY THE COMMISSION**

Purpose: To shift the costs of recall translations from the American Taxpayer to recalling firms.

Text: On page OS 23, under the heading *SO 2.2 – Minimize further exposure to hazardous consumer products through effective and timely enforcement that also deters future unlawful actions* insert the following:

“Priority: staff is directed to formalize for Commission consideration a procedure for recalling firms to bear the financial costs of translating accurately recall announcements and related documents into: (1) Spanish; and (2) additional languages other than English, to the extent a subject product was marketed in such additional languages.”

Feldman-Dziak 5 – Strengthening Nation to Nation Relationships **ADOPTED BY THE COMMISSION**

Purpose: To establish standards for consultation with American Indian and Alaska Native Tribal Nations, recognizing the right of Tribal governments to self-govern and in support of Tribal sovereignty and self-determination.

Text: Within 180 days, consistent with the fundamental principles of Executive Order 13175 and recognizing the right of Tribal governments to self-govern and in support of Tribal sovereignty and self-determination, staff shall submit for Commission approval a detailed plan for direct Commission engagement with American Indian and Alaska Native Tribal Nations.

Trumka Amendments to FY 2025 Operating Plan

Note: page numbers refer to those in the original FY 2025 Operation Plan briefing package dated October 4, 2024.

Amendment 1 **ADOPTED BY THE COMMISSION**

Purpose: to save expenses where appropriate

Text:

On page OS 11:

In the Budget Table row for International Programs, replace \$290 with \$202

On page OS 30:

Delete the words “in-person or ” within 2025OP117 and 2025OP118

On page OS 19:

Insert at the end of the paragraph that begins “FY 2025 Activities” the following: “To save on costs, CPSC will make every effort to encourage all voluntary standards bodies in which staff participates to provide virtual attendance options and staff will minimize unnecessary travel.”

Amendment 2 **ADOPTED BY THE COMMISSION**

Purpose: to continue studying product hazards associated with infant sleep deaths

On page OS 49:

Insert after “Research and analysis of products posing hazards primarily to children” the following: “, including research and analysis regarding the safety and risks of products associated with infant sleep deaths.”

Amendment 3 **ADOPTED BY THE COMMISSION**

Purpose: to set adequate performance targets

Text:

On page OS 33:

Set target rate of 28% for KM3.2.3, “Unique open rate for email subscribers to CPSC’s recall announcements” (instead of 24%). Staff is directed to make conforming changes each time this target appears.

Amendment 4 **ADOPTED BY THE COMMISSION**

Purpose: to set adequate performance targets

Text:

On page OS 44:

Set target number of 20 for KM1.2.1, "Number of voluntary standards activities in which staff participated that result in a revised standard that reduces the risk of injury associated with products covered by the standard" (instead of 19). Staff is directed to make conforming changes each time this target appears.

COMB Amendments to FY 2025 Operating Plan

Boyle Amendment 1 **ADOPTED BY THE COMMISSION**

Spanish Translation: AI/ML Pilot to Reduce Lag Time and Costs for Publishing Recalls and Unilaterals in Spanish

Insert the following on page OS-35 as a Priority Activity under SO 4.4: Deliver high quality effective mission-oriented information and technology solutions

Priority Activity: Staff is directed to conduct a pilot to test and evaluate the capabilities of artificial intelligence/machine (AI/ML) learning tools to meet the agency's needs for translating recalls into Spanish. The goal of the pilot will be to determine whether use of AI/ML to publish recall and unilateral notices in Spanish can improve timeliness, eliminating the current time lag between publication in English and publication in Spanish, provide acceptable quality, and reduce costs. As part of this process, staff is also encouraged to explore the potential for AI/ML to improve access to SaferProducts.gov in Spanish.

Insert the following as an OEX Priority Activity

Priority Activity: The Executive Director shall appoint and coordinate an appropriate intra-agency team aligned with the goal of the Spanish translation AI/ML pilot (see OIT SO 4.4 and OCM SO 3.2) and shall provide to the Commission a written report in advance of the FY 2025 Midyear Review, so that the Commission can assess the funding required to sustain the agency's commitment to Spanish translation.

Boyle Amendment 2 **ADOPTED BY THE COMMISSION**

Footnote 2: Confirming Midyear Process

Insert the following on page OS-9 as Footnote 2

If CPSC is appropriated funds above the CR level of \$150,975,000 or there are unexecuted balances assessed through the mid-year evaluation, then staff will seek specific authorization from the Commission for additional expenditures, which may include, but will not necessarily be limited to, the PB level projects referenced in this section. If CPSC's appropriation matches the President's Budget level, then the applicable Key Performance Measures will be those stated in the President's Budget request.

Boyle Amendment to CORT Amendment 1 **NOT ADOPTED BY THE COMMISSION**

Purpose: To account for the entire \$150,975,000 Operating Plan allocation set forth in Budget Table 2 and to achieve transparency in how agency funds will be used by agency staff.

Text: Insert “and transfer \$88 to the Office of Compliance and Field Operations” as follows:

On page OS 11:

In the Budget Table row for International Programs, replace \$290 with \$202 and transfer \$88 to the Office of Compliance and Field Operations.

On page OS 30:

Delete the words “in-person or ” within 2025OP117 and 2025OP118

On page OS 19:

Insert at the end of the paragraph that begins “FY 2025 Activities” the following: “To save on costs, CPSC will make every effort to encourage all voluntary standards bodies in which staff participates to provide virtual attendance options and staff will minimize unnecessary travel