



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Ann Marie Buerkle
 Commissioner Robert S. Adler
 Commissioner Marietta S. Robinson
 Commissioner Elliot F. Kaye

ITEM:

Directive to Delegate Authority to Make Recommendations and Take Regulatory Actions on the Federal Policy for the Protection of Human Subjects
(Briefing package dated February 28, 2018, OS No. 5004)

DECISION:

The Commission voted (3-1) to approve, with changes, Order No. 0310.17, a delegation of authority to the Executive Director, and the General Counsel regarding the Federal Policy for the Protection of Human Subjects. Acting Chairman Buerkle, Commissioner Adler, and Commissioner Robinson voted to approve the delegation with the changes reflected in the attached document. Commissioner Kaye voted to not approve the delegation of authority.

For the Commission:

A handwritten signature in black ink, appearing to read "Alberta E. Mills", written over a horizontal line.

Alberta E. Mills
Secretary

*Ballot Vote Due March 9, 2018
(Acting Chairman Buerkle extended vote due date from March 6, 2018)

Attachment



**UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION**

DIRECTIVES SYSTEM

ORDER NO. 0310.17

_____, 2018

DELEGATIONS OF AUTHORITY - REGULATORY

**DELEGATION OF AUTHORITY
TO MAKE RECOMMENDATIONS AND TAKE
REGULATORY ACTIONS ON THE FEDERAL POLICY
FOR THE PROTECTION OF HUMAN SUBJECTS**

1. **PURPOSE.** The purpose of this order is to delegate authority to the Executive Director, and the General Counsel, to make recommendations and to take regulatory actions as necessary to evaluate any proposed or final changes provided to CPSC staff by the Department of Health and Human Services (HHS) to the Federal Policy for the Protection of Human Subjects, codified at 16 C.F.R part 1028, and to publish in the Federal Register notice of such proposed or final changes as necessary.
2. **REFERENCE.** Section 27(b)(10) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(10)) empowers the Commission to delegate any of its functions or powers, other than the power to issue certain subpoenas under Section 27(b)(3), to any officer or employee of the Commission.
3. **DELEGATION OF AUTHORITY.** Pursuant to Section 27(b)(10) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(10)), the Commission hereby delegates to the Executive Director, authority to make recommendations and to take regulatory actions as necessary to evaluate any proposed or final changes provided to CPSC staff by HHS to the Federal Policy for the Protection of Human Subjects, with concurrence by the General Counsel. The Commission also hereby delegates to the General Counsel authority to draft and publish notices and rules in the *Federal Register* regarding the Federal Policy for the Protection of Human Subjects in accordance with the recommendations made by the Executive Director.
4. **COMMISSION NOTIFICATION.** If the Executive Director intends to exercise the authority granted herein, the Executive Director shall notify the Commission of such

intention at least three days before doing so. Upon such notification, the Commission may revoke the delegated authority set forth within this Order, but shall do so within three days of notification by the Executive Director. If the Commission does not revoke authority within that timeframe, the Executive Director may exercise the authority described herein.

5. REDELEGATION OF AUTHORITY. This authority may be redelegated.

Ann Marie Buerkle
Acting Chairman

Date

Robert S. Adler
Commissioner

Date

Elliot F. Kaye
Commissioner

Date

Marietta S. Robinson
Commissioner

Date