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MEDIA

**U.S. CONSUMER PRODUCT SAFETY COMMISSION**
**WASHINGTON, D.C. 20207**

FEB 14 1997

Ms. Maureen Cislo
Editor
Product Safety Letter, Washington Business Information
1117 North 19th Street
Arlington, VA 22209-1798

**Re:** FOIA Requests S612076 and S612119: CPSC Policies on Media Contact

Dear Ms. Cislo:

Thank you for your requests seeking records from the Commission. Enclosed are copies of the records responsive to your requests: correspondence, memoranda and current and past directives pertaining to the Commission's policies and procedures on news media contact.

Processing these requests, performing the file searches and preparing the information, cost the Commission $60.00. In this instance, we have decided to waive all of the charges.

Sincerely,

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary

Enclosures

Office of the Secretary, Freedom of Information Division, 4330 East West Highway, Room 502, Bethesda, MD 20814-4408
Telephone (301) 504-0785, Facsimile (301) 504-0127

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

November 25, 1996

BY FAX AND U.S. MAIL
Mr. Terrence Scanlon
President
Capital Research Center
727 15th Street, N.W.
Washington, D.C. 20005

Dear Mr. Scanlon:

Thank you for your letter of November 7. We appreciate the concerns you expressed, and we share your desire to maintain CPSC's "vital tradition of openness." However, you are misinformed about CPSC's policy concerning media contacts.

In fact, our current press policy is quite similar to that which was in place while you were Chairman of the CPSC. As explained in the agency directive in effect during that time period (copy enclosed), while you were Chairman the Commission's policy was that media inquiries to headquarters staff

> "should routinely be referred to the Office of Media Relations [now the Office of Information and Public Affairs]. OMR shall respond directly. When a more comprehensive or more substantive response is suggested, OMR shall direct the caller to the staff person (e.g., program managers, project director, analyst, economist, attorney, etc.) who is most substantively knowledgeable about the matter raised." (CPSC Order 1450.2, April 27, 1984. There is no record of any change to that Order during your tenure as Chairman.)

As explained in our letter to the Reporters Committee for Freedom of the Press (copy enclosed), this is essentially the same practice we follow today. This coordination of media inquiries through the public affairs office is an effective way to assure that accurate and timely information is provided, just as it was when you were Chairman. And, it is our practice today, as it was under your administration, to forward inquiries that call for "more substantive responses" to the appropriate staff member.

After reviewing the enclosed Order in effect while you were Chairman, I am sure you will agree that it is strikingly similar to current CPSC policy. Since your comments conveyed a different impression, I urge you to correct the statements you have made and acknowledge the similarity of your press policy to that currently in effect.

Thank you for your concern on this important issue.

Sincerely,

Ann Brown
Chairman

Enclosures

Ack card sent 11/14/96


# CAPITAL RESEARCH CENTER

727 15TH STREET, N.W.
SUITE 800
WASHINGTON, D.C. 20005
PHONE: (202) 393-2600 FAX: (202) 393-2626

TERRENCE SCANLON
PRESIDENT


November 7, 1996

Honorable Ann Brown
Chairman
U. S. Consumer Product Safety Commission
Washington, DC 20207

Dear Ann:

It was surprising and distressing to learn, in the latest issues of "Product Safety Letter," that you have ended a 23-year tradition of openness at CPSC by barring the media from direct contacts with most agency staffers.

As chairman during President Reagan's second term, (the longest-serving chairman since CPSC was created in 1973), I found the Commission's goals and efficiency were aided by fully opening it to media scrutiny. Sometimes we "took our lumps" in news reports we would have preferred to avoid, but the tradeoff was worth it. CPSC had the media's respect, and most coverage was full and fair.

The Reporters Committee for Freedom of the Press was 100% on target in decrying your policy for restricting CPSC staff "who are most knowledgeable from providing information to the press on matters of public concern."

I hope you will move quickly to reverse your new policy, and will make sure CPSC doesn't sacrifice its vital tradition of openness.

Best regards.

Sincerely,

Terry Scanlon

Terrence Scanlon

cc: Jane Kirtley, Esq., Reporters Committee
David Swit, "Product Safety Letter"

Ack card sent
11/14/96 D


RICHARD O. SIMPSON
4818 Crestline Drive
Placerville, California 95667


November 6, 1996

Chairman Ann Brown
U. S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC)
Washington, D. C. 20207

Dear Madame Chairman,

The conventional "beltway" wisdom regarding Federal regulatory agencies in the early 1970's was that the agencies:

1. Were "closed" shops.

2. Were often "captured" by the business groups they regulated.

3. Were not accountable to the public at large.

CPSC was created in this environment, in 1973, and was given extraordinary powers by the U. S. Congress. As an example, my individual authority as the first CPSC Chairman was described by Congressman Whitten, CPSC's House Budget Chairman, as "more power than a bad man should have or a good man should want."

It was obvious to me, and also to my fellow founding Commissioners, that this new agency could easily abuse its power and fall into the same trap as the other so-called independent regulatory agencies.

CPSC, as one of its first official acts, published and followed a policy of openness in government that included the following:

1. All meetings between any CPSC employee, Commissioner, or Chairman and any outside party would be open to anyone in the U.S. to attend. We also published, and made available to all, a meetings calendar of all scheduled meetings.

2. The press could talk to any CPSC employee, Commissioner, or Chairman about any subject at any time. All responses were "on the record." Myself, and my fellow Commissioners, made ourselves available to the press at weekly brown-bag lunch sessions. We also invited our senior staff to attend and answer questions.

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

November 7, 1996

Ms. Jane E. Kirtley
Executive Director
The Reporters Committee for Freedom of the Press
Suite 1910
1101 Wilson Boulevard
Arlington, VA 22209

Dear Ms. Kirtley:

We appreciate and share the concerns you expressed in your letter of October 30, 1996, that federal agencies not have policies that improperly "hinder[ ] the media's ability to obtain timely access to public information." Unfortunately, however, you were misinformed about our press policies and their impact on the free flow of information.

We coordinate media inquiries through our office of public affairs so we can provide timely and accurate information and facilitate contact with the appropriate staff. We aid reporters in two ways. When appropriate, we connect them with public affairs specialists who are knowledgeable on a wide range of issues and can frequently satisfy requests for information from the public and reporters. And we also routinely connect journalists "directly with those CPSC staff who have direct knowledge about the matters in question", often facilitating conversations with experts at the highest levels of the agency. Therefore it is completely incorrect to say that reporters "are not permitted to speak directly with Consumer Product Safety Commission staff."

Again, thank you for your concern. We share your interest in maintaining public confidence and providing accurate information in an informed and timely manner. If you have any further questions, please feel free to contact us again.

Sincerely,

Kathleen Begala
Director, Office of Public Affairs

cc:
Daniel Metcalfe, Office of Information and Privacy
Department of Justice

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

November 5, 1996

Ms. Jane E. Kirtley
Executive Director
The Reporters Committee for Freedom of the Press
Suite 1910
1101 Wilson Boulevard
Arlington, VA 22209

Dear Ms. Kirtley:

We appreciate your concern about any policy by a federal agency that could inhibit the free flow of information. CPSC shares this concern and strives to keep the public and journalists informed. Therefore, we must tell you that you were misinformed about our policy regarding how we deal with the press.

We do encourage journalists to use our press office so we can provide them with accurate information and facilitate their contact with the appropriate staff. That is the policy to which Mr. Giles referred. And we do have public affairs specialists that are knowledgeable on a wide range of issues and can frequently satisfy requests for information from the public and reporters.

But as a matter of routine we refer journalists contacting this office to our technical experts, often facilitating conversations with those at the highest levels of the agency. Therefore it is completely incorrect to say that reporters "are not permitted to speak directly with Consumer Product Safety Commission staff."

Thank you for your concern. We share your interest in maintaining public confidence and providing accurate information in an informed and timely manner. If you have any further questions, please feel free to contact us again.

Sincerely,

Kathleen Begala
Director, Office of Public Affairs

cc:
Daniel Metcalfe, Office of Information and Privacy, Department of Justice

Ack card sent 11/6/96

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

Suite 1910
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Arlington, VA 22209

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Jane E. Kirtley
Executive Director

STEERING COMMITTEE

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- CHARLES R. BABCOCK *The Washington Post*
- CHIP BOK *Akron Beacon Journal*
- GLORIA BORGER *U.S. News & World Report*
- TOM BROKAW, *NBC News*
- EARL CALDWELL *Syndicated columnist*
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- WALTER CRONKITE, *CBS News*
- MARY CROWLEY *Phillips Business Information, Inc.*
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- FRED GRAHAM, *Court TV*
- JOHN C. HENRY *Houston Chronicle*
- NAT HENTOFF *The Village Voice*
- CARL HIAASEN *The Miami Herald*
- STEVEN A. HOLMES *The New York Times*
- KAREN GRAY HOUSTON *WTTG, Fox Television*
- ALBERT HUNT *The Wall Street Journal*
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- CHARLES J. LEWIS *Hearst Newspapers*
- TONY MAURO, *USA Today*
- STEVE MCGONIGLE *The Dallas Morning News*
- BROCK N. MEEKS *Wired/HotWired*
- WILSON F. MINOR *Factual Reporting Service*
- DAN RATHER, *CBS News*
- DAVID ROSENBAUM *The New York Times*
- CRISTINE RUSSELL *The Washington Post*
- JOHN SHURR *The Associated Press*
- CAROLE SIMPSON, *ABC News*

*Affiliations appear only for purposes of identification.*

October 30, 1996

Ann Brown
Chairwoman
Consumer Product Safety Commission
Washington, D.C. 20207

Dear Chairwoman Brown:

On behalf of the Reporters Committee for Freedom of the Press, I write to express our concern about a new practice that has been implemented at your direction. We are informed that journalists are not permitted to speak directly with Consumer Product Safety Commission ("CPSC") staff, and that all media inquiries are routed to the Office of Information and Public Affairs ("OIPA"). The Reporters Committee, a nonprofit association dedicated to defending the First Amendment and access rights of the news media, opposes this policy because it hinders the media's ability to obtain timely access to public information.

As we understand it, CPSC's policy restricts those government employees who are most knowledgeable from providing information to the press about matters of public concern. CPSC staff are uniquely positioned to offer insights into the workings of the agency generally, and their areas of specialization in particular. *Sanjour v. EPA*, 56 F.3d 86, 94 (D.C. Cir. 1995) (en banc). This applies with special force to CPSC, on which the public relies to decipher technical information and make recommendations that promote public safety. Rather than having public affairs staff translate complex information about which they may have only limited expertise, the better policy would be to permit journalists to speak directly with those CPSC staff who have direct knowledge about the matters in question.

In a telephone conversation on October 28, OIPA staff member Kenneth Giles informed the Reporters Committee that CPSC's unwritten policy is the standard procedure used by many agencies. This has not been our experience with most other agencies under the Clinton Administration. But even if that were the case, such a policy does not encourage the free flow of information, and cannot help but create the impression that the agency has something to hide.

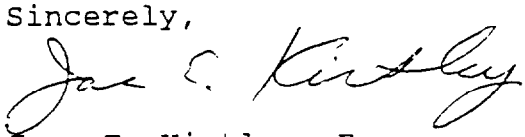
During the Bush Administration, the Reporters Committee documented numerous instances in which various agencies restricted media access to staff

members. In 1990, CPSC's director ordered all media inquiries to be referred to, and audio taped by, the public affairs office. The taping policy was rescinded the day after the *Washington Post* published a story about it. In 1989, the Justice Department warned agency lawyers not to talk to the press, and a *Washington Post* reporter was told that all media inquiries must be channeled through the press office. That same year, the Immigration and Naturalization Service issued a directive requiring all employees to clear their responses with headquarters prior to speaking with reporters. These procedures, like the present CPSC procedure at issue, were cumbersome and bureaucratic, and needlessly delayed the flow of information from the government to the public.

Such policies are clearly inconsistent with Attorney General Janet Reno's October 1993 memorandum encouraging agencies to be "more open, more responsive and more accountable." President Clinton's memorandum issued at the same time urged all executive branch agencies to eliminate unnecessary bureaucratic hurdles to obtaining government-held information. Moreover, Attorney General Reno reiterated the President's commitment to responsive government at a speech before the American Society of Newspaper Editors on April 17 of this year, noting that his goal is "to make government as open as possible, and to make disclosure the norm."

We do not take issue with CPSC's interest in promoting an efficient work place and in disseminating accurate information. However, the agency's interest in maintaining public confidence in the system is equally compelling, and is best served by a liberal access policy that encourages informed and timely responses to press inquiries.

Sincerely,



Jane E. Kirtley, Esq.
Executive Director

cc: Clarence T. Bishop, CPSC
Ken Giles, CPSC
Daniel Metcalfe, Office of Information and Privacy, Department of Justice

☆ U.S. GOVERNMENT PRINTING OFFICE: 1985-494-238

# CONTROLLED CORRESPONDENCE

1. CORRESPONDENT:

Terrance Scanlon
Capital Research Center

2. DUE DATE

11/22/96

EXT. DATE:

3. CONSUMER PRODUCT SAFETY COMMISSION CONTROL NO.

OS 431-96

4. PREPARE FOR SIGNATURE OF:

Chairman Ann Brown

5. ☒ PREPARE REPLY FOR SIGNATURE (Chairman)
☐ PREPARE DRAFT REPLY
☐ DIRECT REPLY
☐ OTHER:

6. SUBJECT:

Openness Policy

7. INFORMATION COPY OF INCOMING SENT TO:

☒ CHAIRMAN ☒ OGC
☐ COMMISSIONERS ☐ OS
☐ OEX ☐ OMR
☐ OCR ☒ EXPA

| 8. DATE OF CORRESPONDENCE: | 9. DATE RECEIVED: | 10. DATE FINAL REPLY: |
|---|---|---|
| 11/7/96 | 11/13/96 | |

| 11. REFERRED TO: OEX<br>DATE: 11/15/96 | 12. REFERRED TO:<br>DATE: | 13. INTERIM REPLY DATE: | 14. NO REPLY NECESSARY |
|---|---|---|---|
| 15. REFERRED TO:<br>DATE: | 16. REFERRED TO:<br>DATE: | 17. SPECIAL INSTRUCTIONS | |
| 18. REFERRED TO:<br>DATE: | 19. REFERRED TO:<br>DATE: | 20. ORIGINATING OFFICE<br>☐ OCR ☐ OS | |

CPSC FORM 220 6/80

Part 6-OEX

Ack card sent 11/14/96


# CAPITAL RESEARCH CENTER

727 15TH STREET, N.W.
SUITE 800
WASHINGTON, D.C. 20005
PHONE: (202) 393-2600 FAX: (202) 393-2626

TERRENCE SCANLON
PRESIDENT


November 7, 1996

Honorable Ann Brown
Chairman
U. S. Consumer Product Safety Commission
Washington, DC 20207

Dear Ann:

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I hope you will move quickly to reverse your new policy, and will make sure CPSC doesn't sacrifice its vital tradition of openness.

Best regards.

Sincerely,

Terry Scanlon

Terrence Scanlon

cc: Jane Kirtley, Esq., Reporters Committee
David Swit, "Product Safety Letter"

☆ U.S. GOVERNMENT PRINTING OFFICE: 1985-494-238

1225

# CONTROLLED CORRESPONDENCE

1. CORRESPONDENT:

Richard O. Simpson
4818 Crestline Drive
Placerville, CA 95667

2. DUE DATE

11/22/96

EXT. DATE:

3. CONSUMER PRODUCT SAFETY COMMISSIC CONTROL NO.

OS' 430-96

4. PREPARE FOR SIGNATURE OF:

Chairman Ann Brown

5. ☒ PREPARE REPLY FOR SIGNATURE
☐ PREPARE DRAFT REPLY
☐ DIRECT REPLY
☐ OTHER:

6. SUBJECT:

Openness Policy

7. INFORMATION COPY OF INCOMING SENT TO:

☒ CHAIRMAN ☒ OGC
☐ COMMISSIONERS ☐ OS
☐ OEX ☐ OMR
☐ OCR ☒ EXPA

| 8. DATE OF CORRESPONDENCE: | 9. DATE RECEIVED: | 10. DATE FINAL REPLY: |
|---|---|---|
| 11/6/96 | 11/13/96 | |

| 11. REFERRED TO: OEX DATE: 11/15/96 | 12. REFERRED TO: DATE: | 13. INTERIM REPLY DATE: | 14. NO REPLY NECESSARY |
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| 15. REFERRED TO: DATE: | 16. REFERRED TO: DATE: | 17. SPECIAL INSTRUCTIONS | |
| 18. REFERRED TO: DATE: | 19. REFERRED TO: DATE: | 20. ORIGINATING OFFICE ☐ OCR ☐ OS | |

CPSC FORM 220 6/80

Part 6-OEX

Ack card sent
11/14/96

**RICHARD O. SIMPSON**
**4818 Crestline Drive**
**Placerville, California 95667**

November 6, 1996

Chairman Ann Brown
U. S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC)
Washington, D. C. 20207

Dear Madame Chairman,

The conventional "beltway" wisdom regarding Federal regulatory agencies in the early 1970's was that the agencies:

1. Were "closed" shops.

2. Were often "captured" by the business groups they regulated.

3. Were not accountable to the public at large.

CPSC was created in this environment, in 1973, and was given extraordinary powers by the U. S. Congress. As an example, my individual authority as the first CPSC Chairman was described by Congressman Whitten, CPSC's House Budget Chairman, as "more power than a bad man should have or a good man should want."

It was obvious to me, and also to my fellow founding Commissioners, that this new agency could easily abuse its power and fall into the same trap as the other so-called independent regulatory agencies.

CPSC, as one of its first official acts, published and followed a policy of openness in government that included the following:

1. All meetings between any CPSC employee, Commissioner, or Chairman and any outside party would be open to anyone in the U.S. to attend. We also published, and made available to all, a meetings calendar of all scheduled meetings.

2. The press could talk to any CPSC employee, Commissioner, or Chairman about any subject at any time. All responses were "on the record." Myself, and my fellow Commissioners, made ourselves available to the press at weekly brown-bag lunch sessions. We also invited our senior staff to attend and answer questions.

The purpose of the above described openness policy was threefold:

1. We believed in freedom of the press and felt that "closed shops" e.g. where all press inquiries had to be handled by one person or one office was fundamentally wrong.

2. We felt that we could not be "captured" by arm-twisting if all meetings were open to anyone to attend.

3. We believed that the press would perform its Constitutional role and ensure that both the agency, and myself, were accountable to the public we served if we allowed them unrestricted access to our agency personnel.

Many skeptics believed the new policy would:

1. Consume more staff time than conventional "press office" media relations.

2. Would inhibit timely and responsive answers to media inquiries.

3. Would detract from the basic CPSC safety mission.

Madame Chairman, let me assure you that my CPSC experience proved the skeptics wrong on all accounts. CPSC became an effective, efficient, and respected regulator. Our openness policy was soon hailed as the example for other agencies to follow. This respect and praise came from the business community, the consumer advocate organizations, and the skeptical press.

It has come to my attention that CPSC, under your Chairmanship, has abandoned the previous openness policy in favor of a system that mandates that all media inquiries and answers funnel through an Office of Information and Public Affairs. I find this openness regression unconscionable, and find it hard to believe that such "closed shop" policies would be approved by the Clinton Administration. I urge you to return to the original CPSC openness policy at once. I will be communicating my concerns on this subject to both the White House and the CPSC Oversight Committees.

Sincerely,

Richard O. Simpson

RICHARD O. SIMPSON

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

October 25, 1996

Mr. David Swit
Publisher
Product Safety Letter
Washington Business Information, Inc.
1117 North 19th Street, Suite 200
Arlington, VA 22209

Dear Mr. Swit:

Chairman Brown asked me to respond to your letter dated October 15, 1996.

The efficient use of resources -- doing more with less -- has been a hallmark of CPSC's operations during this administration. As you know, CPSC is a small agency with the vitally important mission of protecting children and families from unreasonable risks of injury and death presented by consumer products. We are accomplishing more now than at any time in the agency's history, despite the fact that our budget (adjusted for inflation) and staffing levels are half what they were in 1979.

Therefore, we are always looking for new ways to stretch our resources. However, we believe that our coordination of all media inquiries -- not just PSL's -- through CPSC's Deputy for the Office of Information and Public Affairs (OIPA) and calling on other staff as needed is far more efficient than the alternatives we have considered, including those you propose. This arrangement also helps us assure that we provide accurate and timely information, and do so in compliance with the statutory restrictions on CPSC's information disclosure. In addition, this coordination is essential to assure that our limited staff resources are not overwhelmed by fielding media inquiries or unduly diverted from addressing significant safety risks. In short, our experience with the current arrangement shows that it has alleviated the very concerns that you raise.

As we have previously explained, more CPSC resources are used to respond to inquiries from your small trade publication than for any other media outlet. We will continue to respond appropriately to your inquiries with timely and accurate information about our activities, without sacrificing our core safety efforts.

In sum, we do not intend to change the agency's procedures for coordinating responses to media inquiries. Respectfully, in the interest of the efficient use of agency resources to carry out our safety work, we will not continue the exchange of letters with you on this topic.

Sincerely,

Clarence T. Bishop
Deputy Executive Director

WBI Washington Business Information, Inc. • 1117 North 19th Street, Suite 200, Arlington, VA 22209-1798 • (703)247-3434, Fax 247-3421

October 15, 1996

The Honorable Ann Brown
Chairman
Consumer Product Safety Commission
Washington, D.C.

FAX: 301/504-0768

Dear Chairman Brown,

We hereby request that you end two practices you instituted that raise Federal costs while reducing public access. They are your requirements that:

A--All communication with agency staffers be through the Press Office

B--Virtually all communication (at least by our weekly *Product Safety Letter*) be limited to Press Office deputy Rick Frost and -- if he approves -- hazard identification director Ron Medford and his deputy Jackie Elder.

These practices are a problem for all concerned, including CPSC, because:

ACCURACY: They endanger accuracy because information can change each time it passes between people. This risks both distorting the meaning of CPSC answers and the wording of reporters' questions, or worse, a combination.

WASTE OF CPSC STAFF: A gatekeeper is an unnecessary use of CPSC staff. Presumably, staffers who have answers must take time to answer the questions anyway. Thus, another CPSC staffer wastes time as a gatekeeper. CPSC's gatekeeper practice is the opposite of that at other regulatory agencies such as FCC, USDA, DOT and FDA. For the trade press like *PSL*, such agencies generally ignore even nominal rules about letting the public affairs office know reporters' activities, and none have oppressive gatekeeper practices like CPSC does.

MORE DISRUPTION OF CPSCers: Staffers can be interrupted multiple times due to follow-ups. This is less likely if reporters can ask questions and follow-ups all at once. Many small interruptions are more disruptive than single, slightly longer ones.

LACK OF RESPONSE: A gatekeeper can neglect to ask certain questions. This is such a problem that we have resorted to sending written questions to Mr. Frost. Even this was not failsafe as he once sent such questions to your FoI office when no documents were sought.

DELAYS: A gatekeeper creates delays that can keep a story from the public for a week. A gatekeeper also sometimes fails to respond. For example Mr. Frost has yet to respond to our Sept. 26 questions and Oct. 10 follow-up about CPSC's small business ombudsman.

I realize you have a right to restrict your staff. But I suggest that if you feel you must know reporters' activities, you let them tell the Press Office what they need to know, with specific replies coming from staffers who know the topics. I also ask that Press Office contacts include the other 4 press officers who, for unknown reasons, CPSC bars from handling *PSL* questions even if Mr. Frost is unavailable or has not answered our inquiries.

We would appreciate your personal response by 5 p.m. Thursday, Oct. 17, to aid our evaluating what to report on this matter. I hope you accept our suggestions, as it seems ironic that a Clinton Administration appointee would help build an Iron Curtain around an agency whose once-famed openness began under Richard Nixon.

Sincerely,

David Swit, Publisher

cc: Commissioners Gall, Moore

WBII WASHINGTON BUSINESS INFORMATION, INC. • 1117 NORTH 19TH STREET, SUITE 200, ARLINGTON, VA 22209-1798 • (703)247-3434, FAX 247-3421

July 15, 1996

Mr. Clarence Bishop
Deputy Executive Director
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Md. 20814

Fax: 301/504-0121

Dear Mr. Bishop,

Thank you for getting back to me on July 11 on the question of *Product Safety Letter* reporter Sam Cristy speaking to CPSCers about decisions leading to rulemakings (as described in my June 28 letter to you). I have discussed with Mr. Cristy and Publisher David Swit CPSC's offer to answer written questions. While that is an inferior way to gather information, I think a modification could work. We suggest:

1 -- While I am thankful for your offer to see that the questions -- and follow-up questions -- are answered expeditiously, we need a clear time commitment by CPSC for getting answers back to us -- such as "within two days." This is vital for planning, as we are a deadline-oriented publication.

2 -- We need to orally pose follow-up questions to the staffers doing the work. We'd have no problem with Ron Medford or other CPSCers being there as we ask the questions. Since follow-up questions are most likely to involve back-and-forth clarification of detailed points, we think orally is most efficient (and would be less time-consuming to CPSC). Also, as you and I discussed, a manager like Mr. Medford (or myself) is unlikely to be the best person to answer questions that are as detailed as follow-up questions usually are. Such questions are best answered by the CPSCers in the trenches.

Thank you again for your help on this matter, and I look forward to hearing from you quickly. My fax is 703/247-3421, direct phone line is 247-3424.

Sincerely,

Sean Oberle

Sean Oberle
Editorial Director

cc: DS, SC
PUB-SEC/rf

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

UNITED STATES GOVERNMENT

MEMORANDUM

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

December 19, 1990

TO : The Commission

Through: Sadye E. Dunn, Secretary
Clement D. Erhardt III, General Counsel

FROM : Eric C. Peterson
Executive Director

SUBJECT: Media Procedures

On December 11, 1990, after having received comment from members of the Commission as well as staff concerning the way in which agency staff was responding to media inquiries and the apparent lack of coordination of the staff response, this office issued a memorandum reminding staff of agency policy regarding the handling of media inquiries and procedures for establishing a record of media interviews. The December 11 memorandum is attached as Appendix A.

Today a further memorandum, attached as Appendix B, is being issued to clarify questions raised by certain media representatives and Congressional staff. Both memoranda are based on longstanding Commission policy which is reflected in information contained at Appendix C of this memorandum.

Should you have any questions or should you receive any inquiries regarding these matters, please do not hesitate to contact my office.

Attachments

NOTE: This document has not been reviewed or accepted by the Commission.
Initial tdh Date 12/20/90

12/20/90
X No Miss/Prvt Mrs or
Products Identified

UNITED STATES GOVERNMENT

MEMORANDUM

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

December 11, 1990

TO : Associate Executive Directors
Office Directors

FROM : Eric C. Peterson
Executive Director

SUBJECT: Procedure for Handling Media Inquiries

This is to remind Associate Executive Directors and Office Directors that all calls received from the media must be transferred or referred to OIPA for disposition.

On receipt of a media call, OIPA then follows procedures in place to determine which of the following actions are to be taken: respond to the call within OIPA; refer the call to another Office or Directorate after logging in the call; or forward the request to OEX for a decision on whether the Chairman or a Commissioner should be interviewed or respond to the request.

Usually, media calls requesting data, technical information, clarification of information in news releases, or factual statements on Commission actions, are handled within OIPA or are referred to another CPSC Directorate or Office for response. Requests for statements on Commission policies, or for positions or opinions on Commission actions, or calls that are likely to result in national media exposure, are generally forwarded to OEX for a decision on whether the Chairman or another Commissioner should respond.

Staff who are assigned to provide information to the media should make it clear that any personal views expressed must not be portrayed as official positions of the Commission. In addition, future staff interviews should be recorded on audio tape. Tapes should be retained in originating offices and made available if it is necessary to document discrepancies in resulting news stories. OIPA will make portable cassette recorders available on a loan basis to offices for this purpose.

Data and documentary information requests received by the Freedom of Information office and the Clearinghouse are exempt from the above procedures, but those offices will continue to provide OIPA with a log of media requests received.

If you have any questions about these procedures, contact Dan Rumelt in OIPA.

UNITED STATES GOVERNMENT

MEMORANDUM

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

December 19, 1990

TO : Associate Executive Directors and Office Directors

FROM : Eric C. Peterson ECP
Executive Director

SUBJECT: Guidelines and Procedures for Handling Media Inquiries

This is a follow-up to my memorandum of December 11, 1990 to the Associate Executive Directors and the Office Directors regarding the handling of media inquiries. The December 11 memorandum is intended to reiterate the focal point for handling media inquiries, as well as to provide a method whereby questions asked and responses made are more easily recalled.

It has been, and remains, the policy of the Commission to promote free and open press relations. Meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and on-going contacts. Simply put, the sharing of accurate product safety news and information with consumers depends on an effective, sound policy for handling contact with the media.

The procedure outlined below will help the agency respond to inquiries from parties interested in the work of the Commission -- the Congress, other governmental entities, industry, consumer groups, and others -- who may be disturbed by misquotes or out-of-context remarks. It will also benefit the press by providing a back-up copy of the interview, i.e., the reporter will have an alternate avenue to retrieve the conversation held with the Commission employee forming the foundation of his or her news article.

The focal point for media contact has been, and remains, OIPA. OIPA has responded to most media inquiries in the past and will undoubtedly continue to do so. There are times, though, when OIPA refers reporters to specific staff members who will have a more in-depth knowledge of a specific issue or area of inquiry and can respond more completely to a reporter's questions.

Judgment will be necessary regarding when to tape an interview because the guidelines set forth in this memorandum are general.

The following supplies some guidelines on when tape recording a conversation is desirable:

- When reporters request extended face-to-face interviews or extended telephone interviews seeking staff interpretation of Commission policy or the reasons why the Commission did or did not take action on a matter. Examples of this type of inquiry would be an interview of the Executive Director regarding the reasons for the recently-approved interim reorganization or an interview of a program manager on why the Commission has authorized a particular project.

- When the response to the inquiry will likely go beyond specific factual information. Examples of this type include requests for statistical data on injuries or the results of engineering data that also appear to involve the significance or interpretation of such data.

In seeking to record conversations in face-to-face interviews, the consent of the other party or parties to recording must be obtained. Since many reporters use tape recorders themselves, it is likely that consent will be granted in the majority of the cases. If a party does not consent or if logistical considerations prevent recording and the interview should nevertheless take place immediately, the staff member should dictate or write out a summary of the questions asked and answers provided immediately after the interview. The tape or the log is to be filed with the office of the AED or OD involved. The tape or the log will be available to the employee. The employee may also keep a copy if he or she wishes. Employees may wish to offer the reporter conducting the interview a copy of the tape or log as well.

With regard to recording both sides of a telephone conversation, the only way that can be achieved at this time is to use a speaker phone and a tape recorder. Before recording a conversation, the consent of all parties on the line to record the conversation must be obtained. The consent should be put on the tape recording.

If a party to the telephone conversation does not consent to the recording, go off the speaker phone and tape record your responses as you make them. You should inform the other party that you are doing so. However, the other party's consent to the staff member's recording of his or her own responses to questions

is not required. In this scenario, the questions will not be recorded as they are asked. The staff member should dictate or write out the questions as soon as possible after completing the conversation. The tape recording and log should be filed as referred to above. Employee and reporter access and retention of copies, as stated above, also apply.

No one likes to be misquoted or have a comment taken out of context, particularly if the end result embarrasses the agency or impacts adversely on the agency's mission or its relationship with parties interested in the Commission's work. The procedures described above are for the protection of the agency and the agency's staff members. They are not designed to discourage media contact or the free flow of information.

Thank you for your cooperation.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

April 12, 1984

TO: ALL COMMISSION PERSONNEL

RE: REVISED COMMISSION MEDIA POLICY

As you are all well aware, the Consumer Product Safety Commission has an active presence in the various media across the nation. Such activities help promote dissemination of vital safety information to the public about common, but often unsuspected, household hazards. By preventing tragedies, consumers are spared needless suffering.

In order to more clearly define responsibility for this critical mission of keeping the public informed about unsafe products, the Commission has recently issued a revised directive concerning media contacts. This policy is attached for your information and review. It emphasizes that this agency is, and should be, accessible to both the media and the public. To sustain this tradition, the new policy enumerates areas within which each Regional Office has discretion in dealing with the media. We regard such discretion as central to the proper functioning of each Regional Office as well as to the ongoing relationship with local media each Office strives to maintain. In a like fashion, the policy specifies guidelines for Headquarters staff to follow in dealing with members of the media. We believe this revised directive will go a long way toward ensuring that the media - and thus the public - receive accurate and complete information about real or suspected hazards, and about Commission activities, in a timely manner.

Nancy H. Steorts
Chairman

Terrence M. Scanlon
Vice-Chairman

Stuart M. Statler
Commissioner

Saundra B. Armstrong
Commissioner

5. Revision to Section 6(b) (6) Directive on Media Contacts

The Commission voted 3-1 to approve a revision to section 6(b) (6) Directive on Media Contacts. Commissioners Armstrong, Scanlon and Statler voted to approve the revision. Chairman Steorts voted in opposition and filed an opinion on the matter.

6. Application for Issuance of Subpoena In the Matter of Honeywell, Inc. CPSC Docket No. 83-2 (Complaint Counsel)

The Commission voted unanimously (4-0) to approve the application for the issuance of subpoenas and to direct the Office of the Secretary to issue the subpoenas as requested by Complaint Counsel.

7. Application for Issuance of Subpoena In the Matter of Honeywell, Inc. CPSC Docket No. 83-2 (Respondent)

The Commission voted unanimously (4-0) to approve the application for the issuance of subpoenas and to direct the Office of the Secretary to issue the subpoenas as requested by Honeywell.

For the Commission

Sadye E. Dunn

Sadye E. Dunn
Secretary

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

# Order

1450.2

PUBLIC INFORMATION

## CLEARANCE PROCEDURES FOR PROVIDING INFORMATION TO THE PUBLIC

1. SCOPE.

This directive describes clearance procedures for the Commission, its staff, agents and representatives (including contractors) to use when they initiate the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, regardless of whether the information disclosed would enable the public to ascertain readily the identity of a manufacturer or private labeler. It applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.

Information disclosed to the public should be accurate. The assurance of accuracy is to be accomplished by following the appropriate procedures set forth below.

2. REFERENCES FOR THIS DIRECTIVE.

a. Section 6(b)(6) of the Consumer Product Safety Act (15 U.S.C. § 2055(b)(6));

b. Order 0840.1 CPSC Printing Manual;

c. Title 17 U.S.C. Section 105 Copyrights;

d. 16 C.F.R. § 1030 Employee Standards of Conduct.

This Directive supersedes Directive 1450.2 dated April 27, 1983.

3. MEANING OF CLEARANCE. This directive requires that each Commission disclosure within the scope of this Directive receive "clearance." Clearance means a careful review and written approval of the information to be disclosed by each AED (or delegate) whose area of responsibility is involved in the disclosure in order to eliminate inaccurate or misleading statements. No information shall be disclosed until approved as set out in this Directive. Specific forms of clearance review are:

a. Technical and Scientific. (Engineering, Economics, Epidemiology, Health.) This clearance means that the statement is supported by (1) data in Commission files or in currently applicable literature, (2) articulated technical judgment that is both reduced to writing and based on consideration of all relevant factors, or (3) a report prepared by a contractor to the Commission and such report has been subject to a review process by Commission staff.

b. Program. (Office of Program Management; Compliance and Administrative Litigation; Office of Budget, Program Planning, and Evaluation; and Office of the General Counsel.) This clearance means that the statement accurately reflects the status of programs and projects, enforcement activities, litigation, and planning where appropriate.

c. Editorial. (Office of Public Affairs; Office of Outreach.) This clearance means that the statement retains style and coherence without changing technical, program or legal meanings.

d. Policy Decision. (Executive Director.) This clearance means that where there may be conflicts among various viewpoints on a statement among the technical and program staffs, the Executive Director will decide among the different viewpoints on the basis of Commission policy.

e. Legal. (Office of the General Counsel.) This clearance means that the statement is consistent with applicable laws and regulations, that any possibly inaccurate or misleading statements have been eliminated and that any statements of Commission policy are accurate.

Legal review occurs only after all other review is completed.

4. CLEARANCE PROCESS (except press releases).

a. Routine Clearance. The Office of Outreach (Outreach) is responsible for coordinating these clearance procedures, except for press releases and media contacts which are the responsibility of the Office of Public Affairs (OPA) (see Section 5).

(1) Procedure.

(A) After a draft of the information proposed to be disclosed is approved for technical content by the AED (or delegate) of the person who originates the information, the draft is transmitted to the Office of Outreach with a proposed distribution plan that also describes the intended audience (Appendix 2).

(B) Outreach arranges for review by each Office and Directorate whose area of responsibility is involved with the subject matter of the disclosure, including the Office of the General Counsel.

(C) Comments resulting from this preliminary review are incorporated by the originator (comments not incorporated must be reconciled with the commentor) and a revised draft is transmitted for final clearance and sign off on Form 120 (Appendix 3).

(D) When final technical, policy, and editorial clearances have been obtained, the draft must be transmitted to the Office of the General Counsel for final legal review and clearance.

(E) Outreach shall refer problems that may arise to the Executive Director for resolution.

(F) The Executive Director shall refer special problems to the Commission.

(G) Commission documents to be printed through GPO will be referred to Outreach for processing by normal ADM channels for printing and proper financial accounting (see CPSC Order 0840.1).

(2) Clearance Lead Time. The originator of information to be disclosed to the public shall notify Outreach of any deadline for final publication or delivery and is responsible for allowing enough lead time for clearance. Lead time can vary depending on the type of document and clearance required. Upon receipt of the draft, Outreach will determine what clearances are necessary. Outreach will establish target for each type of clearance required, for revisions of the draft by the originator, and for final legal clearance. Outreach will furnish the established schedule to the originator and responsible clearance officials.

b. Emergency Clearance. In instances where externally imposed time limits or other extenuating circumstances make it difficult to complete normal clearance procedures before a deadline, emergency clearance can be received by obtaining the approval of the Office of the Executive Director, the Office of the General Counsel and Outreach directly. Immediately after written clearance by each of these offices, the originator shall submit a copy of the published writing for appropriate full clearance procedure. No emergency CPSC publication, however, may be released without written clearance from the Office of the Executive Director, Outreach, and Office of the General Counsel. For press releases, emergency clearance can be received by obtaining the approval of the Office of Public Affairs, the Office of the General Counsel, and the Office of the Chairman.

5. CLEARANCE FOR PRESS RELEASES.

a. Headquarters Offices. OPA is the coordinating staff unit for clearance of all press releases originating in headquarters offices. After a draft press release has been approved by the originator's AED (or delegate), the originating headquarters staff shall transmit the draft to

OPA for review and clearance. OPA shall arrange clearance in accordance with Sections 4a and b of this Directive. Final clearance must be obtained from the Office of the Chairman. Approval for press releases involving Class A and High Class B hazards must be obtained from the Commission.

b. Regional Offices. OPA is the coordinating staff unit for clearance of all press releases originating in Regional Offices.

After a draft press release has been approved by the Regional Director (or delegate), the originating Regional Office shall transmit the draft to OPA for review and clearance. OPA shall arrange clearance in accordance with Sections 4a and b of this Directive. Final clearance must be obtained from the Office of the Chairman or the Commission.

6. CLEARANCE FOR MEDIA CONTACTS

a. Under the Consumer Product Safety Act, Congress charges the Commission to provide product safety information to consumers in a manner that is consonant with the disclosure safeguards specified in section 6(b) of that Act. In furtherance of this responsibility, the Commission endeavors to keep the public advised of its activities in the belief that informed consumers can better protect themselves from unsafe consumer products. It is the policy of the Commission to promote free and open press relations. A critical aspect of achieving this goal is the Commission's day-to-day contact with the media. In this regard, meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and ongoing contacts. Simply put, the sharing of product safety news and information with consumers depends on an effective, sound policy for handling contacts with the media.

Toward this end, it is critical to define as a matter of official Commission policy, the respective roles of Field and Headquarters staff.

b. Field

It shall be within the discretion of the Commission's regional directors or their designated staff to:

1. Share product safety information -- such as press releases, fact sheets, project hazard updates, injury data, consumer alerts, and I&E material -- with the media in their regions.

2. Respond immediately to all media inquiries with publicly available information with respect to specific hazard matters and ongoing agency activities. Inquiries that cannot be responded to immediately shall be researched and prompt response made within the same day when practical.

3. Initiate meetings, briefings and tapings with newspaper editors, journalists, TV and radio producers, on-air reports, etc., to discuss upcoming CPSC programs and provide background information, visuals and story ideas for immediate and future use.

Media inquiries relating to matters of potential national exposure of high-level Commission policymaking (e.g., agency budget, Congressional testimony, export policy, 6(b) policy) shall be referred to the Office of Media Relations in Headquarters. If the Director of OMR determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately.

c. Headquarters

Inquiries from the news media received by Headquarters staff (other than Commissioners' offices), should routinely be referred to the Office of Media Relations. OMR shall respond directly. When a more comprehensive or more substantive response is suggested, OMR shall direct the caller to the staff person (e.g., program managers, project director, analyst, economist, attorney, etc.) who is most substantively knowledgeable about the matter raised. Except that the following persons may respond, directly in person

or by phone, to any press inquiry they believe to be particularly within their special area of expertise: Executive Director, Deputy Executive Director, General Counsel, AEDs, head of the Office of Program Management, and for purposes of responding to scheduling inquiries only, the Commission Secretary. Upon so doing, they shall alert OMR to facilitate such coordination as may be needed or appropriate. If the Director of OMR determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately.

d. All Commission Personnel

Enforcement actions not yet announced or ongoing enforcement or compliance actions involving a specific company, shall not be disclosed under any circumstances.

7. CLEARANCE FOR INFORMATION PRESENTED BY INDIVIDUALS.

a. Speeches. If a staff member is to deliver a speech, the staff member shall advise OPA of the topic, date, and intended audience for the speech. This information must also be given to the originator's AED/Office Director for planning purposes. The speech must be submitted to the speaker's AED/Office Director for clearance in accordance with section 4 of this Directive.

Unless the Commission has approved the text of a particular speech or unless the General Counsel determines that the nature of the speech is such that a disclaimer is not necessary, the staff member must incorporate a disclaimer to the effect that although the speaker is present in an official capacity, the views expressed concerning Commission programs and policy are personal and do not necessarily reflect the views of the Commission. In addition, speeches must not be made on matters in litigation and must not name products or manufacturers or private labelers unless clearance has been provided, particularly by the Office of the General Counsel.

b. Articles Signed by Individuals. Articles for publication in outside journals must be submitted for routine clearance in accordance with Section 4 of this Directive if (1) the article concerns the CPSC or matters related to CPSC

activities and (2) the staff member-author's name and his/her CPSC employment are mentioned. Unless the Commission has approved the text of the article or unless the General Counsel determines that the nature of the article is such that a disclaimer is not necessary, a disclaimer must be included by the author and must state that the views expressed are not necessarily the views of the Commission.

Articles that do not concern the CPSC are not subject to this directive but are subject to the Commission's regulation on employee standards of conduct, 16 CFR § 1030.405.

8. REQUIREMENTS FOR NOTICES TO ACCOMPANY ALL STATEMENTS.

a. Copyright and Publication. Letters to publishers transmitting articles written by CPSC employees in the course of official duties must make the following points:

(1) The work and the article were prepared in the course of the author's official duties as an employee of CPSC.

(2) Title 17 U.S.C. Section 105 provides that there can be no copyright in a United States government publication; therefore, the author is unable to transfer to the publisher any copyright in the article.

(3) The cover letter should request that the following legend appear as a footnote in the article:

> "This article was written by _____, (title), of the Consumer Product Safety Commission. Since it was written by Mr./Ms. _____ in his/her official capacity, it is in the public domain and may be freely copied or reprinted." (Appendix 4.)

b. Disclaimers.

(1) Unless the General Counsel determines that the nature of the speech is such that a disclaimer is not necessary, for all oral statements (such as speeches, media

appearances, and news conferences), except as provided in Section 7a, the speaker must include a disclaimer to advise that, although the views are those of the speaker in his/her official capacity, they are not necessarily the views of the Commission.

(2) Unless the General Counsel determines that the nature of the publication is such that a disclaimer is not necessary and except as provided in Section 7b, a disclaimer must be used in all outside publications in which an employee uses his or her official title or states an affiliation with the Commission. The disclaimer shall read as follows: "The opinion expressed by _____, an employee of the Consumer Product Safety Commission, do not necessarily represent the views of the Commission."

9. EXCLUSION FROM CLEARANCE PROCESS.*

a. Office of Congressional Relations. Commission initiated statements and correspondence by the Office of Congressional Relations are excluded when addressed to duly authorized committees or subcommittees of the Congress or the Chairman (or ranking minority member) of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested. Consultation with appropriate Offices/Directorates, including OGC, is customary.

b. Office of the Secretary. The public calendar prepared weekly by the Office of the Secretary, Commission agendas, and records of Commission action are not subject to these procedures.

* Section 6(d)(2) of the CPSA provides that the provisions of Section 6(b) (which includes section 6(b)(6)) shall apply whenever information is to be disclosed by the Commission or any member of the Commission. Therefore, Commissioners are urged to refer statements they and their staffs make to appropriate Offices/Directorates for technical program and legal review.

c. Other Excluded Communications. Discussions at Commission meetings, correspondence responding to inquiries, and briefing packages placed in the public reading room are not subject to these procedures. Briefing packages are subject to an extensive clearance procedure whereby each Directorate, the Executive Director, and the General Counsel review the package before it is transmitted to the Commission. That review ensures that the information in the package is accurate and not misleading.

d. Statements Made Outside the Scope of Employment. Writings, speeches, or publications made by staff members outside the scope of their employment (i.e., those which do not relate to Commission policies, objective, or operations) are not subject to these clearance procedures. However, where the authors identify themselves as Commission employees, they shall use the disclaimer statement provided in Section 8b(2). (See 16 C.F.R. § 1030, Subpart D, Employee Standards of Conduct, for guidance on outside writing and similar activities and for accepting compensation for outside employment.)

10. EFFECTIVE DATE. This Order is effective April 27, 1984.

EDGAR MORGAN, Executive Director

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

DIRECTIVE 1450.2

It appears that there have been ~~four~~ five versions of Directive 1450.2:

1. May 12, 1980 - This date is referenced in revised 1450.2 dated April 27, 1983. OS does not have any record that this 1980 Directive was voted upon by the Commission. ~~OS also does not have a copy of the 1980 Directive in its files.~~

   A November 27, 1981 memorandum from Chairman Steorts references the existence of Directive 1450.2 "which needs revision" in light of the agency's reorganization and the 1981 amendments. This memorandum also sets out the steps the agency will "continue to follow" before initiating the public disclosure of information subject to section 6(b)(6), CPSA.

2. April 27, 1983 - This is the date of issuance of revised Directive 1450.2, replacing the May 12, 1980 version. Section 6(b)(6) is cited under "References". There is no indication that the Commission voted on this revised Directive.

   In a January 17, 1984, memorandum, OGC addressed the question whether procedures for section 6(b)(6) should be established by notice and comment rulemaking. The OGC memorandum references and attaches the November 27, 1981 memo from Chairman Steorts (noted under #1, above), Directive 1450.2 dated April 27, 1983, and a portion of the opinion in Danara.

3. April 27, 1984 - This is the date of issuance of revised Directive 1450.2, issued under cover memorandum (dated April 12, 1984) signed by the Chairman and all Commissioners. This revised Directive, referred to by the Commission as "Media Policy," was voted upon by the Commission by ballot vote (vote sheets dated 3/21/84 and 3/29/84; OGC memorandum dated 3/24/84.)

4. June 12, 1992 - This is the date of issuance of revised Directive 1450.2, reflecting changes in the organization and editorial changes.

8/16/95

5. August 16, 1995 - This is the date of issuance of Directive 1450.2, reflecting the changes noted by paragraph 10, Delegation

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

UNITED STATES
CONSUMER
PRODUCT
SAFETY
COMMISSION

DIRECTIVES SYSTEM

ORDER

1450.2

AUGUST 1995

PUBLIC INFORMATION

# CLEARANCE PROCEDURES FOR PROVIDING INFORMATION TO THE PUBLIC

## 1. SCOPE.

a. This directive describes clearance procedures for the Commission, its staff, agents and representatives (including contractors) to use when they initiate the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, regardless of whether the information disclosed would enable the public to ascertain readily the identity of a manufacturer or private labeler. It applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.

b. Information disclosed to the public should be accurate. The assurance of accuracy is to be accomplished by following the appropriate procedures set forth below.

## 2. REFERENCES.

a. Section 6(b)(6) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(6)).

b. Order 0840.1, CPSC Printing Manual.

c. Title 17 U.S.C. Section 105, Copyrights.

d. 16 C.F.R. 1030, Employee Standards of Conduct.

This directive supersedes Directive 1450.2 dated April 27, 1983, as revised on June 12, 1992.

**3. MEANING OF CLEARANCE.** This directive requires that each Commission disclosure within the scope of this directive receive "clearance." Clearance means a careful review and written approval of the information to be disclosed by each Assistant or Associate Executive Director (AED) (or delegate) whose area of responsibility is involved in the disclosure in order to

eliminate inaccurate or misleading statements. No information shall be disclosed until approved as set out in this directive. Specific forms of clearance review are:

a. Technical and Scientific. (Engineering, Economics, Epidemiology, Health Sciences). This clearance means that the statement is supported by:

(1) data in Commission files or in currently applicable literature;

(2) articulated technical judgment that is both reduced to writing and based on consideration of all relevant factors; or

(3) a report prepared by a contractor to the Commission and such report has been subject to a review process by Commission staff.

b. Program (Office of Hazard Identification and Reduction (EXHR); Office of Compliance (EXC); Office of Planning and Evaluation (EXPE); and Office of the General Counsel (OGC)). This clearance means that the statement accurately reflects the status of programs and projects, enforcement activities, litigation, and planning, where appropriate.

c. Editorial (Office of Information and Public Affairs (EXPA)). This clearance means that the statement retains style and coherence without changing technical, program or legal meanings.

d. Policy Decision (Executive Director (EX)). This clearance means that where there may be conflicts among various viewpoints on a statement among the technical and program staffs, the Executive Director will decide among the different viewpoints on the basis of Commission policy.

e. Legal (Office of the General Counsel (OGC)). This clearance means that the statement is consistent with applicable laws and regulations, that any possibly inaccurate or misleading statements are eliminated and that any statements of Commission policy are accurate. Legal review occurs only after all other review is completed.

**4. CLEARANCE PROCESS.**

a. Procedures for Routine Clearance. The initiating unit is responsible for coordinating clearance procedures for the material which requires clearance.

(1) The initiating unit arranges for review by each Office and Directorate whose area of responsibility is involved with the subject matter of the disclosure, including the OGC.

(2) Comments resulting from this preliminary review are incorporated by the originator. Comments not incorporated must be reconciled with the commentor and a revised draft transmitted for final clearance and signoff on Form 120 (See Appendix).

(3) When final technical, policy, and editorial clearances are obtained, the draft must be transmitted to the OGC for final legal review and clearance.

(4) The initiating unit will refer problems that may arise to the Executive Director for resolution.

(5) The Executive Director will refer special problems to the Commission.

(6) Commission documents to be printed through GPO will be referred to EXPA for processing by normal administrative channels for printing and proper financial accounting (see CPSC Order 0840.1).

b. Emergency Clearance. In instances where externally imposed time limits or other extenuating circumstances make it difficult to complete normal clearance procedures before a deadline, emergency clearance can be received by obtaining the approval of the EX and the OGC directly. Immediately after written clearance by each of these offices, the originator will submit a copy of the published writing for appropriate full clearance procedure. No emergency CPSC publication, however, may be released without written clearance from EX, EXPA and OGC. For press releases, emergency clearance can be received by obtaining the approval of EXPA, OEX, OGC and the Office of the Chairman.

**5. CLEARANCE FOR PRESS RELEASES.**

a. Headquarters Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in headquarters offices. After a draft press release has been approved by the originator's Office Director, AED or delegate, the originating headquarters staff will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with paragraph 4.a. and 4.b. of this directive. Final clearance must be obtained from the Office of the Chairman. Approval for press releases involving Class A hazards must be obtained from the Commission.

b. Regional Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in Regional Offices. After a draft press release has been approved by the Regional Director (or delegate), the originating Regional Office will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with paragraph 4.a. and 4.b. of this directive. Final clearance must be obtained from the Office of the Chairman or the Commission.

6. **CLEARANCE FOR MEDIA CONTACTS.** Under the Consumer Product Safety Act, Congress charges the Commission to provide product safety information to consumers in a manner that is consonant with the disclosure safeguards specified in section 6(b) of that Act. In furtherance of this responsibility, the Commission endeavors to keep the public advised of its activities in the belief that informed consumers can better protect themselves from unsafe consumer products. It is the policy of the Commission to promote free and open press relations. A critical aspect of achieving this goal is the Commission's day-to-day contact with the media. In this regard, meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and ongoing contacts. Simply put, the sharing of product safety news and information with consumers depends on an effective, sound policy for handling contacts with the media. Toward this end, it is critical to define as a matter of official Commission policy, the respective roles of Field and Headquarters staff.

a. Field. It shall be within the **discretion** of the Commission's regional directors or their designated staff to:

(1) Share product safety information -- such as press releases, fact sheets, project hazard updates, injury data, consumer alerts, and information and education material -- with the media in their regions.

(2) Respond immediately to all media inquiries with publicly available information with respect to specific hazard matters and ongoing agency activities. Inquiries that cannot be responded to immediately shall be researched and prompt response made within the same day when practical.

(3) Initiate meetings, briefings and tapings with newspaper editors, journalists, TV and radio producers, on-air reports, etc., to discuss upcoming CPSC programs and provide background information, visuals and story ideas for immediate and future use.

(4) Media inquiries relating to matters of potential national exposure of high-level Commission policymaking (e.g., agency budget, Congressional testimony, export policy, 6(b) policy) will be referred to EXPA. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director will notify all Commissioners immediately.

b. Headquarters. Inquiries from the news media received by headquarters' staff (other than Commissioners' offices), must be referred to the EXPA. EXPA will respond directly, or coordinate a response from the staff person (e.g., AED/OD, project manager, analyst, economist, attorney, etc.) who is most substantively knowledgeable about the matter raised. Except that the following persons may respond, directly in person or by phone, to any press

inquiry they believe to be particularly within their special area of expertise: Executive Director, General Counsel, and for purposes of responding to scheduling inquiries only, the Commission Secretary. Upon so doing, they shall alert EXPA to facilitate such coordination as may be needed or appropriate. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately, through the appropriate channels.

c. All Commission Personnel. Enforcement actions not yet announced or ongoing enforcement or compliance actions involving a specific company, will not be disclosed under any circumstances.

7. CLEARANCE FOR INFORMATION PRESENTED BY INDIVIDUALS.

a. Speeches.

(1) If a staff member is to deliver a speech, the staff member will advise EXPA of the topic, date, and intended audience for the speech. This information must also be given to the speaker's AED/OD for planning purposes. The speech must be submitted to the speaker's AED/OD for clearance in accordance with paragraph 4 of this directive.

(2) Unless the Commission has approved the text of a particular speech or unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, the staff member must incorporate a disclaimer to the effect that although the speaker is present in an official capacity, the views expressed concerning Commission programs and policy are personal and do not necessarily reflect the views of the Commission. In addition, speeches must not be made on matters in litigation and must not name products or manufacturers or private labelers unless clearance has been provided, particularly by the OGC.

b. Articles Signed by Individuals. Articles for publication in outside journals must be submitted for routine clearance in accordance with paragraph 4 of this directive if (1) the article concerns the CPSC or matters related to CPSC activities and (2) the staff member-author's name and his/her CPSC employment are mentioned. Unless the Commission has approved the text of the article or unless the OGC determines that the nature of the article is such that a disclaimer is not necessary, a disclaimer must be included by the author and must state that the views expressed are not necessarily the views of the Commission.

c. Articles That Do Not Concern the CPSC. These articles are not subject to this directive but are subject to the Commission's regulation on employee standards of conduct, 16 CFR 1030.405.

## 8. REQUIREMENTS FOR NOTICES TO ACCOMPANY ALL STATEMENTS.

a. Copyright and Publication. Letters to publishers transmitting articles written by CPSC employees in the course of official duties must make the following points:

(1) The work and the article were prepared in the course of the author's official duties as an employee of CPSC.

(2) Title 17 U.S.C. Section 105 provides that there can be no copyright in a United States government publication; therefore, the author is unable to transfer to the publisher any copyright in the article.

(3) The cover letter should request that the following legend appear as a footnote in the article:

> "This article was written by _____, (title), of the Consumer Product Safety Commission. Since it was written by Mr./Ms. in his/her official capacity, it is in the public domain and may be freely copied or reprinted."

b. Disclaimers.

(1) Unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, for all oral statements (such as speeches, media appearances, and news conferences), except as provided in paragraph 7.a., the speaker must include a disclaimer to advise that, although the views are those of the speaker in his/her official capacity, they are not necessarily the views of the Commission.

(2) Unless the OGC determines that the nature of the publication is such that a disclaimer is not necessary and except as provided in paragraph 7.b., a disclaimer must be used in all outside publications in which an employee uses his or her official title or states an affiliation with the Commission. The disclaimer shall read as follows: "The opinion expressed by _____, an employee of the Consumer Product Safety Commission, does not necessarily represent the views of the Commission."

## 9. EXCLUSION FROM CLEARANCE PROCESS.

a. Commissioners. Section 6(d)(2) of the CPSA provides that the provisions of Section 6(b) (which include section 6(b)(6)) shall apply whenever information is to be disclosed by the Commission or any member of the Commission. Therefore, Commissioners are urged to refer statements they and their staffs make to appropriate Offices/Directorates for technical, program and legal review.

b. Office of Congressional Relations. Commission initiated statements and correspondence by the Office of Congressional Relations are excluded when addressed to duly authorized committees or subcommittees of the Congress or the Chairman (or ranking minority member) of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested. Consultation with appropriate Offices/Directorates, including OGC, is customary.

c. Office of the Secretary. The public calendar prepared weekly by the Office of the Secretary, Commission agendas, and records of Commission action are not subject to these procedures.

d. Other Excluded Communications. Discussions at Commission meetings, correspondence responding to inquiries, and briefing packages placed in the public reading room are not subject to these procedures. Briefing packages are subject to an extensive clearance procedure whereby each Directorate, the Executive Director, and OGC review the package before it is transmitted to the Commission. That review ensures that the information in the package is accurate and not misleading.

e. Statements Made Outside the Scope of Employment. Writings, speeches, or publications made by staff members outside the scope of their employment (i.e., those which do not relate to Commission policies, objectives, or operations) are not subject to these clearance procedures. However, where the authors identify themselves as Commission employees, they will use the disclaimer statement provided in paragraph 8.b(2). (See 16 C.F.R. 1030, Subpart D, Employee Standards of Conduct, for guidance on outside writing and similar activities and for accepting compensation for outside employment).

10. **DELEGATION.** The Executive Director is authorized to delegate clearance responsibility under this directive to other appropriate Commission employees.

11. **EFFECTIVE DATE.** This Order is effective August 16, 1995.

Bertram Robert Cottine

Bertram Robert Cottine
Executive Director

Appendices - CPSC Form 120

APPENDIX
CPSC Form 120

# CPSC PUBLICATION, AUDIO-VISUAL, FILM SPEECH AND REPORT CLEARANCE

| 1. PROJECT TITLE | 2. DUE DATE |
|---|---|

3. PROJECT MANAGER *(Name, room number, telephone)*

4. THE INTENDED AUDIENCE/PURPOSE IS: _____

THE ATTACHED IS TECHNICAL INFORMATION AS DEFINED BELOW,* THAT AFTER BEING RECEIVED BY THE COMMISSION, WILL BE SENT TO THE NATIONAL TECHNICAL INFORMATION CENTER (NTIS) PER CPSC NOTICE 1401.

_____ yes _____ no (initials of project manager) _____

**IMPORTANT**

The attached project material is not to be distributed to any person or organization outside the CPSC until the following offices (as appropriate) have authorized clearance (per CPSC Order 1450.2):

5. CONCURRENCES

| Office | Signature | Approve | Disapprove | Date | 6(b)(6)** |
|---|---|---|---|---|---|
| Assistant Executive Director for Hazard Identification and Reduction*** | | | | | |
| Assistant Executive Director for Compliance and Enforcement | | | | | |
| Assistant Executive Director for Information Services | | | | | |
| Associate Executive Director for Field Operations | | | | | |
| Director Office of Information and Public Affairs | | | | | |
| Director Office of the Budget | | | | | |
| Director Office of Planning and Evaluation | | | | | |
| Director Office of Human Resources Management | | | | | |
| Associate Executive Director for Administration | | | | | |
| Executive Director | | | | | |
| General Counsel | | | | | |
| Chairman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

CPSC Form 120 (Rev. 2,95)

* All "unclassified" scientific, technical, and engineering information products resulting from federally-funded research development activities for dissemination to the private sector, academia, state and local governments, and federal agencies are to be transferred within 15 days of public availability to the NTIS. (see CPSC Notice 1400.1)

** You must initial the 6(b)(6) column which will indicate your clearance is in accordance with CPSC Order 1450.2 issued under 6(b)(6) of the CPSA concerning whether the information is accurate and not misleading.

*** Signoff by this office represents clearance by the appropriate technical directorates within EXHR.

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

UNITED STATES
CONSUMER
PRODUCT
SAFETY
COMMISSION

DIRECTIVES SYSTEM

ORDER

1450.2

August 15, 1995

PUBLIC INFORMATION

# CLEARANCE PROCEDURES FOR PROVIDING INFORMATION TO THE PUBLIC

## 1. SCOPE.

a. This directive describes clearance procedures for the Commission, its staff, agents and representatives (including contractors) to use when they initiate the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, regardless of whether the information disclosed would enable the public to ascertain readily the identity of a manufacturer or private labeler. It applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.

b. Information disclosed to the public should be accurate. The assurance of accuracy is to be accomplished by following the appropriate procedures set forth below.

## 2. REFERENCES.

a. Section 6(b)(6) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(6)).

b. Order 0840.1, CPSC Printing Manual.

c. Title 17 U.S.C. Section 105, Copyrights.

d. 16 C.F.R. 1030, Employee Standards of Conduct.

This directive supersedes Directive 1450.2 dated April 27, 1983, as revised on June 12, 1992.

3. MEANING OF CLEARANCE. This directive requires that each Commission disclosure within the scope of this directive receive "clearance." Clearance means a careful review and written approval of the information to be disclosed by each Assistant or Associate Executive Director (AED) (or delegate) whose area of responsibility is involved in the disclosure in order to

eliminate inaccurate or misleading statements. No information shall be disclosed until approved as set out in this directive. Specific forms of clearance review are:

a. Technical and Scientific. (Engineering, Economics, Epidemiology, Health Sciences). This clearance means that the statement is supported by:

(1) data in Commission files or in currently applicable literature;

(2) articulated technical judgment that is both reduced to writing and based on consideration of all relevant factors; or

(3) a report prepared by a contractor to the Commission and such report has been subject to a review process by Commission staff.

b. Program (Office of Hazard Identification and Reduction (EXHR); Office of Compliance (EXC); Office of Planning and Evaluation (EXPE); and Office of the General Counsel (OGC)). This clearance means that the statement accurately reflects the status of programs and projects, enforcement activities, litigation, and planning, where appropriate.

c. Editorial (Office of Information and Public Affairs (EXPA)). This clearance means that the statement retains style and coherence without changing technical, program or legal meanings.

d. Policy Decision (Executive Director (EX)). This clearance means that where there may be conflicts among various viewpoints on a statement among the technical and program staffs, the Executive Director will decide among the different viewpoints on the basis of Commission policy.

e. Legal (Office of the General Counsel (OGC)). This clearance means that the statement is consistent with applicable laws and regulations, that any possibly inaccurate or misleading statements are eliminated and that any statements of Commission policy are accurate. Legal review occurs only after all other review is completed.

4. CLEARANCE PROCESS.

a. Procedures for Routine Clearance. The initiating unit is responsible for coordinating clearance procedures for the material which requires clearance.

(1) The initiating unit arranges for review by each Office and Directorate whose area of responsibility is involved with the subject matter of the disclosure, including the OGC.

(2) Comments resulting from this preliminary review are incorporated by the originator. Comments not incorporated must be reconciled with the commentor and a revised draft transmitted for final clearance and signoff on Form 120 (See Appendix).

(3) When final technical, policy, and editorial clearances are obtained, the draft must be transmitted to the OGC for final legal review and clearance.

(4) The initiating unit will refer problems that may arise to the Executive Director for resolution.

(5) The Executive Director will refer special problems to the Commission.

(6) Commission documents to be printed through GPO will be referred to EXPA for processing by normal administrative channels for printing and proper financial accounting (see CPSC Order 0840.1).

b. Emergency Clearance. In instances where externally imposed time limits or other extenuating circumstances make it difficult to complete normal clearance procedures before a deadline, emergency clearance can be received by obtaining the approval of the EX and the OGC directly. Immediately after written clearance by each of these offices, the originator will submit a copy of the published writing for appropriate full clearance procedure. No emergency CPSC publication, however, may be released without written clearance from EX, EXPA and OGC. For press releases, emergency clearance can be received by obtaining the approval of EXPA, OEX, OGC and the Office of the Chairman.

**5. CLEARANCE FOR PRESS RELEASES.**

a. Headquarters Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in headquarters offices. After a draft press release has been approved by the originator's Office Director, AED or delegate, the originating headquarters staff will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with paragraph 4.a. and 4.b. of this directive. Final clearance must be obtained from the Office of the Chairman. Approval for press releases involving Class A hazards must be obtained from the Commission.

b. Regional Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in Regional Offices. After a draft press release has been approved by the Regional Director (or delegate), the originating Regional Office will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with paragraph 4.a. and 4.b. of this directive. Final clearance must be obtained from the Office of the Chairman or the Commission.

6. **CLEARANCE FOR MEDIA CONTACTS.** Under the Consumer Product Safety Act, Congress charges the Commission to provide product safety information to consumers in a manner that is consonant with the disclosure safeguards specified in section 6(b) of that Act. In furtherance of this responsibility, the Commission endeavors to keep the public advised of its activities in the belief that informed consumers can better protect themselves from unsafe consumer products. It is the policy of the Commission to promote free and open press relations. A critical aspect of achieving this goal is the Commission's day-to-day contact with the media. In this regard, meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and ongoing contacts. Simply put, the sharing of product safety news and information with consumers depends on an effective, sound policy for handling contacts with the media. Toward this end, it is critical to define as a matter of official Commission policy, the respective roles of Field and Headquarters staff.

a. Field. It shall be within the **discretion** of the Commission's regional directors or their designated staff to:

(1) Share product safety information -- such as press releases, fact sheets, project hazard updates, injury data, consumer alerts, and information and education material -- with the media in their regions.

(2) Respond immediately to all media inquiries with publicly available information with respect to specific hazard matters and ongoing agency activities. Inquiries that cannot be responded to immediately shall be researched and prompt response made within the same day when practical.

(3) Initiate meetings, briefings and tapings with newspaper editors, journalists, TV and radio producers, on-air reports, etc., to discuss upcoming CPSC programs and provide background information, visuals and story ideas for immediate and future use.

(4) Media inquiries relating to matters of potential national exposure of high-level Commission policymaking (e.g., agency budget, Congressional testimony, export policy, 6(b) policy) will be referred to EXPA. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director will notify all Commissioners immediately.

b. Headquarters. Inquiries from the news media received by headquarters' staff (other than Commissioners' offices), must be referred to the EXPA. EXPA will respond directly, or coordinate a response from the staff person (e.g., AED/OD, project manager, analyst, economist, attorney, etc.) who is most substantively knowledgeable about the matter raised. Except that the following persons may respond, directly in person or by phone, to any press

inquiry they believe to be particularly within their special area of expertise: Executive Director, General Counsel, and for purposes of responding to scheduling inquiries only, the Commission Secretary. Upon so doing, they shall alert EXPA to facilitate such coordination as may be needed or appropriate. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately, through the appropriate channels.

c. All Commission Personnel. Enforcement actions not yet announced or ongoing enforcement or compliance actions involving a specific company, will not be disclosed under any circumstances.

7. CLEARANCE FOR INFORMATION PRESENTED BY INDIVIDUALS.

a. Speeches.

(1) If a staff member is to deliver a speech, the staff member will advise EXPA of the topic, date, and intended audience for the speech. This information must also be given to the speaker's AED/OD for planning purposes. The speech must be submitted to the speaker's AED/OD for clearance in accordance with paragraph 4 of this directive.

(2) Unless the Commission has approved the text of a particular speech or unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, the staff member must incorporate a disclaimer to the effect that although the speaker is present in an official capacity, the views expressed concerning Commission programs and policy are personal and do not necessarily reflect the views of the Commission. In addition, speeches must not be made on matters in litigation and must not name products or manufacturers or private labelers unless clearance has been provided, particularly by the OGC.

b. Articles Signed by Individuals. Articles for publication in outside journals must be submitted for routine clearance in accordance with paragraph 4 of this directive if (1) the article concerns the CPSC or matters related to CPSC activities and (2) the staff member-author's name and his/her CPSC employment are mentioned. Unless the Commission has approved the text of the article or unless the OGC determines that the nature of the article is such that a disclaimer is not necessary, a disclaimer must be included by the author and must state that the views expressed are not necessarily the views of the Commission.

c. Articles That Do Not Concern the CPSC. These articles are not subject to this directive but are subject to the Commission's regulation on employee standards of conduct, 16 CFR 1030.405.

## 8. REQUIREMENTS FOR NOTICES TO ACCOMPANY ALL STATEMENTS.

a. Copyright and Publication. Letters to publishers transmitting articles written by CPSC employees in the course of official duties must make the following points:

(1) The work and the article were prepared in the course of the author's official duties as an employee of CPSC.

(2) Title 17 U.S.C. Section 105 provides that there can be no copyright in a United States government publication; therefore, the author is unable to transfer to the publisher any copyright in the article.

(3) The cover letter should request that the following legend appear as a footnote in the article:

> "This article was written by _____, (title), of the Consumer Product Safety Commission. Since it was written by Mr./Ms. in his/her official capacity, it is in the public domain and may be freely copied or reprinted."

b. Disclaimers.

(1) Unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, for all oral statements (such as speeches, media appearances, and news conferences), except as provided in paragraph 7.a., the speaker must include a disclaimer to advise that, although the views are those of the speaker in his/her official capacity, they are not necessarily the views of the Commission.

(2) Unless the OGC determines that the nature of the publication is such that a disclaimer is not necessary and except as provided in paragraph 7.b., a disclaimer must be used in all outside publications in which an employee uses his or her official title or states an affiliation with the Commission. The disclaimer shall read as follows: "The opinion expressed by _____, an employee of the Consumer Product Safety Commission, does not necessarily represent the views of the Commission."

## 9. EXCLUSION FROM CLEARANCE PROCESS.

a. Commissioners. Section 6(d)(2) of the CPSA provides that the provisions of Section 6(b) (which include section 6(b)(6)) shall apply whenever information is to be disclosed by the Commission or any member of the Commission. Therefore, Commissioners are urged to refer statements they and their staffs make to appropriate Offices/Directorates for technical, program and legal review.

b. Office of Congressional Relations. Commission initiated statements and correspondence by the Office of Congressional Relations are excluded when addressed to duly authorized committees or subcommittees of the Congress or the Chairman (or ranking minority member) of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested. Consultation with appropriate Offices/Directorates, including OGC, is customary.

c. Office of the Secretary. The public calendar prepared weekly by the Office of the Secretary, Commission agendas, and records of Commission action are not subject to these procedures.

d. Other Excluded Communications. Discussions at Commission meetings, correspondence responding to inquiries, and briefing packages placed in the public reading room are not subject to these procedures. Briefing packages are subject to an extensive clearance procedure whereby each Directorate, the Executive Director, and OGC review the package before it is transmitted to the Commission. That review ensures that the information in the package is accurate and not misleading.

e. Statements Made Outside the Scope of Employment. Writings, speeches, or publications made by staff members outside the scope of their employment (i.e., those which do not relate to Commission policies, objectives, or operations) are not subject to these clearance procedures. However, where the authors identify themselves as Commission employees, they will use the disclaimer statement provided in paragraph 8.b(2). (See 16 C.F.R. 1030, Subpart D, Employee Standards of Conduct, for guidance on outside writing and similar activities and for accepting compensation for outside employment).

10. **DELEGATION.** The Executive Director is authorized to delegate clearance responsibility under this directive to other appropriate Commission employees.

11. **EFFECTIVE DATE.** This Order is effective August 16, 1995.

_____

Bertram Robert Cottine
Executive Director

Appendices - CPSC Form 120

**APPENDIX**
**CPSC Form 120**

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Record of Commission Action
Closed Commission Meeting *
June 21, 1995

Room 724, East West Towers
4330 East West Highway
Bethesda, Maryland

In the Matter of: Revised Directive on Clearance Procedures, CPSC Order 1450.2

Commissioners Present and Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

The Commission considered a proposed revision to the Commission's directive on clearance procedures for providing information to the public (CPSC Order 1450.2). The proposed revision adds a new paragraph 10 that would authorize the Executive Director to delegate his or her clearance authority to other appropriate employees. (Ref: General Counsel memorandum dated March 21, 1995, with Attachment 1, draft revised Order 1450.2, and Attachment 2, Executive Director memorandum on "Delegation For Clearance of Items No Longer Requiring OEX Approval or Clearance".)

The Commission voted 2-1 on motion of Chairman Brown to approve the revised directive transmitted with the March 21, 1995, memorandum from the General Counsel. This approval is subject to reevaluation at the end of six months. Chairman Brown and Commissioner Moore voted in favor; Commissioner Gall voted in opposition.

For the Commission:

Sadye E. Dunn

Sadye E. Dunn
Secretary

* Attached to this Record of Commission Action are the "Notice of Closed Commission Meeting" required by 16 CFR 1013.4(c)(4) and the Office the General Counsel "Certification of Closed Meeting" required by 16 CFR 1013.4(c)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

# Notice of Closed Commission Meeting

Subject of Closed Meeting: The Commission is meeting to consider a revision to its internal clearance procedures for providing information to the public (CPSC Order 1450.2.)

Date of Closed Meeting: June 21, 1995

Specific Exemption Cited: Exemption 2; 16 CFR 1013.4(c)(3). This meeting will involve discussion of a matter specifically related solely to the internal personnel rules and practices of the Commission (exemption 2). The Office of the General Counsel has certified this closing; and its certification is attached.

Public Interest Determination: The Commission has determined that the public interest would not be served by public discussion of this matter.

Attendance: Chairman Ann Brown, Commissioner Mary Sheila Gall, and Commissioner Thomas H. Moore.

Voting to Close the Meeting:

Ann Brown, Chairman
Mary Sheila Gall, Commissioner
Thomas H. Moore, Commissioner

Purpose of this Notice: This document gives notice that the Consumer Product Safety Commission has decided to close the meeting described above. This notice is given pursuant to section 1013.4(c)(3) of the Commission's Meetings Policy.

Sadye E. Dunn
Secretary

Attachment

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Office of the

General Counsel
(301) 504-0980
Fax: (301) 504-0403

Commission Meeting
Wednesday, June 21, 1995
2:00 p.m.

Room 724, East West Towers
4330 East West Highway
Bethesda, Maryland 20814

CERTIFICATION OF CLOSED MEETING

The General Counsel, in accordance with section 3(f)(1) of the Government in the Sunshine Act (5 U.S.C. § 552b(f)(1)) and the Commission's rules issued under that Act (16 CFR § 1013.4(c)(3)), hereby certifies that the Commission meeting of June 21, 1995, at which the Commission will consider a revision to its internal clearance procedures for providing information to the public, may be properly closed to the public on the basis of the exemption set forth in the Commission's rules at 16 CFR § 1013.4(b)(2).

6/23/95
Date

ERIC A. RUBEL
General Counsel

# U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Office of the
General Counsel
(301) 504-0980
Fax: (301) 504-0403

Commission Meeting
Wednesday, June 21, 1995
2:00 p.m.

Room 724, East West Towers
4330 East West Highway
Bethesda, Maryland 20814

## CERTIFICATION OF CLOSED MEETING

The General Counsel, in accordance with section 3(f)(1) of the Government in the Sunshine Act (5 U.S.C. § 552b(f)(1)) and the Commission's rules issued under that Act (16 CFR § 1013.4(c)(3)), hereby certifies that the Commission meeting of June 21, 1995, at which the Commission will consider a revision to its internal clearance procedures for providing information to the public, may be properly closed to the public on the basis of the exemptions set forth in the Commission's rules at 16 CFR § 1013.4(b)(3) and (9).

6/15/95
Date

E. A. Rubel
ERIC A. RUBEL
General Counsel

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

Author: Sadye E. Dunn at CPSC-HQ1
Date: 7/6/95 2:40 PM
Priority: Normal
TO: Rocky X. Hammond
CC: Margaret L. Neily
TO: Clarence T. Bishop
Subject: Re: 6(b)6 delegation issue

Status?
Was it issued?

---------- Message Contents ----------

Clarence, I will distribute the Record of Commission Action (RCA) on the 6(b)(6) delegation issue on Wednesday, July 12. It will tell you that the Commission approved the revised directive Order 1450.2 as transmitted by memo dated March 21, 1995, from the General Counsel. (Approval is subject to reevaluation at the end of six months.) I understand that the revised directive is in Steve Lemberg's computer, so whoever sees to getting it issued (unless it is Steve) should go to Steve for the text.

Sadye

_____ Reply Separator _____

Subject: 6(b)6 delegation issue
Author: Clarence T. Bishop at CPSC-HQ1
Date: 07/06/1995 01:56

Sadye,

HOW will we be officially notified of the Commission's action in the recent fishbowl regarding this issue? WHEN?

Clarence

Bert,

THIS IS: Revised Directive 1450.2, Public Information - Clearance Procedures for Providing Information to the Public

FOR YOUR: Signature

---

You will recall that only change is in Executive Director's authority to delegate clearance responsibility. New paragraph 10 added on page 6. Commission approved in closed session on June 21. No other changes to the directive.

Sign at yellow and red tab.

Clarence - Friday, August 18, 1995 - 1:14pm

Subdelegation Order to be filed with CS.

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

UNITED STATES GOVERNMENT

MEMORANDUM

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

**DATE** : June 17, 1992

**TO** : Assistant Executive Directors, Associate Executive Directors and Office Directors

**Through:** Nicholas V. Marchica, Director NVM
Office of Planning and Evaluation

**FROM** : Francine Shacter, Management and Program Analyst
Office of Planning and Evaluation, 504-0416

**SUBJECT:** Revised Directive 1450.2

Attached is a copy of Commission Order 1450.2, Clearance Procedures for Providing Information to the Public. The Directive has been changed to reflect the present organization and includes minor editorial changes. There is no change to the basic provisions of the directive.

UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION

DIRECTIVES SYSTEM

ORDER

1450.2

June 12, 1992

PUBLIC INFORMATION

# CLEARANCE PROCEDURES FOR PROVIDING INFORMATION TO THE PUBLIC

## 1. SCOPE.

a. This directive describes clearance procedures for the Commission, its staff, agents and representatives (including contractors) to use when they initiate the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, regardless of whether the information disclosed would enable the public to ascertain readily the identity of a manufacturer or private labeler. It applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.

b. Information disclosed to the public should be accurate. The assurance of accuracy is to be accomplished by following the appropriate procedures set forth below.

## 2. REFERENCES.

a. Section 6(b)6) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(6)).

b. Order 0840.1, CPSC Printing Manual.

c. Title 17 U.S.C. Section 105 Copyrights.

d. 16 C.F.R. 1030 Employee Standards of Conduct.

This Directive supersedes Directive 1450.2 dated April 27, 1984.

**3. MEANING OF CLEARANCE.** This directive requires that each Commission disclosure within the scope of this Directive receive "clearance." Clearance means a careful review and written approval of the information to be disclosed by each AED (or delegate) whose area of responsibility is involved in the disclosure in order to eliminate inaccurate or misleading statements. No information shall be disclosed until approved as

set out in this Directive. Specific forms of clearance review are:

a. Technical and Scientific (Engineering, Economics, Epidemiology, Health Sciences). This clearance means that the statement is supported by:

(1) data in Commission files or in currently applicable literature;

(2) articulated technical judgment that is both reduced to writing and based on consideration of all relevant factors; or

(3) a report prepared by a contractor to the Commission and such report has been subject to a review process by Commission staff.

b. Program (Office of Hazard Identification and Reduction (EXHR); Office of Compliance and Enforcement (EXCE); Office of Planning and Evaluation (EXPE); and Office of the General Counsel (OGC)). This clearance means that the statement accurately reflects the status of programs and projects, enforcement activities, litigation, and planning, where appropriate.

c. Editorial (Office of Information and Public Affairs (EXPA)). This clearance means that the statement retains style and coherence without changing technical, program or legal meanings.

d. Policy Decision (Executive Director (EX)). This clearance means that where there may be conflicts among various viewpoints on a statement among the technical and program staffs, the Executive Director will decide among the different viewpoints on the basis of Commission policy.

e. Legal (Office of the General Counsel). This clearance means that the statement is consistent with applicable laws and regulations, that any possibly inaccurate or misleading statements are eliminated and that any statements of Commission policy are accurate. Legal review occurs only after all other review is completed.

**4. CLEARANCE PROCESS.**

a. Procedures for Routine Clearance. The initiating unit is responsible for coordinating clearance procedures for the material which requires clearance.

(1) The initiating unit arranges for review by each Office and Directorate whose area of responsibility is involved with the subject matter of the disclosure, including the OGC.

(2) Comments resulting from this preliminary review are incorporated by the originator. Comments not incorporated must be reconciled with the commentor and a revised draft transmitted for final clearance and sign off on Form 120 (See Appendix).

(3) When final technical, policy, and editorial clearances are obtained, the draft must be transmitted to the OGC for final legal review and clearance.

(4) The initiating unit will refer problems that may arise to the Executive Director for resolution.

(5) The Executive Director will refer special problems to the Commission.

(6) Commission documents to be printed through GPO will be referred to EXPA for processing by normal administrative channels for printing and proper financial accounting (see CPSC Order 0840.1).

b. Emergency Clearance. In instances where externally imposed time limits or other extenuating circumstances make it difficult to complete normal clearance procedures before a deadline, emergency clearance can be received by obtaining the approval of the EX and the OGC directly. Immediately after written clearance by each of these offices, the originator will submit a copy of the published writing for appropriate full clearance procedure. No emergency CPSC publication, however, may be released without written clearance from EX, EXPA and OGC. For press releases, emergency clearance can be received by obtaining the approval of EXPA, OEX, OGC and the Office of the Chairman.

5. CLEARANCE FOR PRESS RELEASES.

a. Headquarters Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in headquarters offices. After a draft press release has been approved by the originator's AED (or delegate), the originating headquarters staff will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with

Paragraph 4.a. and 4.b. of this Directive. Final clearance must be obtained from the Office of the Chairman. Approval for press releases involving Class A hazards must be obtained from the Commission.

b. Regional Offices. EXPA is the coordinating staff unit for clearance of all press releases originating in Regional Offices. After a draft press release has been approved by the Regional Director (or delegate), the originating Regional Office will transmit the draft to EXPA for review and clearance. EXPA will arrange clearance in accordance with Paragraph 4.a. and 4.b. of this Directive. Final clearance must be obtained from the Office of the Chairman or the Commission.

6. **CLEARANCE FOR MEDIA CONTACTS.** Under the Consumer Product Safety Act, Congress charges the Commission to provide product safety information to consumers in a manner that is consonant with the disclosure safeguards specified in section 6(b) of that Act. In furtherance of this responsibility, the Commission endeavors to keep the public advised of its activities in the belief that informed consumers can better protect themselves from unsafe consumer products. It is the policy of the Commission to promote free and open press relations. A critical aspect of achieving this goal is the Commission's day-to-day contact with the media. In this regard, meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and ongoing contacts. Simply put, the sharing of product safety news and information with consumers depends on an effective, sound policy for handling contacts with the media. Toward this end, it is critical to define as a matter of official Commission policy, the respective roles of Field and Headquarters staff.

a. Field. It shall be within the discretion of the Commission's regional directors or their designated staff to:

(1) Share product safety information -- such as press releases, fact sheets, project hazard updates, injury data, consumer alerts, and information and education material -- with the media in their regions.

(2) Respond immediately to all media inquiries with publicly available information with respect to specific hazard matters and ongoing agency activities. Inquiries that cannot be responded to immediately shall be researched and prompt response made within the same day when practical.

(3) Initiate meetings, briefings and tapings with newspaper editors, journalists, TV and radio producers, on-air reports, etc., to discuss upcoming CPSC programs and provide background information, visuals and story ideas for immediate and future use.

(4) Media inquiries relating to matters of potential national exposure of high-level Commission policymaking (e.g., agency budget, Congressional testimony, export policy, 6(b) policy) will be referred to EXPA. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director will notify all Commissioners immediately.

b. Headquarters. Inquiries from the news media received by headquarters' staff (other than Commissioners' offices), must be referred to the EXPA. EXPA will respond directly, or coordinate a response from the staff person (e.g., AED/OD, project manager, analyst, economist, attorney, etc.), who is most substantively knowledgeable about the matter raised. Except that the following persons may respond, directly in person or by phone, to any press inquiry they believe to be particularly within their special area of expertise: Executive Director, General Counsel, and for purposes of responding to scheduling inquiries only, the Commission Secretary. Upon so doing, they shall alert EXPA to facilitate such coordination as may be needed or appropriate. If the Director of EXPA determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately, through the appropriate channels.

c. All Commission Personnel. Enforcement actions not yet announced or ongoing enforcement or compliance actions involving a specific company, will not be disclosed under any circumstances.

**7. CLEARANCE FOR INFORMATION PRESENTED BY INDIVIDUALS.**

a. Speeches.

(1) If a staff member is to deliver a speech, the staff member will advise EXPA of the topic, date, and intended audience for the speech. This information must also be given to the originator's AED/OD for planning purposes. The speech must be submitted to the speaker's AED/OD for clearance in accordance

with paragraph 4 of this directive.

(2) Unless the Commission has approved the text of a particular speech or unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, the staff member must incorporate a disclaimer to the effect that although the speaker is present in an official capacity, the views expressed concerning Commission programs and policy are personal and do not necessarily reflect the views of the Commission. In addition, speeches must not be made on matters in litigation and must not name products or manufacturers or private labelers unless clearance has been provided, particularly by the OGC.

b. Articles Signed by Individuals.

(1) Articles for publication in outside journals must be submitted for routine clearance in accordance with paragraph 4 of this Directive if (1) the article concerns the CPSC or matters related to CPSC activities and (2) the staff member-author's name and his/her CPSC employment are mentioned. Unless the Commission has approved the text of the article or unless the OGC determines that the nature of the article is such that a disclaimer is not necessary, a disclaimer must be included by the author and must state that the views expressed are not necessarily the views of the Commission.

c. Articles that do not concern the CPSC. These articles are not subject to this directive but are subject to the Commission's regulation on employee standards of conduct, 16 CFR 1030.405.

8. **REQUIREMENTS FOR NOTICES TO ACCOMPANY ALL STATEMENTS.**

a. Copyright and Publication. Letters to publishers transmitting articles written by CPSC employees in the course of official duties must make the following points:

(1) The work and the article were prepared in the course of the author's official duties as an employee of CPSC.

(2) Title 17 U.S.C. Section 105 provides that there can be no copyright in a United States government publication; therefore, the author is unable to transfer to the publisher any copyright in the article.

(3) The cover letter should request that the following legend appear as a footnote in the article:

> "This article was written by _____, (title), of the Consumer Product Safety Commission. Since it was written by Mr./Ms. in his/her official capacity, it is in the public domain and may be freely copied or reprinted."

b. Disclaimers.

(1) Unless the OGC determines that the nature of the speech is such that a disclaimer is not necessary, for all oral statements (such as speeches, media appearances, and news conferences), except as provided in paragraph 7.a., the speaker must include a disclaimer to advise that, although the views are those of the speaker in his/her official capacity, they are not necessarily the views of the Commission.

(2) Unless the OGC determines that the nature of the publication is such that a disclaimer is not necessary and except as provided in paragraph 7.b., a disclaimer must be used in all outside publications in which an employee uses his or her official title or states an affiliation with the Commission. The disclaimer shall read as follows: "The opinion expressed by _____, an employee of the Consumer Product Safety Commission, does not necessarily represent the views of the Commission."

**9. EXCLUSION FROM CLEARANCE PROCESS.**

a. Commissioners. Section 6(d)(2) of the CPSA provides that the provisions of Section 6(b) (which includes section 6(b)(6)) shall apply whenever information is to be disclosed by the Commission or any member of the Commission. Therefore, Commissioners are urged to refer statements they and their staffs make to appropriate Offices/Directorates for technical program and legal review.

b. Office of Congressional Relations. Commission initiated statements and correspondence by the Office of Congressional Relations are excluded when addressed to duly authorized committees or subcommittees of the Congress or the Chairman (or ranking minority member) of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested. Consultation with appropriate Offices/Directorates, including OGC, is customary.

c. Office of the Secretary. The public calendar prepared weekly by the Office of the Secretary, Commission agendas, and records of Commission action are not subject to these procedures.

d. Other Excluded Communications. Discussions at Commission meetings, correspondence responding to inquiries, and briefing packages placed in the public reading room are not subject to these procedures. Briefing packages are subject to an extensive clearance procedure whereby each Directorate, the Executive Director, and OGC review the package before it is transmitted to the Commission. That review ensures that the information in the package is accurate and not misleading.

e. Statements Made Outside the Scope of Employment. Writings, speeches, or publications made by staff members outside the scope of their employment (i.e., those which do not relate to Commission policies, objectives, or operations) are not subject to these clearance procedures. However, where the authors identify themselves as Commission employees, they will use the disclaimer statement provided in paragraph 8.b.(2). (See 16 C.F.R. 1030, Subpart D, Employee Standards of Conduct, for guidance on outside writing and similar activities and for accepting compensation for outside employment).

**10. EFFECTIVE DATE.** This Order is effective April 27, 1984. Revisions to this Order on May 15, 1992, updated the names of Commission organizations and made editorial changes. Provisions of the Order were not otherwise changed.

Eric C. Peterson
Executive Director

Appendix - CPSC Form 120

# APPENDIX

## CPSC PUBLICATION, AUDIO-VISUAL, FILM, SPEECH AND REPORT CLEARANCE

| 1. PROJECT TITLE | 2. DUE DATE |
|---|---|
| 3. PROJECT DIRECTOR *(Name, room number, telephone)* | |
| 4. THE INTENDED AUDIENCE/PURPOSE IS: | |

**IMPORTANT**

The attached project material is not to be distributed to any person or organization outside the CPSC until the following offices have authorized clearance:

5. CONCURRENCES

| Office | Signature | Approve | Disapprove | Date | 6(b)(6)* |
|---|---|---|---|---|---|
| Associate Executive Director for Field Operations | | | | | |
| Assistant Executive Director for Compliance and Enforcement | | | | | |
| Director, Office of Information and Public Affairs | | | | | |
| Director, Office of the Budget | | | | | |
| Assistant Executive Director for Hazard Identification and Reduction** | | | | | |
| Associate Executive Director for Administration | | | | | |
| Director, Office of Planning and Evaluation | | | | | |
| Executive Director | | | | | |
| General Counsel | | | | | |
| Chairman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

CPSC Form 120 (Rev. 11/91)

*You must initial the 6(b)(6) column which will indicate your clearance is in accordance with CPSC Directive 1450.2 issued under 6(b)(6) of the CPSA concerning whether the information is accurate and not misleading.

**Signoff by this office represents clearance by the appropriate technical directorates within EXHR.

Log Number: Last Name: First Initial:
Firm: State: Telephone:
Request Date: / / Login Date: / / Type of Requestor:
Type of Request: Subject: Product Code:
Control To: 1: 2: 3: 4:
Control Out: 1: / / 2: / / 3: / / 4: / /
Control Due: 1: / / 2: / / 3: / / 4: / /
Control In: 1: / / 2: / / 3: / / 4: / /
Location: Assigned To: Date Assigned: / /

Date Notice to Firm: / / Type of Notice:
Reply Received: Date of Reply: / /
Name of Firm:
Date OGC Referral: / / Date OGC Reply: / /
Date Initial Response: / / Type of Response:
Basis for Denial: 1: 2: 3: 4: 5:
6: 7: Date Appeal Filed: / / Result:

Fee Control #: R-
Amount Waived: $
Amount Charged: $
Amount Received: $
Interest Charged: $
Date Paid: / / CD
Date Closed: / /

Comments:

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

April 12, 1984

TO: ALL COMMISSION PERSONNEL

RE: REVISED COMMISSION MEDIA POLICY

As you are all well aware, the Consumer Product Safety Commission has an active presence in the various media across the nation. Such activities help promote dissemination of vital safety information to the public about common, but often unsuspected, household hazards. By preventing tragedies, consumers are spared needless suffering.

In order to more clearly define responsibility for this critical mission of keeping the public informed about unsafe products, the Commission has recently issued a revised directive concerning media contacts. This policy is attached for your information and review. It emphasizes that this agency is, and should be, accessible to both the media and the public. To sustain this tradition, the new policy enumerates areas within which each Regional Office has discretion in dealing with the media. We regard such discretion as central to the proper functioning of each Regional Office as well as to the ongoing relationship with local media each Office strives to maintain. In a like fashion, the policy specifies guidelines for Headquarters staff to follow in dealing with members of the media. We believe this revised directive will go a long way toward ensuring that the media - and thus the public - receive accurate and complete information about real or suspected hazards, and about Commission activities, in a timely manner.

Nancy H. Steorts
Chairman

Terrence M. Scanlon
Vice-Chairman

Stuart M. Statler
Commissioner

Saundra B. Armstrong
Commissioner

# Order

1450.2

4/27/84

PUBLIC INFORMATION

## CLEARANCE PROCEDURES FOR PROVIDING INFORMATION TO THE PUBLIC

1. SCOPE.

This directive describes clearance procedures for the Commission, its staff, agents and representatives (including contractors) to use when they initiate the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, regardless of whether the information disclosed would enable the public to ascertain readily the identity of a manufacturer or private labeler. It applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.

Information disclosed to the public should be accurate. The assurance of accuracy is to be accomplished by following the appropriate procedures set forth below.

2. REFERENCES FOR THIS DIRECTIVE.

a. Section 6(b)(6) of the Consumer Product Safety Act (15 U.S.C. § 2055(b)(6));

b. Order 0840.1 CPSC Printing Manual;

c. Title 17 U.S.C. Section 105 Copyrights;

d. 16 C.F.R. § 1030 Employee Standards of Conduct.

This Directive supersedes Directive 1450.2 dated April 27, 1983.

3. MEANING OF CLEARANCE. This directive requires that each Commission disclosure within the scope of this Directive receive "clearance." Clearance means a careful review and written approval of the information to be disclosed by each AED (or delegate) whose area of responsibility is involved in the disclosure in order to eliminate inaccurate or misleading statements. No information shall be disclosed until approved as set out in this Directive. Specific forms of clearance review are:

a. Technical and Scientific. (Engineering, Economics, Epidemiology, Health.) This clearance means that the statement is supported by (1) data in Commission files or in currently applicable literature, (2) articulated technical judgment that is both reduced to writing and based on consideration of all relevant factors, or (3) a report prepared by a contractor to the Commission and such report has been subject to a review process by Commission staff.

b. Program. (Office of Program Management; Compliance and Administrative Litigation; Office of Budget, Program Planning, and Evaluation; and Office of the General Counsel.) This clearance means that the statement accurately reflects the status of programs and projects, enforcement activities, litigation, and planning where appropriate.

c. Editorial. (Office of Public Affairs; Office of Outreach.) This clearance means that the statement retains style and coherence without changing technical, program or legal meanings.

d. Policy Decision. (Executive Director.) This clearance means that where there may be conflicts among various viewpoints on a statement among the technical and program staffs, the Executive Director will decide among the different viewpoints on the basis of Commission policy.

e. Legal. (Office of the General Counsel.) This clearance means that the statement is consistent with applicable laws and regulations, that any possibly inaccurate or misleading statements have been eliminated and that any statements of Commission policy are accurate.

Legal review occurs only after all other review is completed.

4. CLEARANCE PROCESS (except press releases).

a. Routine Clearance. The Office of Outreach (Outreach) is responsible for coordinating these clearance procedures, except for press releases and media contacts which are the responsibility of the Office of Public Affairs (OPA) (see Section 5).

(1) Procedure.

(A) After a draft of the information proposed to be disclosed is approved for technical content by the AED (or delegate) of the person who originates the information, the draft is transmitted to the Office of Outreach with a proposed distribution plan that also describes the intended audience (Appendix 2).

(B) Outreach arranges for review by each Office and Directorate whose area of responsibility is involved with the subject matter of the disclosure, including the Office of the General Counsel.

(C) Comments resulting from this preliminary review are incorporated by the originator (comments not incorporated must be reconciled with the commentor) and a revised draft is transmitted for final clearance and sign off on Form 120 (Appendix 3).

(D) When final technical, policy, and editorial clearances have been obtained, the draft must be transmitted to the Office of the General Counsel for final legal review and clearance.

(E) Outreach shall refer problems that may arise to the Executive Director for resolution.

(F) The Executive Director shall refer special problems to the Commission.

(G) Commission documents to be printed through GPO will be referred to Outreach for processing by normal ADM channels for printing and proper financial accounting (see CPSC Order 0840.1).

(2) Clearance Lead Time. The originator of information to be disclosed to the public shall notify Outreach of any deadline for final publication or delivery and is responsible for allowing enough lead time for clearance. Lead time can vary depending on the type of document and clearance required. Upon receipt of the draft, Outreach will determine what clearances are necessary. Outreach will establish target for each type of clearance required, for revisions of the draft by the originator, and for final legal clearance. Outreach will furnish the established schedule to the originator and responsible clearance officials.

b. Emergency Clearance. In instances where externally imposed time limits or other extenuating circumstances make it difficult to complete normal clearance procedures before a deadline, emergency clearance can be received by obtaining the approval of the Office of the Executive Director, the Office of the General Counsel and Outreach directly. Immediately after written clearance by each of these offices, the originator shall submit a copy of the published writing for appropriate full clearance procedure. No emergency CPSC publication, however, may be released without written clearance from the Office of the Executive Director, Outreach, and Office of the General Counsel. For press releases, emergency clearance can be received by obtaining the approval of the Office of Public Affairs, the Office of the General Counsel, and the Office of the Chairman.

5. CLEARANCE FOR PRESS RELEASES.

a. Headquarters Offices. OPA is the coordinating staff unit for clearance of all press releases originating in headquarters offices. After a draft press release has been approved by the originator's AED (or delegate), the originating headquarters staff shall transmit the draft to

OPA for review and clearance. OPA shall arrange clearance in accordance with Sections 4a and b of this Directive. Final clearance must be obtained from the Office of the Chairman. Approval for press releases involving Class A and High Class B hazards must be obtained from the Commission.

b. Regional Offices. OPA is the coordinating staff unit for clearance of all press releases originating in Regional Offices.

After a draft press release has been approved by the Regional Director (or delegate), the originating Regional Office shall transmit the draft to OPA for review and clearance. OPA shall arrange clearance in accordance with Sections 4a and b of this Directive. Final clearance must be obtained from the Office of the Chairman or the Commission.

6. CLEARANCE FOR MEDIA CONTACTS

a. Under the Consumer Product Safety Act, Congress charges the Commission to provide product safety information to consumers in a manner that is consonant with the disclosure safeguards specified in section 6(b) of that Act. In furtherance of this responsibility, the Commission endeavors to keep the public advised of its activities in the belief that informed consumers can better protect themselves from unsafe consumer products. It is the policy of the Commission to promote free and open press relations. A critical aspect of achieving this goal is the Commission's day-to-day contact with the media. In this regard, meaningful local and national media contact must evolve from trust and respect earned through open, responsive, and ongoing contacts. Simply put, the sharing of product safety news and information with consumers depends on an effective, sound policy for handling contacts with the media.

Toward this end, it is critical to define as a matter of official Commission policy, the respective roles of Field and Headquarters staff.

b. Field

It shall be within the discretion of the Commission's regional directors or their designated staff to:

1. Share product safety information -- such as press releases, fact sheets, project hazard updates, injury data, consumer alerts, and I&E material -- with the media in their regions.

2. Respond immediately to all media inquiries with publicly available information with respect to specific hazard matters and ongoing agency activities. Inquiries that cannot be responded to immediately shall be researched and prompt response made within the same day when practical.

3. Initiate meetings, briefings and tapings with newspaper editors, journalists, TV and radio producers, on-air reports, etc., to discuss upcoming CPSC programs and provide background information, visuals and story ideas for immediate and future use.

Media inquiries relating to matters of potential national exposure of high-level Commission policymaking (e.g., agency budget, Congressional testimony, export policy, 6(b) policy) shall be referred to the Office of Media Relations in Headquarters. If the Director of OMR determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately.

c. Headquarters

Inquiries from the news media received by Headquarters staff (other than Commissioners' offices), should routinely be referred to the Office of Media Relations. OMR shall respond directly. When a more comprehensive or more substantive response is suggested, OMR shall direct the caller to the staff person (e.g., program managers, project director, analyst, economist, attorney, etc.) who is most substantively knowledgeable about the matter raised. Except that the following persons may respond, directly in person

or by phone, to any press inquiry they believe to be particularly within their special area of expertise: Executive Director, Deputy Executive Director, General Counsel, AEDs, head of the Office of Program Management, and for purposes of responding to scheduling inquiries only, the Commission Secretary. Upon so doing, they shall alert OMR to facilitate such coordination as may be needed or appropriate. If the Director of OMR determines that any such matter requires notification to any Commissioner (including the Chairman), then the Director shall notify all Commissioners immediately.

d. All Commission Personnel

Enforcement actions not yet announced or ongoing enforcement or compliance actions involving a specific company, shall not be disclosed under any circumstances.

7. CLEARANCE FOR INFORMATION PRESENTED BY INDIVIDUALS.

a. Speeches. If a staff member is to deliver a speech, the staff member shall advise OPA of the topic, date, and intended audience for the speech. This information must also be given to the originator's AED/Office Director for planning purposes. The speech must be submitted to the speaker's AED/Office Director for clearance in accordance with section 4 of this Directive.

Unless the Commission has approved the text of a particular speech or unless the General Counsel determines that the nature of the speech is such that a disclaimer is not necessary, the staff member must incorporate a disclaimer to the effect that although the speaker is present in an official capacity, the views expressed concerning Commission programs and policy are personal and do not necessarily reflect the views of the Commission. In addition, speeches must not be made on matters in litigation and must not name products or manufacturers or private labelers unless clearance has been provided, particularly by the Office of the General Counsel.

b. Articles Signed by Individuals. Articles for publication in outside journals must be submitted for routine clearance in accordance with Section 4 of this Directive if (1) the article concerns the CPSC or matters related to CPSC

activities and (2) the staff member-author's name and his/her CPSC employment are mentioned. Unless the Commission has approved the text of the article or unless the General Counsel determines that the nature of the article is such that a disclaimer is not necessary, a disclaimer must be included by the author and must state that the views expressed are not necessarily the views of the Commission.

Articles that do not concern the CPSC are not subject to this directive but are subject to the Commission's regulation on employee standards of conduct, 16 CFR § 1030.405.

8. REQUIREMENTS FOR NOTICES TO ACCOMPANY ALL STATEMENTS.

a. Copyright and Publication. Letters to publishers transmitting articles written by CPSC employees in the course of official duties must make the following points:

(1) The work and the article were prepared in the course of the author's official duties as an employee of CPSC.

(2) Title 17 U.S.C. Section 105 provides that there can be no copyright in a United States government publication; therefore, the author is unable to transfer to the publisher any copyright in the article.

(3) The cover letter should request that the following legend appear as a footnote in the article:

> "This article was written by _____, (title), of the Consumer Product Safety Commission. Since it was written by Mr./Ms. _____ in his/her official capacity, it is in the public domain and may be freely copied or reprinted." (Appendix 4.)

b. Disclaimers.

(1) Unless the General Counsel determines that the nature of the speech is such that a disclaimer is not necessary, for all oral statements (such as speeches, media

appearances, and news conferences), except as provided in Section 7a, the speaker must include a disclaimer to advise that, although the views are those of the speaker in his/her official capacity, they are not necessarily the views of the Commission.

(2) Unless the General Counsel determines that the nature of the publication is such that a disclaimer is not necessary and except as provided in Section 7b, a disclaimer must be used in all outside publications in which an employee uses his or her official title or states an affiliation with the Commission. The disclaimer shall read as follows: "The opinion expressed by _____, an employee of the Consumer Product Safety Commission, do not necessarily represent the views of the Commission."

9. EXCLUSION FROM CLEARANCE PROCESS.*

a. Office of Congressional Relations. Commission initiated statements and correspondence by the Office of Congressional Relations are excluded when addressed to duly authorized committees or subcommittees of the Congress or the Chairman (or ranking minority member) of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested. Consultation with appropriate Offices/Directorates, including OGC, is customary.

b. Office of the Secretary. The public calendar prepared weekly by the Office of the Secretary, Commission agendas, and records of Commission action are not subject to these procedures.

* Section 6(d)(2) of the CPSA provides that the provisions of Section 6(b) (which includes section 6(b)(6)) shall apply whenever information is to be disclosed by the Commission or any member of the Commission. Therefore, Commissioners are urged to refer statements they and their staffs make to appropriate Offices/Directorates for technical program and legal review.

c. Other Excluded Communications. Discussions at Commission meetings, correspondence responding to inquiries, and briefing packages placed in the public reading room are not subject to these procedures. Briefing packages are subject to an extensive clearance procedure whereby each Directorate, the Executive Director, and the General Counsel review the package before it is transmitted to the Commission. That review ensures that the information in the package is accurate and not misleading.

d. Statements Made Outside the Scope of Employment. Writings, speeches, or publications made by staff members outside the scope of their employment (i.e., those which do not relate to Commission policies, objective, or operations) are not subject to these clearance procedures. However, where the authors identify themselves as Commission employees, they shall use the disclaimer statement provided in Section 8b(2). (See 16 C.F.R. § 1030, Subpart D, Employee Standards of Conduct, for guidance on outside writing and similar activities and for accepting compensation for outside employment.)

10. EFFECTIVE DATE. This Order is effective April 27, 1984.

EDGAR MORGAN, Executive Director