



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN
ON REVIEW OF CPSC DIRECTIVES
DECEMBER 13, 2022**

I am pleased that the Commission is undertaking a systematic review of its agency directives. The delegations in the Commission's directives allow career staff to act in the place of either the full Commission or the Chairman. While such delegations help streamline work and create efficiencies, they also detach the Commissioners from oversight of daily operations that affect our mission. There are even instances, as is the case here, where powers that previously rested with the full Commission were delegated without the consent of, or notice to, the then-sitting Commissioners.

For too long, and in too many instances, important policy decisions have been delegated away from presidentially nominated, Senate confirmed, and politically accountable Commissioners. To provide efficiencies, delegations to staff may be appropriate in certain instances, especially where the delegated authorities involve routine and ministerial matters. On the other hand, Commissioners must weigh in, and have the final say on functions involving substantive policy or extraordinary matters. In all instances, delegations should never be secret. As the agency continues this review, I will evaluate the existing delegations on a case-by-case basis according to these principles.

With today's vote, the Commission is revisiting its delegation to agency staff regarding the Commission's adoption of the Department of Health & Human Services' (HHS) Common Rule and any subsequent revisions. The functions at issue with this Directive are neither routine nor ministerial. The Common Rule addresses safeguards for human testing and was first adopted in 1991. Since that time, HHS has revised this rule only once. Given the infrequent nature of Common Rule revisions and the inherent sensitivity of the policies underlying human testing, CPSC policies regarding the Common Rule should be reserved to the Commission.

The Commission should review its directives system on a periodic basis to ensure oversight and proper function. I am hopeful that this review will lead to a more accountable and efficient agency, and most importantly, provide better protections for American consumers.