



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
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COMMISSIONER NANCY A. NORD

**Supplemental statement on the Commission's
Fiscal Year 2014 Budget Request**

April 22, 2013

My recent statement on the U.S. Consumer Product Safety Commission's Fiscal Year 2014 Budget Request prompted statements from my colleagues that omitted or mischaracterized important details. While I disagree with a number of the statements made by my colleagues, the record must be set straight on several key points.¹

First, it is inaccurate to say that I voted against a budget for the agency or that I opposed obtaining resources for the agency. I voted *for* the budget that staff drafted with what I believed was a small adjustment to reflect the agreement that the Commission made in developing the Fiscal Year 2013 Operating Plan. My colleagues voted for a different version of the budget, one that rejected making even a conditional forecast of performing results-oriented work on burden reduction in FY14. Because I believe that Congress directed otherwise—and that basic regulatory principles counsel otherwise—I could not sign onto the budget request that the majority submitted to Congress.

Second, my colleagues' statements do not accurately reflect what happened. A compromise amendment that I proposed made clear that, if in FY14, the agency lacks a reasonable basis to move forward on burden reduction, we need not. Thus I was surprised to read one colleague's suggestion that had I offered listing "burden reduction as an ongoing project," that colleague would have supported it. I made such an offer, yet it was rejected.

My colleagues' counterproposal, on the other hand, would have limited the level of work to be performed in 2014 to data analysis and technical review—in other words, just more study. The difference between our two approaches was that I was asking that the staff perform some action during FY14, in the form of

- a notice of proposed rulemaking; or
- a briefing package that would provide a status report, or, if appropriate, recommendations that did not involve rulemaking.

¹ As I have noted on other occasions, it was longstanding practice at the agency for Commissioners to use their statements to discuss their votes, not to rebut those of their colleagues. Unfortunately, neither of my colleagues apparently subscribes to this view, as shown by their recent statements. Because my statement has been challenged, I feel I must respond.

We have been studying this since 2011. It is time that we take some action or explain why we are not doing so.

Third, one of my colleagues suggests that my amendment was intended to undermine an earlier agreement embodied in the FY13 Operating Plan, where the Commission indicated that it would provide resources in the FY14 Operating Plan to move forward on burden reduction, as appropriate. She writes that indicating forward movement on burden reduction in this budget request violated that understanding among the Commissioners. That is wrong. Budget requests lay the foundation for operating plans. (They are also an important communication to Congress about the agency's plans for use of taxpayer funding.) Placing an indication in the budget request that we intend to move forward on burden reduction as warranted was intended to give fair notice to Congress and to reflect the FY13 Operating Plan agreement, not undermine it.

Finally, it is important to address the motivations of Commissioners and the purposes of a Commission. I am committed to the mission of protecting consumers from unsafe products and I believe that my colleagues are as well. I also believe that we all have honest opinions and philosophies that are worthy of respect. Genuine disagreements will arise because our perspectives are different. To summarily dismiss or distort differing perspectives is to rob the policymaking body of the fair and measured deliberations that are the very purpose of a multi-member commission. Further, the suggestion that honest disagreement amounts to placing personal interests above those of consumers or the agency is inappropriate and has no place in policy debates.