



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

DIRECTIVES SYSTEM

ORDER NO.
0310.14
[date]

DELEGATIONS OF AUTHORITY - REGULATORY

AUTHORITY TO ACCEPT CERTAIN VOLUNTARY
CORRECTIVE ACTION PLANS

1. **PURPOSE.** The purpose of this Order is to delegate authority to accept certain voluntary Corrective Action Plans proposed by firms to recall or otherwise correct products in the chain of distribution and the possession of consumers.
2. **REFERENCES.**
 - a. Section 27(b)(10) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(10) except as provided in Section 27(b)(9)) empowers the Commission to delegate any of its functions or powers other than the power to issue subpoenas under Section 27(b)(3) of the CPSA (15 U.S.C. 2076(b)(3)) to any officer or employee of the Commission.
 - b. Section 15 of the CPSA (15 U.S.C. 2064) provides the Commission with the authority to take action to protect the public from products which are found to present substantial product hazards.
 - c. The Office of Compliance and Field Operations uses "Hazard Priority and Corrective Action Guidelines and Enforcement Guidelines" to classify product hazards and determine appropriate corrective action.
3. **DELEGATION OF AUTHORITY.** Pursuant to Section 27(b)(10) of the Consumer Product Safety Act, the Commission hereby authorizes the Executive Director to accept all voluntary corrective action plans proposed by firms to recall or otherwise correct products, except for:
 - a. cases which staff has designated as a Category A hazard (as defined in Reference C above); or
 - b. cases where a death has occurred.
4. **LACK OF MAJORITY.** If no Commission majority is reached to accept, reject, or take other action with respect to a proposed voluntary corrective action plan,

the proposed voluntary corrective action plan submitted to the Commission for approval shall be accepted.

5. **REDELEGATION.** This authority may be re-delegated to the Associate Executive Director for Compliance and Field Operations.
6. **EFFECTIVE DATE.** This Order shall apply to cases opened (defined as “case creation date” in the Dynamic Case Management System) on or after sixty days from the date of this Order.
7. **SUPERSESSON AND EFFECTS ON OTHER ACTIONS.**
 - a. This Order supersedes Order 0310.14, that was effective October 1, 1981.
 - b. Actions taken by authorized persons under Order 0310.14 are hereby ratified.

_____/s/_____
Todd Stevenson, Secretary

_____[date]_____
Date

Motion for Report on Revised Delegation of Authority: Authority to Accept Certain Voluntary Corrective Action Plans

Direct staff to submit to the Commission, no later than 14 months after the effective date of Order 0310.14 (as amended on _____), a report setting forth staff's assessment of the amended delegation of authority. The report shall assess the staff's experience negotiating corrective action plans ("CAPs") over the preceding 12-month period, and summarize staff's views about the value of the Commission's retaining authority to approve CAPs for cases where a death has occurred. The report shall describe whether and how Commission involvement influenced CAP negotiations, the nature and scope of the agreed upon remedy, the CAP's furtherance of consumer safety, public notice, and the pace of negotiations. The report shall include an assessment of the impact on the CPSC Fast-Track Recall Program of the amended delegation of authority and provide any recommendations the staff may have regarding the approval process for voluntary corrective action plans in light of experience with the amended delegation.

A handwritten signature in black ink, appearing to be "C. M.", with a long horizontal line extending to the right.