



NUMBER: 0100

SUBJECT: Directive on Directives and Delegations of Authority

DIRECTIVE OWNER: Office of the Secretary

EFFECTIVE DATE: 9/21/2022

1. **PURPOSE.** The Directives System for the U.S. Consumer Product Safety Commission (CPSC, Commission, or Agency), serves as the repository for agency-wide policies and procedures and provides guidance regarding the conduct of Agency employees and the distribution and performance of Agency business. This Directive outlines the general procedures for establishing, reviewing, revising, and cancelling Directives and Delegations of Authority within the Directives System.
2. **AUTHORITIES.** 5 U.S.C. §§ 301, 302; 15 U.S.C. § 2053(f); 16 CFR § 1000.13.
3. **SCOPE.** This Directive applies to all employees engaged in the process of establishing, reviewing, revising, and cancelling Agency Directives and Delegations of Authority.¹
4. **DEFINITIONS.**
 - a. A Directive sets forth the Agency's guiding principles and organizational objectives. A Directive also provides sufficient detail for employees to understand the policy and follow the appropriate procedures. Directives may include references to other relevant documents, including other Directives, Delegations of Authority, Standard Operating Procedures (SOPs), manuals, and forms.
 - b. A Delegation of Authority is the formal assignment of authority and responsibility for certain actions and decisions from the person or persons who have such authority to

¹ The Office of the Inspector General (OIG) may choose not to follow the agency's usual clearance or approval process due to the OIG's obligation to maintain independence in accordance with the Inspector General Act of 1978, as amended (5 U.S.C. app. 3).



another person or persons. Each Delegation of Authority shall identify whether the authority may be re-delegated. Most Delegations of Authority are memorialized in the Directives System, although some are also published in the Code of Federal Regulations.

- c. Standard Operating Procedures (SOPs), manuals, and forms facilitate consistent implementation of Agency practices and procedures. See 0101, *Directive on Internal Standard Operating Procedures (SOPs), Manuals, and Forms*.

5. PROCEDURES.

- a. **Regular Review of Directives and Delegations of Authority.** The Office of the Secretary (OS), in consultation with the Executive Director and the General Counsel, will establish a regular schedule of review of all Directives and Delegations. Each Directive and Delegation will be reviewed for possible revision or cancellation at least once every 5 years.
- b. **New Directives and Delegations of Authority.** New Directives and Delegations may be necessary, due to changes in statute, regulation, Executive Order, or Agency policy. New Directives and Delegations may be added to the Directives System at any time.
- c. **Unscheduled Revisions of Directives and Delegations of Authority.** Directives and Delegations may need to be revised due to changes in statute, regulation, Executive Order, Agency policy, or changes within the Agency, such as reorganizations or transfers of function. Directives and Delegations may be revised at any time. Revised Directives and Delegations will cancel and supersede the previous document, which will be noted in the new Directive or Delegation.
- d. **Permanently Cancelled Directives and Delegations of Authority.** Directives and Delegations may be cancelled entirely if they are no longer applicable. Cancellation will be done by Directive, which will be circulated to the Commission and staff and then kept in the repository of "Inactive" directives on the intranet.
- e. **Agency Clearance of Directives and Delegations of Authority:**
 - (1) The Executive Director and General Counsel will serve as the final reviewers of each Directive or Delegation in Agency clearance.
 - (2) Once a Directive or Delegation has been cleared by the Executive Director and General Counsel, it will then be sent to the appropriate authority for signature.
 - (3) If the Directive or Delegation is to be approved by the Commission, the Office of the General Counsel (OGC) will prepare and circulate a briefing package for



a ballot vote by the Commission, in accordance with the Decision Making Procedures.

f. **Signature Authority.** The following individuals have the authority to sign a Directive or Delegation that emanates from their authority and pertains to their area of responsibility. A Delegation may only be signed by the individual or individuals who hold(s) the authority being delegated.

- (1) The Commission.
- (2) The Chairman.
- (3) The Executive Director.
- (4) The General Counsel.
- (5) The Secretary, at the Commission's direction.

g. **Publishing of Directives and Delegations of Authority.**

- (1) Once signed, the Directive or Delegation should be sent to the Office of the Secretary for final processing.
- (2) The Secretary will circulate all signed Directives and Delegations to Commissioners, for their awareness, at least 24 hours before publication.
- (3) After the 24-hour period expires, the Secretary will notify the Agency that there is a new or revised Directive or Delegation that will be posted to the intranet.
- (4) Once posted to the intranet by the Secretary, Directives and Delegations will be accessible to CPSC employees on the intranet.
- (5) The Secretary will also post non-confidential Directives and Delegations on the Directives and Delegations webpage on cpsc.gov.
- (6) Any Directives and Delegations designated as confidential will not be posted to cpsc.gov. The Secretary will mark all confidential Directives and Delegations with the appropriate marks to indicate that they are confidential and should not be shared outside the agency.

6. RESPONSIBILITIES.

a. **The Office of the Secretary shall:**

- (1) In consultation with OGC and the Office of the Executive Director (OEX), maintain the schedule for a regular review of all documents within the Directives System.
- (2) Maintain the templates for Directives and Delegations.
- (3) Assign a unique number to each document within the Directives System.
- (4) Facilitate the clearance procedure for all new, revised, and cancelled documents within the Directives System. Secure appropriate signatures once



a document is cleared.

- (5) Circulate to Commissioners, then staff, and then post to the intranet and cpsc.gov, if not prohibited.
- (6) Maintain the official file for each document in the Directives System in accordance with agency record-keeping schedules and serve as the primary record-keeper for the Directives System.
- (7) Ensure that the Directives System is current and accessible to all agency employees via the intranet.
- (8) Ensure that non-confidential Directives and Delegations of Authority are available to the public on cpsc.gov.

b. Assistant Executive Directors/Office Directors (AEDs/ODs) shall:

- (1) Assign staff, as needed, to review and revise the Directives and Delegations of Authority that apply to their organizational component.
- (2) Review and approve any draft Directives and Delegations of Authority that apply to their organizational component for completeness, accuracy, and consistency before submitting to the Office of the Secretary for agency clearance.
- (3) Coordinate with any other program areas that might be affected by the new or revised Directives and Delegations of Authority before submitting to the Office of the Secretary for agency clearance.

c. The Office of the General Counsel shall:

- (1) Review the legal authorities in the Directives and Delegations of Authority for currency and accuracy. The OGC will consult with program staff, as necessary, to ensure that the Directive or Delegation satisfies all legal requirements.
- (2) Work directly with the Commission on any Directives or Delegations emanating from the Commission's authority.
- (3) Prepare a briefing package for all Directives and Delegations to be voted upon by the Commission.

8. EFFECTIVE DATES.

- a. Directives and Delegations of Authority are effective on the date signed, unless otherwise stated in the body of the document. That date will also be entered in the heading of the document.
- b. If any Directives and Delegations of Authority do not need to be updated during the regular review, the Executive Director, General Counsel, and Signature Authority will sign and date a form indicating that no update or revision was required. The Secretary



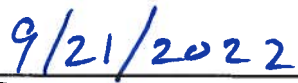
United States
Consumer Product Safety Commission

will append that form to the Directive or Delegation on the intranet and cpsc.gov (if not confidential).

9. **CANCELLATION.** This Directive cancels and supersedes D100, *System of Internal Directives, Delegations of Authority, Implementing Procedures, and External Forms and Manuals*, dated November 20, 2018, and IP100, *Implementing Procedure for Creating, Reviewing, and Cancelling Directives, Delegations of Authority, Implementing Procedures, SOPs, Manuals, and Forms*, dated November 20, 2018. This Directive also cancels and supersedes CPSC Order No. 0301.1, *Policy and Procedures Governing Delegations of Authority*, dated September 2, 1975, and Section 6 of D102, *Executive and Administrative Functions of the Commission*, dated September 30, 2019.



Alexander Hoehn-Saric
Chair



Date

