



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
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**COMMISSIONER PETER A. FELDMAN**

**STATEMENT OF COMMISSIONER PETER A. FELDMAN:  
CPSC PROVES ONCE AGAIN THAT SECTION 6(b) IS NOT A GAG RULE**

**AUGUST 16, 2023**

Today, the U.S. Consumer Product Safety Commission (CPSC) established once again that Section 6(b) is not a gag rule. In issuing a [unilateral warning](#) to consumers with a health and safety finding, this announcement should put to rest the myth that the Commission can act only with a company's permission.

As I have [stated](#) previously, there is a persistent mythology about Section 6(b). We have heard that it prevents the Commission from acting quickly to warn the public about product hazards. We have heard that it bars the Commission's sharing of accurate and timely safety information. We have heard that 6(b) kills people. It does none of these things.

With Section 6(b), Congress provided the roadmap for Commission disclosure of information to the public. The law provides due process for a firm to seek revisions of what it believes to be erroneous information. Nevertheless, the Commission is under no obligation to make edits if it disagrees. More importantly, 6(b) allows the Commission to expedite this review and publish its warning in as little as 24 hours if it finds public health and safety requires it. That is what the Commission did today.

By my count, the Commission has issued 25 unilateral safety warnings in the past two years. This is a record number. It is true that the Commission has, in the past, demonstrated a lack of will to use its full set of enforcement tools. For example, from 2013 to 2016 the Commission issued few, if any, such unilaterals. Under recent leadership prior to the current Commission, the CPSC essentially sat on its hands. American consumers deserve better than what they have gotten in the past. As today's warning demonstrates, there is no legal bar for the Commission to provide this transparency.