



**UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION**

DIRECTIVE NUMBER: D317

SUBJECT: Agency Meetings Policy

DIRECTIVE OWNER: Office of the General Counsel (OGC)

EFFECTIVE DATE: September 20, 2019

CERTIFIED CURRENT DATE: September 20, 2019

1. **PURPOSE.** To ensure that all meetings with outside parties involving substantial interest matters are published on the Agency's Public Calendar at least 7 days prior to the scheduled meeting date in accordance with applicable statutes and regulations and that meeting logs are prepared and submitted to the Secretariat for publication no later than 20 calendar days after a meeting occurs, whether the meeting is open or closed to the public.
2. **AUTHORITY.** 16 CFR part 1012
3. **DEFINITIONS.**
 - a. Agency meeting—any face-to-face encounter, other than a Commission meeting subject to the Government in the Sunshine Act, in which one or more employees, including Commissioners, discusses with an outside party any subject relating to the agency or any subject under its jurisdiction.
 - b. Outside party—any person not an employee, not under contract to do work for the agency, or not acting in an official capacity as a consultant to CPSC. Examples of outside parties include, but are not limited to, representatives from industry and consumer groups.
 - c. Substantial interest matter—a matter that pertains, in whole or in part, to any issue (other than of a trivial nature) that is likely to be the subject of a regulatory or policy decision by the Commission, or is a matter pending before the agency.
 - d. Pending matter—a pending matter is a matter before the agency, in which the agency is legally obligated to make a decision. Pending matters automatically constitute substantial interest matters.
4. **SCOPE.** This directive applies to all CPSC staff who participate in meetings with outside parties involving any substantial interest matter.

5. **Public Calendar Request for Open Meetings Notice:** CPSC staff should send advance notices for agency meetings which are open to the public in the following format directly to the Secretariat via publiccalendar@cpsc.gov for publication.

Date; Time; and Place of Meeting [for conference calls or web meetings include numbers/addresses]

[Name and title of CPSC employee(s)] meeting with [Participant(s) name and affiliation of outside party(ies)] meeting to discuss [insert description of topic of the meeting]. The meeting was requested by [insert name]. For additional information contact [insert name and contact information for CPSC staff].

6. **Closed Meeting Requests:**

a. **Office of General Counsel Approval**

CPSC staff requests for closed meeting are to be sent to OGC via mtgpolicy@cpsc.gov.

The outside party must provide a representation that the topic of the meeting will include a discussion of proprietary information. The OGC has a list of questions to be provided to an outside party requesting a closed meeting to facilitate the determination. CPSC staff should send the request and the outside party's response to those questions to the OGC via mtgpolicy@cpsc.gov for evaluation. Requests should include the name of the entity requesting the meeting, names of participants who will be attending the meeting, the purpose of the meeting and why it should be closed to the public, along with a draft closed meeting notice.

b. **Public Calendar Notice for Closed Meetings Requiring Notice**

The following format is to be used for notices of those agency meetings closed to the public requiring advance notice:

[Name of outside party] requests a closed meeting with [insert name(s) of CPSC staff] on [insert date] at [insert time] at [insert location]. [Name of outside party] requests that the meeting be closed because the meeting will be limited to a discussion of their [insert description of proprietary information to be discussed].

Notices for agency meetings closed to the public will be forwarded by the OGC to the Secretariat (publiccalendar@cpsc.gov) for publication if closure is approved. The CPSC staff initiating the request for closure will be copied on the submission to the Secretariat as confirmation.

7. **Requests for Waiver of the 7 day Advance Notice:** The Executive Director (or his/her designee) must approve waiver of the 7 day period prior to a request being made to OGC. If approved, the CPSC staff should notify the OGC via mtgpolicy@cpsc.gov as soon as possible and provide a draft of the Public Calendar notice. OGC will notify the Secretariat of an approval, provide the meeting notice via publiccalendar@cpsc.gov and copy CPSC staff.

If the meeting is open to the public, the Secretariat will request that OCM notify the trade press.

8. **Meeting Log:** The CPSC employee requesting a meeting must prepare a Meeting Log

and submit the log to the Secretariat no later than 20 calendar days after a meeting, regardless of whether the meeting is open or closed. (See Attachment).

9. Requests for Exception to Public Calendar Requirements: CPSC staff may request advice from OGC about whether a meeting is subject to the Public Calendar publication requirement or can be excepted from the requirement under 16 CFR § 1012.4.

Requests for advice should be sent to the OGC at mtgpolicy@cpsc.gov at least 10 days prior to the proposed meeting date including the name of the entity requesting the meeting, participants and the purpose of the meeting. OGC will review and issue advice to the requester.

If the request meets a regulatory exception a meeting notice on the Public Calendar is not required. If OGC advises that the request does not meet a regulatory exception the procedure for publicly noticing the meeting is to be followed.

Patricia Hanz
General Counsel

Date

Supporting Policies and Guidance:

Meeting Log Template

Questions for Meetings involving discussions of proprietary information

**TEMPLATE FOR
LOG OF MEETING
OFFICE OF _____**

SUBJECT:

DATE OF MEETING:

PLACE OF MEETING:

LOG ENTRY SOURCE:

COMMISSION ATTENDEES:

NON-COMMISSION ATTENDEES:

SUMMARY OF MEETING:

MATERIALS RECEIVED AT THE MEETING (ATTACHED)

Closed Meeting Requests under the Meetings Policy

If an outside party requests a closed meeting, the Office of the General Counsel requires the following information from the entity to evaluate the request:

1. A description of the information planned on being shared with CPSC staff;
2. A description of the proprietary nature of the information planned on being shared with CPSC staff;
3. Confirmation that the information that is proprietary has never been released in any manner to a person who was not an employee or in a confidential relationship with the company;
4. Confirmation that information to be discussed is not available to the public (such as in public filings with the SEC or the PTO);
5. Confirmation that the information is not commonly known within the industry nor is readily ascertainable by outside persons with a minimum of time and effort; and
6. Confirmation that the outside participant/organizer is authorized to make claims of confidentiality on behalf of the person or organization concerned.
7. If known, does the firm have any open matters with the Office of Compliance and Field Operations or the Office of Import Surveillance? If yes, will the agenda include discussion of any matter?