



Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander Hoehn-Saric
 Commissioner Dana Baiocco
 Commissioner Peter A. Feldman
 Commissioner Richard Trumka Jr.
 Commissioner Mary T. Boyle

ITEM:

CPSC Fiscal Year 2024 Performance Budget Request to Congress
(Briefing package dated August 24, 2022, OS No. 0146)

DECISION:

Chair Hoehn-Saric and Commissioner Boyle voted to approve the *FY 24 Budget Request* with the specified changes outlined in Attachment A (see Attachment A for details).

Commissioners Baiocco and Trumka voted to take other action, and approve the *FY 24 Budget Request*, contingent on Commission's majority support of the five amendments outlined in Attachment B (see Attachment B for details).

Commissioner Feldman voted to not approve the *FY 2024 Budget Request*.

Because the specified changes in Attachment A are identical to the proposed amendments in Attachment B, the contingent condition in the votes from Commissioners Baiocco and Trumka for approval of the package is satisfied. As a result, the Commission voted (4-1) to approve the *FY 24 Budget Request* with specified changes/amendments.

For the Commission:

Alberta Mills

Alberta E. Mills
Secretary

*Ballot vote due September 7, 2022

Attachments: 1. Attachment A - Proposed by Chair Hoehn-Saric and Commissioner Boyle
2. Attachment B - Proposed by Commissioners Baiocco and Trumka

Amendment 1: Clarify CPSC's role in voluntary and mandatory standards

Direct staff to make the following changes:

On page 21:

Delete the two sentences beginning “The CPSC collaborates” and replace with:

“The CPSC often collaborates with standards development organizations (SDOs) to develop and strengthen voluntary standards for consumer products. This involves building consensus through engagement among relevant stakeholders outside the agency. Regulation is also critical for preventing hazardous products from reaching consumers.”

Also on page 21:

Delete the three sentences beginning “The CPSC devotes significant resources” and replace with:

“The CPSC devotes significant resources under the *Prevent* Strategic Goal to work on voluntary standards and support mandatory standards. These efforts help to minimize consumer product hazards by integrating safety into the product design and manufacturing stages.

“The agency often encourages and engages with SDOs to develop strong voluntary consensus standards designed to protect consumers.”

On page 24:

Under the description of the agency’s FY 2023 work on infant sleep research, delete “for voluntary standards renewals or development” so that the sentence ends with the word “recommendations.”

Under the description of the agency’s FY 2024 work on infant sleep research, delete “for voluntary standards renewals or development” so that the sentence ends with the word “recommendations.”

Also on page 24:

Under “**Mandatory Standards**,” delete the clause beginning “Absent the criteria” so that the paragraph begins: “The agency has the authority to promulgate mandatory standards. The CPSC will continually evaluate . . .”

On page 34:

Under the “**Mandatory Standards Summary**,” delete the first sentence under “Definition” and replace it with: “Mandatory regulations are federal rules that define enforceable requirements for consumer products.” Also insert the following footnote to that sentence: “In some jurisdictions outside the US, mandatory regulations are called “technical regulations.””

On page 36:

Under the “**Voluntary Standards Summary**,” delete the first sentence under “Definition” and replace it with: “A “voluntary standard,” is a technical document that provides performance standards and test methods for consumer product safety. Such standards are reached through a consensus process among industry and a variety of stakeholders, including consumer groups.”

Amendment 2: Reframe key initiatives for maximum impact

Direct staff to make the following changes on page 9 and to make confirming changes throughout the document:

- Replace “Emphasize Robust Import Surveillance” with “Stop Hazardous Products at our Borders”;
- Replace “Pursue Vigorous Enforcement” with “Vigorously Enforce Product Safety Laws”;
- Replace “Expand Hazard Identification” with “Investigate New, Existing, and Hidden Hazards”;
- Replace “Enhance Communications Capabilities and Reach” with “Communicate More Effectively to a Broader Range of Consumers”; and
- Replace “Invest in Technology” with “Accelerate Necessary Modernization of Mission-Critical Technology.”

In addition, direct staff to make the following changes on page 17 and to make conforming changes throughout the document:

- Replace “Outdoor Advertising (\$1.00 million)” with “Outdoor Advertising to Reach Historically Excluded Communities (\$1.00 million)”

Amendment 3: Speed work on chronic hazards by removing unnecessary steps

Direct staff to make the following changes:

On page 14:

Delete “to determine not only toxicity but also risk and exposure” and replace with “to determine the existence of a hazardous substance.”

On page 24:

- Delete the first full sentence and replace with: “In addition, the CPSC will continue to focus on chronic hazards from other chemicals in other consumer products, such as carcinogens, reproductive and developmental toxicants, neurotoxicants, and immunotoxicants, among others.”
- Delete the sentence beginning “As stated in the FY 2023 Request” and replace it with “As stated in the FY 2023 Request, additional resources are needed for efforts on organohalogen flame retardants (OFRs), and chemicals in consumer products, such as

carcinogens, reproductive and developmental toxicants, neurotoxicants, and immunotoxicants, among others.”

- Replace the sentence beginning “Assessing chronic hazards” with “Assessing chronic hazards in consumer products to protect the public can be difficult because it requires substantial amounts of information and research to determine whether a given product category is a hazardous substance.”
- Insert the following sentence at the end of the first full paragraph: “With this additional staff, CPSC will have more in-house expertise, improving the agency's ability to efficiently assess the hazards from these chemicals.”

Amendment 4: Revisions to Mandatory Standards Table

Direct staff to make the following change:

On page 35:

- Replace “Infant and Infant/Toddler Rockers Section 104” with “Infant and Infant/Toddler Products Section 104”

Amendment 5: Revisions to Voluntary Standards Table

Direct staff to make the following change:

On page 37:

- Delete row 39 (Aerosol Duster) in the voluntary standards table, and renumber subsequent rows.

Take other action

I vote to approve the attached *FY 24 Budget Request*, contingent on the Commission's adoption of the five amendments below.

I vote in favor of each of the following five amendments to the attached *FY 24 Budget Request*:

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