



## U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Acting Chairman Robert S. Adler  
                                  Commissioner Elliot F. Kaye  
                                  Commissioner Dana Baiocco  
                                  Commissioner Peter A. Feldman

### ITEM:

Fiscal Year 2021 Operating Plan  
(Briefing Package dated September 16, 2020)\*

### DECISION:

The Commission voted (3-1) to approve the FY 2021 Operating Plan with specified changes. The approved amendments are in Attachment A.

Acting Chairman Adler voted to approve the FY 2021 Operating Plan with the changes shown in Attachment A.

Commissioner Kaye voted to approve the FY 2021 Operating Plan with the changes shown in Attachment A.

Commissioner Baiocco voted to approve the FY 2021 Operating Plan with amendments (see the attachment containing Commissioner Baiocco's amendments).

Commissioner Feldman voted to approve the FY 2021 Operating Plan with the changes shown in Attachment A, plus additional amendments if supported by a majority. No majority vote was reached for Commissioner's Feldman's additional amendments.

For the Commission:

*Alberta E. Mills*  
Alberta E. Mills  
Secretary

\*Ballot vote due November 10, 2020

(The original ballot vote due date for the FY 2021 Operating Plan was September 22, 2020. Commissioner Baiocco extended the vote due date to September 25, 2020. A majority vote was not reached on September 25, 2020. On October 1, 2020, the Commission voted by electronic poll to re-open the vote for the FY 2021 Operating Plan. On the same day (Oct. 1, 2020), Commissioner Feldman transferred the ballot vote to a decisional meeting. On November 9, 2020, Commissioner Feldman transferred the decisional meeting back to a ballot vote).

Attachments: Attachment A - Manager's Amendment – Adopted  
Commissioner Baiocco's amendments – Not adopted  
Commissioner Feldman's additional amendments – Not adopted

## FY 2021 Operating Plan MANAGER'S AMENDMENT

CO/#	AMENDMENT	PG#	ACTION	TEXT EDITS
	<b>KAYE</b>			
<b>EK-01</b>	Assessing & Addressing Safety Disparities	4	Under "FY 2021 Priority Activities," add a bullet point at the end of the section with the following language:	"Conduct a staff analysis on processes to 1) enhance agency data collection and analysis of product safety incidents, injuries and deaths to identify vulnerable populations that exist by using such identifiers, including but not limited to: race, age, gender, location or socioeconomic status; 2) allocate safety work to better address any existing safety disparities among such identified vulnerable populations; 3) enhance safety messaging to such newly identified vulnerable populations addressing applicable safety issues. (Milestone EXHR-M18)"
		5	Under "3. Annual Milestones," add item "EXHR-M18" at the end of the chart with the following language:	"EXHR-M18 Delivered briefing package to Commission setting forth staff's conclusions and recommendations on the identified vulnerable populations and on how the agency can better address any existing safety disparities in its data collection/analysis to address applicable safety issues."
	<b>BAIOCCO</b>			
<b>DB - B</b>	Office of Compliance & Field Operations Edits	20	For the description in "EXC-M08," make the following change:	Insert "and/or noncompliant" after the word "counterfeit, so the description reads as follows: "Reorganized EXC's Internet Surveillance Unit (ISU) to centralize ISU personnel on a single team under one ISU supervisor to address increased volume of compliance work related to e-commerce, including counterfeit and/or noncompliant products that pose a safety risk."
		22	Under "Project 34381 – Internet Surveillance Program Support," in the second sentence, make the following changes:	After the word "sold" insert "on-line"; after the word "manufacturers" strike "and" and insert after "importers online": "and/or third-party platform providers." With these changes, the sentence will state: "Tasks include time to conduct Internet surveillance to review products sold on-line by various retailers, manufacturers, importers online, and/or third-party platform providers, and to follow up on consumer/trade complaints."

### FY 2021 Operating Plan MANAGER'S AMENDMENT

	FELDMAN			
<b>PF-01</b>	Provide Additional Resources to Office of Compliance & Field Operations	2	<p><u>Purpose:</u> to provide additional resources to the Office of Compliance and Field Operations. Under "FY 2021 Operating Plan" in the "Office of Compliance and Field Operations" for "Compliance - HQ", make the following change:</p>	<p>(a) Strike "\$363" and insert "\$399"</p> <p>(b) Staff is further directed to offset this operating budget increase from within the FY 2021 operating budget by proportionately reducing the budget of all organizational units, including Commissioner offices, to reflect anticipated curtailed travel during the Covid-19 pandemic.</p>

**COMMISSIONER BAIOTTO**  
**PROPOSED AMENDMENTS TO THE FY 2021 OPERATING PLAN**  
**(PRESENTED IN PAGE NUMBER ORDER)**

A. FY 2021 Operating Plan – Summary of Changes

1. On page 1:

- In the table, strike 4. OFR Chemicals Assessment (+\$1.5) in the table and description.
  - Replace with “E-Commerce and Supply Chain Safety Team (+\$1.5).
- Under the description, insert “The Agency will hire 6 additional FTEs and purchase associated equipment to institute a team dedicated to the safety related challenges associated with e-commerce and the global supply chain. The rapid growth of the online marketplace and variations in e-commerce platforms pose many challenges for consumer product safety and the agency must modernize its approach in addressing these issues. The E-commerce and Supply Chain Safety team will serve as a coordinated business unit that lends expertise to all agency activities related to e-commerce, including supply chain issues, internet surveillance, hazard identification, investigations, and enforcement. This team will be part of, and enhance, the Office of Compliance. This team will also support the Office of Import Surveillance and the Office of Information Technology.”

2. On page 2:

- Under Column 2, “FY 2021 FTE”: Increase the number of FTEs (from 42 to 48) in the corresponding row for Office of Import Surveillance.

B. FY 2021 Milestones

1. On page 4, insert into Table:

- Conduct a staff analysis on processes to 1) enhance agency data collection and analysis of product safety incidents, injuries and deaths to identify vulnerable populations that exist by using such identifiers, including but not limited to: race, age, gender, location or socioeconomic status; 2) allocate safety work to better address any existing safety disparities among such identified vulnerable populations; 3) enhance safety messaging to such newly identified vulnerable populations addressing applicable safety issues. (Milestone EXHR-M18)

2. On page 5, insert into Table:

- EXHR-M18 Deliver briefing package to Commission setting forth staff’s conclusions and recommendations on the identified vulnerable populations and on how the agency can

better address any existing safety disparities in its data collection/analysis to address applicable safety issues.

C. Office of Compliance and Field Operations

1. On page 20:

- For the description in EXC-M08, insert “**and/or noncompliant**” after the word “counterfeit, so the description reads as follows:
  - Reorganized EXC’s Internet Surveillance Unit (ISU) to centralize ISU personnel on a single team under one ISU supervisor to address increased volume of compliance work related to e-commerce, including counterfeit and/or noncompliant products that pose a safety risk.

2. On page 22, Project 34381 – Internet Surveillance Program Support

- In the second sentence, after the word “sold” insert “**on-line**”
- In the second sentence, after the word “manufacturers” strike “and” and insert after “importers online”: “**and/or third-party platform providers.**” With these changes, the sentence will state:
  - Tasks include time to conduct Internet surveillance to review products sold on-line by various retailers, manufacturers, importers online, and/or third-party platform providers, and to follow up on consumer/trade complaints.

D. Office of Import Surveillance

1. On page 26, Project Descriptions:

- Add a new project code and description for “E-Commerce and Supply Chain Safety Team” consistent with the description on page 1

E. Office of Communications

1. On page 31, FY 2021 Priority Activities

- In the first sentence under the second bullet, insert the word “**evaluate**” after “Continue outreach.”

- In the fourth bullet, add the following sentences:
    - **“Staff will also prepare and submit to the Commission for approval a written Communications Plan that sets forth at least proposed media strategy(ies) for the Agency and Information Campaigns proposed for FY 2021. To the extent that there are plans to use or recommend any social media influencer for any particular Information Campaign, the proposed influencer shall be identified and presented separately to the Commission for approval with a full analysis of the reasons supporting the recommendation including but not limited to related costs, target audiences, benefits of the influencer, and all steps taken to properly vet the influencer.”**
2. Page 32 – OCM-M05 – FY2021 Milestone Statement
- At the end of the description, after the word “undertake” insert **“for Commission approval.”**

## **Commissioner Feldman Amendments to the Draft FY 2021 Operating Plan**

### **1. To provide additional resources to the Office of Compliance and Field Operations**

Purpose: to provide additional resources to the Office of Compliance and Field Operations.

(a) Staff is directed –

On page 2, under the table entry for the FY 2021 operating budget level for Compliance—HQ within the Office of Compliance and Field Operations, to strike “\$363” and insert “\$399.”

(b) Staff is further directed to offset this operating budget increase from within the FY 2021 operating budget, prioritizing, but not limited to, any savings associated with COVID-19-related status of agency operations and monies that would otherwise be expended to compensate social media influencers, and to make any necessary conforming changes.

### **2. Commission involvement in voluntary standards activities**

Purpose: to allow for Commission consideration of voluntary standards activity criteria.

At the end of section 13327 on page 6 insert the following:

“For the voluntary standards activity contemplated under this program, staff, in consultation with the Directorate of Economic Analysis, shall provide to the Commission a report assessing how the criteria set forth in 16 C.F.R. § 1031.5 are met.”

### **3. Use of Influencers in CPSC Public Relations Campaigns**

Purpose: to improve the transparency and accountability of CPSC’s use of paid media influencers.

On page 31, under “FY 2021 Priority Activities,” insert the following bullet:

- Create a directive with Commission input that sets forth a Commission policy for the use of influencers. This directive shall include, but not be limited to, detailed processes that require the following:
  - 1) The circulation of a memo from OCM to the Commission outlining reasons, objectives, benefits, costs, and performance metrics and targets associated the use of a proposed influencer or spokesperson in a particular campaign;
  - 2) An exhaustion by staff of all non-compensated options;
  - 3) Use of any compensated influencer be supported by a majority of the Commission; and
  - 4) Vetting by an influencer or spokesperson pursuant to industry standards to avoid embarrassment or reputational harm to the agency.

#### **4. Implementation of Open OIG Recommendations**

Purpose: To address or resolve open OIG recommendations.

At the appropriate place, insert the following:

“Staff shall establish a process for communicating and enforcing the implementation of recommendations previously agreed to by management, as required by law. This policy shall include successful implementation of OIG recommendations as a performance metric for Senior Executive Service employees and other senior management officials.”