



United States
Consumer Product Safety Commission

Record of Commission Action
Commissioners Voting by time critical ballot*

Commissioners Voting: Acting Chairman Peter A. Feldman
 Commissioner Douglas Dziak

ITEM:

Directive on *Interim Delegations in Furtherance of the Commission's Civil and Criminal Enforcement Authorities*.

(Ballot vote package dated August 21, 2025)

DECISION:

The Commission voted unanimously (2-0) to adopt the directive on *Interim Delegations in Furtherance of the Commission's Civil and Criminal Enforcement Authorities*.

For the Commission:

A handwritten signature in black ink, appearing to read 'Abioye Mosheim Oyewole', written over a horizontal line.

Abioye Mosheim Oyewole
Acting Secretary

*Time critical vote due August 22, 2025, by 12 pm

Acting Chairman Feldman voted on August 22, 2025
Commissioner Dziak voted on August 21, 2025



United States
Consumer Product Safety Commission

NUMBER: ID001

APPROVED: August 22, 2025

SUBJECT: Interim Delegations in Furtherance of the Commission's Civil and Criminal Enforcement Authorities

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1. **PURPOSE.** The Commission exercises various civil and criminal enforcement authorities under the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and the Flammable Fabrics Act (FFA). The Commission has previously delegated a number of these authorities to officers and employees of the Commission. This directive amends those delegations, in part, and provides additional delegations of the Commission's enforcement functions in the event that, due to vacancies on the Commission, the total number of Commissioners serving on the Commission is less than the number required to constitute a quorum for the transaction of business under section 4(d) of the CPSA.
 2. **AUTHORITIES.**
 - a. Sections 6, 12, 19-22, 27(b)(7), 27(b)(10), 42 of the CPSA, as amended (15 U.S.C. 2055, 2061, 2069-2071, 2076(b)(7) and (b)(10), and 2089).
 - b. Sections 4-8 and 14 of the FHSA (15 U.S.C. 1263-1267 and 1273).
 - c. Sections 3, 5-9 of the FFA (15 U.S.C. 1192 and 1194-1198).
 - d. 16 C.F.R. 1101.23 and 1101.25.
 - e. 16 CFR part 1420, Requirements for All Terrain Vehicles.
 - f. 16 CFR part 1000, Commission Organization and Functions.
 3. **EFFECTIVE DATE.** This directive becomes effective on the first day on which vacancies in the Commission cause the total number of Commissioners serving on the Commission to be less than the number required to constitute a quorum for the transaction of business under section 4(d) of the CPSA. Once in effect, this directive remains effective until such time as the total number of



Commissioners serving on the Commission is sufficient to constitute a quorum for the transaction of business under section 4(d) of the CPSA.

- 4. SCOPE.** This directive applies agency wide.
- 5. CONTINUING DELEGATIONS.** Unless expressly stated herein, this directive does not diminish or supersede any delegation of function previously made or assigned by the Commission in any directive or regulation.
- 6. DEFINITION.** As used in this directive, the term Chairman means the principal executive officer of the Commission, appointed by the President, by and with the advice and consent of the Senate, or in the case of a vacancy in the office of the Chairman, the Vice Chairman of the Commission pursuant to section 4(d) of the CPSA, 15 U.S.C. 2053(d).
- 7. DELEGATIONS OF AUTHORITY TO THE CHAIRMAN.** Under section 27(b)(10) of the CPSA, as amended, the Commission hereby delegates the following authorities to the Chairman:
 - a.** Pursuant to Section 27(b)(7)(A) of the CPSA, the authority to initiate, prosecute, defend, or appeal (other than to the Supreme Court of the United States) through its own legal representative and in the name of the Commission, any civil action if a written request to the Attorney General is made for representation and the Attorney General does not notify the Commission within 45 days that it will represent it.
 - b.** Pursuant to Section 27(b)(7)(B) of the CPSA, the authority to initiate, prosecute, or appeal through its own legal representative with the concurrence of the Attorney General or through the Attorney General any criminal action for the purposes of enforcing the laws subject to the Commission's jurisdiction.
 - c.** The authority to initiate and prosecute any action brought by the Commission under Section 12 of the CPSA, subject to any applicable requirements under Section 27(b)(7)(A), including but not limited to the authority to:
 - i.** Authorize the filing of an action under Section 12(a);



- ii. Determine the appropriate venue for such action under Section 12(d)(1);
 - iii. Direct attorneys employed by the Commission to appear and represent the Commission under Section 12(e); and
 - iv. Approve the settlement or resolution of such a suit.
- d. To the extent not delegated under Subparagraphs 7a, 7b and 7c above, the authority to raise objections on behalf of the Commission if an existing delegation requires a case summary memorandum and the opportunity to raise objections before proceeding with a specific action.
- e. Subject to subparagraphs 7a, 7b, and 7c, authority to approve, on behalf of the Commission, any civil or criminal action pursuant to Sections 12, 19-22, 27(b)(7) and 27(b)(10) of the CPSA, Sections 4-8 and 14 of the FHSA, and Sections 3, 5-9 of the FFA.
- f. Pursuant to Section 20(a)(3) of the CPSA, authority to prescribe and publish in the Federal Register an updated schedule of maximum authorized penalties that shall apply for violations under Section 20, based on adjustments for inflation as determined in accordance with Section 20(a)(3)(C).
- g. Pursuant to Section 20(b) of the CPSA and 16 CFR part 1119, and to the extent required under law, authority to determine the amount to be sought upon commencing an action seeking to assess a penalty for a violation of Section 19(a).
- h. Pursuant to Section 20(c) of the CPSA and 16 CFR parts 1118 and 1119, authority to approve the compromise of any civil penalty matter and, to the extent required under law, to determine the amount of such penalty of whether it should be remitted or mitigated and in what amount.
- i. Authority to find, pursuant to Sections 6(b)(1) and (b)(2) of the CPSA and 16 C.F.R. 1101.23 and 1101.25, that the public health and safety requires a lesser period of notice, to publish such finding, and to determine the lesser period of notice required.



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- j. Authority to decide, on behalf of the Commission, whether to take reasonable steps to publish a retraction of information in accordance with Section 6(b)(7) of the CPSA and 16 CFR 1101.52.
- k. Authority, on behalf of the Commission, to approve, disapprove or take any other lawful action regarding any proposed All-Terrain Vehicle Action Plan under section 42 of the CPSA, 15 U.S.C. 2089, and 16 CFR part 1420.

In exercising these authorities, the Chairman is subject to any applicable laws, administrative rules, and regulations.

- 8. **CONCURRENTLY SERVING COMMISSIONER.** If, during any period in which this directive is effective, another Commissioner other than the Chairman is also serving on the Commission, the Chairman must obtain the concurrence of such Commissioner before exercising the authorities delegated to the Chairman herein.
- 9. **REDELEGATION OF AUTHORITY.** The Chairman may redelegate any authority delegated herein.

Peter A. Feldman
Acting Chairman

Douglas Dziak
Commissioner

8-22-25
Date

8-22-25
Date