United States
Consumer Product Safety Commission

THIS DOCUMENT HAS BEEN ELECTRONICALLY APPROVED AND SIGNED.

Ballot Vote Sheet

TO: The Commission
Alberta E. Mills, Secretary

DATE: January 31, 2024

THROUGH: Jessica Rich, General Counsel
Austin C. Schlick, Executive Director

FROM: Pamela J. Stone, Senior Counsel, Office of the General Counsel

SUBJECT: CPSC Scientific Integrity Policy and Directive

BALLOT VOTE DUE February 7, 2024

Attached for the Commission's consideration is a proposed Scientific Integrity Policy, as well as a proposed directive (marked FOUO and submitted under separate cover) designed to accompany the policy.

Staff developed the policy in response to the January 27, 2021, Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. The White House Office of Science and Technology Policy (OSTP) reviewed staff's draft policy and staff then submitted it to the Commission. The Commission approved the draft and published it in the *Federal Register* for comment. *See* 88 Fed. Reg. 69,172 (Oct. 5, 2023). The Commission received comments from the following organizations: the Juvenile Products Manufacturers Association (JPMA), National Center for Health Research (NCHR), and Public Employees for Environmental Responsibility (PEER). As detailed in the attached memorandum, staff reviewed the comments and made a few changes to the draft policy in response to comments.

When it approved publishing the draft policy for comment on September 27, 2024, Commissioners expressed interest in implementing a directive to reflect the policy. As a result, staff drafted the attached directive for the Commission's consideration. The vote is designed to allow the Commission Secretary to sign the directive on the Commission's behalf, if the Commission approves the directive. It will then be posted publicly on cpsc.gov.

Separate votes are needed for the Policy and the directive, therefore there are two items outlined in this vote sheet below.

ITEM #1: Scientific Integrity Policy

Please indicate your votes on the following options:

I. Approve the Scientific Integrity Policy as drafted.

_____ _____
(Signature) (Date)

U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

National Product Testing and Evaluation Center
5 Research Place
Rockville, MD 20850

II. Approve the Scientific Integrity Policy with the specified changes:

(Signature) (Date)

III. Do not approve the Scientific Integrity Policy.

(Signature) (Date)

IV. Take other action specified below:

(Signature) (Date)

ITEM #2: Scientific Integrity Policy Directive

Please indicate your votes on the following options:

I. Approve Directive 0630, *CPSC's Scientific Integrity Policy,* as drafted, and authorize the Commission Secretary to sign the directive on behalf of the Commission.

(Signature) (Date)

II. Approve Directive 0630, *CPSC's Scientific Integrity Policy,* with the specified changes, and authorize the Commission Secretary to sign the directive on behalf of the Commission:

_____

_____

_____

_____

_____ _____

(Signature) (Date)

III. Do not approve Directive 0630, *CPSC's Scientific Integrity Policy*.

_____ _____

(Signature) (Date)

IV. Take other action specified below:

_____

_____

_____

_____

_____

_____ _____

(Signature) (Date)

Attachments:

1. Staff Memorandum with Final Draft Scientific Integrity Policy
2. Draft Directive 0630, *CPSC's Scientific Integrity Policy*

United States
Consumer Product Safety Commission

Memorandum

TO: The Commission
Alberta E. Mills, Secretary

DATE: January 31, 2024

THROUGH: Austin C. Schlick, Executive Director
Jessica L. Rich, General Counsel

FROM: Duane Boniface, Director, Office of Hazard Identification and Reduction
Mary Kelleher, Scientific Integrity Official
Associate Executive Director – Health Sciences
Office of Hazard Identification and Reduction

SUBJECT: Final Draft Scientific Integrity Policy

Background:
In response to the January 2023 White House Memorandum to Heads of Departments and Agencies on the Delivery of the Framework for Federal Scientific Integrity Policy and Practice, [1] CPSC submitted a proposed draft policy to the Office of Science and Technology Policy (OSTP) on April 10, 2023, for review by the Subcommittee on Scientific Integrity. Staff updated this first draft based upon feedback from OSTP (received on June 21, 2023) and the draft was published in the Federal Register [88 Fed. Reg. 69,172] for public comment[2] from September 29 to December 4, 2023. CPSC received three comments, which were reviewed by the CPSC Scientific Integrity Committee and served as the basis for minor modifications to the final draft. Agencies must submit a link to their new or updated policy to OSTP by Monday, February 12, 2024. OSTP will compile and make public all agencies' policies as well as a listing of agency Scientific Integrity Officials (required for CPSC) and Chief Science Officers (not required for CPSC) on a Federal webpage. Included in this package for Commission approval are (1) the draft final Scientific Integrity Policy and (2) the draft implementing Directive.

Public comments on draft policy:
CPSC received comments from the Juvenile Products Manufacturers Association (JPMA), National Center for Health Research (NCHR), and Public Employees for Environmental Responsibility (PEER).
JPMA stated that they applauded CPSC's commitment to Open Government requirements and encouraged the agency to go further in terms of data transparency. They also reiterated a comment previously shared in response to the Nursing Pillow NPR about availability of data during rulemaking and included feedback on the process and awarding of contracts to researchers, requesting it be made clear to all interested parties and be publicly available. (This comment was deemed out of scope because the process is defined by the Federal Acquisition Regulation.)

NCHR recognized CPSC's efforts, writing they "strongly support the policy" and expressed concern that the policy is too vague. They requested that detailed information about the operational criteria for the independent investigation of scientific misconduct or violations be included in the scientific integrity policy.

[1] https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf
[2] www.regulations.gov/docket/CPSC-2023-0042

United States
Consumer Product Safety Commission

Memorandum

NCHR also expressed concern over the policy's failure to address consequences for violations and a lack of consequential protections for scientists against retaliation.

PEER was the most critical of the CPSC policy and suggested it be withdrawn and resubmitted for public comment when perceived significant gaps have been addressed. PEER has also provided extensive feedback to OSTP, as well as Health and Human Services and other federal agencies, describing perceived fundamental weaknesses in the Model Scientific Integrity Policy Framework. They summarized their major concerns about the Framework and the CPSC policy in five bullet points:

- Inappropriate, Inconsistent and Illegal Restrictions on Scientist Communications
- No Process for Independent Investigation of Misconduct Allegations
- Opaque Transparency Provisions Do Not Prevent Suppression of Research
- No Meaningful Protections for Scientists Against Retaliation
- Complete Lack of Accountability for Violator

Response to comments on policy:
Staff considered the comments received and, where appropriate, details have been added to the CPSC policy to describe the process for utilizing an independent external review, highlight protections in place to protect scientists from retaliation, and outline possible sanctions for violators. Currently, the CPSC policy authorizes the SIO to memorialize these operational details through the directives process. The level of detail that some commenters are seeking is more appropriately addressed in supporting SOPs that are under development.

Specific revisions made in response the public comment can be found on:

page 7 - Number 7 was added
page 7 – Number 9 was edited to specify when acting in an official capacity
page 10 – Number 2 was added
pages 11-12 – Roles & Responsibilities section includes additional details about consequences for noncompliance
page 12 – CPSC Prohibited Personnel Practices clearly defined

Recommendations:

Staff recommends that the Commission approve the draft policy for submission to OSTP and publication, and that the Commission approve the Directive to implement the policy.

DRAFT//PRE-DECISIONAL

United States Consumer Product Safety Commission
Scientific Integrity Policy

PURPOSE

The purpose of this policy is to provide guidance and outline instruction to enhance and promote a continuing culture of scientific integrity at the U.S. Consumer Product Safety Commission (CPSC). This policy establishes the expectations and framework required to maintain scientific integrity at CPSC.

> *Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity*[3].

BACKGROUND

In response to the January 2023 White House Memorandum to Heads of Departments and Agencies on the Delivery of the Framework for Federal Scientific Integrity Policy and Practice, CPSC has updated its Scientific Integrity (SI) Policy based upon the "Statement of Principles: Integrity of the U. S. Consumer Product Safety Commission Staffs Scientific and Technical Work" (2013), with revisions made to align with the model policy provided in the White House Framework for Federal Scientific Integrity Policy and Practice.

Scientific and technical work constitute the foundation upon which CPSC executes the agency's mission to protect the public against unreasonable risks of injury associated with the use of consumer products. CPSC staff must conduct this work with integrity because policy makers rely upon this work to make important decisions and because the public places its trust in the work of the Commission.

This policy and any subsequent versions are publicly available on the CPSC website, prominently displayed on the homepage.

DEFINITIONS

Scientific activity: includes the application of valid scientific and engineering methods and theories in a systematic manner.

Scientific Integrity: the adherence to professional practice, ethical behavior, and the principles of honesty, objectivity, and transparency when conducting, managing, using the results of, and communicating about science and scientific activities.

Scientific Integrity Committee (SIC): comprised of career staff who act as liaisons for their respective groups/directorates, SIC assists with training and policy assessment, updates and amendments. SIC members are available to fellow staff to address any questions or concerns related to scientific integrity issues.

[3] A Framework for Federal Scientific Integrity Policy and Practice (whitehouse.gov)

Scientific Integrity Official (SIO): oversees implementation and iterative improvement of scientific-integrity policies and processes, serving as the primary Agency-level contact for questions regarding scientific integrity, and oversees the process for responding to allegations of violations. The SIO ensures that scientific integrity is appropriately monitored and evaluated, that staff are trained, and that CPSC leadership is kept apprised of scientific integrity activities. The SIO reports directly to the Executive Director on the status of the implementation of this policy and all matters involving scientific integrity. In conjunction with the SIC, the SIO is authorized to draft any directives and standard operating procedures necessary for operationalizing this policy including:

- Addressing scientific integrity concerns
- Handling differing scientific opinions
- Clearance of scientific products
- Scientific communications
- Authorship and attribution
- Scientific Integrity training
- Other topics as needed

Scientific Integrity Training: All new employees and relevant contractors receive scientific integrity information within the first full performance cycle after they are hired. CPSC also provides training for personnel who propose, review, conduct, manage, and use the results of and communicate about science and scientific activities within the first full performance cycle after they are hired and biennially thereafter. Training will be tracked to ensure compliance.

APPLICABILITY & SCOPE

This policy documents that scientific integrity is the responsibility of all CPSC employees, contractors, and advisory committee members, when they propose, conduct, review, or communicate about science and scientific activities and applies to all levels of employees who manage or supervise scientific activities and use scientific information in decision making. It aims to ensure the integrity of all aspects of scientific activities including proposing, conducting, reviewing, managing, communicating about science and scientific activities, and using the results of science.

The Code of Federal Regulations, Title 16, Sections 1000.25 through 1000.30, emphasizes that scientific and technical work is the foundation upon which staff implements the mission of the CPSC to protect the public against unreasonable risks of injury associated with the use of consumer products, and that CPSC staff "assures that relevant technical, environmental, economic, and social impacts of projects are comprehensively and objectively presented to the Commission for decision." For the purposes of this policy, science includes but is not limited to work conducted by or in support of the work of the Office of Hazard Identification and Reduction utilizing the application of valid scientific and engineering methods and theories in a systematic manner.

PRINCIPLES & CORE VALUES

The following principles, to the extent permitted by law and available resources, serve as a structure to support the quality and integrity of CPSC staff's scientific work:

- Within the policies, priorities, and resource allocations set by the Commission and management, it is staff's responsibility to present the best available information and input to the Commission or delegated decision-makers, within the limits of resources available.

- Scientific findings and products must not be suppressed, delayed, or altered for political purposes and must not be subjected to inappropriate influence.
- CPSC staff's scientific work may be used in support of regulatory and/or policy-making documents that may not align with the science-based recommendation because other factors are taken into consideration when developing those documents. This does not conflict with the policy of scientific integrity, provided that science-based findings or recommendations are not deliberately suppressed, altered, or misrepresented and that staff is not coerced to suppress or alter such findings and recommendations.
- Science-based recommendations are free from political motives or consideration.
- Open communication among scientists and technical staff within and outside the Commission is encouraged; however, CPSC staff must adhere to Commission statutes, regulations and policies concerning information sharing, including the Consumer Product Safety Act (CPSA) section 6, privacy and confidentiality requirements, and the Administrative Procedure Act, which may place restrictions on such communication.
- Efforts to strengthen the credibility of staff's scientific and technical work, by selecting candidates for science-based positions on the basis of their expertise and experience, and by ongoing professional development of staff, is encouraged, supported, and recognized.
- Accountability and transparency consistent with Agency Clearance processes are expected and supported in communicating to the public the results of scientific work.
- Scientific and technical staff are expected to adhere to a professional code of ethics.

The Commission directs the work of CPSC staff, generally through the annual Operating Plan and related amendments, though the Commission may alter, stop, or initiate new scientific work at any time during the Fiscal Year.

PROMOTING A CULTURE OF SCIENTIFIC INTEGRITY

CPSC promotes scientific integrity by creating a culture of personal and organizational responsibility. Scientific integrity is the adherence to professional practice, ethical behavior, and the principles of honesty, objectivity, and transparency when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity and protection from inappropriate influence are hallmarks of scientific integrity.

While the responsibility for upholding scientific integrity lies with all CPSC staff and its contractors, CPSC has designated a senior career employee as the Scientific Integrity Official (SIO). The SIO is responsible for developing processes and procedures to be implemented and maintained across the agency that encourage personal and organizational responsibility in upholding scientific integrity at CPSC. The SIO also serves as the chair of the SIC.

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, and inclusive of all staff. The responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment.

"Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policymaking from political interference or inappropriate influence" (OSTP Memo 2010). CPSC staff's scientific activities, findings and products help to inform the Commission and must not be

suppressed, unreasonably delayed, or altered for political purposes and must not be subjected to inappropriate influence.

Supporting and related standard operating procedures (SOPs) operationalize this policy and may be updated periodically under the direction of the SIO. Involving the SIO and SIC in the writing and updating of related SOPs helps to provide needed perspective and better ensure they are both practicable and support scientific integrity. Officials should consider the scientific integrity-related components of other policies (e.g., professional development of scientists, science-related communications, etc.) and determine where those other policies should be referenced, or perhaps reinforced, within the agency scientific integrity policy to help ensure a consistent culture.

These SOPs describe processes and procedures specific to the CPSC that support the policy requirements outlined below. The SIC has the authority to review existing CPSC policies and procedures and, as needed, develop new guidance documents to ensure the following scientific integrity principles are incorporated into CPSC management controls.

I. Protecting Scientific Processes:

1) CPSC prohibits inappropriate influence in the design, proposal, conduct, management, evaluation, reporting and use of scientific data, research, and activities.
2) CPSC leadership and management must ensure that employees and contractors engaged in scientific activities are able to conduct their work free from reprisal or concern for reprisal.
3) CPSC employees and contractors must ensure the accuracy of the scientific record and correct identified material inaccuracies that pertain to their contribution to any scientific records.
4) CPSC employees and contractors must represent their contributions to scientific work fairly and accurately and neither accept nor assume unauthorized and/or unwarranted credit for another's accomplishments.
5) To be named as an author of a scientific paper, CPSC contributors must have made a substantial intellectual contribution, written or provided editorial revisions that include critical intellectual content, approved the final version and agreed to be accountable for all aspects of the work.
6) CPSC employees and contractors must comply with agency policies and procedures for planning and conducting scientific activities and show appropriate diligence toward protecting and conserving Federal research resources, such as equipment and other property, and records of data and results that are entrusted to them. Employees and contractors must protect and conserve Federal property and may not use it for other than authorized activities.
7) CPSC prohibits misconduct in scientific research, including the intentional use of inappropriate methods or processes in conducting scientific research, and deliberate lack of adherence to practices that ensure the quality of scientific research and other scientific activities such as quality assurance systems.
8) CPSC employees and contractors are required to design, conduct, manage, evaluate, and report scientific research and other scientific activities honestly and thoroughly, and disclose any conflicts of interest (that the employee or contractor does not themself resolve in accordance with applicable requirements) to their supervisor and the Office of the General Counsel (Ethics@cpsc.gov) for their determination as to whether a recusal, disclaimer, or other appropriate notification would be appropriate.
9) CPSC requires that research involving the participation of human subjects and the use of non-human animals is conducted in accordance with established laws and regulations and ethical standards that are applicable.

II. Safeguarding the Free Flow of Scientific Information:

Scientific Integrity fosters "honest scientific investigation, open discussion, refined understanding, and a firm commitment to evidence" (OSTP 2010). Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policymaking from political interference or inappropriate influence. CPSC policy enables appropriate dissent and includes peer review when appropriate.

1) CPSC will, in accordance with Open Government requirements, expand and promote access to scientific information by making it available freely to the public to the extent allowed by law and available resources, in an online digital format consistent with Commission statutes, regulations, and policies, including privacy and classification standard.
2) CPSC leadership and managers will ensure that scientific findings and products are not improperly suppressed, unreasonably delayed or altered for political purposes and are not subjected to inappropriate influence; however, the Commission allocates resources, sets priorities and determines the agency's agenda.
3) CPSC will permit and encourage CPSC scientists and technical staff to participate in communications with the media, consistent with agency policies and procedures, regarding their scientific activities and areas of scientific expertise. In communicating with the media, scientists will receive advice from the Office of Communications' (OCM's) trained career communications experts.
4) CPSC may provide scientific communication training to agency scientists and technical staff to develop their ability to clearly communicate their findings, both to policy makers within the agency and to the public and stakeholders more broadly, subject to available resources.
5) The scientific work and conclusions of CPSC scientists and technical staff, and the scientific work and conclusions of work funded/supported by CPSC will be accurately represented in agency communications. Releases of public scientific information will be approved through CPSC's Clearance Procedures for Providing Information to the Public (Directive 1450.2).
6) CPSC scientists and technical staff must be able to communicate their scientific activities comprehensively and objectively without political interference or inappropriate influence, while at the same time complying with laws, agency policies and procedures for information sharing, planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products.
7) Differences of opinion, critique, and robust debate are at the heart of how science advances and CPSC's project teams are designed to facilitate this professional discourse. In the development of recommendations to the Commission, dissenting scientific opinions will be considered and evaluated along with the majority position, without political influence.
8) In the role of technical expert, CPSC staff must not make or publish policy statements that might be construed as being judgments of, or recommendations on, policy developed by CPSC or any other Federal Government agency, unless they have secured appropriate prior approval to do so. Such communications should remain within the bounds of their scientific findings, unless specifically otherwise authorized. Scientific products (e.g., manuscripts for scientific journals, presentations for workshops, conferences and symposia) shall adhere to agency review procedures.
9) CPSC employees are allowed to report their scientific findings and communicate with the media, including social media, or the public in their official CPSC capacities, as governed by federal law and agency policies. When speaking or writing in an official capacity, CPSC staff must not make

or publish statements that might be construed as being judgments of, or recommendations on, CPSC or any other Federal Government policy, unless they have secured appropriate prior approval to do so. Such communications should remain within the bounds of their scientific findings, unless specifically otherwise authorized.

10) CPSC employees may express their personal views and opinions, even if those views and opinions differ from official Commission positions, subject to ethical requirements and outside activity rules; when acting in a personal capacity, they shall not claim to officially represent the agency or its policies or use the agency or other U.S. Government seals or logos. Employees and contractors should use appropriate written or oral disclaimers for personal activities.
11) Agency officials, including Commissioners and CPSC leadership and OCM, must not ask, direct, or suggest that agency scientists and technology experts alter the presentation of their scientific findings in a manner that would compromise the objectivity or accurate representation of those findings.
12) Responses to Congressional inquiries, testimony, and other requests that include scientific information must accurately represent the science.
13) CPSC leadership and OCM shall accurately represent the scientific work and conclusions of CPSC staff and contractors in agency communications, including social media communications, and agency scientists shall be appropriately guided on proper use of social media, which includes but is not limited to blogs, social networks, forums, and micro blogs.

III. Supporting Decision Making Processes:

CPSC guidance documents help to ensure the quality, accuracy, and transparency of scientific information used to support policy and decision making. This includes:

- CPSC uses scientific information that is subject to well-established scientific processes as appropriate and consistent with law and regulations.
- CPSC ensures that scientific data and research used to support policy decisions undergo review by qualified experts, where feasible and appropriate, and consistent with law and regulations.
- CPSC ensures that when independent peer reviews of scientific products are conducted by contractors, a conflict-of-interest review is conducted for all reviewers in accordance with Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review.
- CPSC communicates scientific information appropriately and accurately and uses processes to ensure that it is free of misinformation. CPSC makes scientific findings or conclusions relied on in policy decisions publicly available online and in open formats, to the extent practicable, consistent with the Open Government Initiative, the Freedom of Information Act, the Administrative Procedure Act, Consumer Product Safety Act, the Privacy Act and other applicable statutes, regulations or document-handling procedures and policies.

Additionally:

- Where feasible and appropriate, CPSC also provides information on the specific approach, data, and models used to develop such scientific conclusions, including a clear explanation of underlying assumptions, inferential procedures, and where appropriate, probabilities associated with a range of projections or scenarios.
- Where legally permissible and appropriate, CPSC enables scientists to directly participate in policy and management briefings where their science is being used in order to ensure that the science is accurately represented and interpreted.

- CPSC uses processes to ensure the accuracy of communication of the science upon which a policy decision is based.
- The SIO oversees, with input from the other scientific officials, a transparent process for CPSC staff and contractors to express differing scientific conclusions. When a CPSC employee who is substantively engaged in the science informing an agency policy decision disagrees with the portrayal of the scientific data, or the interpretations or conclusions that are to be relied upon for that decision, the employee is encouraged to express any differing scientific conclusions complete with rationale and in writing. If differing scientific conclusions are not resolved during internal deliberations, they can be part of the questions addressed by a peer review committee, with the results publicly available. When there is no peer review, the differing conclusions will be represented in the agency deliberative documents for the decision makers' consideration.

IV. Ensuring Accountability:

The Executive Director has ultimate responsibility to ensure that all CPSC staff and contractors follow the CPSC Scientific Integrity Policy and are held accountable in the following areas:

1) CPSC will ensure correction of the scientific record and the records of administrative actions when allegations of a material loss of scientific integrity are substantiated.
2) CPSC will encourage and facilitate early informal or formal consultation with scientific integrity officials to seek advice on preventing a situation of concern, to determine if it is a potential violation of the Scientific Integrity Policy, and to ascertain if it should be referred elsewhere in the agency for resolution as stated below.
3) CPSC will provide clear guidance on how to formally and confidentially report concerns and allegations of Scientific Integrity Policy violations. In addition, staff are protected by whistleblower protection policies and procedures.
4) CPSC will document the necessary aspects for each step of the process including burden of proof, any necessary determination of intentionality, and reporting as well as the roles of the SIO and CPSC staff in the process.
5) The SIO and SIC will respond to grievances and allegations of compromised scientific integrity in a timely, objective, and thorough manner.

V. Scientific Integrity Grievance Procedures and Guidance:

In cases where staff assesses that scientific findings have been improperly suppressed, delayed, or altered; staff have the option to file a grievance with the SIC. The following provides guidance on procedures for staff to address perceived infractions of the integrity policy.

Eligibility for Filing a Complaint: Any CPSC staff person involved with the development, interpretation or technical review of scientific data or findings may begin the complaint process.

Submission of Complaint:

1) The concerned staff will meet with a member of the CPSC SIC to begin the complaint process. The concerned staff will provide an overview of the concern including a description of the project, the type of data generated, and the specific act or circumstance that staff considers a violation of the CPSC scientific integrity policy. Complaints must be filed no later than 180 calendar days after an incident of concern has occurred.

2) The SIC member will develop a written summary of the concern expressed by the staff and submit the written summary to the SIC lead for review and comment. The concerned staff will be provided with an opportunity to review the summary prior to submission to the SIC. The summary report must be provided to the filer within 30 calendar days of filing the complaint.

Complaint Review Process

1) The SIC will discuss the details of the complaint. The SIC members will provide feedback on the merits of the case and advise the SIC lead on whether the complaint should be dismissed or if further action is needed.

2) If any member of the SIC or the concerned staff believes that the details of the allegation and/or individuals involved present a disqualifying conflict of interest for the SIC under current standards governing conflict of interest as defined in statutes and implementing regulations, they may request that the SIO seek an independent review from outside the agency. Whether to seek an independent review is in the discretion of the SIO, who may seek advice from CPSC's Designated Agency Ethics Official.

3) Once the SIC or the independent reviewer has completed their review, they will develop a final summary. If the SIC or independent reviewer believes the complaint does not merit further action, they will provide a written response to the staff explaining their decision. If the case appears to have merit, a review and written summary, including recommendations for any remedial action will be forwarded from the SIC lead to the appropriate office(s).

4) Bringing an issue to the SIC does not limit an individual's ability to seek other avenues of resolution such as an EEO complaint or reporting to the Inspector General.

5) The SIC will publish an annual report of the complaints and cases reviewed by the SIC.

VI. Protections:

CPSC policy and Federal whistleblower protections protect CPSC staff and as appropriate CPSC contractors from retribution, retaliation or reprisal by:

1) Selecting and retaining candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, integrity, and other federal Merit System principles, and holding them and their supervisors to the highest standard of professional and scientific ethics.
2) Promoting diversity, equity, inclusion, and accessibility in the scientific workforce and creating safe workspaces that are free from harassment. CPSC supports scientists and researchers who advance the equitable delivery of Federal programs in concert with CPSC diversity, equity, inclusion, and accessibility efforts.
3) Ensuring that all employees and relevant contractors will receive scientific integrity information or training as new employees within their first full performance cycle after they are hired. CPSC will also provide training for personnel who propose, review, conduct, manage, and use the results of and communicate about science and scientific activities at least every 2 years.
4) CPSC provides annual training regarding Federal employees' whistleblower rights.

VII. Professional Development for Government Scientists:

CPSC encourages scientists and other CPSC employees involved in scientific activities to interact with the broader scientific community, in a manner that is consistent with Federal statutes, regulations, policies, rules of ethics, job responsibilities, and to the extent that is practicable given the availability of resources to support such interactions.

While CPSC generally does not utilize **Federal Advisory Committees** as described in the Federal Advisory Committee Act, the agency is committed to ensuring that the selection process for any similar scientific advisory group convened by CPSC, such as the Chronic Hazard Advisory Panel (CHAP) required by Sections 28 and 31 of the CPSA (15 U.S.C. section 2077 and section 2080(b)), be as transparent as practicable. "The selection of members to serve on a scientific or technical groups should be based on expertise, knowledge, and contribution to the relevant subject area. Additional factors that may be considered are availability of the member to serve, diversity among members, and the ability to work effectively on advisory committees. Committee membership should be fairly balanced in terms of points of view represented with respect to the functions to be performed" (OSTP 2010). In this process CPSC will also comply with current standards governing conflict of interest as defined in statutes and implementing regulations.

AGENCY SCIENTIFIC INTEGRITY ROLES & RESPONSIBILITIES

- **Executive Director** provides leadership for the agency on scientific integrity such as leading through example, upholding scientific integrity principles, and regularly communicating the importance of scientific integrity. The Executive Director is responsible for appointing the Scientific Integrity Official in consultation with the Chair, and for addressing the recommendations presented by the SIO. The Executive Director ensures that adequate resources are available to support this policy, that all CPSC staff comply with the Scientific Integrity Policy, and that the numbers of investigations and appeals involving alleged deviations from the policy are posted at least annually on a public-facing website of the agency.
- **Scientific Integrity Officer (SIO)** oversees implementation and iterative improvement of scientific-integrity policies and processes, serving as the primary Agency-level contact for questions regarding scientific integrity, and oversees the process for adjudication of allegations of violations. The SIO ensures that scientific integrity is appropriately monitored and evaluated, that staff are trained, that CPSC leadership are kept apprised of scientific integrity activities and reports directly to the Executive Director on the status of the implementation of this policy and all matters involving scientific integrity.
- **Scientific Integrity Committee (SIC)** is comprised of career staff who act as liaisons for their respective groups/directorates, assist with training and policy assessment, updates and amendments. SIC members will be available to fellow staff to address any questions or concerns related to scientific integrity issues.
- **Supervisors** ensure implementation of, compliance with, and accountability for, the aspects of the CPSC Scientific Integrity Policy. They provide leadership in support of responsible scientific conduct and report any alleged or suspected loss of scientific integrity to the SIO or designee. Supervisors may address noncompliance by utilizing administrative remedies and/or disciplinary actions (following due process for Federal employees) including but not limited to suspension, removal, reassignment, reduction in grade, and letter of reprimand.
- **CPSC Staff and Contractors** must adhere to accepted professional standards and practices of the relevant research/scientific communities to ensure scientific integrity. They must also be aware of

the principles contained in the CPSC Scientific Integrity Policy, how it applies to their job, and report any knowledge of suspected scientific integrity issues to the SIO.

- **Chief Human Capital Officer** forwards any allegations of noncompliance involving a Commissioner to the Office of Presidential Personnel. The SIO will forward any complaint involving a Commissioner to the Chief Human Capital Officer, rather than referring it to the SIC for review.

AUTHORITIES SUPPORTING THIS POLICY

- Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635
- 2002 Office of Management and Budget (OMB) Information Quality Guidelines
- 2005 OMB Information Quality Bulletin for Peer Review
- Presidential Memorandum to Heads of Executive Departments and Agencies, dated 03/09/2009
- Office of Science and Technology Policy Memorandum on Scientific Integrity, dated 12/17/2010
- Statement of Principles: Integrity of the US Consumer Product Safety Commission Staff's Scientific & Technical Work ballot dated 05/21/2013
- Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, dated 1/27/2021
- Prohibited Personnel Practices (5 USC § 2302(b))
- Pub. L. 101-12 --- The Whistleblower Protection Act (WPA) of 1989, as amended

EXCEPTIONS

This policy will be implemented consistent with and subject to all applicable federal law including provisions related to enforcement and litigation.

SCIENTIFIC INTEGRITY POLICY INTERSECTIONS WITH RELATED & SUPPORTING POLICIES

Scientific integrity officials, including but not limited to the Scientific Integrity Committee, shall have an awareness of policies and programs that intersect with the development of the culture of scientific integrity within the agency.

Additionally, CPSC has established polices that support and may intersect with scientific integrity. These intersecting policies include but are not limited to:

- CPSC Clearance Processes. CPSC utilizes clearance procedures when initiating the public disclosure of information that reflects on the safety of consumer products. The procedures apply to any release of information initiated by the Commission, including information disseminated on the agency's website, and applies to both oral and written disclosures. These procedures are intended to assure that written and oral information disseminated by the Commission, its staff, agents and representatives is in accord with the law and Commission policy.
- CPSC Personnel Practices. CPSC provides tools to recruit and select a well-qualified and diverse workforce. The employees are the backbone of the Commission and personnel practices are designed to enhance recruitment, training, and benefits to attract and retain the best. CPSC personnel practices reinforce that Federal employees are not authorized to take, direct others to take, recommend, or approve any personnel action that are prohibited under 5 U.S.C. § 2302(b)(1)-(b)(14), including taking a personnel action against any employee because of the exercise of an appeal, complaint, or grievance right.

- CPSC Whistleblower Protections - The Whistleblower Protection Act, as amended, provides whistleblower protection for government scientists who challenge censorship of scientific information or make whistleblower disclosures related to the integrity of scientific processes and ensures coverage of employees of government contractors, subcontractors, grant recipients, subgrantees and personal services contractors.