



Time Critical Ballot Vote Sheet

TO: The Commission
Alberta E. Mills, Secretary

DATE: June 17, 2025

THROUGH: Brien Lorenze, Executive Director

FROM: Matthew A. Campbell, General Counsel

SUBJECT: Commission Directions and Commission Policy Regarding Reductions in Force and Staff Details

TIME CRITICAL BALLOT VOTE DUE: June 17, 2025, at 2 pm

Attached for the Commission's consideration is a list of Commission directions and a Commission Policy Regarding Reductions in Force and Staff Details.

The Commission has designated this matter as time critical, pursuant to section V of the Commission's Decision-Making Procedures.

Please indicate your vote on the following options:

- I. Approve the attached Commission direction and policy as drafted.

(Signature)

(Date)

- II. Approve the attached Commission direction and policy, with the following changes:

(Signature)

(Date)

III. Do not approve the attached Commission direction and policy.

(Signature)

(Date)

IV. Take other action specified below.

(Signature)

(Date)

Attachment

Notwithstanding the Decision Making Procedures, the Commission directs as follows:

Despite the President's unlawful attempt to fire three Commissioners on the evening of May 8, 2025, the Commission continued to consist of five Commissioners from May 8 to the present. Order, *Boyle v. Trump*, 8:25-cv-01628-MJM (D. Md. June 13, 2025) ("President Donald J. Trump's purported termination of Plaintiffs Mary Boyle, Alexander Hoehn-Saric, and Richard Trumka Jr. from their roles as Commissioners of the Consumer Product Safety Commission ("CPSC") is ultra vires, contrary to law, and without legal effect."). Three Commissioners are—and have been—necessary to constitute a quorum for the transaction of Commission business. 15 U.S.C. § 2053(d). All matters that were presented to fewer than all five Commissioners for a vote from May 8, 2025 to the present were improperly presented and failed to receive support from a majority of the Commission. The results of any votes on such matters are therefore null and void, unless otherwise specified below.

The Commission directs as follows:

- On June 18, 2025, staff shall submit a proposed Performance Budget Request to the Commission for a ballot vote due on June 25, 2025 at 5:00 p.m. This vote cannot be extended or converted to a decisional except by majority vote of the Commission.
- A public Mid-Year Decisional is hereby rescheduled for June 25, 2025 at 10:00 a.m. This vote cannot be extended or converted to a ballot except by majority vote of the Commission.
- By Friday, June 20, 2025, staff shall prepare and send to the *Federal Register* for publication a notice announcing that the Commission will conduct a hybrid public hearing concerning the Commission's agenda and priorities for fiscal years 2026 and 2027 on July 16, 2025, at 10:00 a.m. Further, the notice shall reopen the public registration and comment period until 5:00 p.m. on July 9, 2025.
- Any Records of Commission Action for votes taken between May 8, 2025, and the present shall be updated by the Secretary no later than 5:00 p.m. today to indicate that any decisions purportedly taken are null, void, and of no effect.
 - Notwithstanding the above, any Compliance Actions taken during that time period with the approval of two Commissioners—including recalls and Corrective Action Plans—is now approved by the full Commission and shall remain in effect unless the full Commission takes further action.
 - In addition, notwithstanding the above, the *Federal Register* Notices titled "Agency Information Collection Activities; Proposed Collection; Carbon

Monoxide Poisoning and Prevention Grant Application Program” and “Agency Information Collection; Proposed Collection; Pool Safely Grant Program Application” that were approved by two Commissioners on June 3, 2025, are now approved by the full Commission and shall remain in effect.

- No later than 5:00 p.m. today, the Secretary shall notify the Office of the Federal Register that the vote by only two Commissioners on May 13, 2025 to withdraw CPSC’s *Notice of Proposed Rulemaking to Establish a Safety Standard for Lithium-Ion Batteries in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries* (NPR on Lithium-Ion Batteries) is null and void and direct publication of the NPR on Lithium-Ion Batteries that was adopted by the Commission on April 30, 2025.
- No later than 5:00 p.m. tomorrow, June 18, 2025, the Executive Director shall provide all Commissioners with: (1) a list of all contracts that were cancelled between May 8, 2025 and the present, with a description of the work and dollar amounts for each contract; and (2) a status update on the contracts for projects that two Commissioners supported via a ballot vote due on May 21, 2025 titled “Ballot Vote: Fiscal Year 2025 Proposed Operating Plan Alignment and Midyear Review.” All activity to implement that ballot vote shall be paused until further notice from a majority of the Commission.
- The following policy is adopted by the Commission, effective immediately:

Commission Policy Regarding Reductions in Force and Staff Details

Notwithstanding the Directives or other policies governing the Commission, no actions may be taken towards Reduction-in-Force of CPSC staff without a majority vote of the Commission. Any actions to implement or initiate Reductions in Force that are underway must be withdrawn immediately unless approved by a majority vote of the Commission.

Notwithstanding the Directives or other policies governing the Commission, any individual who is detailed or otherwise onboarded to the CPSC for the express purpose of facilitating compliance with President Trump’s January 20, 2025, Executive Order, *Establishing and Implementing the President’s Department of Government Efficiency*, must be approved by a majority vote of the Commission.

Any staff who have been hired, detailed, or otherwise placed at CPSC for the express purpose of carrying out *Implementing The President’s “Department Of Government Efficiency” Cost Efficiency Initiative* Executive Order without majority approval by the full Commission are hereby terminated effective immediately and their access to digital

systems and CPSC's physical premises shall be immediately revoked. Security shall ensure that they are securely removed without damage to CPSC property.

It is the policy of the Commission that no staff shall be hired, detailed, or otherwise placed at CPSC for the express purpose of carrying out *Implementing The President's "Department Of Government Efficiency" Cost Efficiency Initiative* Executive Order without approval by a majority vote of the Commission.

- No later than 5:00 p.m. tomorrow, June 18, 2025, CPSC's Chief Information Officer shall submit to all Commissioners an audit log containing the activities of Nate Cavanaugh, Justin Fox, and/or any person brought to CPSC for the purpose of carrying out *Implementing The President's "Department Of Government Efficiency" Cost Efficiency Initiative* Executive Order and who may have accessed and/or exfiltrated CPSC data from May 8, 2025 to the present. The Chief Information Officer shall assist Commissioners in interpreting and understanding what actions were taken with respect to CPSC's data systems during that period.