

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
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AMAZON.COM, INC.)	CPSC DOCKET NO. 21-2
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)	
Respondent)	
)	

**ORDER DENYING AMAZON.COM, INC.’S
MOTION TO STAY**

In a letter dated August 1, 2024, Amazon.com, Inc. (Amazon) requested that the U.S. Consumer Product Safety Commission (Commission): (1) stay any and all portions of its July 29, 2024¹ Decision and Order (July 29 Order) that are deemed to be final while Amazon attempts to negotiate a Proposed Notification Plan and Proposed Action Plan with Complaint Counsel, and (2) stay any forthcoming order on the Proposed Notification Plan and Proposed Action Plan (Final Order), once issued, pending judicial review. Dkt. No. 143. On August 6, 2024, the Commission deemed Amazon’s letter to be a motion under the Commission’s regulation at 16 C.F.R. § 1025.23. Dkt. No. 144. Complaint Counsel submitted an Opposition to Amazon’s motion on August 9, 2024. Dkt. No. 145.

The Commission has the authority to issue a stay under 5 U.S.C. § 705. Upon consideration of Amazon’s Motion to Stay the July 29 Order and Complaint Counsel’s Opposition thereto, the Motion is DENIED. Under the terms of the July 29 Order, the only action currently required of Amazon is to develop, in consultation with Complaint Counsel, and submit to the Commission for review and approval, a Proposed Notification Plan and a Proposed Action Plan regarding the Subject Products (the proposed plans). Amazon’s statement in its motion that it will “attempt[] to negotiate [the proposed plans] with Complaint Counsel as directed by the Commission,” Dkt. No. 143, confirms that there is no reason to grant the stay.

Further, upon consideration of Amazon’s Motion to Stay the Final Order and Complaint Counsel’s Opposition thereto, the Motion is DENIED without prejudice. Amazon’s request is premature because Amazon has not yet submitted the proposed plans to the Commission for review and approval and states that it intends to do so. Dkt. No. 143. Moreover, the Commission has not yet issued the Final Order regarding these plans, as required by the July 29 Order. Nevertheless, as permitted by 16 C.F.R. § 1025.57(a), the Commission will specify an effective date in the Final Order that will allow sufficient time for Amazon to submit a motion to stay that order and for the Commission to rule on such motion, if filed.

¹ The Commission issued the Decision and Order on July 29, 2024 and the Secretary served the parties on July 30, 2024.

SO ISSUED this 16th day of August, 2024.

FOR THE COMMISSION,

Alberta E. Mills
Secretary
Consumer Product Safety Commission