

## Senate Commerce Committee Nominee Questionnaire, 117th Congress

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

### A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Richard Louis Trumka Jr.

2. Position to which nominated:

Commissioner, Consumer Product Safety Commission

3. Date of Nomination:

July 15, 2021

4. Address (List current place of residence and office addresses):

a. Home:

b. Office: 200 C Street, S.W., Washington, DC 20024

5. Date and Place of Birth:

July 11, 1984; Silver Spring, MD

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

a. Spouse:

Jessica Trumka, Stay-At-Home Parent

b. Children:

7. List all college and graduate degrees. Provide year and school attended.

a. Cornell University, B.S. in Industrial and Labor Relations, 2006

b. Georgetown University Law Center, J.D., 2009

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

a. House Committee on Oversight and Reform, Subcommittee on Economic and Consumer Policy – General Counsel & Staff Director

b. Maryland Office of the Attorney General, Consumer Protection Division – Assistant Attorney General

c. Steptoe & Johnson LLP – Associate

d. United States District Court for the Eastern District of Pennsylvania, Judge Berle Schiller – Judicial Law Clerk

e. Steptoe & Johnson LLP – Summer Associate

f. Bredhoff & Kaiser, P.L.L.C. – Summer Associate

g. Mascaro Construction – Laborer

9. Attach a copy of your resume.

Attached

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed

above, within the last ten years.

None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

None.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

None.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- a. Maryland State Delegate Scholarship
- b. Rapoport Fellowship
- c. Sigma Alpha Lambda

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

None.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

- a. LinkedIn: Richard Trumka Jr. (current) <https://www.linkedin.com/in/richard-trumka-jr-979b9a188/>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

None.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Consumer protection is my passion and I have been fortunate enough to make it my career. As the General Counsel & Staff Director of the House Oversight Subcommittee on Economic and Consumer Policy, I have been working at the intersection of consumer protection and public health, focusing much of my work on products that hurt children.

As a father of two young kids, the issues are close to home. Earlier this year, the Subcommittee issued a staff report about the presence of toxic heavy metals in baby food (inorganic arsenic, lead, cadmium, and mercury). The Food and Drug Administration has since taken up the issue as a Commissioner-level priority, creating the "Closer to Zero" Action Plan. Closer to Zero's goal is to reduce the levels of these neurotoxins in baby foods to the lowest levels possible, and it sets timelines by which FDA will issue maximum allowable limits for each metal. The Subcommittee also published a staff report on children's car booster seats and the risk that they pose to children who are placed in them prematurely. There is a long-standing consensus, among the National Highway Traffic Safety Administration and other experts, that car booster seats are unsafe for children under 40 pounds. Despite that, many products were still being marketed as safe for children as light as 30 pounds, which presented a very serious risk of injury. After the Subcommittee's investigation, all of the manufacturers that we investigated have since voluntarily moved to a 40-pound standard.

A number of the other health and safety-related investigations that I have worked on have focused on children. Examples include investigations into: the presence of carcinogenic asbestos in products like Johnson and Johnson's talc Baby Powder; pet products that have allegedly caused harm to not only dogs and cats, but also to the children that play with them; the youth vaping epidemic; dating apps; and children's online safety and wellbeing.

Prior to my role on the Oversight Committee, I was an Assistant Attorney General in the Consumer Protection Division of the Maryland Office of the Attorney General. In that role, I enforced Maryland's consumer protection laws on behalf of consumers. My cases ranged from scams like moving companies that gave lowball quotes then held consumers' belongings hostage to extract higher prices, to data breach cases of national scope, like the Equifax data breach. In data breach cases, many state attorneys general team up and conduct "multistate investigations" into the suspected consumer protection violations. I served in leadership roles on many of those multistate data breach investigations. In doing so, I had the pleasure of working with colleagues from a large and diverse group of states. The experience proved to me that when we focus on protecting consumers, partisanship does not come into play—we all want to keep consumers safe.

I wish to serve as a Commissioner on the Consumer Product Safety Commission because protecting consumers is my passion, it is CPSC's mission, and it would be my privilege to help CPSC fulfill that mission.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

A primary responsibility would be to ensure that taxpayer dollars are used effectively to carry out CPSC's core mission of protecting consumers. Coming from the House Oversight Committee, I take waste, fraud, and abuse very seriously. If confirmed as a Commissioner, I would bring my oversight mentality to CPSC. I would also support the Chairman in every way possible, including by lending my experience examining agency programs for efficiency and effectiveness. On the Economic and Consumer Policy Subcommittee, I lead a small team with a big mission, and I will bring that mindset to CPSC.

22. What do you believe to be the top three challenges facing the department/agency, and why?

One challenge is ensuring that bad actors are not selling recalled products and that safety issues are reported to CPSC expeditiously. Sale through e-commerce platforms requires CPSC's continued attention and enforcement.

Another challenge is working to take speedy action to address pressing consumer threats. Establishing that the Commission is willing to use all of the tools that Congress has given it will help meet that challenge. And we should ensure that investigations into defective products are proactively identifying concerns.

Another challenge is effectively delivering our message to consumers. It is critical to convey important information to consumers succinctly and understandably. If a low percentage of consumers are exercising the options offered in particular recalls, I would like to examine why.

## **B. POTENTIAL CONFLICTS OF INTEREST**

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

- a. I have an unvested cash balance in a pension account from my former employer, the State of Maryland. I do not receive distributions, and the account will not vest.

- b. I have a 401(k) account through my former employer, the State of Maryland. I do not receive distributions.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with CPSC's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

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4. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the CPSC's DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with CPSC's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

On behalf of the Maryland Office of the Attorney General, I testified in support of a number of bills in public hearings before committees of the Maryland General Assembly.

## **C. LEGAL MATTERS**

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group?

No.

If yes:

- a. Provide the name of agency, association, committee, or group;
  - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
  - c. Describe the citation, disciplinary action, complaint, or personnel action;
  - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.
    - a. A 2006 charge of driving while intoxicated/ driving under the influence/ operating while impaired was dismissed or *Nolle Prosequi*.
    - b. A 2006 non-criminal citation for disorderly conduct. Resolved with payment of \$100 fine.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

3. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

4. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

#### **D. RELATIONSHIP WITH COMMITTEE**

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.


4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

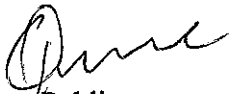
(Nominee is to include this signed affidavit along with answers to the above questions.)

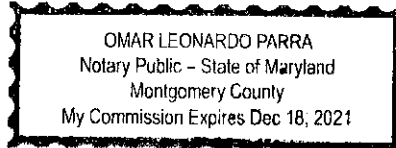
**F. AFFIDAVIT**

*Richard Trumka* being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

  
Signature of Nominee

Subscribed and sworn before me this *16<sup>th</sup>* day of *July*, 2021 .

  
Notary Public  
*December 18, 2021*



# RICHARD L. TRUMKA JR.

## EXPERIENCE

### **General Counsel & Staff Director**

March 2019-Present

U.S. House Committee on Oversight and Reform, Economic and Consumer Policy Subcommittee

- Conduct investigations, draft public reports, and plan Subcommittee hearings
- Prepare Subcommittee members for hearings, draft opening statements and questions for witnesses
- Supervise and manage Subcommittee staff
- Focus on the intersection of consumer protection and public health:
  - Investigation into toxic heavy metals in baby foods helped spur the creation of FDA's "Closer to Zero" program to reduce arsenic, lead, cadmium, and mercury levels in baby foods
  - Investigation into the youth vaping epidemic revealed evidence of JUUL's wrongdoing and youth-targeting; led to FDA issuing warning letters to JUUL and Puff Bar for improper marketing; and helped prompt FDA to issue a guidance document barring many kid-friendly e-cigarette flavors
  - Children's booster seat safety investigation led to U.S. manufacturers voluntarily adopting safer minimum occupant weight standards, increasing the minimum weight from 30 pounds to 40 pounds
  - Investigated asbestos in Johnson & Johnson talc-based Baby Powder; the company has since discontinued sales of the product
- COVID-19 oversight has resulted in:
  - Exposure of waste, fraud, and abuse in a ventilator procurement contract that resulted in taxpayer savings of over \$400 million
  - Oversight of FDA's early COVID-19 antibody testing policy resulted in FDA improving the policy
- Other investigations have included: organ procurement, financial products, higher education, cybersecurity, food insecurity, online dating apps, and children's online safety

### **Assistant Attorney General, Consumer Protection Division**

October 2015-March 2019

Maryland Office of the Attorney General

- Prosecuted violations of Maryland's consumer protection laws
- Privacy and Cybersecurity: Helped lead multi-state data breach investigations (joint investigations on behalf of coalitions of 35-48 state Attorneys General), including cases against Equifax (\$600 million settlement), Uber (\$148 million settlement), Target, Adobe, and Nationwide Insurance
- Drafted legislation on consumer protection issues, including successful amendments to the Personal Information Protection Act
- Testified before committees of the Maryland legislature on consumer protection and economic issues
- Member of the Attorney General's Diversity Committee, Hiring and Retention Subcommittee

### **Associate, Litigation Group**

August 2010-October 2015

Stephens & Johnson LLP

- Focused on ERISA litigation and advice, representing Taft-Hartley plans and their trustees
- Participated in a range of litigation matters
- Served on Hiring Committee; as Associate Mentor; and as Summer Associate Mentor

### **Judicial Law Clerk**

August 2009-August 2010

Honorable Berle M. Schiller, U.S. District Court for the Eastern District of Pennsylvania

- Drafted opinions and orders on docket of 35-40 civil cases and 10-15 criminal cases
- Counseled the Judge on matters pending before the Court

## EDUCATION

### **Georgetown University Law Center** J.D. 2009, Cum Laude

- American Criminal Law Review, Articles and Notes Editor
- Clinics: Institute for Public Representation: Civil Rights Division; and Street Law

### **Cornell University** B.S. in Industrial and Labor Relations, 2006

- Member of the football team