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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

September 30, 2021

The Honorable Robert Adler
Acting Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Acting Chairman Adler:

The Consumer Product Safety Commission (CPSC) today issued a document stating that, following a review you requested, the CPSC Acting General Counsel declared the September 24 vote to approve the Commission's Fiscal Year 2022 Operating Plan null and void. The document provides no supporting information for this decision other than the claim that "Decision Making Procedures were not followed." Before this apparent nullification, the Commission had voted 2-1 to approve the Operating Plan with certain amendments.

There is no way to interpret this action except as a brazen act of sabotage by an acting Chairman who found himself on the losing side of a vote. During my tenure as Ranking Member and formerly as Chairman of the Senate Commerce Committee, which has oversight jurisdiction over the CPSC, I have never seen a vote by the Senate-confirmed commissioners of an independent agency nullified by an Acting General Counsel.

This action would be gravely troubling no matter the subject of the vote, but I am especially disappointed that it will now impact the CPSC's ability to implement needed improvements to its operations. The amended Operating Plan approved on September 24 includes directives to implement recommendations made by the CPSC Inspector General in response to the 2019 data breach that was the subject of an investigation by my staff last Congress. The plan would also add 27 new port inspectors to make up for last year's lapses in screening for potentially dangerous products coming through our ports. In addition, the plan requires CPSC to turn away from a misguided effort to increase its presence on the Chinese-owned social media platform TikTok. These and other vital improvements to CPSC's operations are now at risk.

With mere hours remaining before the start of Fiscal Year 2022, I urge you to refrain from pursuing this disruptive course and allow the CPSC to adopt its Operating Plan as amended by majority vote of the Commission.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, reading "Roger F. Wicker". The signature is written in a cursive style with a prominent loop at the end of the last name.

Roger F. Wicker
Ranking Member
Senate Committee on Commerce,
Science & Transportation