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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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October 16, 2019

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

Dear Acting Chairman Adler,

On Friday, April 12, 2019, the Consumer Product Safety Commission (CPSC) announced that it had discovered that nonpublic information had been released in error. This private information was released to the public without following the procedures of Section 6(b) (15 U.S.C § 2055 (b)) of the Consumer Product Safety Act (CPSA).

On April 15, Manufacturing, Trade, and Consumer Protection Subcommittee Chairman Jerry Moran and I sent then-Acting Chairman Ann Marie Buerkle a letter requesting additional information about these disclosures. After we received her response on April 30, a senior CPSC official informed committee staff of apparent inaccuracies in then-Acting Chairman Buerkle's letter. A second senior CPSC official expressed concerns with the then-Acting Chairman's conduct on this issue. On May 30, Subcommittee Chairman Moran and I sent a second letter requesting additional information on this matter. Then-Acting Chairman Buerkle responded on June 14 with some of the requested documents and wrote in her accompanying letter that document production would be ongoing.

Under my direction, committee staff has conducted a thorough review of then-Acting Chairman Buerkle's two letters and the documents she produced. Committee staff has also interviewed the staff responsible for the disclosures. Committee staff concluded this investigation this month, determining that accidental disclosures violating section 6(b) of the CPSA occurred because of a lack of formal training, ineffective management, and poor information technology implementation at CPSC rather than deliberate malfeasance by CPSC employees.

The lack of formal training on section 6(b) requirements for frontline CPSC employees is of particular concern. Some employees interviewed during the investigation reported learning of these requirements for the first time only after the improper disclosures were discovered. These employees were also provided a set of three difficult, often idiosyncratic software applications that convoluted the process of accessing and processing the relevant data, increasing the likelihood of inadvertent disclosure.

These findings are concerning. As then-Acting Chairman Buerkle wrote in her June 14 letter, CPSC's Office of Inspector General (OIG) is investigating these matters further. I look forward to reviewing the OIG's report and to working with you and your staff to improve CPSC's internal processes and protect the consumers and manufacturers that entrust their sensitive information with CPSC. I have attached the committee's investigative report for your reference.

Should you or your staff have any questions, please contact Olivia Trusty with the Senate Commerce Committee staff at (202) 224-1251.

Sincerely,



Roger F. Wicker  
Chairman

Enclosure

- CPSC Section 6(b) Data Handling Investigative Report