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ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

March 4, 2024

The Honorable Alexander Hoehn-Saric
Chairman
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chairman Hoehn-Saric:

Pursuant to Rules X and XI of the U.S. House of Representatives, we write to request information from the United States Consumer Product Safety Commission (CPSC) related to political and career CPSC staff participation with the activities of the International Consumer Product Health and Safety Organization (ICPHSO).

It has come to the Committee's attention that ICPHSO held its 2024 Annual Meeting and Training Symposium at the Hyatt Regency Grand Cypress Hotel in Orlando, Florida, from February 19-22.¹ According to the schedule, eight CPSC employees spoke on various days throughout the entirety of the conference.² In addition to the scheduled participation of CPSC career and political staff, it is the Committee's assumption that staff not speaking on panels may have also attended the conference.

In previous years, and in 2024, CPSC leadership made policy announcements at this conference for the limited audience who pay the admission fee, which is at least \$1,000 a person.³ Making such announcements behind a paywall runs counter to government sunshine policies and CPSC's goal of providing the public with more transparency.

¹ ICPHSO, 2024 Annual Symposium, https://icphso.org/page/2024_Annual_Symposium (last visited Jan. 1, 2024).

² ICPHSO, 2024 annual meeting and training schedule, <https://2024annualmeetingandtrainin.sched.com/> (last visited Jan. 1, 2024).

³ Cheryl A. Falvey, Matthew Cohen, Rebecca Baden Chaney, Rachel Raphel, and Jessica Gilbert, CPSC Chair Hoehn-Saric Addresses Annual Product Safety Conference, *Products Law Observer* (Feb. 20, 2024), <https://www.retailconsumerproductslaw.com/2024/02/cpsc-chair-hoehn-saric-addresses-annual-product-safety-conference/>; Sean Oberle, Innovative Consumer Notification is a CPSC Theme at ICPHSO, *Product Safety Letter* (Feb. 2023), <https://productsafetyletter.com/Content/8802.aspx>; Sean Oberle, 30 Years: ICPHSO 2023 Meeting and Training Symposium, *Product Safety Letter* (March 2023), <https://productsafetyletter.com/Content/8813.aspx>; Sean Oberle, CPSC's Speed-up Trend Is Intentional, *ICPHSO Attendees Hear*, *Product Safety Letter* (Feb. 2022),

In furtherance of promoting transparency for the public regarding the activities of the CPSC, please promptly provide answers to the following questions by March 18, 2024.

1. Did you, or other CPSC attendees, announce any new CPSC policy positions or make announcements for the regulated community in attendance at the 2024 Conference?
 - a. If “yes,” what consultation, including but not limited to time allotted and level of input, occurred amongst all the commissioners?
 - b. If “yes,” what was the process for consultation with outside stakeholders prior to announcing these positions?
 - c. If “yes,” what will the CPSC do in conjunction with this closed function to alert regulated entities of these positions and announcements if they were not in attendance?
 - i. Will there be an opportunity for members of the public to ask questions about the announcements?
 - d. If “no,” what positions and announcements occurred before this closed conference began? Please answer whether the beforementioned consultation occurred.
2. How many CPSC staff participated in panels or meetings scheduled during the conference?
 - a. How many CPSC staff hours were used to prepare for participation in the conference?
 - b. How many days of the conference did CPSC staff attend?
 - c. Were CPSC staff required to spend a certain amount of time attending official conference programming per day?
 - d. Can you share itineraries for staff in attendance, including travel plans, panels attended, and any networking events that they may have participated in?
3. How many CPSC staff, who were not participating in panels, attended the conference?
 - a. How many CPSC staff hours were used to prepare for participation in the conference?
 - b. How many calendar days of the conference did CPSC staff attend?
Were CPSC staff required to spend a certain amount of time attending official conference programming per calendar day?
4. Has CPSC explored hosting such a day of programming at their headquarters, and making it open to the public and free of charge?

<https://productsafetyletter.com/Content/8284.aspx>; Sean Oberle, ICPHSO 2022 Features Sustainability, Recall Effectiveness, More, Product Safety Letter (March 2022), <https://productsafetyletter.com/Content/8317.aspx>; Sean Oberle, ICPHSO Urges CPSC to Continue Interaction and Participation, Product Safety Letter (March 2022), <https://productsafetyletter.com/Content/8318.aspx>; Sean Oberle, ICPHSO 2021: New Tech, Sustainability, Accessibility, COVID-19, More, Product Safety Letter (March 2021), <https://productsafetyletter.com/Content/7835.aspx>; Sean Oberle, 2020 ICPHSO: Flying the Flag for Product Safety in Florida, Product Safety Letter (March 2020), <https://productsafetyletter.com/Content/7274.aspx>; Sean Oberle, Buerkle Tells ICPHSO of Budget and Tech Challenges, Product Safety Letter (March 2019), <https://productsafetyletter.com/Content/6429.aspx>; Sean Oberle, ICPHSO Celebrates 25th Anniversary, Announces Leader Rotation, Product Safety Letter (Feb. 2018), <https://productsafetyletter.com/Content/5566.aspx>; Carol Roberts and Fergal Duggan, ICPHSO Conference Features Many International Themes, Product Safety Letter (March 2018), <https://productsafetyletter.com/Free/5586.aspx>; *Supra* note 3.

5. Are there meeting logs for any CPSC staff and Commissioner meetings that would have to be disclosed publicly if they were not held during the conference – regardless of if the meeting was scheduled in advance or more of an informal gathering?⁴
6. Do you know if the conference was behind a paywall for members of the public to view any of the panels where CPSC staff members spoke or participated?
 - a. In the past, were such panels all on the same calendar day(s) and behind a paywall?
 - i. If “yes,” please explain how this furthers agency transparency.
 - b. Is there such a paywall or discounted rate for ICPHSO members?
7. Were CPSC attendees who were speakers charged the full admission fee or did they receive a discounted rate due to their participation in the conference?
 - a. Was there a rate for government attendees?
 - b. Did any CPSC staff pay for membership in ICPHSO to receive discounted pricing for conference attendance?
 - i. If “yes,” how much money was spent on ICPHSO staff memberships across the board, including any CPSC staff not attending this conference?
8. Please provide an itemized breakdown of the cost per CPSC attendee (hotel, airfare, per diem, conference admission fee, ICPHSO membership fee, rental car, taxi or ride shares, etc.). Please provide an exact number, not an average price per participant, and a total cost to the Commission for all participants and attendees.
9. Provide the number of CPSC staff hours dedicated to ICPHSO participation, preparation, and any travel comp time hours for attendees.⁵ What is the total cost of such hours and comp time to the Commission?
10. Who were the sponsors of the conference?
 - a. Were any of the sponsors members of CPSC’s regulated community?
 - b. Do any of the sponsors have pending litigation against the agency?
11. Do any sponsors have pending litigation with the Commission, and did they sponsor specific panels or events where CPSC staff were featured? Does this create a conflict of interest, or at least the appearance of a conflict of interest?
12. Please provide a list of any CPSC employees that hold leadership positions within ICPHSO.
 - a. If any, please provide a detailed accounting of the duties, tasks, and hours involved in such a leadership position.
 - i. Is this done as an extracurricular activity or a part of official duties (on the clock time of the agency) of such federal employment?
 - ii. Please provide a list of regulated entities that are also represented in such leadership activities.

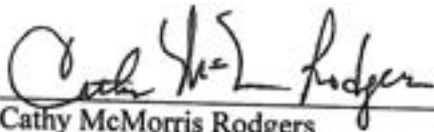
⁴ U.S. Cons. Proud. Safety Comm’n, Directive Number D317, September 20, 2019, available at: <https://www.cpsc.gov/s3fs-public/D317.pdf?SLuZmQyn6Ikblu27o14O6ynNn7iMObDe>.

⁵ U.S. Gov. Services Agency, Travel and Leave, <https://handbook.tts.gsa.gov/travel-and-leave/overtime/#travel-comp-time> (last accessed Jan. 1, 2024).

- b. Are these employees who serve on the board of directors aware of, and did they participate in discussions related to approval, ICPHSO's policy of subsidizing or paying for safety advocates to attend the conference at a subsidized rate or all expenses paid?
- i. Are any of the other members of the board of directors representing members of CPSC's regulated community?
 - ii. Do any such representatives have pending litigation against the agency?

Please provide the Committee with responses to these questions, and any related materials, no later than March 18, 2024. If you have any questions, please contact the Energy and Commerce Committee, Subcommittee on Innovation, Data, and Commerce Majority staff at (202) 225-3641.

Respectfully,



Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce



Gus M. Bilirakis
Chairman
Subcommittee on Innovation, Data, and
Commerce