

**Questions for the Record - Commissioner Richard L. Trumka Jr.**  
**Consumer Product Safety Commission**

**QFRs from the Honorable Cathy McMorris Rodgers**

1. During an exchange with Rep. Lesko, you asserted that you were not sure about a tweet she referred to about your support of legislation to ban fossil fuels and phase gas stoves out of homes.
  - a. Can you reconcile screen shots of the tweets and quotes from articles below with that statement?

i.



ii.



iii.



iv.



v.

The Consumer Product Safety Commission is weighing federal action on gas stoves, Bloomberg reports. Details of any potential proposal are light, but as Commissioner Richard Trumka Jr. told Bloomberg, “Any option is on the table. Products that can’t be made safe can be banned.” To begin the process, the agency intends to open a public-comment period on the hazards of natural-gas stoves in March. People may have a lot to say.<sup>1</sup>

vi.

We’re a ways off from any kind of federal proposal — Trumka told Bloomberg that the end of 2023 may be a rushed estimate — but localities<sup>2</sup> across the country have introduced regulations of their own. New York City’s

**Response to Chair McMorris Rodgers’ QFR 1(a)(i)-(vi):** Rep. Lesko stated that I “tweeted [my] support for legislation to ban fossil fuels and phase gas stoves out of homes.” I did not—the statements listed in parts (i) through (vi), above, do not relate to “legislation to ban fossil fuels and phase gas stoves out of homes.”

**QFRs from the Honorable Gus Bilirakis**

- 1. Commissioner Trumka, it has been publicly announced that necessary SawStop patents would be released by the patent holder for use without charge in the public domain. Do you know for a fact that is the case?**
  - a. If so, please provide meeting logs and notes for such meetings. The only one properly noticed seems to be a joint meeting with Steve Gass and Consumer Groups on October 16, 2023.**
  - b. Were there additional meetings beyond or before the October 16, 2023 meeting, which included the same attendees either individually or collectively to discuss the table saws rulemaking or any patent rights? If so, provide meeting logs and notes and explain why they were not noticed.**

**Response to Chair Bilirakis’ QFR 1(a)-(b):** My knowledge of this subject is based on: (1) the public comments made by SawStop during the Commission’s February 28, 2024 Public Commission Meeting to receive comments on the Agency’s Supplemental Notice of Proposed Rulemaking to Address Blade Contact Injuries from Table Saws, and (2) an April 2, 2024 Letter from SawStop CEO Matt Howard to CPSC Chair Alexander Hoehn-Saric, in which SawStop states a commitment “to dedicate U.S. Patent 9,724,840 to the public when a final rule as described in the Commission’s recent supplemental notice of proposed rulemaking to address blade contact injuries on table saws becomes effective.” In that letter, SawStop also “commit[ted] not to enforce U.S. Patent 9,724,840 against manufacturers for making table saws between when the final rule is published in the Federal Register and when the final rule becomes effective.” I have not had discussions on this issue at other meetings.

- 2. This question pertains to the Commission’s enforcement practice, which includes pursuing civil penalties for late reporting of potential product safety hazards to the CPSC. The Committee is concerned with inconsistent enforcement against American businesses.**

**In the past four years, the CPSC has levied 11 penalties against companies founded and operating in the United States. The CPSC recently targeted an Oklahoma family’s small business that sells children’s products, before an independent adjudicator dismissed the CPSC’s case. You have praised CPSC’s increased aggressiveness as “no small feat.”**

**Out of concern of the cost to business, Congress has limited the maximum penalty that the Commission may impose at approximately \$17 million for a related series of violations.**

**You support efforts to increase that limit, and a bill to raise the limit has been introduced in Congress, but it is not the law. Despite this, we have heard concerning reports that your staff is demanding sums above the statutory cap to resolve matters.**

- a. This seems to be at odds with your written testimony. How are bad actors being held accountable when there is no consistency to the fines levied?**

**Response to Chair Bilirakis’ QFR 2(a):** Pursuant to Section 20(b) of the Consumer Product Safety Act, in determining the amount of any civil penalty, “the Commission shall consider the nature, circumstances, extent, and gravity of the violation, including the nature of the product defect, the severity of the risk of injury, the occurrence or absence of injury, the number of defective products distributed, the appropriateness of such penalty in relation to the size of the business or the person charged, including how to mitigate undue adverse economic impacts on small businesses, and such other factors as appropriate.” The Commission has been consistent in its application of this framework. You correctly note my support for raising the maximum civil penalty amount that we can secure for the U.S. Treasury. It is necessary because \$17 million is too low to deter big companies from breaking the law—it’s too easy for them to write off that sum as the cost of doing business. It is also at odds with

the task that Congress assigned to us under the CPSA. Under CPSA Section 20(b), in considering a civil penalty amount, we are required to consider “the appropriateness of such penalty in relation to the size of the business.” That creates no problem in appropriately tailoring penalties to small businesses that violate our laws. However, the ~\$17 million cap blocks us from appropriately tailoring penalties to big businesses. Raising the maximum penalty would level the playing field.

**3. What is CPSC currently doing to ensure the independence of third-party testing labs abroad, including countries like China that don’t always respect the rule of law and whistleblower protections of foreign jurisdictions.**

**a. Can CPSC guarantee the independence of these third-party labs?**

**Response to Chair Bilirakis’ QFR 3(a):** With the tools given to us, I do not know how we could. CPSC’s program, as promulgated at 16 CFR 1112, relies on reviewing the paper documentation provided by the labs themselves and checking whether the lab is accredited by an accrediting body. Considering the source of the information and our limited ability to corroborate, I am not sure how accurately we can judge independence. One thing that I have asked for with past applications is evidence of any employees who work for a lab who previously worked for a manufacturer whose products the lab tests, and vice versa. Evidence of movement back and forth could point to a lack of independence. But the answers to questions like these still rely on self-reporting by the labs. There are over 670 labs in over 50 countries, including countries with poor product safety track records. To my knowledge, we do not conduct in-person audits of these labs, and indeed, we cannot. To conduct those would require a significant budget increase, given our dire funding shortfall.

**b. What type of due diligence is done when granting initial and renewal applications?**

**Response to Chair Bilirakis’ QFR 3(b):** CPSC staff look at the labs’ paper applications. They check accrediting bodies’ online listings to see if the lab is approved by an accrediting body to conduct the tests it is applying to conduct. If not, they contact either the lab or the accrediting body.

In cases where specific misconduct has been suspected or found, CPSC can take and has taken action under 16 CFR 1112, Subpart D, “Adverse Actions: Types, Grounds, Allegations, Procedural Requirements, and Publication.” In 2023, CPSC removed 19 labs provisionally due to alleged misconduct, and subsequently 2 remain withdrawn. The CPSC website was updated to list [Labs with Adverse Action Taken by CPSC](#) (though they may reapply for acceptance accreditation pursuant to 16 C.F.R. § 1112.13 with additional requirements.)

- c. Historically, application renewals were delegated to career staff, not requiring a Commission vote, and reviewed as a matter of course. Do you support automatic renewals by career staff?**

**Response to Chair Bilirakis’ QFR 3(c): No.**

- 4. In the hearing you said that you are unaware of meeting requests from the ATV industry.**

**We have copies of at least eight letters and emails sent to your email inbox between 2021 and present requesting meetings. How were you unaware of these meeting requests? Do you regularly monitor and respond to emails sent to the account provided to you by CPSC? If not, what email account do you use to conduct official business?**

- a. Since being sworn in, how many in person or virtual meetings have you held with industry representatives? How many meetings has your staff held with industry representatives?**
- b. Meeting Logs indicate you have only noticed 20 of these meetings. Is this correct?**
- c. Since being sworn in, how many in person or virtual meetings have you held with consumer advocates? How many in person or virtual meetings has your staff held with consumer advocates?**
- d. Please share copies of all meeting requests you have received by U.S. Mail and electronic mail since you were sworn in as a commissioner.**

- e. **Please provide meeting logs and meeting notes for such meetings and indicate if the meeting was noticed and if not the reason and if you cleared with the Office of the General Counsel.**

**Response to Chair Bilirakis' QFR 4(a)-(e):** I have met with a broad range of stakeholders, including industry representatives and consumer advocates. In accordance with CPSC's meetings policy, meetings with advance notice are published here: [Public Calendar | CPSC.gov](#) and discussions requiring logs are published here: [Newsroom - FOIA | CPSC.gov](#).

**QFRS from the Honorable Jeff Duncan**

1. **It is my understanding that you recently wrote to retailers of weighted sleep sacks urging them to cease sales of weighted sleep sacks on their websites and in their stores. Currently, the CPSC does not have an open rulemaking related to weighted sleep sacks, instead opting to work with industry and consumers to develop voluntary standards. Where in the statute does it grant the authority to direct companies to take certain action without official CPSC rulemaking?**

**Response to Rep. Duncan QFR 1:** I have never directed a company to take certain action.

- a. **Did you consult with the CPSC general counsel, or rely on in-house studies, before sending letters to retailers on weighted sleep sacks?**

**Response to Rep. Duncan QFR 1(a):** In general, it is my typical practice to seek legal advice on certain actions and review in-house information that is available to me.

- b. **Are you aware of whether the CPSC, or any other agency within the federal government, has conducted any scientific research into this subject?**

**Response to Rep. Duncan QFR 1(b):** In the context of CPSC's voluntary standards work, members of our expert staff have applied their scientific expertise to both safety issues associated with weighted infant products and infant deaths that occurred in the products.

- c. If not, are you concerned that you have already violated Section 6(b) by not taking “reasonable steps to assure information is accurate” and directly identifying specific manufacturers?

**Response to Rep. Duncan QFR 1(c):** Not Applicable

- d. Specifically, in your letter, you refer to a letter sent to the Commission by the American Academy of Pediatrics. In the AAP letter, AAP acknowledges that they have no data to support the position that weighted sleep sacks are unsafe. Is it the AAP letter that you based your outreach on?

**Response to Rep. Duncan QFR 1(d):** I read the letter that AAP sent to the Commission, as well as other information available to the Commission. My letter includes multiple sources of information.

**QFRs from the Honorable Russ Fulcher**

1. Commissioner Trumka, trade associations representing the all-terrain vehicle industry (ATVs or quad bikes, with handlebars & straddle seats) and the recreational off-highway vehicle industry (ROVs or side-by-sides, with steering wheels, roll cage & seatbelts) have made multiple requests to meet with you, but claim you refused to have discussions with them. Following our discussion in the hearing, can you provide me with some of the personal meetings you had with ATV or ROV industry associations, and the substance of the discussions? I want to understand the deviation from the traditionally collaborative work between industry and the CPSC that has occurred with this industry’s vehicle products, as well as a range of other products. I am more interested in the substantive discussions as opposed to a specific list. But I would like to know with whom you met.

**Response to Rep. Fulcher QFR 1:** Following our discussion at the hearing, no such groups have since reached out to me to request a meeting. Should they reach out, I remain open to entertaining all



appropriate meeting requests. Also, I am always receptive to exchanging written correspondence. In the past, I've had productive written exchanges with this industry and would welcome more going forward.