

United States Senate

WASHINGTON, DC 20510

November 20, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

Dear Leader McConnell:

We write to urge you to make the expeditious transition in leadership at the U.S. Consumer Product Safety Commission (CPSC) a priority for the United States Senate. There are currently two vacant seats on the Commission, as well as the Chairmanship of the CPSC. It is critical that these positions be filled as quickly as possible. The CPSC is an independent regulatory agency tasked with regulating tens of thousands of consumer products, wielding enormous power and significant regulatory authority over a large sector of the economy. However, the current balance of power at the Commission allows for the advancement of an aggressive agenda put forth by the previous presidential administration.

The CPSC is currently comprised of three Democratic commissioners and one Republican, Ann Marie Buerkle, who serves as Acting Chairman. Despite the efforts of Acting Chairman Buerkle, the Commission's agenda is controlled by the Democrat majority, allowing them to overrule her priorities and the recommendations of the CPSC's own technical staff. There are numerous pending matters in front of CPSC that have a significant impact on the regulated community, and the current commissioners are attempting to expedite these matters before the transition in power takes place.

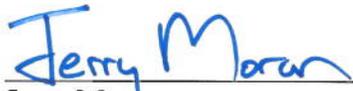
We ask that you support the Senate's immediate consideration of Acting Chairman Buerkle's two nominations—to serve as Chairman of the Commission and to serve a new term starting in 2018. Throughout her service on the Commission, Acting Chairman Buerkle has exhibited strong leadership, fairness and an unwavering commitment to protecting consumers. The Senate Committee on Commerce, Science, and Transportation approved both nominations for Acting Chairman Buerkle on October 5, 2017.

Additionally, President Trump has nominated Dana Baiocco to serve as a Commissioner for a term beginning immediately upon Senate confirmation. Having been reported favorably out of the Commerce Committee on November 8, 2017, we urgently request that the Senate consider the nomination of Ms. Baiocco as well. Without Senate confirmation of a new Commissioner, the CPSC will continue to be controlled by the Democratic majority. Moreover, once named, the Senate must consider as soon as possible the President's nomination of a candidate to fill the Commission's remaining Republican vacancy after the recent resignation of Republican Commissioner, Joseph Mohorovic.

The current composition of the Commission has led to range of actions that disregard important principles of sound regulation such as cooperation with stakeholders and a reliance on sound science and objective analysis. The Commission has unilaterally issued final and proposed rules that either exceed or directly violate its statutory authority, run counter to the work of other regulatory agencies, and could undermine product safety. We are concerned that absent Senate action this type of overreach and misguided regulation will continue.

We respectfully request that the Senate act without delay on these important nominations. We must hold the CPSC accountable so that its resources are devoted to efforts that would enhance consumer safety and advance its mission as intended by Congress.

Sincerely,



Jerry Moran
United States Senator



Ted Cruz
United States Senator



James M. Inhofe
United States Senator



Mike Lee
United States Senator



Thom Tillis
United States Senator