



CPSC Year in Review: What the Heck Just Happened?

Key developments at the U.S. Consumer Product Safety Commission in 2025



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CPSC—Where We Are Now

- 2025 was a year of extreme change for all of us—but much has stayed the same nonetheless.
- Political/leadership dynamics have shifted quite a bit, but there is still broad consensus on child safety, online platforms, batteries, furniture safety, and some other regulatory priorities.
- Mission is still to protect against **unreasonable risk of injury** from consumer products.
- But there have been some **important functional changes and changes in focus**.
 - No democrats left on CPSC—**tenuous quorum** ITN1
 - Increased focus on **e-commerce** ITN0 and **marketplace enforcement, imports, and high-hazard categories**
 - Aggressive stance with respect to **recall demands, unilateral press releases, late reporting penalties** (though the last is not new)
 - More sophisticated **data analytics** and collaboration with other agencies
- Looking ahead: AI, data, smart oversight
- Practical steps for your compliance program

Slide 2

ITN0 Changed to em dash for consistency

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ITN1 Added periods at the end of full sentences for consistency throughout slide

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From Five Commissioners to One

- In normal times, CPSC has five commissioners, no more than three of whom may be nominated by the President from the same political party, and Commissioners may not be removed without cause.
- In May, Trump removed all three Democratic CPSC commissioners (Boyle, Hoehn-Saric, Trumka) without cause, leaving just Acting Chairman Peter Feldman (R) and Commissioner Douglas Dziak (R). The three sued and were granted reinstatement by the federal courts.
- In July, SCOTUS granted a stay against the Democratic commissioners' reinstatement—adding to the mounting evidence that SCOTUS will overturn *Humprey's Executor*.
- After Dziak's retirement in August, Feldman is now the sole remaining commissioner.
 - Quorum expired in November (May + six months). However, before Dziak resigned, he and Feldman delegated CPSC's authority to FeITN1an, which may have removed the need for a quorum.
- In October, Trump nominated William ("Billy") Hewes III (R). If confirmed, this would restore a quorum—but only for six months unless a third Commissioner is confirmed.

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Slide 3

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ITN1 Changed from 6 to six
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Why care about *Humphrey's Executor*?

Background:

- President Hoover reappointed Humphrey as FTC commissioner.
- President Roosevelt attempted to remove Humphrey and appoint his own commissioner.
- Humphrey refused to leave and sued for unpaid salary.
- While Humphrey died in office with four years left in his term, his estate continued the suit.

Supreme Court's 1935 Ruling:

- Removal power under Article II only extends to officers exercising executive authority.
- FTC Commissioners' Authority was not executive:
 - ❖ Quasi-Judicial—Adjudicate and issue cease and desist orders
 - ❖ Quasi-Legislative—Investigate & report to Congress
- Since 1935, the limit on Presidential removal power has been applied to the CPSC, FTC, SEC, NLRB, and other independent agencies.
- Overturning *Humphrey's Executor* could impose partisan politics on agencies.



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Slide 4

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Trump v. Boyle et al.

- SCOTUS announces likely intention to overturn *Humphrey's Executor* in the future.
 - “The stay we issued in *Wilcox* reflected ‘our judgment that the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty.’”
 - “When an emergency application turns on whether this Court will narrow or overrule a precedent, and there is at least a fair prospect (not certainty, but at least some reasonable prospect) that we will do so ... if we grant a stay but do not also grant *certiorari* before judgment, we may leave the lower courts and affected parties with extended uncertainty and confusion about the status of the precedent in question.”
- While there is dissent, likely not enough to change the outcome
 - “By allowing the President to remove Commissioners for no reason other than their party affiliation, the majority has negated Congress’s choice of agency bipartisanship and independence [and] has also all but overturned *Humphrey's Executor v. United States* ... a near-century-old precedent of this Court.”

New Home for CPSC Unlikely

In April, a draft OMB document leaked that contemplated eliminating CPSC and transferring its responsibilities to HHS.

In May, CPSC's budget request also requested that CPSC be reorganized within HHS and for its funding to be cut by about \$15 million (~10%).

Unclear how likely this is to occur. But even if it does, the new "CPSC" would have ~90% of its budget (with the reduction potentially offset by access to HHS infrastructure) and would still be enforcing the same laws.

Appointment of new commissioner suggests move is unlikely.

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Slide 6

ITN0 Changed text to be darker to reduce eye strain/make it easier to read

Integreon, 2025-12-04T14:46:45.119

ITN1 Added periods at the end of sentences for consistency across this and the following two slides

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The Year of the Recall

CPSC surpassed 2024's total product recall number in mid-September and set the all-time record for product recalls in a single year in November. **17NO**

Acting Chairman Feldman cited increased CPSC presence at ports and borders as a source of increased product recalls.

Chinese products—particularly those sold on ecommerce platforms—continue to be an area of priority for CPSC.

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Significant Increase in Unilateral Press Releases



As of November 25, CPSC has issued **91 unilateral press releases** since the start of 2025, **about the same number as the last two years combined.**



Historically, Democratic Commissioners (like former Commissioner and Chairman Adler) have been more supportive of UPRs than Republicans.



Not so with Feldman and Dziak, who view(ed) UPRs as an essential tool to “warn Americans about dangerous products, particularly in cases involving foreign firms that are unreachable when problems arise.” – May 15, 2025

Rulemaking Was Withdrawn

CPSC withdrew the following pending rulemakings:

- Safety Standard Addressing Blade-Contact Injuries on Table Saws (76 Fed. Reg. 62678);
- Standard for Recreational Off-Highway Vehicles (74 Fed. Reg. 55495);
- Safety Standard for Debris Penetration Hazards (87 Fed. Reg. 43688);
- Information Disclosure Under Section 6(b) of the Consumer Product Safety Act (79 Fed. Reg. 10712);
- Disclosure of Interests in Commission Proceedings (88 Fed. Reg. 67127); and
- Banned Hazardous Substances: Aerosol Duster Products Containing More Than 18 mg in Any Combination of HFC-152a and/or HFC-134a (89 Fed. Reg. 61363).
- Staff were also directed to rescind two rules on citizen band radio antennas, which the Commission says have no relevance to modern consumer products.

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ITN0 Added period

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New Safety Standards in Flux: Water Beads

- “Water bead”: “*various shaped liquid absorbent polymer, composed of materials such as, but not limited to, polyacrylamide and polyacrylate, which expands when soaked in liquid.*”
- The new rule, approved in August, is targeted at protecting against risks associated with children ingesting water beads, inserting them into their ears or nose, and/or aspirating on them.
- The rule:
 - Sets a maximum expansion size limit for water bead toys to prevent them from becoming large enough to cause blockages if ingested, inserted into an ear or nose, or aspirated;
 - Establishes limits on the amount of allowable acrylamide to reduce toxicity risks; and
 - Requires warning labels.
- The rule is effective 90 days after being published in the Federal Register, which has not happened, and applies to water beads manufactured after that date.



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Slide 10

ITN0 Added periods at the end of full sentences throughout slide

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New Safety Standards in Flux: Neck Floats

- “Neck float”: *“an article . . . that encircles the neck, supports the weight of the child by being secured around the neck . . . , is used as an instrument of play in water environments including sinks, baths, [pools], and is intended for use by children [4 years and under].”*
- The new rule, approved in August, requires neck floats to comply with performance and labeling requirements aimed at preventing children from:
 - slipping through the product for reasons associated with inflation, which includes deflation and underinflation;
 - slipping through the product for reasons not associated with inflation;
 - slipping through the product due to a restraint system failure; and
 - submerging in water without slipping through the product.
- The rule is effective 180 days after published in the Federal Register, which has not happened, and applies to products manufactured after that date.

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Slide 11

ITN0 Added periods at the end of full sentences throughout slide

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New Safety Standards in Flux: Lithium-Ion Batteries

- In April 2025, the House passed the Setting Consumer Standards for Lithium-Ion Batteries Act, which would have required CPSC to adopt as mandatory several industry standards that govern ITN0 lithium-ion batteries in micromobility products (e.g., e-bikes, electric scooters); the bill was never voted on by the Senate.
- The same month, CPSC's Democratic commissioners voted to advance their own rulemaking intended to address the risk of fire and electric shock with Li-Ion batteries in micromobility products; however, this rule would have also covered Li-Ion batteries sold separately.
- The Republican commissioners reversed that NPRM once the Democratic Commissioners were fired, but in August, they submitted their own version to the Office of Information and Regulatory Affairs, where it is still under review.
- Rule is ITN3 in flux, but clearly a priority; don't wait until it is final to worry about compliance. ITN2



Slide 12

ITN0 Added comma and "which" to make the sentence flow better

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ITN1 Deleted em dash

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ITN2 Added periods at the end of full sentences throughout slide

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ITN3 Added comma

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Reese's Law Enforcement on the Rise

- **Reese's Law:** response to child fatalities from battery ingestion.
 - 16 C.F.R. Part 1263 est. performance and labeling requirements for manufacturers of products that include button or coin batteries.
 - Secure battery compartments for covered products
 - Warning labels on product, packaging, and manuals
 - Requirements for separate button cell packaging
- Recalls are increasing
 - Wide variety of products are being recalled: [infant swings](#), [firearm accessories](#), [“smart” patio doors](#), [submersible RGB LED lights](#). ITN3
 - Noncompliance includes failing to adequately contain the batteries and making them accessible to children and/or failing to include the required labels on the products themselves or their packaging. ITN0
- **Brand action items:** Inventory products with button cells; close design, labeling, and test gaps ITN1 ITN2

Slide 13

ITN0 Removed comma

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ITN1 Added periods at the end of full sentences throughout slide

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ITN2 Link does not work

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ITN3 Link does not work

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eFiling is Here — ITNO Importers In Focus

- CPSC identified import surveillance as a top priority for 2026, with an emphasis on port inspections and improving the risk assessment methodology used to predict which shipments will be problematic.
- E-filing goes into effect July 2026.
 - Requires importers of regulated consumer products to electronically submit Certificates of Compliance to CBP
 - Eliminates de minimis exemption
 - Major hassle for companies due to the infrastructure required
 - Particularly problematic for small companies
 - Certificates of Compliance were previously required but did not need to be submitted at port.
- E-filing will generate a significant amount of data for CPSC to use to improve its risk assessment methodology, leading (in theory) to port inspectors being used more effectively.

ITN0 Changed to Em dash

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E-Commerce Platforms Also In Hot Seat

- E-commerce platforms are designated as a top enforcement priority in the [U.S. Consumer Product Safety Commission 2025 Operating Plan](#) due in large part to persistent issues with unsafe products relisted after warnings, especially from overseas sellers, and challenges identifying responsible party. Result:
 - More **port seizures** and online surveillance
 - Joint actions with other regulators (EU, UK), coordination with Customs and state Attorneys General
 - Pressure on sellers (and not just manufacturer/importers) to police their **own products on marketplaces**
 - Focus has been on **direct-to-consumer platforms** and foreign sellers, as well as marketplaces
 - Greatest concern about unsafe children's products, vulnerable consumers, fire/chemical hazards
- **Takeaway:** Online channels are no longer "just another distribution channel"; you should know everywhere your products show up and make sure they are under control. Focus on:
 - Contractual controls and audit rights for online sellers whenever possible
 - Use of recall and takedown procedures with platforms
 - Monitoring for counterfeits/gray marketing to avoid misuse scenarios
 - Coordination with marketing on claims, imagery, and user-generated content

ITN0 Checked link to ensure it worked

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Civil Penalties Aren't Going Anywhere

- CPSC continues to pursue large penalties, especially for **late reporting** and **repeat violations**.
But what constitutes late reporting?
- Red flags for brands:
 - Long lag between first incident and internal escalation
 - Fragmented incident data across business units or countries
 - Treating foreign incidents as “less relevant” to U.S. risk
 - Failure to report continued incidents after report closure
- “We were still investigating” is not a good excuse—a reasonable time to investigate and decide whether incident is reportable is okay, but that time period must be reasonable under the circumstances.

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ITN1



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Slide 16

ITN0 Added periods at the end of full sentences throughout slide

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ITN1 Changed from "ok" to "okay"

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Second-Ever Corporate Plea Agmt for Late Reporting

- In August, DOJ reached a civil and criminal resolution with Royal Sovereign International, Inc., which included a \$16.025 million civil penalty, \$400,000 in restitution, and a plea to one count of knowingly and willfully failing to report a product safety hazard to CPSC.
- The dispute involved Royal Sovereign's portable air conditioners imported and sold between 2008 and 2014, before their recall in 2021.
- A faulty drain motor caused the devices to short circuit and catch fire. When Royal Sovereign did report the issue to CPSC, they allegedly misled CPSC by reporting only two such instances when it was aware of 16.
- Acting Chairman ^{ITNO} Feldman applauded the resolution, noting that “Royal Sovereign’s failure to report a deadly defect led to tragedy. . . . **CPSC will not hesitate to use the full weight of its executive power to pursue violations of the law—including criminal penalties—and we thank our partners at DOJ for helping to bring this company to justice.**”

Slide 17

ITN0 Added periods at the end of full sentences throughout slide

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Criminal Penalties Secured For First Time

- In June, two executives (CEO and CAO) of Gree USA Inc. and Gree Electric Appliances, Inc. were sentenced in the first-ever criminal prosecution of corporate executives for CPSC reporting violations.
- They were sentenced to 28 and 40 months in prison, plus three years of supervised release.
- The Gree humidifiers were responsible for more than 450 reported fires and millions of dollars in property damages, according to the recall notices.

ITN0



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Slide 18

ITN0 Added periods at the end of full sentences throughout slide

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Predictions for 2026

We will continue to see unprecedented numbers of recalls and unilateral press releases.

In an effort to push out as many recalls as possible without contravening the Trump Administration's deregulatory agenda, staff will be more flexible at the margins, particularly for products manufactured in the U.S.

We will see not see much in the way of new substantive rulemakings from CPSC.

E-filing will be painful, and there will be high levels of noncompliance.

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CPSC may struggle to get DOJ to timely take on cases, but targeted enforcement (esp. of foreign manufacturers) may get traction.

ITN0

Slide 19

ITN0 Added periods at the end of full sentences throughout slide

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ITN1 Added comma

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2026: the year of AI at CPSC?

- CPSC's Artificial and Machine Learning Report (2021) outlined a framework for evaluating AI in consumer products and identifies new hazard modes (self-learning behavior, remote updates, etc.)
- August 2025 meeting: CPSC signals a significant pivot to AI-driven hazard detection using predictive analytics and modernized injury surveillance.
 - Agency plans to move beyond reactive enforcement and instead *anticipate* hazards through injury surveillance and data modeling.
 - Rather than relying solely on traditional methods like consumer portal reports or mandated company disclosures, Agency plans to integrate AI to mine injury trends from broader sources such as social media and online reviews.
 - CPSC has launched a closed-loop generative AI system that continuously learns from expert feedback.
- What does this mean for brands?
 - Connected products → new product safety challenges
 - Software updates and algorithms can change risk profile after sale.
 - Expect CPSC to use AI to mine e-commerce reviews, social media, hospital data, etc.
 - **What to do about fact-checking, bots, fake reviews? Expect/anticipate new challenges**

Slide 20

ITN0 Added periods at the end of full sentences throughout slide
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ITN1 Removed extra space between the word and the period
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Add'l Considerations: Consumer Product Agency Cross Over

- **FTC:** The FTC and CPSC coordinate a lot; for a brand, this means your safety claims—“tested to [standard]” language—and recall communications all have an advertising-law^{ITN0} dimension. The **FTC Act** § 5 prohibits^{ITN1} unfair/deceptive acts or practices.
 - “Deceptive”: misrepresenting product safety, certifications, or testing
 - “Unfair”: in some cases, failing to address known serious risks or misusing consumer data in ways that cause injury
 - Implementing regulations, such as the Made in USA Rule and Green Guides (regarding environmental marketing),^{ITN2} are also important for many product sellers.
- **FDA:** The Federal Food, Drug, and Cosmetic Act (FD&C Act) and FSMA (Food Safety Modernization Act) govern food, dietary supplements, cosmetics, OTC drugs, and medical devices. If you sell ingestibles, topicals, or “borderline” products (cosmeceuticals,^{ITN3} sunscreen, anti-acne, etc.), FDA safety rules and recall expectations are as important as CPSC’s.^{ITN4}

Slide 21

ITN0 Changed to em dashes for consistency

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ITN1 Changed to em dashes for consistency

Integreon, 2025-12-04T15:13:37.173

ITN2 Added commas

Integreon, 2025-12-04T15:14:11.927

ITN3 Removed extra if and em dash

Integreon, 2025-12-04T15:14:39.044

ITN4 Added periods at the end of full sentences throughout slide

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- **EPA: TSCA** (Toxic Substances Control Act): regulates manufacture/import of chemicals, including restrictions and reporting that affect plastics, coatings, flame retardants, PFAS, etc. **FIFRA** (Federal Insecticide, Fungicide, and Rodenticide Act) regulates the safety + labeling of pesticides and pesticide devices (e.g., treated articles, some pest-control gadgets). **Lead & other toxics** rules (e.g., Renovation, Repair and Painting (RRP) for lead paint work; certain lead content limits in paints and coatings) can be directly relevant to children's products and furniture.
- **NHTSA:** The National Traffic and Motor Vehicle Safety Act gives NHTSA authority over motor vehicles and motor vehicle equipment (airbags, tires, child restraints, etc.) including mandatory safety standards and recall authority. Consumer product example: branded accessories that are actually “motor vehicle equipment” (e.g., certain aftermarket lighting, seat covers that interfere with airbags).
- **FCC** regulates RF devices (e.g., Bluetooth/Wi-Fi products, smart home devices). Non-compliance can create safety issues (interference with medical/aviation equipment).
- **DOE:** Regulates energy efficiency standards that can affect design and thermal characteristics (e.g., overheating concerns) of appliances.

State Laws Continue to Develop

- State “**toxics in packaging**” & **heavy metal limits** that follow the Toxics in Packaging model law in limiting heavy metals (lead, cadmium, mercury, hexavalent chromium) in packaging.
- **California’s Prop 65** requires warnings before exposing Californians to chemicals listed as causing cancer or reproductive toxicity, unless exposures are below certain risk thresholds.
 - It impacts a huge range of products: electronics with lead or phthalates, furniture, apparel with certain dyes, etc.
 - Enforcement is often via state AG and private “bounty hunter” plaintiffs
- State **children’s product & chemical disclosure requirements** regarding **PFAS, flame retardants**, and other topical bans
- State-specific **product laws are increasing** (e.g., sleep products, window coverings, etc.)

Slide 23

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Action Plan for 2025–2026

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- Make sure you are “CPSC ready”—with a focus on the CPSC’s current priorities
 1. Governance:
 - Designate a clear owner for product safety & regulatory affairs
 - Set regular briefings to senior leadership/board
 2. Incident management:
 - Review and update incident escalation & reporting procedures
 - Have clear decision trees for when to escalate and report
 - Centralized intake and tracking of complaints from all channels, including social media and review channels
 - Strengthen marketplace monitoring and platform playbooks
 - Determine where and how AI may be able to help—CPSC will be using it, so should you
 3. Testing & certification
 - Map product categories against high-priority CPSC focus areas like batteries, children’s products, furniture, connected devices and ensure products are tested accordingly
 - Align (and test) high-risk products with voluntary standards ahead of final rules
 - Track CPSC rulemakings (batteries, toys with button cells, etc.) and adjust design and testing
 - Conduct periodic re-testing, especially after design or supplier changes
 - Maintain up-to-date children’s product certificates and tracking labels
 4. eFiling—be ready!

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Questions?



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