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BRAD GRANTZ, MAJORITY STAFF DIRECTOR
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United States Senate
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, DC 20510-6125
WEBSITE: <https://commerce.senate.gov>

July 16, 2025

The Honorable Oliver Potts
Director, Office of Federal Register
National Archives and Records Administration
7 G Street, NW
Washington, DC 20401

Mr. Potts:

We are requesting documents and information regarding your action to withdraw a proposed safety rule from the *Federal Register* that would help protect Americans from deadly and destructive fires caused by lithium-ion batteries in e-bikes and other small, electric vehicles. Although the Consumer Product Safety Commission (CPSC) approved a notice of proposed rulemaking to establish a safety standard for lithium-ion batteries (the NPR),¹ your Office has failed to publish the NPR as directed by the CPSC without any explanation. We have serious concerns about who directed you to withdraw the NPR and whether these actions violate federal law.

On April 30, 2025, the CPSC voted 3 to 2 to approve and publish in the *Federal Register* an NPR on lithium-ion batteries used in micromobility products such as e-bikes and e-scooters.² If finalized, this rule would implement key safety reforms to protect Americans from deadly lithium-ion battery fires, including by combating overcharging and use of incompatible chargers that could trigger fires. The severity of these safety risks is not hypothetical. From 2019 to 2023, the CPSC identified 181 injuries and 39 deaths from hazards associated with lithium-ion batteries, predominantly from fire-related incidents.³ A Commissioner voting in favor of the NPR

¹ Consumer Product Safety Commission, Record of Commission Action, "Commission Directions and Commission Policy Regarding Reductions in Force and Staff Details," Jun. 17, 2025, <https://www.cpsc.gov/s3fs-public/RCA-Commission-Directions-Commission-Policy-Reductions-Force-and-Staff-Details-620.pdf?VersionId=fI93QQmuinbvm8a2jz5NjhC1JfG8ahw>.

² Record of Commission Action, "Decisional Matter: Notice of Proposed Rulemaking: Safety Standards for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries," *Consumer Product Safety Commission*, Apr. 30, 2025, <https://www.cpsc.gov/s3fs-public/Comm-mtg-Minutes-NPR-Safety-Standard-for-Lithium-Ion%20Batteries-Micromobility-Products.pdf?VersionId=g.bJfRvJ5jx8.vqIMh97vWBbvNnqEf03>.

³ Consumer Product Safety Commission, Memorandum Regarding Draft Proposed Rule to Establish a Safety Standard for Lithium-ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility

noted how one e-bike caused a fire in a high-rise apartment building—injuring dozens—and warned, “Any delay would have condemned more Americans to gruesome deaths.”⁴

The two Republican Commissioners who voted against the proposed rule on April 30, 2025, did not dispute its merits. Instead, they claimed the NPR ran afoul of President Trump’s February 18, 2025, executive order declaring the White House must clear “all proposed and final significant regulatory actions” of “so-called independent agencies” like the CPSC before publication in the *Federal Register*.⁵ The three Democratic Commissioners who voted to advance the proposed rule made clear the Commission would follow the law and longstanding practice as Congress intended, under which independent agencies like the CPSC do not defer to the White House on their rulemaking processes.⁶

On May 8, 2025—eight days after the CPSC voted to approve the NPR—President Trump tried to fire all three Democratic Commissioners without cause despite the clear, congressionally-mandated protections for CPSC Commissioners.⁷ One week later, the two Republican Commissioners hastily held a “time critical” vote to withdraw the NPR on lithium-ion batteries days before it was set to be published in the *Federal Register*.⁸

Products Containing Such Batteries, Mar. 26, 2025, https://www.cpsc.gov/s3fs-public/Package-Corrections-to-Draft-Proposed-Rule-to-Establish-a-Safety-Standard-for-Lithium-Ion-Batteries.pdf?VersionId=fhpnWvJVNIrL1dMRP3ByUYel0xPJf_kH.

⁴ Commissioner Richard Trumka, “CPSC Advances Proposed Solution to Deadly Lithium-Ion Battery Fires from E-Bikes and Similar Products,” *Consumer Product Safety Commission*, Apr. 30, 2025, <https://www.cpsc.gov/About-CPSC/Commissioner/Richard-Trumka/Statement/CPSC-Advances-Proposed-Solution-to-Deadly-Lithium-Ion-Battery-Fires-from-E-Bikes-and-Similar-Products> (citing Dave Carlin, “FDNY: Lithium-ion battery caused fire on 20th floor of Midtown high-rise, dozens injured,” *CBS News*, Nov. 6, 2022, <https://www.cbsnews.com/newyork/live-updates/midtown-manhattan-high-rise-fire-lithium-ion-battery-fdny-dramatic-rescue/>).

⁵ Consumer Product Safety Commission, Minutes of Commission Meeting, “Decisional Matter: Notice of Proposed Rulemaking: Safety Standards for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries,” at p. 2, Apr. 30, 2025; <https://www.cpsc.gov/s3fs-public/Comm-mtg-Minutes-NPR-Safety-Standard-for-Lithium-Ion%20Batteries-Micromobility-Products.pdf?VersionId=g.bJfRvJ5jx8.vqIMh97vWBbvNnqEf03>; see also Executive Order, “Ensuring Accountability for All Agencies,” *The White House*, Feb. 18, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-accountability-for-all-agencies/>.

⁶ Commissioner Alexander Hoehn-Saric, “Statement of Commissioners Hoehn-Saric, Trumka, and Boyle on the Fiscal Year 2026 Budget Request,” *Consumer Product Safety Commission*, Jun. 26, 2025, <https://www.cpsc.gov/About-CPSC/Commissioner/Alexander-Hoehn-Saric/Statement/Statement-of-Commissioners-Hoehn-Saric-Trumka-and-Boyle-on-the-Fiscal-Year-2026-Budget-Request>; see also Lauren Kirchner, “Lawmakers and Advocates Denounce a Plan to Eliminate Critical Product Safety Agency,” *Consumer Reports*, May 1, 2025, <https://www.consumerreports.org/product-safety/lawmakers-and-safety-advocates-fight-to-save-cpsc-a6199303353/>.

⁷ See Letter from Senators Cantwell, Klobuchar, Hickenlooper, Markey, and Blumenthal to President Donald J. Trump, May 9, 2025, <https://www.commerce.senate.gov/services/files/1B9095E0-AD0F-4176-94CE-9E258875240B>.

⁸ Consumer Product Safety Commission, “Time Critical Ballot Vote,” May 13, 2025, https://www.cpsc.gov/s3fs-public/BP-Withdrawal-Notice-of-Proposed-Rulemaking-to-Establish-Safety-Standard-for-Lithium-Ion-Batteries_0.pdf?VersionId=4ThVplmzEWFQYIU7b6mM7GzY2Zi.nC2q; see also Consumer Product Safety Commission, Record of Commission Action, “Withdrawal of Notice of Proposed Rulemaking to Establish a Safety Standard for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility

Fortunately, on June 13, 2025, a federal district court ruled President Trump acted unlawfully when he terminated the three Democratic Commissioners without cause and ordered their reinstatement to the CPSC.⁹ On June 17, 2025, the fully restored CPSC notified the Office of the Federal Register that the attempted withdrawal of the NPR was “null and void” and directed the proposed rule to be published in the *Federal Register*.¹⁰

As the Director of the Federal Register, Congress made you responsible for “the prompt and uniform publishing” of various government documents,¹¹ including “regulations, and notices of proposed rulemaking and other notices, submitted to the Director by officials of the executive branch of the Federal Government.”¹² Under the Federal Register Act and its implementing regulations, you are “responsible for the central filing” of these documents.¹³

Notwithstanding the law and CPSC’s clear directive, on June 23, 2025, the *Federal Register* still had not published the NPR on lithium-ion batteries and instead displayed a brief “editorial note” that the NPR “was withdrawn by the Director of the Federal Register,”¹⁴ without any explanation of why your Office has “withdrawn” the NPR. Since then, the same URL leads to a “404 Not Found” error, and the NPR still does not appear to be published.¹⁵ Meanwhile, each day that goes by without a final rule we risk more fatal accidents stemming from lithium-ion battery fires that could be prevented with commonsense safety reforms like those in the NPR.

Given these concerning actions, please provide the following documents and information no later than July 30, 2025:

1. A complete list of every Executive Branch official outside the Office of the Federal Register who contacted your Office about, or was otherwise involved in, the withdrawal of the NPR on lithium-ion batteries, including any official in the White House, Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), the so-called Department of Government Efficiency (DOGE), National Archives and Records Administration (NARA), or CPSC.

Products Containing Such Batteries,” May 13, 2025, https://www.cpsc.gov/s3fs-public/RCA-Withdrawal-of-NPR-for-Safety-Standard-for-Lithium-Ion-Battery-Micromobility-Products_6-17-25-vote.pdf?VersionId=u1eAMA1GUMfl.dxbUr9f7H2mLe19HIU.

⁹ *Boyle v. Trump*, No. MJM-25-1628, Memorandum Opinion (D. Md. Jun. 13, 2025).

¹⁰ *See supra* n. 1.

¹¹ 44 U.S.C. § 1502.

¹² 1 C.F.R. § 2.5.

¹³ *Id.*

¹⁴ Consumer Product Safety Commission, Proposed Rule, “Safety Standard: Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries,” __ Fed. Reg. __ (2025), *Internet Archive Wayback Machine*, retrieved Jun. 27, 2025, <https://web.archive.org/web/20250624024228/https://www.federalregister.gov/public-inspection/2025-11424/safety-standard-lithium-ion-batteries-used-in-micromobility-products-and-electrical-systems-of>.

¹⁵ *See* “404 Not Found,” *Federal Register*, accessed Jul. 15, 2025, <https://www.federalregister.gov/public-inspection/2025-11424/safety-standard-lithium-ion-batteries-used-in-micromobility-products-and-electrical-systems-of>.

2. A complete description of the rationale for withdrawing the NPR on lithium-ion batteries, including the legal justification and authority supporting your action under the Federal Register Act, Administrative Procedure Act, or any other applicable statute or regulation.
3. A complete list of any other proposed rules you have withdrawn in your capacity as the Director of the Office of the Federal Register based on the same rationale detailed in response to item #2 above.
4. All documents and communications referring or relating to the NPR on lithium-ion batteries since April 30, 2025, between your Office and:
 - a. Any White House official, including any official in OMB, OIRA, or DOGE;
 - b. Any Commissioner, officer, employee, or other official associated with the CPSC; and
 - c. Any officer, employee, or other official associated with NARA, including in the office of the Acting Archivist of the United States.

Sincerely,



Maria Cantwell
Ranking Member, Committee on Commerce, Science, and Transportation



Gary Peters
Ranking Member, Committee on Homeland Security and Governmental Affairs