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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 Peter Feldman  
Acting Chairman  
U.S. Consumer Product Safety Commission  
4330 East-West Hwy  
Bethesda, MD 20814

Acting Chairman Feldman:

We are requesting documents and information regarding the extent to which your Office was involved in the 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),<sup>1</sup> the NPR was removed from the *Federal Register* website without any explanation—after you had publicly opposed the NPR and led your own attempt to withdraw it. We have serious concerns about who directed the Office of the Federal Register to withdraw the NPR and whether these actions violate federal law.

As you know, 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.<sup>2</sup> 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

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<sup>1</sup> 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=f193QQmuinbvm8a2jz5NjhC1JfG8ahw>.

<sup>2</sup> Consumer Product Safety Commission, 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,” 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>.

batteries, predominantly from fire-related incidents.<sup>3</sup> A Commissioner voting in favor of the NPR 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.”<sup>4</sup>

Nonetheless, you and your fellow Republican Commissioner voted against the proposed rule on April 30, 2025—not because you disputed the merits of the safety reforms it advances, but because you 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*.<sup>5</sup> We have serious reservations about your interpretation of this executive order, which contradicts Congress’s deliberate decision to structure the CPSC as an independent agency insulated from precisely these types of political pressures.<sup>6</sup>

On May 8, 2025—eight days after the CPSC voted to approve the NPR over your objections—President Trump tried to fire all three Democratic Commissioners without cause despite the clear, congressionally-mandated protections for CPSC Commissioners.<sup>7</sup> In the wake of President Trump’s illegal action, you held a “time critical” vote on May 13, 2025, at which you and your fellow Republican Commissioner sought to withdraw the NPR on lithium-ion batteries days before it was set to be published in the *Federal Register*.<sup>8</sup>

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<sup>3</sup> 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 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](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).

<sup>4</sup> 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>).

<sup>5</sup> 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/>.

<sup>6</sup> See Letter from Ranking Member Cantwell to Acting CPSC Chairman Peter Feldman, May 22, 2025, <https://www.commerce.senate.gov/services/files/74A35424-72EE-4172-B0C3-1A8FFBEE02E7>; see also 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>.

<sup>7</sup> 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>.

<sup>8</sup> 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](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

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.<sup>9</sup> 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*.<sup>10</sup> You and your fellow Republican Commissioner notably abstained from this vote.<sup>11</sup>

Under the Administrative Procedure Act, all federal agencies “shall” publish a notice of proposed rulemaking in the *Federal Register*, subject to limited exemptions that do not appear applicable to the NPR on lithium-ion batteries.<sup>12</sup>

Notwithstanding the law and CPSC’s clear directive to publish the NPR, on June 23, 2025, the *Federal Register* still had not published the proposed rule and instead displayed a brief “editorial note” that the NPR “was withdrawn by the Director of the Federal Register” without any explanation of why the NPR was “withdrawn.”<sup>13</sup> Since then, the same URL leads to a “404 Not Found” error, and the NPR still does not appear to be published.<sup>14</sup> 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 CPSC with whom you or your staff have had contact regarding the NPR on lithium-ion batteries since April 30, 2025, 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 the Office of the Federal Register. Please specify the date(s) on which each such contact occurred.

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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 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.dxbUr9f7H2mLel19HIU](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.dxbUr9f7H2mLel19HIU).

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

<sup>10</sup> See *supra* n. 1.

<sup>11</sup> *Id.*

<sup>12</sup> 5 U.S.C. § 553.

<sup>13</sup> 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>.

<sup>14</sup> 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 extent to which you or your staff were involved in, had discussions about, or were otherwise aware of the effort to withdraw the NPR on lithium-ion batteries.
3. All documents and communications referring or relating to the NPR on lithium-ion batteries since April 30, 2025, between you or your staff and:
  - a. Any White House official, including any official in OMB, OIRA, or DOGE;
  - b. Any officer, employee, or other official associated with the Office of the Federal Register; and
  - c. Any officer, employee, or other official associated with NARA.

Sincerely,



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



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