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NCLA Calls Out CPSC Commissioner Trumka's Deliberate Efforts to Ban DockATot Infant Loungers

NCLA Sends Notice to Consumer Product Safety Commission of Violations of DockATot's Constitutional and Statutory Rights

Washington, DC (June 1, 2023) – The New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights organization, has sent a [formal letter](#) to the U.S. Consumer Product Safety Commission detailing how CPSC, and Commissioner Richard Trumka in particular, have severely violated the constitutional and statutory rights of NCLA client Wildchild Stockholm, Inc. Wildchild, founded by mom and entrepreneur Lisa Furuland Kotsianis, designs and imports the award-winning, Scandinavian-inspired DockATot® Deluxe+ docks. The letter states that Commissioner Trumka has taken deliberate actions and made specific statements that infringe Wildchild's constitutional right to have a fair and impartial tribunal.

CPSC issued a Notice of Violation in November 2022 declaring that Wildchild's Deluxe+ docks manufactured or imported after June 23, 2022 allegedly violated the agency's Safety Standard for Infant Sleep Products final rule. Commissioner Trumka has since interfered with DockATot UK international foreign business relationships. He also issued statements and tweets that NCLA believes were meant to drive negative media attention to Wildchild, implying that the Deluxe+ dock has caused several tragedies.

Since 2020 the Deluxe+ dock has only been marketed for multiple non-sleep uses, including lounging, playing, tummy time, and diaper changing. Wildchild sought CPSC's position on whether the agency would try to enforce the Infant Sleep Products rule against Deluxe+ docks on multiple occasions, for almost a year before the ISP Rule took effect. Rather than answer these repeated inquiries, the Commission only offered silence and decided to lie in wait, allowing Wildchild to continue importing products, before issuing a surprise Notice of Violation stating that it believed certain Deluxe+ docks violated the ISP rule. The Commission's ambush tactics have caused substantial financial hardship for Wildchild and led to layoffs of hardworking American workers, without so much as an explanation from the agency. The company is now formally appealing CPSC's Notice of Violation and requesting an explanation for why CPSC believes these products that are not marketed for infant sleep use nonetheless violate the Infant Sleep Products rule. NCLA is prepared to take legal action to vindicate its client.

NCLA believes a resolution between Wildchild and CPSC on this matter remains possible. However, Comm'r Trumka's clear opinion of Wildchild and its products renders him impermissibly biased to decide their fate under the Fifth Amendment's right to due process of law. Furthermore, Wildchild believes CPSC's current structure and adjudicatory system are unconstitutional, so it is reviewing options to join the chorus of other manufacturers, importers, and trade associations who are currently challenging the Commission in courts across the country.

NCLA released the following statements:

"CPSC's violation determinations are by their very nature biased as the Commissioners, and CPSC staff, issue, prosecute, and then judge those determinations on appeal. But Commissioner Trumka's actions here show prejudgment and outright hostility towards our client and its products like nothing I have ever seen before. To

make matters worse his actions directly violate the CPSC Act's public disclosure provisions. While he is free to disagree with the law, under no circumstances is he free to violate it as he has done here."

— **Kara Rollins, Litigation Counsel, NCLA**

"This irresponsible conduct comes as no surprise from the same Commissioner who floated the ridiculous idea of banning gas stoves, without observing proper agency process beforehand. The law requires the agency to consult with companies before making public statements about the safety of their products precisely to avoid the kind of fiasco Commissioner Trumka has created."

— **Mark Chenoweth, President and General Counsel, NCLA**
(and former legal counsel to Commissioner Anne Northup at CPSC)

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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