

 New Civil Liberties Alliance

February 20, 2025

**VIA EMAIL**

Alberta E. Mills  
Secretary of the Commission  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Washington, DC 20207  
AMills@cpsc.gov

***Re: Supplemental Request to Postpone the Effective Date of  
Safety Standard for Infant Support Cushions, 89 Fed. Reg. 87,467  
(Nov. 4, 2024)***

Dear Secretary Mills,

On February 6, 2025, Heroes Technology (US) LLC d/b/a Snuggle Me Organic (“Heroes Technology”) wrote to the U.S. Consumer Product Safety Commission’s (“CPSC”) requesting that the Commission stay the effective date of its rule entitled *Safety Standard for Infant Support Cushions*, 89 Fed. Reg. 87,467 (Nov. 4, 2024) (the “Rule”). Since submitting its request, President Trump has issued two Executive Orders that Heroes Technology believes bear on the Commission’s consideration of its stay request.

*First*, on February 18, 2025, President Trump issued an Executive Order entitled *Ensuring Accountability for All Agencies*.<sup>1</sup> This Executive Order reflects the President’s understanding that “[t]he Constitution vests all executive power in the President and charges him with faithfully executing the laws” and that “independent” regulatory agencies like the CPSC “exercise substantial executive authority without sufficient accountability to the President” and ultimately “to the American people.”<sup>2</sup> In furtherance of that understanding, the President established that “it shall be the policy of the executive branch to ensure Presidential supervision and control of the

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<sup>1</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-accountability-for-all-agencies/>.

<sup>2</sup> *Id.* at § 1.

entire executive branch.”<sup>3</sup> Critically here, Section 7 of the Executive Order restricts the Commission from “advance[ing] an interpretation of the law as the position of the United States that contravenes the President or the Attorney General’s opinion on a matter of law, including but not limited to the issuance of regulations, guidance, and positions advanced in litigation, unless authorized to do so by the President or in writing by the Attorney General.”<sup>4</sup> Given that the Rule was promulgated before the President took office, no review of it occurred for consistency with the President’s interpretation. As discussed in its initial letter, the Rule relies on the Commission’s interpretation of 15 U.S.C. § 2056a. Thus, the *Ensuring Accountability for All Agencies* Executive Order provides additional basis for postponing the Rule’s effective date, so that the Rule may be reviewed in conformity with the Executive Order.

*Second*, on February 20, 2025, President Trump issued an Executive Order entitled *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*.<sup>5</sup> This Executive Order establishes that it is the policy of the Trump Administration “to focus the executive branch’s limited enforcement resources on regulations squarely authorized by constitutional Federal statutes, and to commence the deconstruction of the overbearing and burdensome administrative state.”<sup>6</sup> Pursuant to this Executive Order, agencies must “initiate a process to review all regulations subject to their sole or joint jurisdiction for consistency with law and Administration policy.”<sup>7</sup> They are required to identify certain classes of regulations in consultation with the Attorney General.<sup>8</sup> As evidenced in its initial request, Heroes Technology believes that the Rule implicates three classes identified in the Executive Order: (1) “regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition[;]” (2) “regulations that impose significant costs upon private parties that are not outweighed by public benefits[;]” and, (3) “regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship.”<sup>9</sup> The Rule should be postponed so that the required review and consultation with the Director of the Office of Management and Budget, Administrator of the Office of Information and Regulatory Affairs, and the Attorney General may occur.

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at § 1.

<sup>5</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency-regulatory-initiative/>.

<sup>6</sup> *Id.* at § 1.

<sup>7</sup> *Id.* at § 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

For the foregoing additional reasons, Heroes Technology requests that the CPSC stay the Rule's May 5, 2025 effective date.

Respectfully,

*/s/ Kara M. Rollins*

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