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Watch: NCLA Case Video Reveals How CPSC Hides Safety Standards from Public Behind Paywall

Lisa Milice v. U.S. Consumer Product Safety Commission



Washington, DC (February 24, 2021)—A [video](#) released today by the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, reveals a mother’s fight to see the law. NCLA represents Lisa Milice in her petition to the U.S. Court of Appeals for the D.C. Circuit to require the Consumer Product Safety Commission (CPSC) to make the safety standards for infant bath seats freely available to the public. Government is supposed to be transparent, but CPSC is keeping consumers in the dark by allowing a third-party organization to hide the law behind a paywall.

Mrs. Milice was researching CPSC’s safety standards on its website before purchasing an infant bath seat when she hit a wall—a third party paywall—demanding she fork over \$58 to get a copy of those safety rules. To see the safety standard, she would have to pay ASTM International, a private standard development organization, twice the cost of the infant bath seat she was looking to purchase.

CPSC cannot charge for access to the law because the law in its entirety belongs to the citizenry. Secret law also violates the rights secured by the First Amendment, which protects the right to petition the government, and the Due Process Clause, which requires that people have notice of their legal obligations. In hiding the law behind a paywall, CPSC violated the Commission’s own organic statute, the Freedom of Information Act, and the Administrative Procedure Act. These laws require that CPSC make its binding safety standards reasonably available to the public.

It’s astounding that Americans have to fight in court for their right to see the government’s binding regulations. NCLA is determined to make any legally binding standard freely accessible to the public.

Excerpts from the video:

“The way our Republic is set up is the citizens are the government. So, when the government makes a law, they’re making it for the citizens. The government can’t keep the law from the citizens because the citizens are the government.”

— **Jared McClain, Litigation Counsel, NCLA**

“It may be easier for the administrative state to outsource the rule writing process to safety organizations and standard-writing organizations, but that doesn’t mean that they can hide the law from the rest of us.”

— **Mark Chenoweth, Executive Director & General Counsel, NCLA**

“I want to bring awareness to the general public that this information is held behind a paywall, and by partnering with NCLA—and I hope that by winning this case—we will be able to make those safety standards free to the public. It’s important because it’s the safety of our children at stake.”

— **Lisa Milice, NCLA client & petitioner in *Lisa Milice v. Consumer Product Safety Commission***

For more information about this case visit [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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