

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN WATCH ASSOCIATION, INC.,)

Petitioner,)

v.)

No. 23-1322

UNITED STATES CONSUMER PRODUCT)
SAFETY COMMISSION,)

Respondent.)

NON-BINDING STATEMENT OF ISSUES

Pursuant to this Court’s November 27, 2023 Order, Petitioner American Watch Association, Inc. submits the following non-binding statement of the issues presented for review.

1. Whether the U.S. Consumer Product Safety Commission’s rule entitled *Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries*, 88 Fed. Reg. 65,274 (Sept. 21, 2023) (“Final Rule”) is arbitrary and capricious, or otherwise not in accordance with law.

2. Whether the Final Rule violates the Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*, or exceeds the agency’s authority.

3. Whether the Final Rule is invalid because the United States Consumer Product Safety Commission's structure is unconstitutional because Commissioners may be removed by the President only for cause, 15 U.S.C. § 2053(a).

Petitioner reserves the right to modify the list of issues presented, and to address these and other issues in more detail in future pleadings.

Respectfully submitted,

/s/ Thomas Brugato

Thomas Brugato

Matthew J. Glover

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

(202) 662-5515

tbrugato@cov.com

mglover@cov.com

Attorneys for Petitioner

American Watch Association, Inc.

December 27, 2023

CERTIFICATE OF SERVICE

I certify that on this 27th day of December 2023, I caused copies of the foregoing Statement to be served by the Court's CM/ECF system, which will send a notice of the filing to all registered CM/ECF users.

Respectfully submitted,

/s/ Thomas Brugato

Thomas Brugato

Attorney for Petitioner

American Watch Association, Inc.

December 27, 2023