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Bush Asked to Reconsider Safety Nominee

By STEPHEN LABATON

WASHINGTON, May 17 — Senate Democrats urged President Bush on Thursday to withdraw his nomination of a top lobbyist from the National Association of Manufacturers to lead the Consumer Product Safety Commission, saying the candidate was unqualified and the appointment posed insurmountable conflicts of interest.

The criticism was a preview of what is certain to be a confrontational confirmation hearing for the nominee, Michael E. Baroody, before the Senate Commerce Committee next week.

In a letter to President Bush, Senator Bill Nelson of Florida and Senator Richard J. Durbin of Illinois, both Democrats, said Mr. Baroody “cannot escape a serious conflict of interest” because he will receive a \$150,000 departing payment from the association. They asked Mr. Bush to withdraw the nomination.

In a separate letter to the head of the Commerce Committee, Senator Barack Obama, Democrat of Illinois, said, “Leading the nation’s premier product safety commission is too important a responsibility to put in the hands of someone who owes his career to the same companies whose products he is supposed to judge.”

Mr. Baroody did not respond to an e-mail message seeking comment. The White House criticized the lawmakers’ request, saying they had rushed to judgment.

“Nominees deserve and should be able to expect a fair opportunity to discuss their qualification and experiences with members of Congress,” said a White House spokeswoman, Emily Lawrimore. Ms. Lawrimore said that the public disclosure on Wednesday by The New York Times about an ethics agreement in which Mr. Baroody described the \$150,000 payment to the general counsel of the commission was a “leak of his private financial information” that was “alarming.”

Mr. Baroody’s \$150,000 severance agreement was revised by the manufacturers’ association last January, a few days after published reports that he had emerged as the top contender to be chairman of the safety commission. The White House and the association have declined to

make the agreement or its revisions public. Ms. Lawrimore has said that the revisions had nothing to do with the reports that Mr. Baroody was under consideration to head the commission.

Many of the defendants in cases brought by the commission are members of the association. In the ethics agreement that Mr. Baroody sent to the commission, he said that as a result of the severance payment, he would remove himself from agency decisions concerning matters involving the association. He also said that ethics rules would not prevent him from considering actions involving the companies that are members of the association.

Democrats criticized that distinction.

“Both his work on behalf of N.A.M. and its members for well over a decade and this large cash payout indicate that he cannot escape a serious conflict of interest in this position,” Senator Durbin and Senator Nelson wrote.

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