



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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April 15, 2010

**Statement of Commissioner Robert S. Adler on the
Notice of Proposed Rulemaking establishing a
Publicly Available Consumer Product Safety Information Database**

I am pleased to vote today to issue a notice of proposed rulemaking that would establish a publicly available consumer product safety information database as mandated by the Consumer Product Safety Improvement Act (CPSIA). Section 212 of the CPSIA requires the Commission to establish and maintain a publicly available, searchable database on the safety of consumer products. I believe this can be one of the most significant projects ever undertaken by the CPSC.

In sum, the product safety information database has the potential to provide consumers, manufacturers, members of the media, academics, non-profit public interest groups, as well as the Commission itself with a quantity of real time product safety complaint data that has never before been so readily available for the world to see. What Congress chose to do when it established the database was to peel back the veil from information that the Commission has been reduced to doling out in a stingy manner for more than 35 years. There are many advantages, and unquestionably a few risks, to having such a wealth of information publicly available. There are a few of both I would like to highlight here.

The establishment of the database will provide a substantial quantity of searchable, sortable, and down-loadable consumer product safety data, allowing an exponential increase in the Commission's reach through the use of technology. The Commission regulates over 15,000 product categories – with just over 500 employees. The reality is that we cannot be everywhere all the time, and we cannot respond to every complaint, no matter how justified. I believe this database will increase the agency's ability to accomplish our mission of protecting consumers by allowing any interested party to have access to much of the same data that we do – permitting all of those interested in consumer safety to assist us in assessing unreasonable risks of injury, evaluating the comparative safety of products, and in the long run helping us to prevent product-related deaths, illnesses and injuries. In other words, this database will be a benefit to the greater good of consumer safety.

The database will also provide manufacturers with substantially more information than they currently have regarding consumers complaints. At the moment, we cannot notify manufacturers of every one of the more than 16,000 incident reports we receive annually regarding their products and similar products produced by other manufacturers. The database will change that. From now on, when the Commission receives a report of harm involving a consumer product, manufacturers will be sent that report in a matter of days. This information will surely enable the many conscientious manufacturers of consumer products, where appropriate, to make corrections to their products quickly and more cost-effectively than they would have been able to do otherwise. Furthermore, companies that take a more casual approach to product safety will no longer be able to claim they have never heard of a complaint regarding their products.

The database will provide an invaluable service to consumers as well. With the click of a mouse, they will be able to learn critical safety information about a product that is in their home or that they are about to purchase. Eventually, the database will permit users to search from a mobile device – a feature that will allow consumers in a store to look up information on the products on the shelf in real time. Further, consumers will now have an easier and faster forum for entering their own incidents of risk involving consumer products. In some ways, the database will simply bring the Commission into the 21st century – after all, this is how a growing number of American consumers already communicate about consumer products.

To our friends (and critics) in the manufacturing community who may question whether the database allows for unconfirmed reports about their products, I say that every report of harm that is submitted will be reviewed by a member of the agency's staff and, further, every report that identifies a manufacturer will be sent to that manufacturer, generally within 5 business days. (I encourage members of the business community to sign up for the manufacturer portal to speed receipt of these reports.) Also, the Commission will, depending on resources, attempt to weed out the obviously inaccurate reports before publication – and in some very obvious cases even before the report is sent to the manufacturer. This certainly cannot be said of the many existing public commercial databases and web sites that contain consumer complaints.

Not only will a manufacturer be sent copies of reports entered into the CPSC database, they will always have an opportunity to make claims that the reports contain confidential information or materially inaccurate information – and when those claims have merit, the Commission will either correct or remove that report. In fact, the proposed rule creates a type of expedited review process for manufacturer claims of material inaccuracy. If a claim is succinct and provides sufficient information demonstrating that a report of harm was materially inaccurate, the Commission will make every effort possible to reach a quick decision regarding that claim and then either correct it or exclude it from the database. What's more, every report on the database will clearly note that the Commission does not guarantee the accuracy, completeness, or adequacy of any report.

As a final observation, I believe that the database will enhance the Commission's ability to serve consumers by creating an early warning system for consumer products. In what

may be the most exciting piece of the project from my perspective, the database will allow information to be compiled systematically to allow for data mining to help identify the most harmful products even faster and more efficiently than our current systems. In other words, the Commission, as well as manufacturers, and consumers will now be alerted faster than ever before as to recurring problems with potentially dangerous consumer products. This is an exciting – and daunting – prospect. I, for one, am confident that the Commission is up to the task, with a little help from our friends.