



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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STATEMENT OF
CHAIRMAN INEZ M. TENENBAUM AND
COMMISSIONERS ROBERT S. ADLER AND THOMAS H. MOORE
REGARDING THE PUBLICLY AVAILABLE
CONSUMER PRODUCT SAFETY INFORMATION DATABASE FINAL RULE

NOVEMBER 24, 2010

Today, a majority of the Commission took a major step toward empowering consumers by voting to approve a final rule establishing the CPSC's Publicly Available Product Safety Information Database ("Database"). In doing so, we have embraced Congress's mandate under Section 212 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) to make critical product safety information freely and quickly available to members of the public.

Today's vote represents a major victory for consumers and supporters of open government because it will provide the public access to critical product safety information that, due to statutory restrictions on the open flow of information, the CPSC was previously required to keep behind closed doors until it had been cleared with manufacturers. Through SaferProducts.gov, when the Database debuts on March 11, 2011, the CPSC will share more information about dangerous products than we have been allowed to in years past—a change that we believe will lead to safer products and, therefore, safer consumers.

The Database should be welcomed not just by those with a mission to protect consumers but also by companies that produce consumer products. We believe that responsible companies that produce or sell consumer products will have the opportunity to use this new resource to inform their quality control programs and ensure that safer products are available on store shelves.

We recognize the concerns of many companies about the potential for inaccurate information being posted in the Database. We note, however, that our implementation of the Database has built-in protections and procedures that will allow a manufacturer to have its perspective included in the Database record. Indeed, where a manufacturer believes that a report is either materially inaccurate or contains confidential information, the company can ask that we correct the record or redact the confidential information. The result is a balanced approach that will allow for the correction of faulty information and will not require the Commission to withhold reports from the public until endlessly vetted to perfection. In addition to providing manufacturers the right to comment on reports of harm submitted by members of the public, the Database will require all reports to carry the following disclaimer: "The Commission does not guarantee the accuracy, completeness, or adequacy of the contents of the Consumer Product Safety Information Database, particularly with respect to the accuracy, completeness, or adequacy of information submitted by persons outside of the CPSC." In short, the purpose of the Database is not to pass judgment, but merely to inform.

We deeply regret that instead of joining us in this groundbreaking opportunity to empower consumers by providing them with potentially critical product safety information, the dissent sought to narrow the types of people who may share information through the Database. The dissent would burden them with enough

additional requirements to render the Database extremely ineffectual. We remain unwilling to adopt these changes, which would result in undue delays in the sharing of reports of harm and would eliminate the sharing of certain information altogether—thereby potentially placing the public at serious risk of injury, illness, or death.

Important elements of the Database will benefit consumers. For example:

- The Database will function as an early warning system for dangerous and potentially dangerous products by allowing members of the public to share information regarding product hazards as quickly as it is available. This is a dramatic and positive change from the current system (under 15 U.S.C. § 2055(b)—commonly known as “section 6(b) procedure”), where the Commission is required to consult with manufacturers before warning the public about critical product safety hazards, and seek their approval before releasing the name of the potentially dangerous item.
- The Database will allow the CPSC to fully effectuate one of its core purposes: to assist consumers in evaluating the comparative safety of consumer products. Until now, while the Commission has compiled data from many sources, including consumers, hospital emergency rooms, coroners’ offices, and the media, it has been statutorily constrained in its ability to release this information to the public in a timely fashion.
- Finally, the Database will enable the CPSC to effectively protect the public through the use of modern technology. The CPSC is a hard-working, but very small independent agency, with jurisdiction over thousands of product categories. While we have always collected safety data from multiple sources, the data often has been siloed and difficult to unify. The Database is the public centerpiece of a comprehensive, agency-wide undertaking that will result in a single, integrated, web-based environment, allowing us to merge these systems, thereby significantly expanding the Commission’s effectiveness. Accordingly, the Database will provide the public with access to consumer product safety information and simultaneously enhance the CPSC’s ability to monitor the safety of products in the marketplace.

We greatly appreciate the hard work that has been undertaken by agency staff, especially those on the Information Technology team and in the Office of the General Counsel, to achieve this monumental step forward on behalf of all consumers. Although there is much work yet to be done prior to the launch of the Database by March 11, 2011, on SaferProducts.gov, we are confident that the Database will lead to safer products in the marketplace and to a new generation of safer consumers.