

Client Alert.

February 25, 2011

3-2-1, Ready for Launch: www.saferproducts.gov

By Linda Lane and Jessica Roberts

The Consumer Product Safety Commission (“CPSC”) will launch its highly anticipated “Consumer Product Safety Improvement Act Database” in less than two weeks, on March 11, 2011. [See CPSC Database: With Sunshine Comes Shadows.](#) Upon launch, the public will be able to provide the CPSC with reports of harm involving a consumer product online at www.saferproducts.gov. Within five business days of receipt, the CPSC will transmit those reports to the manufacturers or private labelers of the subject product for comments. Ten days after the reports are transmitted to the company, the CPSC will publish the reports on its website. Although the database is intended to increase transparency, many fear that lack of quality control will lead to misinformation being published in the public, searchable database.

Manufacturers, importers, and private labelers of consumer products are strongly advised to register with the database to best position themselves to comment on a report of harm before the report is published. As the database notes, the benefits of registration include:

- Ensuring all reports of harm involving a company’s products are sent to its representative quickly and securely via email;
- Creating a convenient and secure online account to provide comments for CPSC’s consideration; and
- Saving valuable time during the ten-day period before the report of harm must be published by law.

Currently, the CPSC is running a “soft launch” of the database that provides companies an early opportunity to register and begin receiving electronic reports before the database becomes public. The reports received during this soft-launch period will not be included in the public database and will only be available through the current FOIA request process.

The soft-launch website is accessed by logging on to www.saferproducts.gov and clicking on the “business registration” link. For initial registration, a company will need to provide business information including the company’s address and whether it is a “manufacturer,” “private labeler,” or “importer.” If applicable, a company may select more than one option. The company will also need to designate a primary point of contact. After the company is registered, the primary contact may then designate other contacts (including outside counsel) in the form of subaccounts.

Taking advantage of this soft-launch opportunity will allow companies to create and test protocol for dealing with reports of harm. Should a report of harm be made regarding a product, having the appropriate system in place when the database goes live will make the difficult task of responding effectively in the limited ten-day time frame much easier.

Morrison & Foerster has closely followed the CPSIA as it evolved in Congress and was ultimately signed into law in 2008. We have since advised a variety of clients on its implementation and helped them keep abreast of developments emanating from the CPSC. In addition, we regularly represent children’s and consumer product companies and trade associations and assist them with a variety of legislative, regulatory, administrative enforcement, and litigation matters.

Client Alert.

Contact:

Linda Lane

Partner

(858) 720-7989

llane@mofo.com

Robert Falk

Partner

(415) 268-6294

rfalk@mofo.com

About Morrison & Foerster:

We are Morrison & Foerster—a global firm of exceptional credentials in many areas. Our clients include some of the largest financial institutions, investment banks, Fortune 100, technology and life science companies. We've been included on *The American Lawyer's* A-List for seven straight years, and *Fortune* named us one of the "100 Best Companies to Work For." Our lawyers are committed to achieving innovative and business-minded results for our clients, while preserving the differences that make us stronger. This is MoFo. Visit us at www.mofo.com.

Because of the generality of this update, the information provided herein may not be applicable in all situations and should not be acted upon without specific legal advice based on particular situations.