

RETAIL TEAM

To: Our Clients and Friends

February 3, 2011

CPSC Opens Business Registration for New Consumer Product Safety Information Database

The New Database

The new Consumer Product Safety Information Database is now available online on a trial basis, and will launch officially in March at www.SaferProducts.gov. The Database allows a broad range of people -- not only consumers but also trial attorneys and consumer advocacy groups, as well as health care providers and public safety agencies -- to file so-called "reports of harm" ("Reports") informing the CPSC about an incident or concern that the submitter believes is an indication a product is unsafe or potentially hazardous. The CPSC will publish Reports in its Database, along with any timely received comments and responses from the appropriate private labeler, manufacturer, or importer. The CPSC will only minimally verify the identity of the submitter and/or the victim, the product, and the identified harm or risk of harm related to use of the consumer product, before publishing a Report.

Registration by Retailers

Private labelers, manufacturers, and importers can now pre-register to receive online access to Reports by consumers involving their products. A company that registers for the Database will receive electronic notice of Reports submitted about their products as soon as the CPSC reviews and transmits them. Registered companies will have the opportunity to comment on the Reports and may request that their comments appear with the Report when it is published in the Database. The entire process -- from the initial submission of the report to publishing on the Database -- will generally be 15 business days.

The CPSC has indicated that its Staff will review importer, manufacturer, and private labeler comments before they are published, so it is important that comments be submitted to the CPSC at least a few days before the Report publishing date. (The CPSC has not indicated exactly how much time is needed to review comments.) Comments submitted after a Report has been published also will be posted "as soon as practicable". All published information will be visible and searchable online.

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In addition to submitting substantive comments, a private labeler, manufacturer, or importer may separately submit a claim that a Report contains confidential or materially inaccurate information, along with supporting documents. If the CPSC receives such claim before a Report is published, it either will make a determination whether the Report contains confidential or materially inaccurate information before publishing the Report, or it will redact portions of the Report claimed to be confidential or materially inaccurate until such a determination can be made.

During the current test period, these Reports, and any comments or claims, will not be published on the Database. The reports, however, may be accessible to the public under the current requirements for disclosure under Section 6(b) of the Consumer Product Safety Act.

How to Register

Businesses can now register to be notified of Reports on the online Business Portal at www.SaferProducts.gov. After accepting Terms of Use, registrants will be directed to a page requiring them to provide: (a) Company Contact Information (Name, Address; Phone number; email address) and (b) whether the Company is a manufacturer, private labeler or importer. Additionally, the CPSC requires the company to designate a "Primary Contact" who will be responsible for receiving e-mail notifications of submitted reports of harm. The CPSC will notify the company once registration is accepted and complete.

Questions about the New Database?

If you have additional questions, please do not hesitate to contact Dan Schwartz at 202-508-6025 (dschwartz@bryancave.com), Seyi Iwarere at 202-508-6318 (seyi.iwarere@bryancave.com), or any member of the Bryan Cave Retail Group.