

New Public CPSC Database Launched

By David Rocker and Blake Robinson

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On March 11, 2011, the Consumer Products Safety Commission (CPSC) launched a new public database that will make it easier for manufacturers, retailers, distributors, and consumers alike to monitor and view product incident reports. The database is available at www.saferproducts.gov. Manufacturers can register to receive e-mail and text message alerts whenever a consumer files an incident report involving one of their products.

In conjunction with the new database, the CPSC has established a new timeline that is triggered when an incident report is filed with the CPSC. Regardless of whether the manufacturer is registered, within five business days of the CPSC receiving the report, the CPSC must provide the report to the appropriate manufacturer. The CPSC then has ten business days to publish the incident report to the database. For manufacturers, this means that they will have a relatively short amount of time to decide how best to respond to the incident report, if at all, before it goes public.

A manufacturer has a number of ways in which it can respond to incident reports. The manufacturer can submit comments on the report to the CPSC. Those comments can be private or published to the database, depending on the manufacturer's preference. Alternatively, the manufacturer can provide the CPSC with confidential information related to the incident report. The CPSC will redact any information that it agrees is confidential. Another option is to identify for the CPSC information that the manufacturer believes is materially inaccurate and ask the CPSC to correct it. Finally, the manufacturer can choose to take no action at this initial stage.

Given the tight deadlines and public nature of the incident reports, it is imperative that manufacturers have an organized, streamlined approach to handling the reports. Manufacturers should consider appointing a specific employee to be in charge of monitoring deadlines and formulating a response whenever notice of an incident report is received. While a form response may be useful for some incident reports, the severity or type of incident may call for varying responses.

Although the database provides an opportunity for manufacturers to respond to incident reports, it is important to note that it does *not* alter the mandatory reporting requirements under Section 15 of the Consumer Products Safety Act.

If you have questions about the new database, or would like help in establishing procedures for incident report responses, we are available to help you.

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