

§ 1117.7

Commission's rules interpreting this provision are set forth at 16 CFR part 1115. The requirements of section 102 of the CPSA and this part are in addition to, but not to the exclusion of, the requirements in section 15(b) and part 1115. To comply with section 15(b), subject firms must continue to evaluate safety information they obtain about their products. Subject firms may have an obligation to report under section 15(b) of the CPSA whether or not they obtain information about choking incidents. Firms must also comply with the lawsuit-reporting provisions of section 37 of the CPSA, interpreted at 16 CFR part 1116.

§ 1117.7 Confidentiality of reports.

The confidentiality provisions of section 6 of the CPSA, 15 U.S.C. 2055, apply to reports submitted under this part. The Commission shall afford information submitted under this part the protection afforded to information submitted under section 15(b), in accordance with section 6(b)(5) of the CPSA and subpart G of part 1101 of title 16 of the CFR.

§ 1117.8 Effect of reports on liability.

A report by a manufacturer, distributor, retailer, or importer under this part shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

§ 1117.9 Prohibited acts and sanctions.

(a) Whoever knowingly and willfully falsifies or conceals a material fact in a report submitted under this part is subject to criminal penalties under 18 U.S.C. 1001.

(b) A failure to report to the Commission in a timely fashion as required by this part is a prohibited act under section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3).

(c) A subject firm that knowingly fails to report is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069. *Knowing* means the having of actual knowledge or the presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of rep-

16 CFR Ch. II (1-1-05 Edition)

resentations. Section 20(d) of the CPSA, 15 U.S.C. 2069(d).

(d) Any person who knowingly and willfully violates section 19 of this Act after having received notice of non-compliance from the Commission may be subject to criminal penalties under section 21 of the CPSA, 15 U.S.C. 2070.

PART 1118—INVESTIGATIONS, INSPECTIONS AND INQUIRIES UNDER THE CONSUMER PRODUCT SAFETY ACT

Subpart A—Procedures for Investigations, Inspections, and Inquiries

Sec.

- 1118.1 Definitions, initiation of investigations, inspections, and inquiries and delegations.
- 1118.2 Conduct and scope of inspections.
- 1118.3 Compulsory processes and service.
- 1118.4 Subpoenas.
- 1118.5 Investigational hearings.
- 1118.6 Depositions.
- 1118.7 Rights of witnesses at investigational hearings and of deponents at depositions.
- 1118.8 General or special orders seeking information.
- 1118.9 Motions to limit or quash subpoenas and general or special orders and delegation to modify terms for compliance.
- 1118.10 Remedies for failure to permit authorized investigations.
- 1118.11 Nonexclusive delegation of power.

Subpart B—Consent Order Agreements

- 1118.20 Procedures for consent order agreements.

AUTHORITY: Sec. 16, Pub. L. 92-573, 86 Stat. 1222 (15 U.S.C. 2065); sec. 19, Pub. L. 92-573, 86 Stat. 1224 (15 U.S.C. 2068); sec. 27, Pub. L. 92-573, 86 Stat. 1227 (15 U.S.C. 2076); as amended by Pub. L. 94-284, 90 Stat. 509.

SOURCE: 44 FR 34929, June 18, 1979, unless otherwise noted.

Subpart A—Procedures for Investigations, Inspections, and Inquiries

§ 1118.1 Definitions, initiation of investigations, inspections, and inquiries and delegations.

(a) *Definitions.* For the purpose of these rules, the following definitions apply:

(1) *Act* means the Consumer Product Safety Act (15 U.S.C. 2051, et seq.).