



OFFICE OF ADVOCACY FACTSHEET

409 3rd Street, SW • MC 3114 • Washington, DC 20416 • 202/205-6533 ph. • 202/205-6928 fax • www.sba.gov/advo

Advocacy Addresses Do Not E-mail Registry in Comments to the Federal Trade Commission

On March 31, 2004, the U.S. Small Business Administration's Office of Advocacy (Advocacy) filed comments with the Federal Trade Commission (FTC) on its advance notice of proposed rulemaking to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act). Advocacy's comment may be found at <http://www.sba.gov/advo/laws/comments/>.

- In the advance notice, the Commission sought comment on the practicality, technical feasibility, privacy, and enforceability of a National Do Not E-mail Registry in preparation for a report to Congress as required by the CAN-SPAM Act and for a possible rulemaking.
- Advocacy commends the FTC for considering the impact on small businesses early in its rulemaking on unsolicited commercial e-mail. Advocacy encouraged the FTC to give careful consideration to the impact on small businesses and to perform a thorough economic analysis that builds upon the information gained from comments to the advance notice.
- Small businesses are avid users of the Internet and regularly use e-mail in the course of doing business. According to Advocacy estimates, there are approximately 22.9 million small businesses in the United States. An Advocacy study released earlier this month showed that 73 percent of the respondents had access to the Internet and they connected to the Internet in a variety of ways. An earlier Advocacy study reported that 85 percent of small businesses responding used e-mail. A third Advocacy report said that 83 percent of small businesses used e-mail, and that 57 percent used the Internet for business-related activities. In a survey by the National Federation of Independent Business, 83 percent of the respondents stated that their most common use of the Internet was communicating by e-mail with suppliers and customers.
- Advocacy believes that a National Do Not E-mail Registry may not be a practical solution to curbing unwanted, unsolicited commercial e-mail and is concerned that a one-size-fits-all approach like a Do-Not-E-mail Registry will have unintended negative consequences on small business. Advocacy recommended that the FTC look to other means of controlling unwanted, unsolicited commercial e-mail, including promoting technology-based solutions.
- The RFA and Executive Order 13272 require government agencies to analyze the impact of their regulations on small entities and consider less burdensome alternatives. Advocacy's comment was triggered by the significant economic impacts that implementation of the CAN-SPAM Act may have on small businesses.

For more information, visit Advocacy's web page at www.sba.gov/advo or contact Eric Menge at (202) 205-6533.