

# U.S. Consumer Product Safety Commission



## Publicly Available Consumer Product Information Database

### Final Rule

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This presentation has not been reviewed  
or approved by the Commission and  
may not reflect its views



## **Topic:**

Publicly Available Consumer Product Safety Information Database  
Final Rule

Wednesday, October 20, 2010

2:00 p.m. - 4:00 p.m.

Hearing Room 420

Open to the Public

## **Agenda:**

1. Background (Mary James, EXIT)
2. Statutory Overview (Melissa Hampshire, OGC)
3. Database Implementation (Mary James, EXIT)
4. Proposed Changes to Final Rule (Mary James, EXIT)
5. Example Report Scenarios (Ming Zhu, EXIT)



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# Background



- The Congress passed and President Bush signed the Consumer Product Safety Improvement Act of 2008 (“CPSIA,” Pub. L. 110-314) in August 2008.
- CPSIA amended the Consumer Product Safety Act (“CPSA”) to add a new section 6A.
- The Commission submitted the Database implementation plan to Congress in September 2009.
- Per statutory requirement, the Database must be established not later than March 2011 (18 months after submission of the Database implementation plan).



- **CURRENT STATE.** Operational and administrative practices refined over several decades:
  - For several decades, the Commission has gathered and maintained a database of safety-related incidents, involving the use of consumer products, known as incident reports.
  - Such incident reports have been generated by consumer complaints, newspaper reports, death certificates, hospital emergency room reporting, and other investigative means. The Commission has Internet report forms on its current website for consumers, State Attorneys General and Health Departments, Fire, Police and Insurance Investigators, physicians and health care professionals and a telephone hotline to receive external reports.
  - We use this information today to conduct studies and investigations of death, injuries, diseases, other health impairments, and economic losses resulting from incidents involving consumer products and to conduct research on improving the safety of such products.
  - The Commission is required to give notice to manufacturers and private labelers, and an opportunity to comment prior to public disclosure.
  - The Commission provides public access to data through published reports and studies, and through FOIA requests.



- **FUTURE STATE.** The principal challenge for the CPSC and manufacturers and private labelers in section 6A is the statutory, mandatory publishing timeline:
  - Within 5 business days of receipt, where practicable, the CPSC must transmit a report of harm (that meets the minimum requirements) to the identified manufacturer or private labeler.
  - Within 10 business days of transmission by CPSC, the identified manufacturer or private labeler must take action or the report of harm will be published.
  - Manufacturer or private labeler must decide whether to comment on the report of harm for the Database. They may also make a claim of confidential information or material inaccuracy.
  - Both the report of harm and manufacturer or private labeler comment (if any) are published at 10 business days after transmission by CPSC to manufacturer or private labeler.
  - Reports of harm are not subject to the disclosure requirements of section 6a and 6b.



- The mandatory timeline for transmission of reports of harm to the manufacturer or private labeler and subsequent publication with comments requires changes to our technology and our processes. These changes are being addressed in the design of the technology and in our operational planning for implementation of a Final Rule.
- However, our business function in regard to incident reports remains the same - collecting and evaluating product safety incident data and notifying manufacturers and private labelers.
- The professional and expert staff at the CPSC has over 35 years of experience collecting, evaluating, and transmitting the type of product safety incident data described in the statute.



- Because of changes in the way we will utilize technology and do business for reports of harm submitted under section 6A, there have been a variety of public misunderstandings that we would like to address:

## Misunderstanding

This is a blog site:

- On a blog site, multiple third-parties may comment and publish about topics without review

This is product review site:

- On a product review site, multiple third-parties may comment and publish their opinions about products without review

## CPSC Database

Not a blog site.

- Only the submitter and manufacturer may publish
- Every report of harm and comment is reviewed for minimum requirements

Not a product review site.

- Only the submitter and manufacturer may publish
- Every report of harm and comment is reviewed for minimum requirements





## Misunderstanding

Sections 6(a) and 6(b) of the CPSA apply to reports of harm in the Database.

The CPSC has the discretion to delay publishing reports of harm beyond the 10<sup>th</sup> business day after transmission to manufacturer or private labeler.

## CPSC Database

New section 6A of CPSA specifically excludes reports of harm submitted to Database from notice requirements of section 6(a) and 6(b).

CPSC does not have discretion to modify the publishing timeline. Reports of harm that meet the minimum requirements are required by Congress to be published within 10 business days of CPSC's transmission to the manufacturer or private labeler.



## Misunderstanding

The CPSC can exclude reports of harm that solely describe a risk of harm versus an actual harm.

Section 15(b) reports and other mandatory or voluntary reporting programs established between a retailer, manufacturer, or private labeler and the Commission will be published in the database beginning in March 2011.

## CPSC Database

Congress defined harm to include “risk of injury, illness or death.” We do not have the discretion to limit to only actual harm.

No additional information beyond reports of harm, manufacturer comments, and recall notices will be disclosed in the Database in March 2011. The requirements of 6(a) and 6(b) are specifically retained by the statute for section 15(b) or voluntary reports received through a program established by the Commission, if the Commission ever were to determine that such reports were in the public interest to include in the Database.



## Misunderstanding

The CPSC will publish confidential business information.

The CPSC will publish materially inaccurate information.

The CPSC will publish anonymous reports.

The CPSC will investigate every report of harm before publishing.

## CPSC Database

Manufacturers or private labelers have option to dispute information in report of harm before it is published.

Manufacturers or private labelers have option to dispute information in report of harm before it is published.

Anonymous reports do not meet the minimum requirements for publication (no contact information).

The CPSC will not investigate every report of harm, but it will review every report of harm.



- The following types of information will not be published in the Database:
1. Reports that do not contain an identifiable consumer product
  2. Reports that do not identify a manufacturer or private labeler
  3. Reports that do not describe a harm or risk of harm
  4. Name and contact information of submitter of report of harm
  5. Victim's name and contact information
  6. Photographs not in the public interest to publish
    - a. Photos of persons (i.e. with personally identifiable faces)
    - b. Photos of injuries (i.e. when gruesome or graphic)
    - c. Photos that invade personal privacy (i.e. addresses)
  7. Medical records without consent
  8. Reports from persons under 18 years of age without consent of parent or guardian



- What happens after Final Rule is issued:
  - Post-Final Rule (Winter):
    - Start outreach on business portal registration and features
      - Workshops with manufacturers and private labelers
      - Training webinars
    - Enable comments and other business portal features
    - Enable new incident report form
    - Enable new internal technology for processing incident reports
  - Public Database Launch (Spring):
    - Enable public Database publishing
    - Enable public Database search



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# Statutory Overview



- Section 6A(b)(1) describes the Contents of the Database:
  - Reports of harm, where harm is defined as injury, illness, or death or risk of injury, illness or death, relating to use of consumer products, and other products or substances regulated by the Commission;
  - Manufacturer comments regarding reports of harm;
  - Information the Commission derives from mandatory recall notice (section 15(c)) and any notice of a voluntary corrective action taken by a manufacturer about which the Commission notified the public; and
  - Consistent with sections 6(a) and (b) of the CPSA, any additional information the Commission determines is in the public interest.



- CPSA Section 6A(a)(1)
  - Requires the Commission to establish and maintain a database on safety of consumer products, and other products or substances regulated by the Commission that is
    - publicly available;
    - searchable; and
    - accessible through internet website of the Commission.
  - Section 6A(a)(3) requires the Database to be established not later than March 2011 (18 months after the date the Commission submitted implementation plan to Congress in September 2009).





- Statutory Requirement for Database Disclaimer:
  - Section 6A(b)(5) of the CPSA requires that the Commission shall provide clear and conspicuous notice to database users that the Commission does not guarantee the accuracy, completeness, or adequacy of the database contents.



- Statutory Submitters of Reports of Harm:
  - Section 6A(b)(1)(A) states that the Database shall include reports of harm relating to the use of consumer products, and other products or substances regulated by the Commission, that are received from -
    - consumers;
    - local, State, or Federal government agencies;
    - health care professionals;
    - child service providers; and
    - public safety entities.



- Section 6A(b)(2)(B) Statutory Minimum Requirements of Report of Harm:
  - Reports of harm cannot be included in the public database unless they contain the following minimum required information:
    - **Description of consumer product** (or other product or substance regulated by the Commission) concerned;
    - **Identity of manufacturer or private labeler** of consumer product (or other product or substance regulated by the Commission);
    - **Description of the harm** related to use of the consumer product (or other product or substance regulated by the Commission);
    - **Contact information** for the person submitting the report (not disclosed in Database);
    - **Verification by submitter** of truth and accuracy of information and
    - **Consent by submitter** to inclusion of such information in the public database.



- Statutory Timeline in Section 6A(c) for Transmitting and Publishing:
  - Section 6A(c)(1) states that the Commission shall transmit reports of harm that include minimum required information to manufacturer/private labeler “to the extent practicable” no later than 5th business day after Commission receipt of report.
  - Section 6A(c) (2) (A) provides that manufacturer/private labeler may submit a comment on information in a report of harm and section 6A(c) (2)(B) allows the manufacturer or private labeler to request that such comment be included in the public database.
  - Section 6A(c)(3)(A) provides that a report of harm must be made available in the public database no later than the 10<sup>th</sup> business day after date on which Commission transmits report to manufacturer/private labeler.



- Statutory Requirements on Availability of Contact Information:
  - Section 6A(b)(6) prohibits the Commission from disclosing the name and address of submitter of report of harm in the public database.
  - Section 6A(b)(6) states that the Commission can disclose such information to the manufacturer/private labeler of a consumer product with the express consent of the person submitting the information.
  - Section 6A(b)(6) states that consumer information provided to a manufacturer/private labeler may not be used or disseminated to any other party for any purpose other than verifying a report of harm.



## ➤ Confidential Information:

- Section 6A(c)(1)(C)(i) states that manufacturer/private labeler may request confidential treatment of portions of a report of harm and request that such portions be designated as confidential and redacted from public view.
- Section 6A(c)(1)(C)(ii) states that if Commission determines designated information is confidential business or trade secret information the Commission shall redact the designated information in the report before placing it in database.
- Section 6A(c)(1)(C)(iii) states that if Commission determines the designated information is not confidential it must notify manufacturer and include the information in the public database.
- Section 6A(c)(1)(C)(iii) states that manufacturer/private labeler may bring an action in U.S. District Court to seek removal of information from database.



- Materially Inaccurate Information (before publication)
  - Section 6A(c)(4)(A) states that if prior to making a report of harm or a manufacturer/private labeler comment available in the public database the Commission determines that the information in such report or comment is materially inaccurate, the Commission shall:
    - Decline to add the materially inaccurate information to the database;
    - Correct the materially inaccurate information in the report or comment and add it to the database; or
    - Add information to correct inaccurate information in the database.



- Materially Inaccurate Information (after publication):
  - Section 6A(c)(4)(B) states that if Commission determines, after investigation, that information previously made available in the database is materially inaccurate or duplicative of information in the database, the Commission shall, within 7 business days after such Commission determination:
    - Remove such information from the database;
    - Correct such information; or
    - Add information to correct inaccurate information in the database.





- Application of Certain Notice and Disclosure Requirements
  - Section 6A(f)(1) states that the provisions of sections 6(a) and (b) of the CPSA do not apply to reports of harm disclosed in the database.
  - Section 6A(f)(2) states that section 6(a) and (b) still applies to Information received by the Commission:
    - Under section 15(b); or
    - Under any other mandatory/voluntary reporting program established between a retailer, manufacturer or private labeler and the Commission.



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# Database Implementation



# Database Implementation

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- The Commission held a public hearing on the topic of Section 212 of CPSIA in November 2009
- Staff sponsored a two-day series of public workshops on various topics regarding the Database in January 2010
- Staff presented at multiple conferences
- Staff researched and met with staff of other government database websites
- Staff researched and developed the Proposed Rule, and presented before the Commission in April 2010
- The Commission issued a notice of proposed rulemaking (NPR) in 75 *Federal Register* 29156, dated May 24, 2010
- The Commission received public comments through July 23, 2010
- Staff analyzed public comments and proposed a Final Rule



# Database Implementation

- Throughout the process, the staff considered and worked to address key challenges:

## Challenge:

1. **Mandatory statutory timeline for transmitting and publishing** reports of harm and manufacturer/private labeler comments
2. **Completeness and integrity of the data** that will be collected and published under standard procedure
3. **Remedies for correcting inaccurate data**



## Challenge:

### **Mandatory statutory timeline for transmitting and publishing**

If the submitted report of harm identifies a manufacturer or private labeler:

1. Staff will determine if it is a known manufacturer (as we do today), then notify (transmit the report of harm to) the manufacturer
2. If the manufacturer is unfamiliar to staff, staff will research and identify the manufacturer (as we do today), then notify (transmit the report of harm to) the manufacturer
3. Once transmitted by CPSC, the manufacturer or private labeler then has 10 business days to submit a comment before the report of harm is published



Challenge:	
<b><u>Completeness and integrity of the data</u></b>	<p>Every submitted report of harm <u>will be reviewed by CPSC staff</u> to evaluate the minimum requirements for publication:</p> <ol style="list-style-type: none"><li>1. Description of the consumer product</li><li>2. Identity of the manufacturer or private labeler</li><li>3. Description of the harm</li><li>4. Incident date (or approximate date)</li><li>5. Category of submitter</li><li>6. Contact information of the submitter (never published in the Database)</li><li>7. Verification of submitter</li><li>8. Consent of submitter</li></ol>

If the report of harm misses any of these requirements, it will not be published in the Database.



## Challenge:

### **Remedies for correcting inaccurate data**

Once a manufacturer is notified (report of harm is transmitted), the manufacturer may take a number of actions through the Business Portal:

1. Make a comment in response to the report of harm, which may be published
2. Claim the report of harm contains confidential business information, triggering CPSC review of the claim
3. Claim the report of harm contains materially inaccurate information (i.e. that it is not the manufacturer or private labeler of the product), triggering CPSC review of the claim



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# Proposed Changes to Final Rule





# Proposed Changes to Final Rule

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- The comment period on the proposed rule closed on July 23, 2010:
  - Thirty-seven comments were received on or before the close of the 60-day comment period.
  - Thirty-three of the comments received were from trade associations and industry representatives; two comments received were from consumer interest groups; and two comments received were from individuals in the general public.
  - The comments received represent more than 100 separate issues related to the proposed rule and implementation of the Database.



# Proposed Changes to Final Rule

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## ➤ Primary changes to the Proposed Rule:

Changes #1, #2, and #3:

This set of changes removes the “Others” option from the category of submitters in the proposed rule and clarifies the definition of “Consumers” and “Public Safety Entity”

Changes #4, #5, #6, and #8:

This set of changes includes incident date and category of submitter as part of set of minimum requirements for publication, renumbers the items where they appear, includes them in the set of fields that a manufacturer may verify, and includes them such that a manufacturer may make a material inaccuracy claim

Changes #7, #9, and #10:

This set of changes modifies the definition of materially inaccurate in a report of harm, states that the requester bears the burden of proof, and clarifies when the Commission will publish reports of harm in claims of material inaccuracy



# Proposed Changes to Final Rule

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Changes #1, #2, and #3:

This set of changes removes the “Others” option from the category of submitters in the proposed rule and clarifies the definition of “Consumers” and “Public Safety Entity”

Comments:

In response to comments, staff recommends deleting the reference to “Others” given the breadth of the five statutory categories of submitter.

Accordingly, the draft final rule does not contain the “Others” category.



# Proposed Changes to Final Rule

## Definition of Consumers:

Proposed Rule	Draft Final Rule
<p>Section 1102.10(a)(1) defines “consumers” as including, but not limited to, users of consumer products, family members, relatives, parents, guardians, friends, and observers of the consumer products being used.</p>	<p>Section 1102.10(a)(1) defines “consumers” as including, but not limited to, users of consumer products, family members, relatives, parents, guardians, friends, attorneys, investigators, professional engineers, agents of a user of a consumer product, and observers of the consumer products being used.</p>



# Proposed Changes to Final Rule

## Definition of Public Safety Entity:

Proposed Rule	Draft Final Rule
<p>Section 1102.10(a)(5) defines “public safety entity” as including, but not limited to, police, fire, ambulance, emergency medical services, federal, state, and local law enforcement entities, and other public safety officials.</p>	<p>Section 1102.10(a)(5) defines “public safety entity” as including, but not limited to, police, fire, ambulance, emergency medical services, federal, state, and local law enforcement entities, and other public safety officials and professionals, including consumer advocates or individuals who work for nongovernmental organizations, consumer advocacy organizations, and trade associations, so long as they have a public safety purpose.</p>



# Proposed Changes to Final Rule

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Changes #4, #5, #6, and #8: This set of changes includes incident date and category of submitter as part of set of minimum requirements for publication, renumbers the items where they appear, includes them in the set of fields that a manufacturer may verify, and includes them such that a manufacturer may make a material inaccuracy claim

Comments: In response to comments stating that the minimum information required to submit a report of harm for inclusion in the Database is not detailed enough, to understand the incident adequately, and to weed out duplicate reports, staff recommends adding two additional field requirements – Incident Date and Category of Submitter.



# Proposed Changes to Final Rule

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Changes #7, #9, and #10:

This set of changes modifies the definition of materially inaccurate in a report of harm, states that the requester bears the burden of proof, and clarifies when the Commission will publish reports of harm in claims of material inaccuracy

Comments:

In response to comments stating that the definition was too complicated, subjective, redundant, and ultimately impractical to enforce, the definition in the final rule retains and simplifies the subjective test in the definition.

In response to comments we added a burden of proof requirement for materially inaccurate information, similar to how we request designation and support for confidential information claims.

In response to comments we have revised the rule to delete any ambiguity on when we must publish reports of harm where claims of material inaccuracy have been made.



# Proposed Changes to Final Rule

## Definition of Materially Inaccurate Information:

Proposed Rule	Draft Final Rule
<p>Sections 1102.26(a)(1) and (a)(2) define “materially inaccurate” information in a report of harm and manufacturer comment to mean “information that is false or misleading in a significant and relevant way that creates or has the potential to create a substantially erroneous or substantially mistaken belief in a Database user about information in a report of harm including . . .”</p>	<p>Sections 1102.26(a)(1) and (a)(2) defines materially inaccurate information in a report of harm and manufacturer comment as “information that is false or misleading and relates to a matter which is so substantial and important as to affect a reasonable consumer’s decision making about the product including . . .”</p>





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# Example Report Scenarios



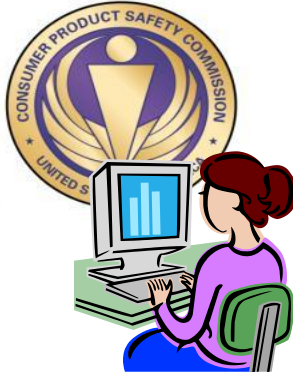
# Scenario 1 – Report of Harm is Published in the Database

Scenario 1: The Report of Harm includes all fields required to satisfy the draft final rule.

**Report of Harm is published in the Database.**



1. Consumer submits Report of Harm



**2. CPSC Specialist verifies eight required fields:**

- ✓ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

CPSC staff reviews and scrubs for PII and transmits to manufacturer.

*Other Business Actions*

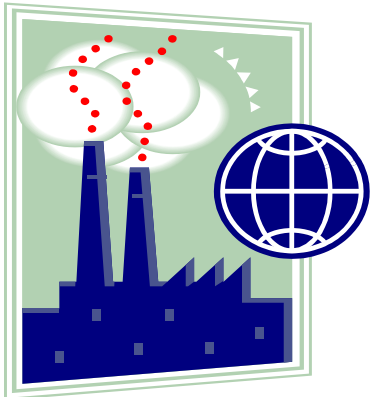
*Rule Requirements*



4. CPSC staff reviews any Comment and then publishes the Report of Harm and any Comment into the Database




3. Manufacturer registers and may submit Comment





 **Search**  
Recalls & Complaints

 **File**  
Reports

 **Businesses**  
Respond to Complaints

## File a Report

Please follow the steps below to begin your report to the U.S. Consumer Product Safety Commission.

\* 1) Select Who You  
Are or Your Affiliation

Please Select



[Why do you need this?](#)

\* 2) Select a Product

Please Select



[Cannot find Product from the list?](#)

3) Select How You Would Like to Report



Online

Begin Now 

OR



Phone



E-mail



Postal Mail



# Scenario 1, Step 1

Home **SaferProducts**.GOV

Search Recalls & Complaints | File Reports | Businesses Respond to Complaints

Share RSS

## File a Report

Please follow the steps below to begin your report to the U.S. Consumer Product Safety Commission.

\* 1) Select Who You Are or Your Affiliation  Why do you need this?

\* 2) Select a Product  Cannot find Product from the list?

3) Select How You Would Like to Report

**Online**   
 Phone   
 E-mail   
 Postal Mail

OR

[Begin Now](#)

Category of Submitter: (Consumer, government, health care professional)

Product Category

**Disclaimer:** The Commission does not guarantee the accuracy, completeness or adequacy of the contents of the Consumer Product Safety Information Database, particularly with respect to the accuracy, completeness, or adequacy of information submitted by persons outside of the CPSC.

**FAQ**

**How will you use my information?**  
 Reports we receive are used to identify products in regard to their safety. CPSC maintains a database regarding the safety of products and substances regulated by the agency. This database is available to the general public and can be accessed over the Internet. At the end of this report form, you can choose to have the report you submit be accessible to others through this database so others can learn of your experiences or concerns with products and substances regulated by CPSC.

**Will my information remain confidential?**  
 Your name and contact information as well as the names and contact information for other people listed in your report will not be released to the general public, manufacturers or third parties without your consent. While you are filling out the report, you will be asked for information about yourself so that CPSC may get in touch with you to follow up or clarify details in your report. At the end of this report form, you will be asked if you would like your contact information to be shared with the manufacturer.



# Scenario 1, Step 1

## Report

### Is This Your First Visit?

#### Register. It's simple

\* E-mail

\* Password  ?

\* Retype Password

To finalize your registration, type each of the following words into the box below and click Register.

stop spam.  
read books.

Register

#### ★ Benefits:

- Save your information and return to it later.
- Track the status of your report after you submitted it.

#### ★ How Is This Information Used?

- Registration is optional. You do not have to register in order to submit a report.
- Your name and contact information will not be released without your consent.

### Already Registered? Sign In

E-mail

Password

Login [Forgot password](#)

[Continue Without Registering >](#)



# Scenario 1, Step 1

## Report

Is This Your First Visit?

Register. It's simple

\* E-mail

\* Password  ?

\* Retype Password

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• Email address  
• Password

Captcha to enhance security

Already Registered? Sign In

E-mail

Password

Login [Forgot password](#)

[Continue Without Registering >](#)



## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report

- \* I am reporting  An actual incident or injury involving an unsafe consumer product.  
 The potential for an unsafe consumer product to cause an incident or injury.

\* Safety Concern

Important: Include details such as how the product was being used, what happened to prompt your report and any injuries that were sustained. Do not provide personally identifiable information in this box.





## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report. \*

\* I am reporting



An actual incident or injury involving an unsafe consumer product.



The potential for an unsafe consumer product to cause an incident or injury.

\* Incident Description

My child's finger was cut as I was closing her stroller.



Incident Date

10/01/2010



Estimated





# Scenario 1, Step 1

**Report**

What Happened | **People & Injuries** | Product | Contact | Review | Consent & Submit

## People Involved & Their Injuries

Tell us about the people involved in the incident. You may include both people who were injured and people who were not injured. <sup>1</sup>

**Victims Involved** 1

**Victim 1 (Most Severely Injured)**

**Injury Information** Select One

**My Relationship to this victim** Select Relationship

**Gender**  Female  Male

**Age at time of incident:** Years:  Months:  0

For children under age 3, please specify years and months

**Victim's Race/Ethnicity** Select Race/Ethnicity Choose Other Race / Ethnicity

**First Name**

**Last Name**

**E-mail**

**Phone**

Address specified previously

**Address Line 1:**

**Address Line 2:**

**City:**

**State / Province:**

**Postal Code:**

**Country:** Select Country

[Add Info for Another Victim](#)

Type of injury

Submitter's relationship to victim

Race/Ethnicity and age of victim

Name and address of victim



## People Involved & Their Injuries

Tell us about the people involved in the incident. You may include both people who were injured and people who were not injured. <sup>34</sup>

**Victims Involved**

**Victim 1 (Most Severely Injured)**

**Injury Information**

### Primary Injury

Location of Injury

Type of Injury

### Secondary Injury:

Location of Injury

Type of Injury

**My Relationship** to this victim

**Gender**  Female  Male

**Age** at time of incident: Years  Months

For children under age 3, please specify years and months



## Tell Us About the Product

Please provide details about the product involved in the Report.

### General Descriptions

\* **Product Description**

Important: Please write a description of the product including the product name and any other information that will help us identify the product and the purpose for which it is used.



\* **Product Category**

Select One



[Cannot find Product from the list?](#)

**Product Type**

Select One



### Primary Product Hazard

Hazard Category

Select One



Hazard

Select One



### Secondary Product Hazard

Hazard Category

Select One



Hazard

Select One



### Product Brand / Model

Brand Name



Model Name or Number



Serial Number





# Scenario 1, Step 1

What Happened | People & Injuries | **Product** | Contact | Review | Consent & Submit

## Tell Us About the Product

Please provide details about the product involved in the Report. \* = Required

**General Descriptions**

Product Description: I have a red XYZ Deluxe Baby Jogger stroller.

Product Category: Toys, Kids & Baby [Cannot find Product from the list?](#)

Product Type: Select One

**Primary Product Hazard**

Hazard Category: Mechanical (motion / force) Hazard: Select One

**Secondary Product Hazard**

Hazard Category: Select One Hazard: Select One

**Product Brand / Model**

Brand Name: XYZ Strollers

Model Name or Number: 123456

Serial Number: 12345678-90

**Manufacturer or Private Labeler**

Manufacturer or Private Labeler: ACELM, Inc.

I know the address for this organization

Date Manufactured: [Date Picker]

Manufacturer Date Code: [Text Box]

**Purchase Info**

Purchased from: Retail Mart

Retailer Location (State): PA - Pennsylvania

Purchase Date: 09/15/2010  Estimated

**Add Photos / Documents**

Select the Browse for Files button to find pictures or documents on your computer of the product, its packaging, bar code, or other identifying information. Files are limited to 100 megabytes in filesize. [Having problem upload? Click on classic upload.](#)

Please provide description for each file you have just selected, then click the Attach button. To remove the files you just selected, click the cancel button.

**Important Questions About the Product**

I still have the product:  Yes  No  
*Try to keep it for 30 days after submitting report to CPSC's use*

The product was damaged before the incident:  Yes  No

The product was modified before the incident:  Yes  No

Disclaimer

Product Description

Brand, Model Name or Number, Serial Number

Name of Manufacturer or Private Labeler

Name of Retailer



**Report**

What Happened | People & Injuries | Product | **Contact** | Review

## Contact Information

Please provide your contact information below.

I would like to submit this report anonymously

**First Name**

\* First Name  \* Last Name

I am 18 years of age or older

**Parent/Guardian's Name**

\* First Name  \* Last Name

**Parent/Guardian's Contact Info**

Address specified previously

\* Address Line 1:

Address Line 2:  ?

\* City:

\* State / Province:

\* Postal Code:

\* Country:  ▼

E-mail  ?

Phone

[Disclaimer](#)



# Scenario 1, Step 1

**Report**

What Happened | People & Injuries | Product | **Contact** | Review

## Contact Information

Please provide your contact information below.

I would like to submit this report anonymously

**First Name** \* First Name  \* Last Name  **Name**

I am 18 years of age or older

**Your Contact Info**

Address specified previously

Same as:  Incident Location

E-mail  **Email address**

Phone  **Phone number**



## Review Your Report

Please review the information you have supplied to ensure it is "true" and accurate. Click "Edit" to make corrections.

Save A Copy

### Incident Details

Incident ID: 20101019-77134-52

Incident Type Reporting: an incident where a product acted in a dangerous or unsafe manner.

Incident Description: My child's finger was cut as I was closing her stroller.

Date of Incident 10/1/2010

Location of Incident: Home/Apartment/Condominium - 1 Pine St., Philadelphia, Pennsylvania, 19101, United States

### Victim Details

First Name:

Last Name:

Severity: Injury Not Requiring Hospitalization

Primary Injury: Finger - Cut

My Relationship to Victim: My child

Gender: Female

Age when incident occurred: 4 Years



## Report

What Happened

People & Injuries

Product

Contact

Review

Consent & Submit



## Consent & Submit

Please let us know how you would like us to handle your report.

May we include your report, **without your name and contact information**, in CPSC's Public Database?

- Yes, you may include my report in the Public Database.
- No, do not include my report in the Public Database.

May we release your name and contact information to the product manufacturer?

- Yes, you may release my name and contact information to the product manufacturer.
- No, do not release my name and contact information to the product manufacturer.



I certify that the information provided in this form is true and accurate to the best of my knowledge.





Your Report has been successfully submitted.

**Thank you** for submitting your Report to U.S. Consumer Product Safety Commission (CPSC).

Your Report reference number is listed below. Please keep this Report number for your reference.

### Important Information Regarding Your Report

Report Number	Date Submitted	Report Status
20101019-77134-52	10/19/2010	Submitted and Certified

[Return](#)



# Scenario 1, Step 2

CPSC 360° My Tasks Incident Analysis Create Incident Report Reports Account Management Search IMCC Options

**Open Tasks**

- [Intake Team\(24\)](#)
- [CPSC\(18\)](#)
- [Triage Team\(12\)](#)
- [Clearinghouse Team\(11\)](#)

**Active Alerts**

- [EWS Alerts \(1\)](#)
- [Manufacturer Requests \(4\)](#)
- [Manufacturer User Requests \(1\)](#)
- [Manufacturer Notifications \(1\)](#)

**Tasks for Intake Team**

- [Clerical Coding \(20\)](#)
- [PII Scrub \(2\)](#)
- [CPSIA Check \(2\)](#)

Due in 1 to 4 days: 1

Due in 5 or more days: 0

**Incident Reports: Group: Intake Team, Type: CPSIA Check**

Number	Date Received	Product	Severity	Narrative	Status	Task Due	Tasked Date	Product Code	Hazard Type	Victim Age	Injury Date	Manufacturer	Source	Affiliation	Tasked By
<a href="#">I10A0031A</a>	10/12/2010	Home Maintenance and Structures – Heating, Ventilation & Air Conditioning – Fans	Injury Not Requiring Hospitalization	The fan broke, a pie	Data Intake	<a href="#">10/13/2010</a>	10/12/2010	380	Mechanical (motion / force) – Lacerations / Cuts	33	10/2/2010	HOWE	Consumer	Unspecified	System, System
<a href="#">I10A0051A</a>	10/16/2010	Toys, Kids & Baby	Injury Not Requiring Hospitalization	My child's finger wa	Data Intake	<a href="#">10/19/2010</a>	10/18/2010		Mechanical (motion / force)	4	10/1/2010	ACELM, Inc.	Consumer	Unspecified	System, System

Page 1 of 1 (2 items) < [1] >

• Clerical Coding  
• PII Scrub  
• CPSIA Check

New Report of Harm



CPSC.gov SaferProducts.gov PoolSafely.gov Recalls.gov ATVsafety.gov

Home

[Search](#) Recalls & Complaints [File](#) Reports [Businesses](#) Respond to Complaints

## CPSC Business Portal

CPSC's Business Portal facilitates the exchange of information on consumer product safety issues between CPSC and manufacturers (including importers) and private labelers.

If you already have a Business Account [Log in](#)

Registering with CPSC allows us to electronically communicate any reports involving your product to you quickly. [Register](#)

[Forgot Your Password?](#)

### Frequently Asked Questions

- What is a Report?
- How can I respond to a Report Notification?
- What is the Public Database?
- Who should I contact if I have questions about a Report?
- How can your company report a potentially defective or hazardous product?

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## Request a Business Account

A business account will allow CPSC to contact your business when a report is received and for your business to comment on a report.

### Account ID

\* Email  The email address serves as the login ID for the company account

\* Re-type E-mail

### Business Information

\* Company Name

\* Address Line 1:

Address Line 2:  ?

\* City:

\* State / Province:

\* Postal Code:

\* Country:

Phone Number

Business Description  Manufacturer  Private Labeler  Importer



# Scenario 1, Step 3

**IPSC**  
**SaferProducts**  
.GOV

[Search](#)  
Recalls & Complaints

[File](#)  
Reports

[Businesses](#)  
Respond to Complaints

## Request a Business Account

A business account will allow CPSC to contact your business when a report is received and for your business to comment on a report.

**Account ID**

• Email:  The email address serves as the login ID for the company account

• Re-type E-mail:

---

**Business Information**

• Company Name:

• Address Line 1:

Address Line 2:

• City:

• State / Province:

• Postal Code:

• Country:

Phone Number:

Business Description:  Manufacturer  Private Labeler  Importer

---

**Contact for Reports** This person will serve as the official contact whom CPSC notifies when it receives reports regarding your business' products.

• First Name:

• Last Name:

Job Title:

Same as Company Address

Phone Number:

• Contact E-mail:

---

You can specify up to 5 additional email addresses that you would like to receive reports.

E-mail 1:  [Add Another E-mail](#)

---

**Confirmation**

To finalize your registration, type each of the following words into the box below and click Register

Business contact information

Individual point of contact for Reports of Harm

Captcha to enhance security



# Scenario 1, Step 3

CPSC.gov SaferProducts.gov PoolSafely.gov Recalls.gov ATVsafty.gov Questions?

Welcome thucker@cpsc.gov! [Log Out](#)

Home

[Search](#) Recalls & Complaints | [File](#) Reports | [Businesses](#) Respond to Complaints

[Share](#) [RSS](#)

## Request a Business Account

Thank you for Your Company Account Request

CPSC will review the information you supplied and contact the official company contact once the account is created.

If you have questions, you can contact CPSC at 1-(800) 638-2772

[Close](#)

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# Scenario 1, Step 3

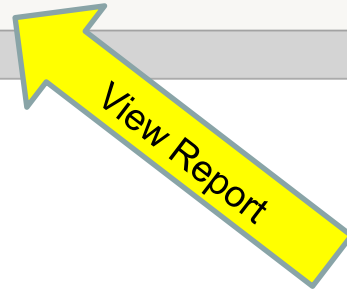
View: All of My Company's Incident Reports

Export As PDF

Drag a column header here to group by that column

View Report	Product Category	Model	Severity	10 Day Deadline	# CPSC Reviewed Co	# Submitted Comme	# Unsubmitted Com	Notified
<a href="#">View Report</a>	Toys, Kids & Baby	123456	Injury Not Requiring Hospitalization	11/1/2010 - 14 Day(s)	0	0	0	10/18/2010 11:20:16 AM

[Create Filter](#)





# Scenario 1, Step 3

- 1. Review Report
- 2. Add Comment

**CPSC Business Portal** Incident Reports Company Account Management

ID: 74674 Submitted: 10/15/2010 Submitted By: Consumer Add A Claim or Comment

Notifications  
**Complaint Details**  
Related Files  
Business Comments

Complaint Details

**Product**

Incident Image Thumbnails  
No images

**Product Identification**

Product Description I have a red XYZ Deluxe Baby Jogger stroller.  
Product Category Toys, Kids & Baby  
Model 123456  
Brand XYZ Strollers  
Serial Number 12345678-90  
UPC Code  
Purchase Date 9/14/2010

**Product Hazards**

Primary Hazard Mechanical (motion / force)  
Secondary Hazard

**Additional Details**

Submitter Has Product Yes  
Damaged Before Incident No  
Repaired Before Incident Not specified  
Modified Before Incident No

**Manufacturer**

Name ACELM, Inc.  
Manufacturer Date Code  
Date Manufactured





# Scenario 1, Step 3

General

\* Comment ACELM is very committed to safety, and our products have a strong safety track record.

\* Visible to the public?  Yes  No ?

Submit

Close

Save as Draft

Submit



# Scenario 1, Step 3

## General

\* Comment ACELM is very committed to safety, and our products have a strong safety track record. The plastic latch on this model of stroller is faulty in some cases, so we are offering to any customer who purchased this model stroller a full refund or an exchange to an upgraded model through the retailer at which it was purchased.

\* Visible to the public?  Yes  No [?](#)

Submit

Close

Submitting Notes to CPSC



By checking the box below, I certify that:

The information contained is true and accurate to best of my knowledge.

I am authorized to make General Comments on behalf of this company.

I certify the statements above.

OK

Cancel





# Scenario 2 – No Identifiable Consumer Product

Does not contain an identifiable consumer product.

**Report is not published in the Database.**



1.  
Consumer  
submits  
Report of  
Harm



## 2. CPSC Specialist reviews required fields:

- ✗ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

Report is not published in the Database.



# Scenario 2 – No Identifiable Consumer Product



## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report.

- \* I am reporting  An actual incident or injury involving an unsafe consumer product.  
 The potential for an unsafe consumer product to cause an incident or injury.

\* Incident Description

My son's hand was severely burned when our appliance overheated.



Incident Date: 10/01/2010  Estimated

Incident Location: Home/Apartment/Condominium

Address Line 1: 0 Pine St.

Address Line 2:

City: Philadelphia

State / Province: PA

Postal Code: 19107

Country: United States

This is my home address



# Scenario 2 – No Identifiable Consumer Product

**Report**

What Happened   **Product**   Contact   Review   Consent & Submit

## Tell Us About the Product

Please provide details about the product involved in the Report.

### General Descriptions

\* **Product Description** hot appliance ?

\* **Product Category** Clothing and Accessories ? [Cannot find Product in the list?](#)

**Product Type** Select One ?

### Primary Product Hazard

**Hazard Category** Select One ?      **Hazard** Select One

### Secondary Product Hazard

**Hazard Category** Select One ?      **Hazard** Select One

*No identifiable product description*



# Scenario 3 – No Identifiable Manufacturer

Does not identify a manufacturer or private labeler. **Report is not published in the Database.**



1. Consumer submits Report of Harm



## 2. CPSC Specialist reviews required fields:

- ✓ Description of the consumer product
- ✗ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

Report is not published in the Database.



# Scenario 3 – No Identifiable Manufacturer

What Happened | People & Injuries | Product | Contact | Review | Consent & Submit

## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report.

\* I am reporting  An actual incident or injury involving an unsafe consumer product.  
 The potential for an unsafe consumer product to cause an incident or injury.

\* Incident Description

Incident Date:   Estimated

Incident Location:

Address Line 1:

Address Line 2:

City:

State / Province:


Postal Code:

Country:

This is my home address



# Step 3 – No Identifiable Manufacturer

 **Tell Us About the Product**  
Please provide details about the product involved in the Report

**General Descriptions**

\* **Product Description**

\* **Product Category**  [Cannot find Product from the list?](#)

**Product Type**

**Primary Product Hazard**

**Hazard Category**  **Hazard**

**Secondary Product Hazard**

**Hazard Category**  **Hazard**

**Product Brand / Model**

**Brand Name**

**Model Name or Number**

**Serial Number**

**Manufacturer or Private Labeler**

**Manufacturer or Private Labeler**

I know the address for this organization

**Date Manufactured**

**Manufacturer Date Code**

**Purchase Info**

**Purchased from**

**Retailer Location (State)**

No identifiable manufacturer

No identifiable manufacturer







# Scenario 4 – No Identifiable Description of Harm

Does not describe a harm or risk of harm.

**Report is not published in the Database.**



1. Consumer submits Report of Harm



## 2. CPSC Specialist reviews required fields:

- ✓ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✗ **Description of the harm**
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

Report is not published in the Database.



# Scenario 4 – No Identifiable Description of Harm



## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report.

- \* I am reporting  An actual incident or injury involving an unsafe consumer product.  
 The potential for an unsafe consumer product to cause an incident or injury.

\* Incident Description

This dishwasher never gets my dishes really clean, unless I clean them all by hand before loading the dishwasher. And it NEVER gets my pots clean. It's terrible.



No identifiable description of harm

Incident Date: 10/01/2010  Estimated

Incident Location: Home/Apartment/Condominium

Address Line 1: 0 Pine St.

Address Line 2:

City: Philadelphia

State / Province: PA

Postal Code: 19107

Country: United States

This is my home address



# Scenario 5 – No Identifiable Submitter

Does not identify the submitter of the Report of Harm.

**Not published in the Database.**



1. Consumer  
submits  
Report of  
Harm



## 2. CPSC Specialist reviews required fields:

- ✓ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✗ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

Report is not published in the Database.



# Scenario 5 – No Identifiable Submitter

**Report** CONTACT

What Happened   Product   **Contact**   Review   Consent & Submit

## Contact Information

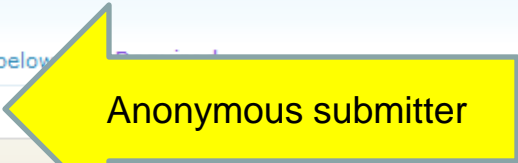
Please provide your contact information below

I would like to submit this report anonymously

If you submit anonymously, your report will not appear in the SaferProducts.gov database for others to find and we will not be able to contact you if we need additional information.

**You must be 18 years of age or older to submit anonymously**

I am 18 years of age or older



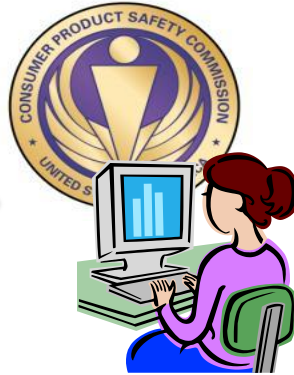


# Scenario 6 – Claim of Confidential Information

The Consumer is a former employee who claims the manufacturer used lower quality material. The Manufacturer makes a claim of confidential information. **CPSC makes a determination. Confidential information is redacted before publication.**



1. Consumer submits Report of Harm



## 2. CPSC Specialist reviews required fields:

- ✓ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

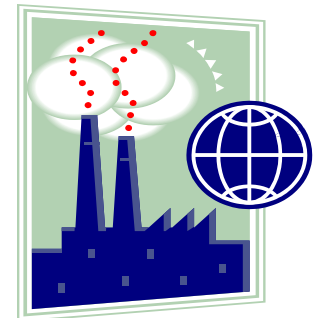
Rule Requirements  
Other Business Actions

CPSC staff reviews and scrubs for PII and transmits to manufacturer.

4. CPSC staff determines claim of Confidential Information. Confidential information is redacted before Report of Harm is published. Manufacturer's claim of confidential information is not published, but any other Comment made may be published.



3. Manufacturer registers and claims Confidential Information.





# Scenario 6 – Claim of Confidential Information

Report

What Happened

Product

Contact

Review

Consent & Submit



## Tell Us What Happened

Please provide us as many details as you can. More information helps CPSC investigate your Report.

- \* I am reporting  An actual incident or injury involving an unsafe consumer product.
- The potential for an unsafe consumer product to cause an incident or injury.

\* Safety Concern

I have a ToastyNite brand space heater made by LMNOP Corp. The cord gets far too hot and could cause a fire or other damage. I worked at LMNOP in 2008 when they were under a lot of financial pressure and I know they made a decision to use higher gauge copper wire in the cord to shave their costs. Raising it from 6 gauge to 11 saved them a little on copper but is not adequate for safety.





# Scenario 6 -- Claim of Confidential Information

Welcome LMNOP Corporation Admin [Sign out](#)

[My Account](#) | [Contact](#)

**CPSC Business Portal** [Incident Reports](#) [Company](#) [Account Management](#)

LMNOP Corporation

View:

Drag a column header here to group by that column

View Report	Product Category <input type="text"/>	Model <input type="text"/>	Severity <input type="text"/>	10 Day Deadline <input type="text"/>	# CPSC Reviewed Co	# Submitted Comm	# Unsubmitted Com	Notified <input type="text"/>
<a href="#">View Report</a>	Other	123456	No Incident	10/29/2010 - 12 Day(s)	0	0	0	10/17/2010 4:08:19 PM



# Scenario 6 – Claim of Confidential Information

The screenshot shows the CPSC Business Portal interface. The incident details are as follows:

- Product Identification:** Product Description: "My space heater could catch fire because the gauge of wire is too high for the load." Product Category: "Furniture, Furnishings & Decorations-Other". Model: "10205". Brand: "ToastyNite". Serial Number: "10205C4". UPC Code: "10205C4". Purchase Date: [Redacted]
- Product Issues:** Primary Issue: "None". Secondary Issues: [Redacted]
- Additional Details:** Supplier Use Product: "No". Damaged Before Incident: "No". Reported Before Incident: "Not Specified". Reported After Incident: "No".
- Manufacturer:** Name: "LMNOP Corporation". Date Manufactured: [Redacted]
- Manufacturer Data:** Name: [Redacted]. Purchase Location: [Redacted]. Purchase Date: [Redacted]
- Incident Details:** Incident Description: "I have a ToastyNite brand space heater made by LMNOP Corp. The cord gets far too hot and could cause a fire or other damage. I worked at LMNOP in 2008 when they were under a lot of financial pressure and I know they made a decision to use higher gauge copper wire in the cord to shave their costs. Raising it from 6 gauge to 11 saved them a little on copper but is not adequate for safety." Date Reported: "10/15/2010". Date of Incident: "10/15/2010". Incident Location Type: "Unspecified". Incident Location: "United States".

## Incident Details

**Incident Description** I have a ToastyNite brand space heater made by LMNOP Corp. The cord gets far too hot and could cause a fire or other damage. I worked at LMNOP in 2008 when they were under a lot of financial pressure and I know they made a decision to use higher gauge copper wire in the cord to shave their costs. Raising it from 6 gauge to 11 saved them a little on copper but is not adequate for safety.

**Date Reported** 10/15/2010

**Date of Incident** 10/15/2010

**Incident Location Type** Unspecified

**Incident Location** United States

## Victims Involved





# Scenario 6 – Claim of Confidential Information

## Confidential Information

\* Confidential Info

I worked at LMNOP in 2008 when they were under a lot of financial pressure and I know they made a decision to use higher gauge copper wire in the cord to shave their costs. Raising it from 6 gauge to 11 saved them a little on copper but is not adequate for safety.



\* Impact of Release

The Report of Harm not only discloses the gauge of our wire, but also casts aspersions on LMNOP's longstanding commitment to safety. The Incident Report damages our reputation by stating that our company cares more about saving money than product safety.



\* How Obtained

The submitter of the Report of Harm claims to be a former LMNOP employee.



\* Has this information claimed to be confidential even been **released**?

Yes  No

\* Is the information claimed to be confidential **commonly known** within the industry?

Yes  No



# Scenario 7 – Claim of Materially Inaccurate Information

The Consumer misidentifies the Manufacturer. The Manufacturer makes a claim of material inaccuracy. **If CPSC makes a determination on the Material Inaccuracy before publication, it will resolve the claim before publication. If a determination, after investigation, is made after publication, the claim must be resolved within seven business days of the determination.**



1. Consumer submits Report of Harm



Other  
Business  
Actions

## 2. CPSC Specialist reviews required fields:

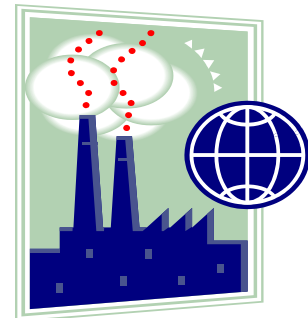
- ✓ Description of the consumer product
- ✓ Identity of the manufacturer or private labeler
- ✓ Description of the harm
- ✓ Incident date (or approximate date)
- ✓ Category of submitter
- ✓ Contact information of the submitter
- ✓ Verification of submitter
- ✓ Consent of submitter

CPSC staff reviews and scrubs for PII and transmits to manufacturer.

4. If CPSC staff determines claim of Material Inaccuracy before publication, it will be resolved before the Report of Harm is published. If CPSC staff determines a claim of Material Inaccuracy after publication, it must be resolved in the Database within 7 business days of the determination. Manufacturer claims of Materially Inaccurate Information are not published, but any other Comment made may be published.



3. Manufacturer registers and claims Material Inaccuracy.





# Scenario 7 – Claim of Materially Inaccurate Information

CPSC Business Portal Incident Reports Company Account Management

ID: 74677 Submitted: 10/17/2010 Submitted By: Consumer Add A Claim or Comment

Notifications

Complaint Details

Related Files

Business Comments

Complaint Details

**Product**

Incident Image Thumbnails  
No images

**Product Identification**

Product Description BakeEeze Toaster Oven  
Product Category Kitchen—Appliances  
Model 123456  
Brand BakeEeze  
Serial Number 567890-B  
UPC Code  
Purchase Date 8/31/2010

**Product Hazards**

Primary Hazard Thermal  
Secondary Hazard

**Additional Details**

Submitter Has Product Yes  
Damaged Before Incident No  
Repaired Before Incident Yes  
Modified Before Incident No

**Manufacturer**

Name DEFC Corp.  
Manufacturer Date Code  
Date Manufactured

**Retailer**

Name  
Purchase Location PA - Pennsylvania  
Purchase Date 8/31/2010

**Incident Details**

Incident Description The exterior of my toaster oven got hot enough to ignite dish towels and napkins touching it on my kitchen counter.  
Date Reported 10/17/2010  
Date of Incident 9/30/2010  
Incident Location Type Home/Apartment/Condominium  
Incident Location 0 Spruce St., Philadelphia, Pennsylvania, 19101, United States



# Scenario 7 – Claim of Materially Inaccurate Information

## Materially Inaccurate Information

Comment: Submitted 10/18/2010 10:00:49 AM

- ✖ **Inaccurate Info** DEFG Corp is identified as the manufacturer of the BakeEeze toaster oven.
- ✖ **How to Correct** Remove the name of DEFG Corp.
- ✖ **Correction Details** Remove the name of DEFG Corp.
- Elaboration** DEFG makes terrific home appliances, and we have a 100-year commitment to safety. However, we have never manufactured toaster ovens. The appliance in question was manufactured by a different company, not DEFG Corp (See attached photograph.)
- ✖ **Visible to the public?** Yes

### Comment Review

**Review Status** Not Reviewed

Action



---

# Appendix



# Proposed Changes to Final Rule

## Change #1:

<b>Proposed Rule</b>	<b>Draft Final Rule</b>
<p>Section 1102.10(a)(1) defines “consumers” as including, but not limited to, users of consumer products, family members, relatives, parents, guardians, friends, and observers of the consumer products being used.</p>	<p>Section 1102.10(a)(1) defines “consumers” as including, but not limited to, users of consumer products, family members, relatives, parents, guardians, friends, attorneys, investigators, professional engineers, agents of a user of a consumer product, and observers of the consumer products being used.</p> <p>Details on this change may be found in Staff’s Responses to Comments 8 through 17.</p>



# Proposed Changes to Final Rule

## Change #2:

Proposed Rule	Draft Final Rule
<p>Section 1102.10(a)(5) defines “public safety entity” as including, but not limited to, police, fire, ambulance, emergency medical services, federal, state, and local law enforcement entities, and other public safety officials.</p>	<p>Section 1102.10(a)(5) defines “public safety entity” as including, but not limited to, police, fire, ambulance, emergency medical services, federal, state, and local law enforcement entities, and other public safety officials and professionals, including consumer advocates or individuals who work for nongovernmental organizations, consumer advocacy organizations, and trade associations, so long as they have a public safety purpose.</p> <p>Details on this change may be found in the staff’s discussion of the proposed definition at section 1102.10(d)(5) and in Staff’s Responses to Comments 8 through 17.</p>



# Proposed Changes to Final Rule

## Change #3:

Proposed Rule	Draft Final Rule
Section 1102.10(a)(6) defines an “Others” category of submitter.	Section 1102.10(a)(6), regarding “Others,” has been deleted, given the breadth of the entities listed in the other five statutory categories.  A discussion of this change may be found in Staff’s Responses to Comments 8 through 17.





# Proposed Changes to Final Rule

## Change #4:

Proposed Rule	Draft Final Rule
<p>Section 1102.10(d) contains the minimum requirements for publication of a report of harm in the Database: (1) Description of the consumer product; (2) Identity of the manufacturer or private labeler; (3) Description of the harm; (4) Contact information; (5) Verification; and (6) Consent.</p>	<p>Section 1102.10(d) includes two additional minimum requirements for publication: (1) Incident date, or an approximation, and (2) Category of submitter. Accordingly, 1102.10(d) is renumbered and modified as follows:</p> <p>(4) Incident date. The date, or an approximate date, on which the incident occurred.</p> <p>(5) Category of submitter. Indicates which category the submitter is in (<i>i.e.</i>, consumers, government agencies, <i>etc.</i>) from §1102.10(a).</p> <p>A discussion of these changes may be found in Staff's Responses to Comments 21, 30, and 40.</p>



# Proposed Changes to Final Rule

## Change #5:

Proposed Rule	Draft Final Rule
<p>Section 1102.10(d)(5) requires a submitter of a report of harm to affirmatively verify that he or she has reviewed the report of harm and that the information contained therein is true and accurate to the best of the submitter's knowledge, information, and belief. Verification procedures for each method of submission will be specified. As part of verifying the report, submitters of reports of harm must indicate which category they are in (consumer, government agency, health care professional etc.) Although this information will not be published in the Database, it is required information for the report of harm.</p>	<p>Section 1102.10(d)(5) is renumbered to 1102.10(d)(7) to accommodate the addition of Incident date and Category of submitter. The last two sentences regarding the category of submitter have been deleted because the category of submitter is now a minimum requirement for publication at 1102.10(d)(5).</p> <p>A discussion of this change may be found in Staff's Responses to Comments 40 and 41.</p>



# Proposed Changes to Final Rule

## Change #6:

Proposed Rule	Draft Final Rule
<p>Section 1102.20(b) sets forth limitations on a manufacturer's use of submitter contact information. The proposed rule did not contain Incident date or Category of submitter as information that a manufacturer or private labeler could verify with the submitter of the report of harm.</p>	<p>Section 1102.20(b) includes Incident date and Category of submitter as additional fields that a manufacturer may verify on a report of harm. This change results from the addition of these fields as minimum requirements in section 1102.10(d). Details of this change may be found in the discussion of proposed section 1102.20(b).</p>



# Proposed Changes to Final Rule

## Change #7:

Proposed Rule	Draft Final Rule
<p>Sections 1102.26(a)(1) and (a)(2) define “materially inaccurate” information in a report of harm and manufacturer comment to mean “information that is false or misleading in a significant and relevant way that creates or has the potential to create a substantially erroneous or substantially mistaken belief in a Database user about information in a report of harm including . . .”</p>	<p>Sections 1102.26(a)(1) and (a)(2) re-define materially inaccurate information in a report of harm and manufacturer comment as “information that is false or misleading and relates to a matter which is so substantial and important as to affect a reasonable consumer’s decision making about the product including . . .”</p> <p>A discussion of this change may be found in Staff’s Responses to Comments 75 through 78.</p>



# Proposed Changes to Final Rule

## Change #8:

Proposed Rule	Draft Final Rule
<p>Section 1102.26(a)(1) sets forth the Database fields that a manufacturer or private labeler may claim contain a material inaccuracy based on the three substantive minimum requirements for publication of a report of harm: (1) Description of the consumer product, (2) Identity of the manufacturer or private labeler, and (3) Description of the harm.</p>	<p>Section 1102.26(a)(1) include the two additional required fields, such that a manufacturer or private labeler now may make a material inaccuracy claim with regard to the Incident date, or approximation, and the Category of submitter.</p> <p>Details of this change may be found in a discussion of proposed section 1102.26(a)(1).</p>



# Proposed Changes to Final Rule

## Change #9:

Proposed Rule	Draft Final Rule
<p>Section 1102.26(b) sets forth the information required to make a claim of material inaccuracy in a report of harm or a manufacturer comment. The requirement did not state that the requester bears the burden of proof.</p>	<p>Section 1102.26(b) states, similar to the requirement in § 1102.24(b) for confidential information claims, that the requester bears the burden of proof.</p> <p>Additional details regarding this change may be found in Staff's Responses to Comments number 80.</p>



# Proposed Changes to Final Rule

## Change #10:

Proposed Rule	Draft Final Rule
<p>Section 1102.26(d) sets forth the timing for submission of a claim regarding materially inaccurate information and states that if a request for determination of materially inaccurate information is submitted prior to publication in the Database, the Commission may withhold a report of harm from publication in the Database until it makes a determination. It also states that absent such a determination, the Commission would generally publish reports of harm on the tenth business day after transmitting a report of harm.</p>	<p>Proposed section 1102.26(d) states that if a request for determination of materially inaccurate information is submitted prior to publication in the Database, the Commission cannot withhold a report of harm from publication in the Database until it makes a determination. Absent a determination, the Commission will publish reports of harm on the tenth business day after transmitting a report of harm.</p> <p>Details of this change may be found in the staff's discussion of proposed section 1102.26(d) and Staff's Responses to Comments number 84.</p>