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**STATEMENT OF CHRISTINE HINES
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BEFORE THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

**ESTABLISHMENT OF A PUBLIC CONSUMER PRODUCT SAFETY
INCIDENT DATABASE**

Submitted January 4, 2010

Thank you to the Commission for allowing me to speak at this workshop on behalf of Public Citizen to offer our views on the establishment of a public consumer product safety incident database authorized under the Consumer Product Safety Improvement Act.

We previously presented a statement at the Commission's November 10th hearing. At that hearing I emphasized Public Citizen's strong support for the database. We believe it will empower both the agency and the public. It will be critical to protecting consumers from potential hazards because it will reduce the time it takes to identify and inform the public of hazardous products, as well as enabling concerned consumers to research products themselves. The database will also help responsible manufacturers by giving them timely information from customers on potential product hazards.

The Commission has identified several areas of discussion for this workshop, including data analysis and reporting; requirements for reports of harm submitted to the database; concerns for accuracy in those reports; and manufacturer notification and response to the reports.

The CPSIA requires that the information submitted to the database be organized in a way that serves the public interest and facilitates easy use by consumers. The public at large should be able to access all the information submitted to the database, except for consumers' private contact information. That is, all reports of harm, the information derived by the Commission from voluntary and mandatory recall notices, and the manufacturer or private labeler's comments and response to the incident report must be publicly available and accessible. For ease of use, the data also should be made available in a downloadable format for members of the public who prefer to review and analyze the information all together, as well as in a format suitable for narrow, specific searches. Further, in addition to the CPSIA requirements, we recommend that the data be sortable and accessible by categories similar to those on the Commission's existing

consumer product incident report form, such as type of injury and other harm, product condition, approximate date of purchase, and specific product manufacture information.

At the previous hearing, a number of industry representatives voiced concern over the incident reports, especially regarding accuracy. Some suggested that a flag system be implemented to highlight reports whose accuracy is doubted. We believe that such a flag system is unnecessary. The CPSIA contains reasonable protections to safeguard against inaccurate information. Manufacturers receive notice of reports before they are published online, and the CPSIA allows substantial feedback from manufacturers to the agency and to the public regarding the safety of their products. Manufacturers may even respond publicly in the database itself.

In addition, the CPSIA requires the Commission to take certain action when materially inaccurate information is submitted to or discovered in the database. We urge the Commission ensure that the inaccurate information is indeed material before taking action; that is, it should be substantial and important. The Commission should not delay the publication of incident reports on the basis of minor, superficial errors, particularly those that are not substantive.

Finally, we urge the protection of consumers' private contact information. The CPSIA permits the Commission to provide consumers' contact information to the manufacturer or private labeler of the product with the express written consent of the person who submitted the report of harm. The Act also bars a manufacturer or private labeler from using or disseminating consumers' information to any other party for any purpose other than verifying a report of harm. We request that the Commission emphasize that misuse of consumers' private information will not be tolerated, and urge it to take any necessary action to punish violators.