



UNITED STATES  
ASSOCIATION OF  
IMPORTERS OF  
TEXTILES AND  
APPAREL

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July 23, 2010

Mr. Todd A. Stevenson, Secretary  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway, Room 502  
Bethesda, MD 20814

Re: Comments on Proposed Rulemaking Concerning the Publicly Available  
Consumer Product Safety Information Database, Docket No. CPSC-2010-0041

Dear Mr. Stevenson:

The United States Association of Importers of Textiles and Apparel (“USA-ITA”), on behalf of its member companies, respectfully submits the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC”) Notice of Proposed Rulemaking published to the Federal Register on May 24, 2010, as identified by the above referenced docket number. The rulemaking concerns CPSC’s plan to establish the Publicly Available Consumer Product Safety Information Database (the “Database”) required pursuant to Section 212 of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”). The following expresses a few of the concerns about the Database that are widely held among USA-ITA’s membership and offers recommendations to improve its administration, integrity and utility for both consumers and the business community.

USA-ITA represents a broad cross-section of retailers and apparel producers that import and sell textiles and apparel, from large, nationally-recognized brands to smaller companies. The association represents the industry before Congress, the Administration, the business community and the public, as well as industry groups and governments around the world. In addition, USA-ITA endeavors to provide its members access to the information they need to do business and understand and comply with complex laws and regulations governing commerce in the United States and abroad.

#### Who May Submit a Report of Harm

Proposed § 1102.10(a) of the CPSC regulations purports to explain what persons or entities may submit reports of harm for publication in the Database. These are provided in six broad categories corresponding to the categories enumerated in Section 6A(b)(1)(A) of the Consumer Product Safety Act (“CPSA,” as amended by the CPSIA), including: consumers; local, State, or Federal government agencies; health care professional; child service providers; and public safety entities. The sixth category would be a new “other” category, to include individuals and entities that do not fall within the other five categories, such as “attorneys, professional engineers, investigators, nongovernmental organizations, consumer advocates, consumer advocacy organizations, and trade associations.”

USA-ITA is concerned that Proposed § 1102.10(a) defines too broadly the scope of persons and entities eligible to submit reports of harm, and this is likely to harm the integrity and usefulness of the database. The purpose of the Database is to provide consumers with reliable information about consumer product incidents. To ensure accuracy of information in the Database it is critical that only those closely connected to consumer product incidents be permitted to publicize reports of harm in the Database. Many of the persons or entities eligible to file reports of harm under proposed § 1102.10(a), simply are not likely to have reliable, complete information about consumer product incidents. This includes observers of products being used, friends of individuals harmed by consumer products, and consumer advocacy organizations, among others. USA-ITA respectfully requests that CPSC amend proposed § 1102.10(a) to limit reports of harm to those that have a direct connection and are most familiar with the circumstances of the incident that caused the harm. Inaccurate, incomplete or otherwise false reports of harm will cause undue damage to U.S. companies, mislead consumers, and vitiate the purpose of the Database.

### Submission of Reports of Harm

Proposed § 1102.10 imposes no requirement, as a precondition to publication in the Database, that the report of harm be submitted within any period of time following the reported incident. USA-ITA recommends CPSC consider amending proposed § 1102.10 to include a time limit for submitting reports of harm. Such a provision would help to ensure that information in both the report of harm and comments by the manufacturer or private labeler is accurate and complete. Certainly, the longer the time lag between the incident and the report of harm, the more difficult it is for CPSC to verify the information in the report of harm and for manufacturers and private labelers to investigate and respond adequately to the incident reported.

### Manufacturer and Private Labeler Notification and Comments

The CPSIA affords manufacturers and private labelers 10 business days from receipt of a report of harm to submit responsive comments for such comments to be published concurrently with the report of harm in the Database. In this limited window of time, a manufacturer or private labeler must evaluate the claims in the report of harm, investigate such claims, and prepare responsive comments. Although USA-ITA is aware that the timeline for publication of reports of harm is mandated by the CPSIA, CPSC should be cognizant of the heavy burdens this imposes on manufacturers and private labelers, and consider adopting provisions for exceptions and extensions of the statutory timeline, perhaps to 30 days, where the affected manufacturer or private labeler clearly cannot respond within 10 days and publication within the timeline would be manifestly unfair.

In light of the limited time provided for manufacturers and private labelers to respond to reports of harm, it is critical that notices of reports of harm reach the correct recipients in a timely manner. For that reason, we urge CPSC to adopt procedures to confirm that the correct manufacturers and private labelers are identified in reports of harm, and to actively promote registration by U.S. companies with CPSC to ensure that reports of harm reach the correct individual within the recipient company or family of companies. CPSC should also request companies that believe they are the unintended recipient of a report of harm to immediately notify CPSC.

### Materially Inaccurate Information

Proposed § 1102.26 sets forth the procedures CPSC will follow to identify and treat materially inaccurate information submitted for publication in the Database either in reports of harm or responsive comments. That provision states that any person may request CPSC to exclude from the database materially inaccurate information. It further states that CPSC will, where possible, expedite its determination of a manufacturer's or private labeler's claim of material inaccuracy. USA-ITA strongly urges CPSC to implement specific procedures for handling expedited claims of material inaccuracy that aim to resolve such claims of material inaccuracy within one to three business days of receipt of the claim. False and misleading information in reports of harm threaten to cause irreparable damage to U.S. companies, and CPSC should prioritize resolving these issues quickly and fairly.

### CPSC Outreach

Finally, USA-ITA urges CPSC to commit resources for educational outreach and training concerning use of the Database and to publish official guidance tailored specifically to manufacturers and private labelers.

USA-ITA appreciates your consideration of the foregoing comments. Should you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Julia K. Hughes". The signature is written in a cursive style with a long horizontal stroke at the end.

Julia Hughes  
President  
USA-ITA