

**Rosario Palmieri**

*Vice President*

*Infrastructure, Legal and Regulatory Policy*

February 17, 2011

Dear Representative:

On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector, I urge you to support amendment #545 to H.R. 1 offered by Representative Mike Pompeo (R-KS) to temporarily delay implementation of the Consumer Product Safety Commission's (CPSC) database.

In 2008, Congress passed and the President signed the Consumer Product Safety Improvement Act (CPSIA), which, among other provisions, directed the CPSC to produce a product safety database that would provide consumers with a meaningful tool to research product safety information that is accurate and includes first-hand reports from consumers and public safety entities. Significant debate took place in Congress on the appropriate types of individuals who could file complaints in the database. The final CPSC rule, however, recognized that Congress provided an exhaustive list of filers but expanded the definitions of those filers including consumers and public safety entities beyond their clear public meaning and the intent of the drafters of the legislation. The rule redefined the terms "consumer" to include trial attorneys and "public safety entities" to include consumer advocacy organizations. As a result, the database could be filled with bogus reports inspired by motives other than safety.

Congress also struck an appropriate balance between the speed of publication of reports and the desire for accuracy as well as the protection of confidential business information. The final implementing regulation provides for no such balance and creates a default for immediate publication before any meritorious claims regarding trade secrets or material inaccuracy are resolved. The Commission was unwilling to direct staff to make determinations about such claims prior to posting the reports to the database. Once a trade secret is posted within a report, for example, no remedy is available to undo the damage. These claims as well as claims of inaccuracy, impossibility, or product misidentification must be resolved before the information is made public if the database is to provide helpful information to the public.

If the challenges with the database are not addressed, then the credibility of the database and its usefulness to consumers will have been severely damaged. For these reasons I urge your support of the amendment.

Sincerely,

