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### **BUSINESSES MUST REGISTER WITH CONSUMER PRODUCT SAFETY COMMISSION TO RECEIVE ELECTRONIC NOTICE BEFORE CONSUMER COMPLAINTS BECOME PUBLICLY AVAILABLE**

On March 11, 2011, the Consumer Product Safety Commission (CPSC) launched a new publicly available Consumer Product Safety Information Database. The database is intended to provide the general public with easy access to detailed information about reports of problems with consumer products. It allows almost anyone to submit a report regarding a particular product and the company that makes, sells or distributes it. There is legitimate concern among the business community that this database will provide fertile ground for potential plaintiffs and their lawyers. The only immediate recourse available to businesses is to post a public response to a consumer report. In order to ensure prompt notice of a consumer report, and to maximize the opportunity to respond timely to that report, businesses must first register with the CPSC.

The CPSC refers to the database as the Business Portal. The Business Portal allows individuals, governmental agencies, health care professionals, child service providers, family members, friends, investigators, professional engineers, observers and attorneys to submit reports of problems related to consumer products. Reports that provide specific information required by the CPSC will be posted on the Business Portal's website: [www.SaferProducts.gov](http://www.SaferProducts.gov). The Business Portal is also searchable, which allows the general public to access specific information regarding products and businesses. Until now, the only method for obtaining similar information was to make a time consuming request under the Freedom of Information Act. The Business Portal will make this information available to the public within days after it is reported to the CPSC.

Nevertheless, the procedure that must be followed before a report can be made public provides some measure of protection for businesses. Upon receiving a report, the CPSC has five business days to investigate the report and notify the product's manufacturer, importer or private labeler. That company then has ten business days to submit a response to the report. If the response is timely submitted, the CPSC will simultaneously post both the report and the response on the Business Portal's website. The best way to receive prompt notice of a consumer report and to ensure the maximum response time is to register with the CPSC on the Business Portal. The CPSC will only provide electronic notice of a consumer report to businesses that have properly registered.

Because the reporting and response process requires approximately 15 business days to complete, based on the March 15th launch date, the CPSC will begin posting reports on the Business Portal's website this Friday, April 1, 2011. If you have not yet registered with the CPSC Business Portal, please consider doing so immediately.

If you would like additional information regarding the CPSC Business Portal in general, or assistance with any aspect of the registration, report, response process in particular, please contact Reinhart attorney [James Denis](#), any member of Reinhart's Product Liability Group, or your current Reinhart attorney.

This *Headlines in Product Liability Law e-alert* provides general information about product liability issues. It should not be construed as legal advice or a legal opinion. Readers should seek legal counsel concerning specific factual situations confronting them.