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Memorandum

TO: The Commission
Alberta E. Mills, Secretary

THROUGH: Mary T. Boyle, Executive Director

DeWane Ray, Deputy Executive Director for Safety
Operations

FROM: Stephen Hanway, Associate Executive Director
Directorate for Epidemiology

SUBJECT: Reviewing SaferProducts.gov Patterns and Trends Through FY
2021

DATE: December 15, 2021

Introduction

This memorandum is intended to update the Commission on the SaferProducts.gov reports received in FY 2021. When compared with FY 2020, nearly 1,200 more potentially eligible reports were submitted to SaferProducts.gov and a higher proportion were published, an increase from 31 percent to 39 percent of potentially eligible reports submitted between FY 2020 and FY 2021.

Section 6A of the Consumer Product Safety Act (CPSA) required the U.S. Consumer Product Safety Commission (CPSC or Commission), in accordance with certain requirements, to establish and maintain a publicly available and searchable online database on the safety of consumer products, and other products or substances regulated by the Commission. 15 U.S.C. § 2055a. The Commission issued regulations setting forth the Commission's interpretation, policy, and procedures for establishing and maintaining that database. 16 CFR part 1102.

To comply with this statutory directive, the CPSC launched SaferProducts.gov on March 11, 2011 as a site where the public can report incidents that resulted injury, illness, or death, or a risk of injury, illness, or death (Reports of Harm or Reports). Section 6A of the CPSA requires Reports of Harm to include certain information to publish the report in the database. Part 1102 provides additional details about this required information. CPSC transmits Reports of Harm that contain the required information to manufacturers for review and comment, and CPSC posts such reports and manufacturer comments to SaferProducts.gov. Staff in the Data Intake branch



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of the Directorate of Epidemiology reviews required fields for each Report of Harm, and determines, in consultation with CPSC's Office of the General Counsel and subject matter experts in CPSC's Office of Hazard Identification and Reduction, whether the Report is eligible to be included in the database.

Whether a report is eligible to publish in the database depends on whether it meets certain criteria under Section 6A of the CPSA and 16 CFR part 1102. These criteria include: Submitter Affiliation, Attestation to Accuracy, Consent to Publish, Manufacturer/Importer/Private Labeler Identification, Incident Date, Contact Information, Consumer Product Description, and Risk of Harm Description. These are described in Appendix A. In addition, to be eligible for publication in the database, Reports of Harm must describe products that fall within CPSC's jurisdiction. Staff screens each Report for these criteria. If any required information is missing, CPSC does not post the Report of Harm to SaferProducts.gov. Staff also screens out some reports for other miscellaneous reasons, such as the report was submitted by a child.

In September 2020, SaferProducts.gov was redesigned to make it easier to submit reports to CPSC and to encourage submitters to consent to publishing and attest to the accuracy of their report, elements that staff had determined to be likely barriers to submission and publication. After these changes were implemented, , staff found that the number of submissions to Saferproducts.gov increased in FY 2021 by 12 percent from FY 2020, after 5 years of declines. The number of reports published grew by 43 percent between FY 2020 and FY 2021, the largest number published since 2017. In FY 2021, 61 percent of all submissions failed to meet the statutory and regulatory criteria for including a Report of Harm in the public database. This represents a decline from FY 2020, when 69 percent of reports were not publishable. This change may be attributable to the redesign of Saferproducts.gov.

Even with the improved website design, approximately 73 percent of the submissions that failed to meet the criteria in FY 2021 for inclusion failed because submitters did not attest to the Report's accuracy, did not consent to publishing, or did not provide contact information. Sixty-one percent of these were reports from Medical Examiners. These reports are potentially eligible for publication, but seldom include all the required elements for publication in SaferProducts.gov. Although these reports do not meet the statutory requirements for publication in SaferProducts.gov, the reports are included in incident report publications at the National Injury Information Clearinghouse ([Clearinghouse Online Query Tool | CPSC.gov](#)).



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Additionally, about 14 percent of unpublished reports in FY 2021 failed to meet the requirements for stating a risk of harm. This memorandum briefly describes the criteria for publishing reports in Saferproducts.gov and staff's findings regarding distribution of reports published and unpublished based on these criteria.

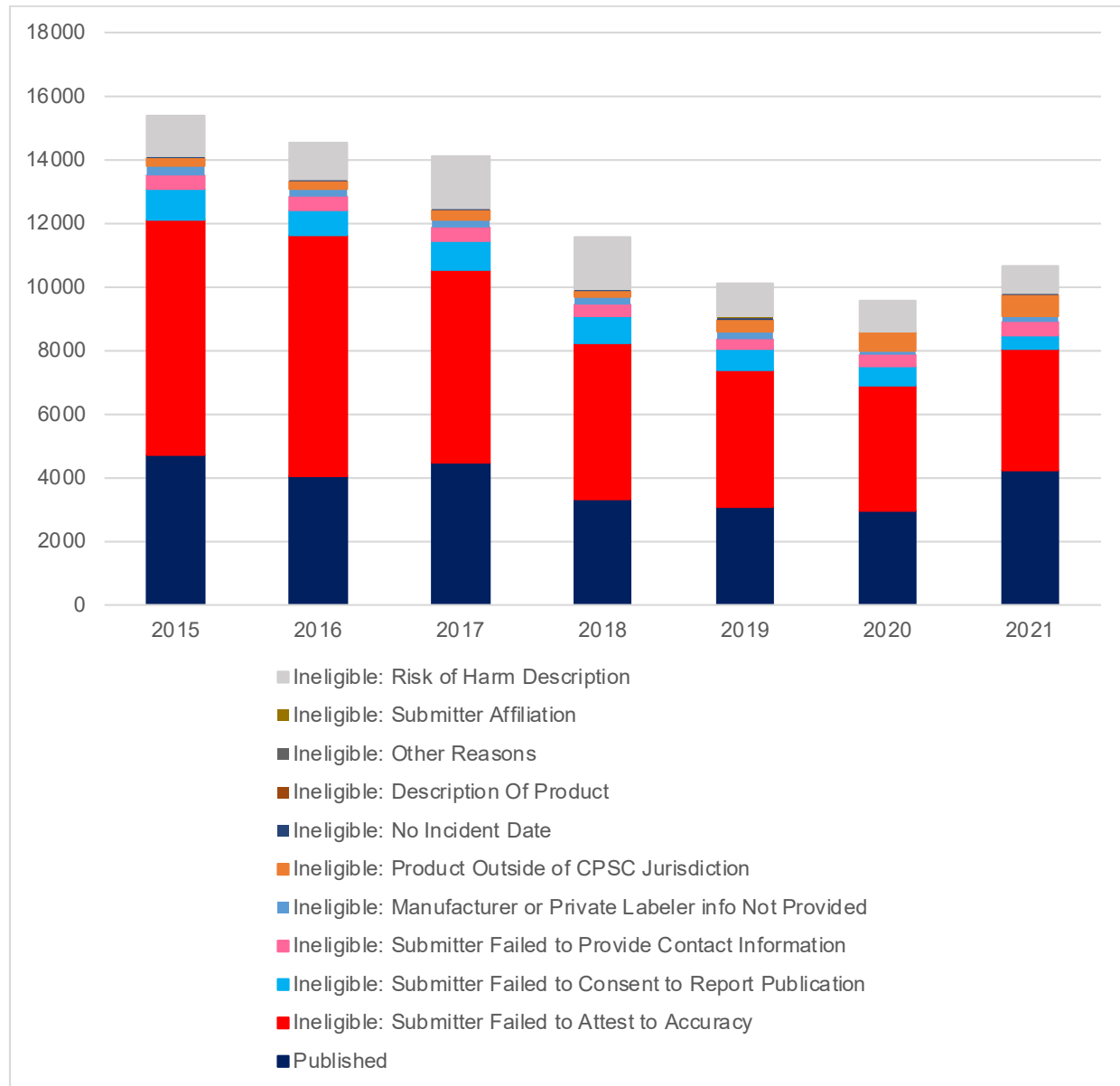
Distribution of Eligibility Determinations

In reviewing the data on Reports that staff deemed ineligible to include in the database, several trends and patterns are notable. First, overall reporting had steadily declined from approximately 15,400 submitted Reports in FY 2015 to approximately 9,600 reports published in FY 2020 (See Figure 1), before increasing to approximately 10,700 submitted reports in FY 2021.



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Figure 1: Distribution of Eligibility Determinations FY 2015- FY 2021, by Year



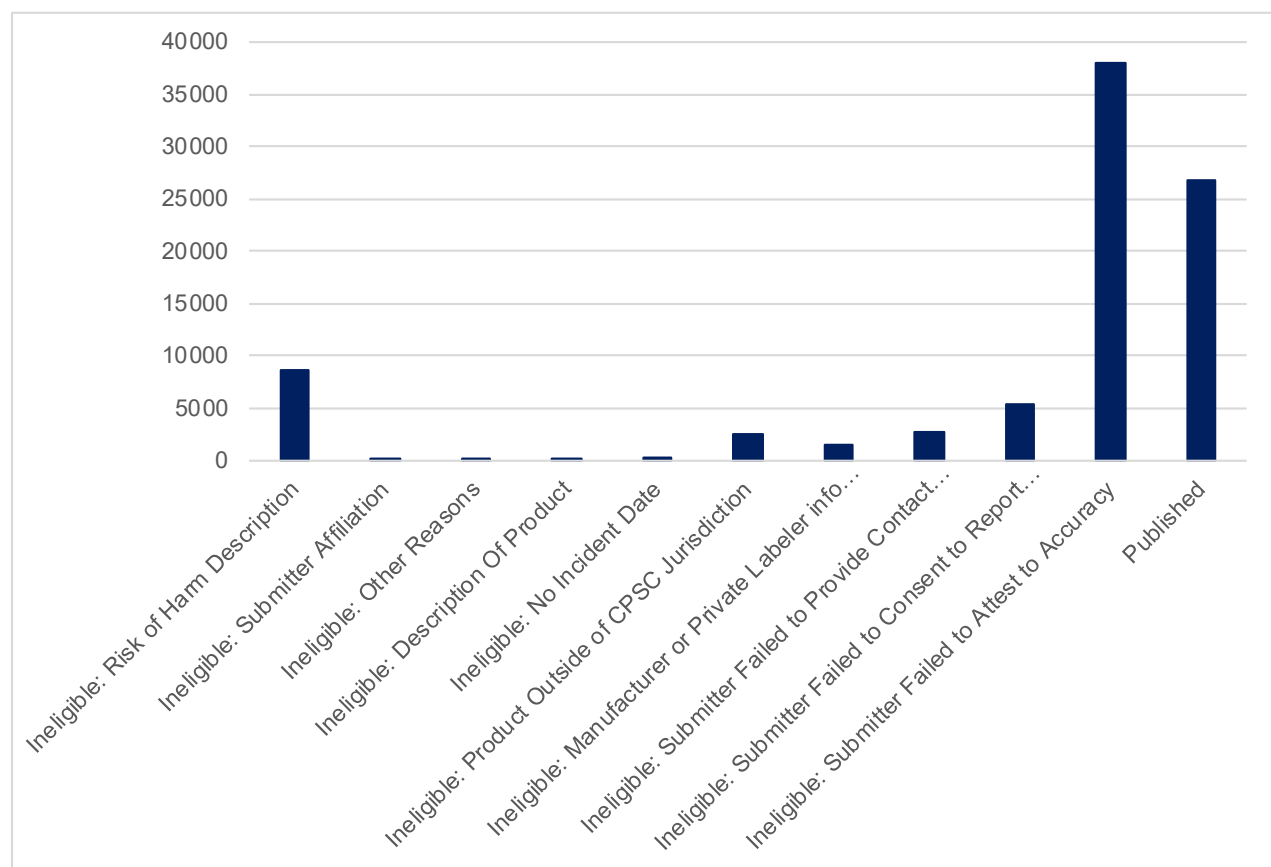
As Figure 1 shows, the number of reports submitted had declined by about 1,200 reports per year between 2015 and 2020, before they increased by nearly 1,200, between 2020 and 2021.



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Most reports of harm were ineligible for publication because submitters failed to attest to accuracy (approximately 59% of ineligible reports in FY 2021), failed to consent to publish (approximately 7% of ineligible reports in FY 2021), or failed to provide contact information (approximately 6% of all reports in FY 2021). Overall, of the reports that did not meet publication criteria, 73 percent were for one of these three reasons in FY 2021.

Figure 2: Distribution of Eligibility Determinations FY 2015-FY 2021



A failure to describe the risk of harm accounted for approximately 10 percent of all reports and 15 percent of unpublished reports. Figure 2 shows the reasons reports were ineligible for publication, when combined for FY 2015-FY 2021. The corresponding numbers for FY 2021 were 8 percent of all reports and 14 percent of unpublished reports.



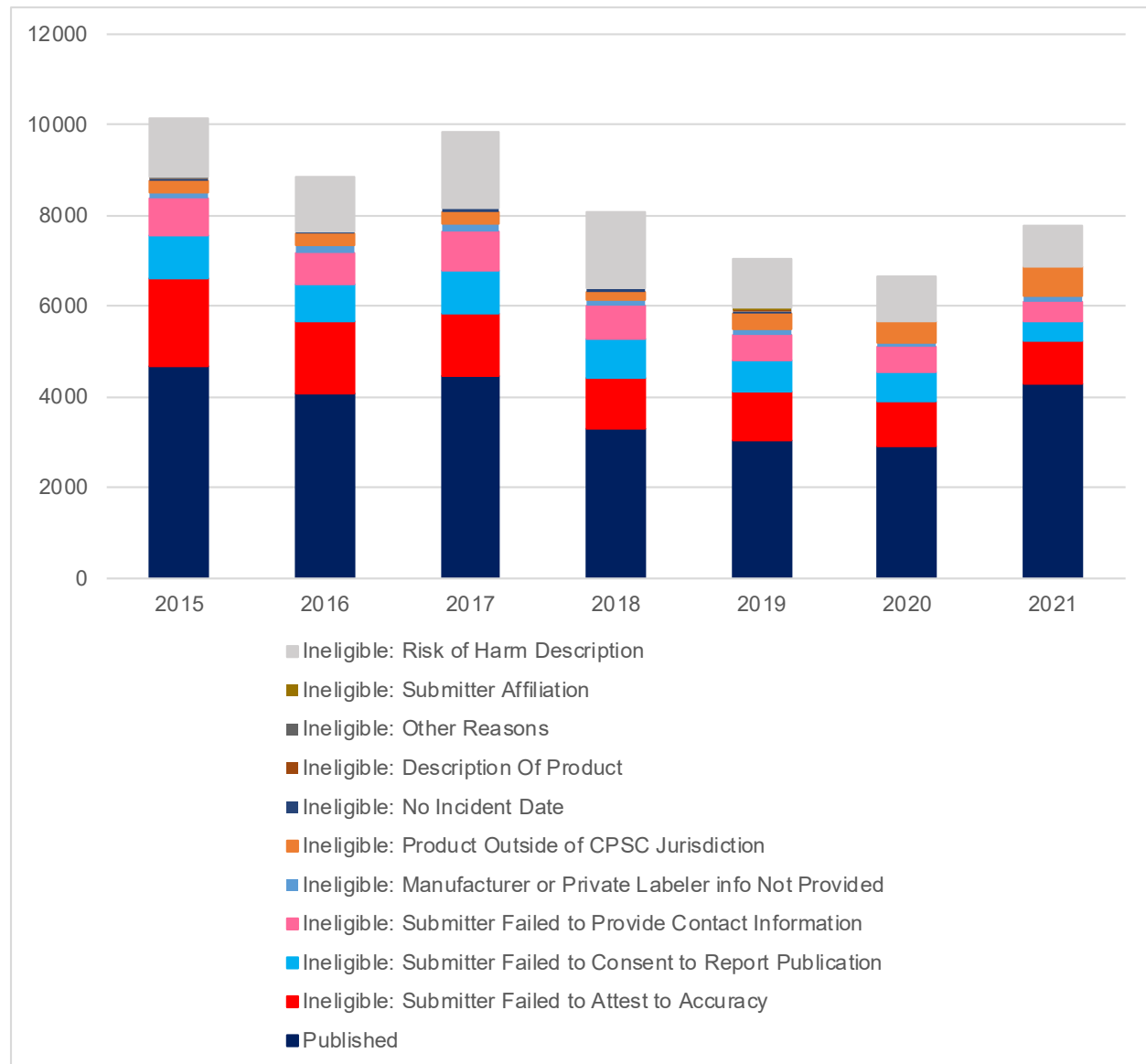
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Figures 3 and 4 exclude the reports from medical examiners to illustrate their impact. As can be seen by comparing these with Figures 1 and 2, removing the medical examiner reports does not affect the number of reports published (dark blue), but does affect the reports not published. As stated previously, these medical examiner reports are included in agency publications at the National Injury Information Clearinghouse at [Clearinghouse Online Query Tool | CPSC.gov](https://www.cpsc.gov/cpscpub/injuryinfo/clearinghouse), albeit in a redacted form.



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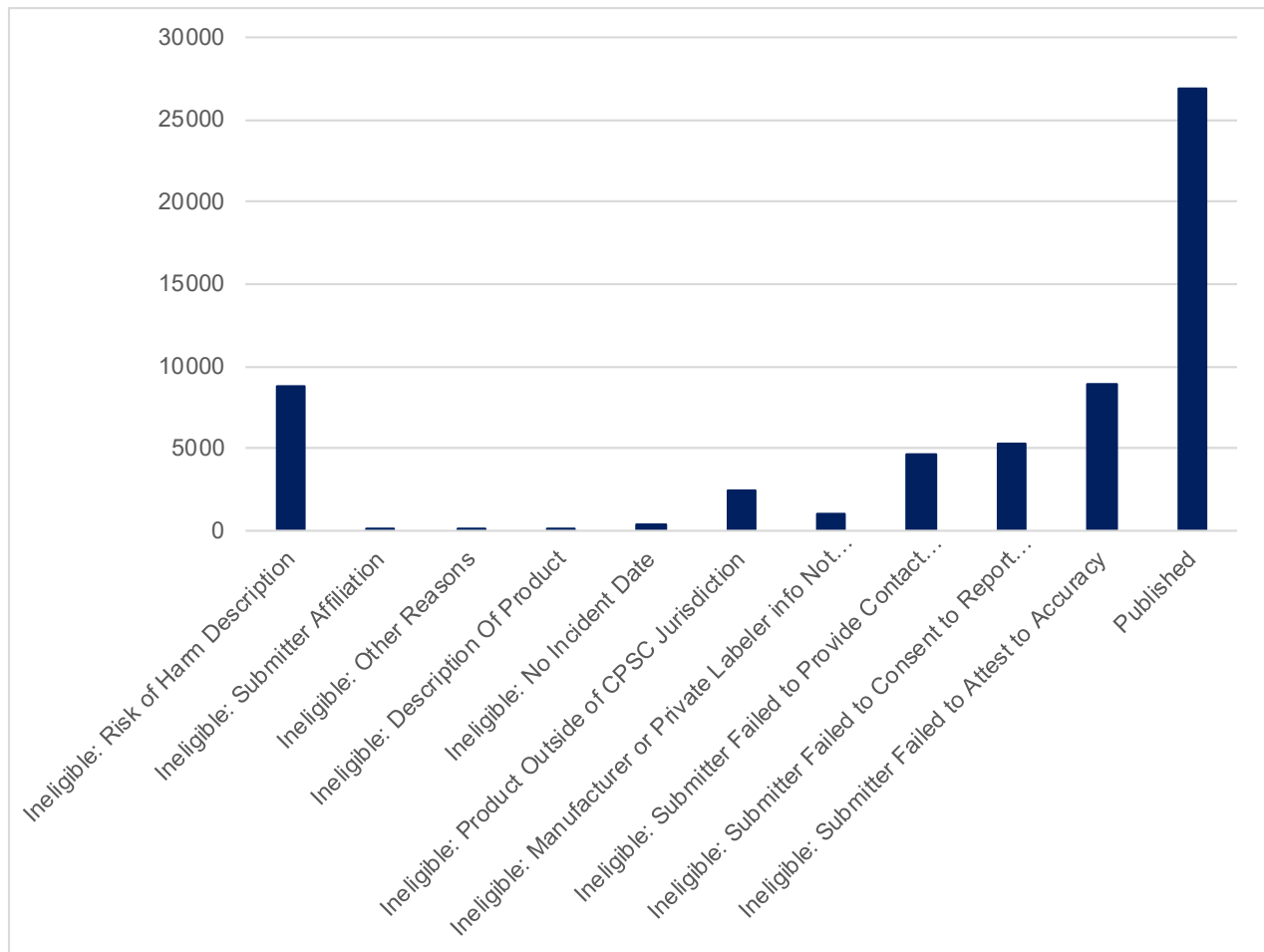
Figure 3: Distribution of Eligibility Determinations FY 2015-FY 2021 Excluding Medical Examiners, by Year





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Figure 4: Distribution of Eligibility Determinations FY 2015-FY 2021 Excluding Medical Examiners



The major reason that reports from medical examiners are ineligible for publication is the lack of attestation, which is, in part, because the attestations are not solicited. Reports from medical examiners also tend to lack identification of the manufacturer, an additional statutory element for publication that these reports generally fail to meet. For example, in FY 2021, 96 percent of the unpublished reports from medical examiners did not identify a manufacturer.



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Conclusion

This memorandum describes the criteria for publishing reports in Saferproducts.gov and the various dispositions observed for reports received from FY 2015-FY 2021. The number of incoming reports had declined over the years before an increase in FY 2021, perhaps attributable to the changes in the design of SaferProducts.gov. Most of the reports are determined to be ineligible for publication after review, primarily due to the failure of the submitter to attest to the accuracy of the report and to the substantial number of reports from Medical Examiners, reports that typically do not include such attestations or manufacturer information.



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Appendix A

Criteria for Eligibility for Inclusion in the Public Database

Submitter Affiliation

For a Report to be eligible for publication in the database, it must come from one of the eligible sources set forth in (15 U.S.C. § 2055a(B)(1)(A); 16 CFR § 1102.10(a)(2)):

- consumers
- local government agencies
- state government agencies
- federal government agencies
- health care professionals (e.g., medical examiners, coroners)
- child service providers
- public safety entities.

Attestation to Accuracy

For Reports to be eligible for publication in the database, the submitters must attest that the Report submitted is true and accurate to the best of their knowledge, information, and belief (15 U.S.C. § 2055a(b)(2)(B)(v); 16 CFR § 1102.10(d)(7)). If a submitter does not make this attestation, the Report of Harm is not eligible for publication in the database.

Consent to Publish

For a Report of Harm to be eligible for publication in the database, submitters must provide their consent to publish the report (15 U.S.C. § 2055a(b)(2)(B)(v); 16 CFR § 1102.10(d)(8)). If the submitter does not provide consent, the Report of Harm is not eligible for publication in the database.

Manufacturer/Importer/Private Labeler Identification

Submitters must identify the manufacturer, importer, or private labeler of a product for CPSC to publish a Report (15 U.S.C. § 2055a(b)(2)(B)(ii); 16 CFR § 1102.10(d)(2)). CPSC cannot publish Reports that lack this information.



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Incident Date

Submissions must identify the date, or approximate date, on which an incident occurred, for CPSC to publish a Report (16 CFR § 1102.10(d)(4)). CPSC cannot publish Reports lacking this information.

Contact Information

For a Report to be eligible for publication in the database, submitters must provide their contact information (first name, last name, and complete mailing address) (15 U.S.C. § 2055a(b)(2)(B)(iv); 16 CFR § 1102.10(d)(6)). CPSC cannot publish Reports lacking this information.

Consumer Product Description

For a Report to be eligible to publish in the database, it must describe the consumer product (15 U.S.C. § 2055a(b)(2)(B)(i); 16 CFR § 1102.10(d)(1)). The regulations explain: "The description of the consumer product must, at a minimum, include a word or phrase sufficient to distinguish the product as a consumer product, a component part of a consumer product, or a product or substance regulated by the Commission." (16 CFR § 1103.10(d)(1)). CPSC cannot publish Reports lacking this information.

Risk of Harm Description

For a Report to be eligible for publication in the database, it must include: "A brief narrative description of illness, injury, or death; or risk of illness, injury, or death related to use of the consumer product." (16 CFR § 1102.10(d)(3); see *also* 15 U.S.C. § 2055a(b)(2)(B)(iii)).

Additional General Requirements for Publication

Jurisdiction

In addition to the criteria listed in the statutory and regulatory provisions regarding eligibility for publication in the database, CPSC can only publish Reports of Harm that describe a product that



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falls under CPSC's jurisdiction. When Data Intake analysts are unsure of whether a product falls under CPSC's jurisdiction, analysts consult the Office of the General Counsel for a jurisdictional determination.

Other Reasons

Occasionally, CPSC staff determines that a Report is not eligible for publication because staff concludes the report to be materially inaccurate, such as when the date of incident precedes the date of purchase, or the report cites the failure of a component that is not a part of the product. In addition, a report cannot be published if it is submitted by a minor without the consent of the minor's parent or guardian.