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November 16, 2010

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

Submitted via email to tstevenson@cpsc.gov

RE: Alternative Safety Information Database Rule Proposal from Commissioners Anne Northup and Nancy Nord

Dear Mr. Stevenson:

The Consumer Healthcare Products Association (CHPA) appreciates the opportunity to provide comments on the Alternative Database Rule Proposal that has been made by Commissioners Anne Northup and Nancy Nord. Founded in 1881, CHPA is the national trade association representing leading manufacturers of over-the-counter (OTC), non-prescription medicines and dietary supplements. As noted in CHPA's July 20, 2010 comments on the Consumer Product Safety Commission's (CPSC) proposed rule, "Publicly Available Consumer Product Safety Information Database," CHPA's members are committed to ensuring the continued safe reporting of adverse events associated with our members' products. CHPA continues to assert that OTC and dietary supplement product incident reports should not be included in the database and questions the value of including incident reports related to Poison Prevention Packaging Act regulated packaging of OTCs and dietary supplements. In addition, CHPA's members support efforts to ensure the best possible safety data is provided to consumers. The enhancements proposed by Commissioners Northup and Nord will provide the public with more accurate and high quality data, allowing consumers to make informed choices. Specifically, CHPA encourages the Commission to consider several provisions in the alternative proposal:

- (1) The draft final rule (CPSC-2010-0041) expanded the definition of consumers to include attorneys, agents and other professionals. The alternative rule would limit the definition of consumers to those that use the product, and family members or legal guardians with firsthand knowledge of the incident and, government agencies, healthcare professionals, child service providers, and public safety

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- entities who have firsthand or personally verifiable knowledge of the incident associated with use of the product.
- (2) The draft final rule states that the Commission will publish incident reports within 10 days of sending the report to the manufacturer even when the manufacturer makes claims of inaccurate information and the Commission is unable to make a determination on the claim within the 10 day time period. The alternative proposal allows the Commission to ensure the accuracy of an incident report before publishing the report on the public database.
 - (3) The alternative proposal allows manufacturers to verify that the incident report is not a duplicate in the database and requires incident report submitters to provide more complete information in the report (identity of harmed consumer and incident location). These enhancements will allow manufacturers to better evaluate the incident and ensure they have the information necessary to appropriately respond to the report.

We urge the Commission to carefully consider the alternative proposal made by Commissioners Northup and Nord and specifically the revisions discussed above. The substitute proposal enhances the incident database to ensure that consumers have access to accurate information and can make informed choices.

CHPA thanks the Commission for the opportunity to provide comments on this important issue. If the Commission has any questions or if CHPA can be of any assistance, please let us know.

Sincerely,



David C. Spangler
Senior Vice President, Policy & International Affairs

cc: Commissioner Nancy Nord
Commissioner Anne Northup