



# SaferProducts.gov: Five Years Live



**Consumer Federation of America**



IMPROVING  
CHILDREN'S  
PRODUCT  
SAFETY

**Consumers  
Union**

POLICY & ACTION FROM  
CONSUMER REPORTS

**U.S. PIRG**  
Federation of  
State PIRGs



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# About This Report

In March 2011, the U.S. Consumer Product Safety Commission (CPSC or Commission) launched SaferProducts.gov, an online database where consumers, government agencies, public safety entities, health care professionals, and child service providers can report potentially dangerous products and search reports that others have submitted.

Consumer Federation of America (CFA) analyzed SaferProducts.gov after five years of operation. CFA appreciates the assistance of Consumers Union, Kids In Danger (KID), Public Citizen, and U.S. Public Interest Research Group (U.S. PIRG), in releasing this report. We report on what the site's information means for consumers and outline how the database could be improved to better serve the public.

# Executive Summary

Our analysis of the first five years of SaferProducts.gov shows that the database contains a wealth of information that can serve as an important tool for consumers, researchers, and the CPSC. As intended, the database has mitigated the lack of transparency imposed by certain sections of the Consumer Product Safety Act (CPSA) by giving consumers a place to both report hazards and review reports of harm associated with consumer products.

We identified a number of positive features of SaferProducts.gov:

- ▶ Information is easy to download.
- ▶ The data is clean and consistently formatted, indicating effective data clean-up by CPSC staff as they place reports from consumers into the database.
- ▶ The CPSC can cross-reference a product's brand to its manufacturer, allowing the agency to identify manufacturers when a SaferProducts.gov report is unclear.
- ▶ The reports cover a vast array of products under the CPSC's jurisdiction, allowing users to identify a large number of hazards.
- ▶ The CPSC provides useful data fields for researchers, making the downloadable data sortable in a variety of ways (manufacturer, product category, product subcategory, product type, etc.) that allow users to identify trends.

Additionally, the size of the database has grown significantly in recent years. In July 2011, there were 1,847 reports; in January 2013, there were 12,030 reports; and in June 2016, there were 29,023 reports. This is, however, still far fewer reports than exist in other government databases that accept reports from consumers.

## Data Summary

SaferProducts.gov data show a large number of reports of harm clustered in a few specific manufacturers and product types.

- ▶ **Many reports of harm are concentrated among the top ten manufacturers by reports:**  
Approximately 39% (11,177) of reports are for products from ten manufacturers, with the other 61% (17,846) of reports spread out among 3,802 other manufacturers. A majority of the manufacturers (2,399 or 63%) have only one report of harm. Of the top ten manufacturers with reports of harm, Electrolux, GE,<sup>1</sup> Whirlpool, and Sears<sup>2</sup> make up 73% of the reports.

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1. GE has been consolidated from five entities with reports in SaferProducts.gov: GE Appliances, GE Appliances & Lighting, GE Energy, GE Lighting, and GE Trademark Licensing, Inc.

2. Generally, Sears is a private labeler that places its brand on products manufactured by other entities. As we note, SaferProducts.gov has one field for manufacturer/importer/private labeler. For the purposes of this report, we use the shorthand "manufacturer" to refer to the entity listed in the SaferProducts.gov "manufacturer/importer/private labeler" field.

- ▶ **Appliances make up a large percentage of reports among top ten manufacturers by reports:** Of the 11,177 reports (out of a total of 29,023 reports) referencing one of the top ten manufacturers by number of reports of harm, 8,068 (72%) concern the “appliances” subcategory. In analyzing product type within the “appliances” subcategory, ranges or ovens of various types make up the vast majority of reports (64%) with “electric ranges or ovens” being the largest segment with 34% of the top ten product types (7,910) reported.
- ▶ **Top ten product categories by number of reports:** The top ten product categories (out of a total of 15 product categories) account for 97% of the reports in SaferProducts.gov. “Kitchen” is the largest product category with 11,183 reports, which account for 39% of the reports in the top ten product categories. This is in line with the finding above showing that reports are clustered around appliances and largely kitchen appliances. There are also a significant number of reports regarding children’s products.
- ▶ **Top ten subcategories by number of reports:** The top ten product subcategories account for 66% of the reports in SaferProducts.gov. “Appliances” is the largest “product subcategory” with 52% of the reports in the top ten product subcategories. Mirroring the analysis of subcategories within the data set of the ten manufacturers with the most reports, “appliances” are the largest subcategory (52%) when looking at the top ten subcategories of the entire SaferProducts.gov data set. Looking at the larger set, however, shows that children’s products are a significant percentage of reports with 5% of reports in the “toys” subcategory and 11% of reports in the “nursery equipment & supplies” subcategory.
- ▶ **Top ten product types by number of reports:** The top ten “product types” make up 38% of total reports in the database. When analyzing the more macro “product category,” however, this includes 97% of reports. The ten “product types” with the most reports are largely kitchen appliances (which is consistent with the analysis of “product category” and “subcategory”) though footwear makes up 9% and “computers” (equipment and electronic games) make up 8% of the top ten reports.
- ▶ **Reports by injury:** Thirty-one percent of reports document some level of injury. While the largest category is no injury, it is important to note that an important function of SaferProducts.gov is to make consumers and the CPSC aware of product risks that may lead to injury. A report must describe a harm, which is statutorily defined as injury, illness, or death or the risk of injury, illness, or death, as determined by the Commission.<sup>3</sup>
- ▶ **Percentage of reports with manufacturer comments on SaferProducts.gov:** While manufacturers have an opportunity to provide comments on reports published on SaferProducts.gov, less than half of published reports include manufacturer comments. Manufacturers can, however, request that comments they have made on a report not be placed in the database. Manufacturers may be submitting comments but requesting that the public cannot view them on SaferProducts.gov.
- ▶ **More than half of the 90 fatalities reported involved children aged 12 or under:** The analysis of the data shows that a large number of the fatalities in the database are linked to off-highway vehicles and child-related products with 52% of the reported fatalities involving children 12 or under.

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3. 15 USC 2055a(g) Publicly Available Consumer Product Safety Information Database. <https://www.law.cornell.edu/uscode/text/15/2055a>

Overall, SaferProducts.gov is growing, is easy to use, and provides a great deal of helpful information. However, the database could still be improved. CFA, Consumers Union, KID, Public Citizen, and U.S. PIRG have several recommendations that fall into four areas (see Recommendations section below for complete recommendations):

- ▶ **Increase use:** Increase submissions by the public, as well as healthcare professionals, through outreach and training.
- ▶ **Fold additional data sources into SaferProducts.gov:** Include information from other CPSC databases and resources in SaferProducts.gov. To make this possible the CPSC will need to collect the information statutorily required for a report to be included in SaferProducts.gov when collecting information for the CPSC's other databases.
- ▶ **Analyze data and release reports:** SaferProducts.gov contains a great deal of data; it would be immensely helpful for injury prevention if the CPSC would release an annual report evaluating the trends in harm posed by products in the database. The CPSC, after a recall is announced, should cross-reference older reports from SaferProducts.gov and update consumers who may not know about the recall.
- ▶ **Improve data categories:** Adding more macro-level categories such as “all children’s products”—in addition to the existing, very useful micro-level categories—would make analyzing the data much easier. Additionally, a searchable field for the type of harm documented would be helpful to consumers and researchers.

# Background

The CPSC was created by the Consumer Product Safety Act (CPSA) in 1972 in part to “assist consumers in evaluating the comparative safety of consumer products.” However, this mission was made difficult by statutory restrictions preventing the agency from disclosing information about product hazards without a manufacturer’s permission<sup>4</sup> (see Countering Secrecy Codified by Section 6(b) of the Consumer Product Safety Act below). Additionally, under the CPSA, children’s products were not being tested before being released in the market, and ports of entry were not being adequately monitored to prevent unsafe products from entering the United States.<sup>5</sup>

The Consumer Product Safety Improvement Act (CPSIA) was passed in 2008 in response to these problems with the CPSA and in the wake of high-profile recalls in 2007 and 2008, including hazards from cribs, toys with lead paint, and magnets that fell out of toys and seriously injured children when ingested.<sup>6</sup> The CPSIA included many vital improvements to the product safety net, including lowering lead limits, issuing strong mandatory standards for infant and durable products, and requiring third-party testing of children’s products. The CPSIA also directed the CPSC to create SaferProducts.gov,<sup>7</sup> a publicly accessible and downloadable online database in which consumers can report and research safety hazards on a wide variety of consumer products.<sup>8</sup>

## The Need for SaferProducts.gov: Countering Secrecy Codified by Section 6(b) of the Consumer Product Safety Act

Using SaferProducts.gov, a consumer; a local, state, or federal government agency; a health care professional; a child service provider; or a public safety entity may submit a report of harm to the database.<sup>9</sup> Once the CPSC has verified that a report contains all of the necessary information and the manufacturer has had an opportunity to comment, the report is posted and is searchable and viewable by the public (see ***CPSC and Manufacturer Review of a Report*** below).

SaferProducts.gov was designed, in part, to address a lack of transparency regarding which consumer products are causing harm. That lack of transparency was created by Section 6(b) of the CPSA.<sup>10</sup> Section 6(b), which is still in effect today, restricts the CPSC’s ability to release information to the public about specific products until the manufacturer or other authorized entity gives the CPSC permission to publicly release this information. The power of manufacturers over information disclosure extends to controlling the language of voluntary recall notices.

4. 15 USC 2051(b)(2) Congressional findings and declaration of purpose. <https://www.law.cornell.edu/uscode/text/15/2051>

5. See CFA Fact Sheet on CPSIA, August, 13, 2012. <http://consumerfed.org/pdfs/Studies.CPSIA.FactSheet.8.13.12.pdf>

6. CPSC, 2011-2016 Strategic Plan. Pg. 5. <https://www.cpsc.gov/PageFiles/123374/2011strategic.pdf>

7. Id. <https://www.cpsc.gov/PageFiles/123374/2011strategic.pdf>. Other tools include increased civil penalties, and increased powers to order mandatory recalls.

8. 15 USC 2055a(b)(1)(A). <https://www.law.cornell.edu/uscode/text/15/2055>

9. Id. The database also includes information derived by the Commission resulting from a notice of defect or failure to comply or any notice to the public relating to a voluntary corrective action taken by the manufacturer in consultation with the Commission.

10. 15 USC 2055(b) Public disclosure of information. <https://www.law.cornell.edu/uscode/text/15/2055>

Our groups are unaware of another provision in government that restricts the flow of consumer safety information to the public this extensively. During the congressional debate and drafting of the CPSIA in 2007 and 2008, the Commission's inability to release concrete information about specific consumer products became clear to Congress and to the public.

Before the passage of the CPSIA, the CPSC collected consumer complaints, and manufacturers and sellers were required to notify the CPSC of hazards of which they became aware. Therefore, most hazards were hidden from the public, sometimes for long periods of time, until a recall was announced. Consumers were able to find recall information about particular products, and could look up information about general categories of injuries using the National Electronic Injury Surveillance System (NEISS). But those data do not include specific information about manufacturers, and some of that information requires specialized skill to obtain. Consumers could also file Freedom of Information Act requests with the Commission to obtain information about consumer complaints.<sup>11</sup> This, however, requires more time and legal sophistication than should be necessary for a consumer to determine if there have been safety problems with a product they are considering purchasing. The result of Section 6(b) was that there was virtually no product-specific safety incident information available to consumers.

SaferProducts.gov created a mechanism for consumers to obtain specific information about consumer products and strengthened the Consumer Product Safety Risk Management System (which replaced an existing, siloed data system with a unified system) by giving consumers a prominent and easy-to-use reporting system to increase the volume of data available to the CPSC so it can more aptly identify emerging hazards.<sup>12</sup>

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11. U.S. Government Accountability Office, Consumer Product Safety Commission: Awareness, Use, and Usefulness of SaferProducts.gov, 2013. <http://www.gao.gov/assets/660/652916.pdf>

12. Id. at Pg. 7. <http://www.gao.gov/assets/660/652916.pdf>



# Reporting Requirements and Process for SaferProducts.gov

## Subject Matter of Reports

Submissions to SaferProducts.gov must include a report of harm, which is statutorily defined as injury, illness, or death, or the risk of injury, illness, or death, as determined by the Commission.<sup>13</sup> Reports submitted exclusively about cost or quality, without a report of harm, will not be published in the online database.<sup>14</sup>

## Submitting a Report

Reports are only accepted from certain categories of submitters listed in a drop down menu on SaferProducts.gov. In order to submit a report, the submitter must supply certain information.

- ▶ **Who can submit:** A submitter must be a consumer; a local, state, or federal government agency; a health care professional; a child service provider; or a public safety entity.<sup>15</sup>
- ▶ **Required information:** An incident report must include eight pieces of information for the report to be published:
  1. A description of the consumer product;
  2. The identity of the manufacturer or private labeler;
  3. A description of the harm related to the use of the product;
  4. The approximate or actual date of the incident;
  5. The category of submitter;
  6. The contact information of the submitter;<sup>16</sup>
  7. A verification by the submitter that the information is true and accurate; and
  8. Consent to the publication of the report.<sup>17</sup>

A 2011 Government Accountability Office (GAO) report noted that the CPSC does contact submitters who provide contact information to obtain information for incomplete reports in an effort to publish them on SaferProducts.gov.<sup>18</sup>

Reports are accepted online but also via telephone hotline, reporting forms submitted via fax, or mail. These reports are processed in the same manner as online reports and placed in the online database if they meet the necessary criteria for publication.

13. 15 USC 2055a(g) Publicly Available Consumer Product Safety Information Database. <https://www.law.cornell.edu/uscode/text/15/2055a>

14. SaferProducts.gov, Reports-General FAQs. <http://www.saferproducts.gov/faq-report.aspx#faq4>

15. 15 USC. 2055a(b)(1)(A). Publicly Available Consumer Product Safety Information Database. <https://www.law.cornell.edu/uscode/text/15/2055a> .

16. The CPSC will accept anonymous reports but cannot publish them on SaferProducts. Reports-Contents, FAQs. <http://www.saferproducts.gov/faq-report.aspx#faq12>

17. U.S. Government Accountability Office, Consumer Product Safety Commission, Action Needed to Strengthen Identification of Potentially Unsafe Products, 2011. Pg. 7. <http://gao.gov/assets/590/585725.pdf>

18. Id. <http://gao.gov/assets/590/585725.pdf>

## Definition of Manufacturer/Importer/Private Labeler

The manufacturer/importer/private labeler (“manufacturer”) field is required for a report to be published in the database. The CPSC must transmit reports to the manufacturer and give it the opportunity to comment on the report or provide it with the opportunity to object to publication of a report that it believes contains confidential or materially inaccurate information.<sup>19</sup>

For the purposes of the database, a manufacturer is a person who manufactures, produces, assembles or imports a product.<sup>20</sup> A private labeler is an entity that owns a brand or trademark on a consumer product that bears a private label. A consumer product bears a private label if: 1) it is labeled with the brand or trademark other than a manufacturer’s; 2) the owner of the trademark or brand has authorized its use; and 3) there isn’t a manufacturer brand or trademark on the label.<sup>21</sup>

Consumers, who submit 97% of the reports in SaferProducts.gov, may not be aware of these statutory definitions, or that a brand name may not be equivalent to a manufacturer. The CPSC, however, has a database “that cross references common brand information with the correct manufacturer, importer, or private labeler,” allowing the CPSC to seek to ensure that the correct manufacturer receives SaferProducts.gov reports for comment.<sup>22</sup>

## The CPSC and Manufacturer Review of a Report

Submitted reports are not immediately published. Each report is reviewed by CPSC staff to ensure all required information has been provided. If a report does not meet the minimum criteria, it is kept for internal use, but not published.<sup>23</sup>

Reports that do contain the minimum amount of information are transmitted to the named manufacturer, importer, or private labeler within five days to provide it with an opportunity to comment on the report.<sup>24</sup>

If a manufacturer wants to prevent publication of a report, it must demonstrate that the report contains confidential or materially inaccurate information.<sup>25</sup> However, the Commission can publish a report if the inaccuracy is corrected or if the materially inaccurate information is excluded.<sup>26</sup>

## Publishing the Report on SaferProducts.gov

Reports that have the required information are published within ten business days after a copy has been sent to the manufacturer or within 15 days of the report’s receipt.<sup>27</sup> The report may include a comment from the manufacturer unless the manufacturer does not provide a comment or requests that the comment not be disclosed.<sup>28</sup>

19. 15 USC 2055a(c) Publicly available consumer product safety information database. <https://www.law.cornell.edu/uscode/text/15/2055a>

20. 15 USC 2052(11) Definitions. <https://www.law.cornell.edu/uscode/text/15/2052>. The definition of Import; Importation, includes reimporting a consumer product manufactured or processed, in whole or in part, in the U.S. 15 U.S. Code § 2052(9) – Definitions. <https://www.law.cornell.edu/uscode/text/15/2052>

21. 15 USC 2052(12) Definitions. <https://www.law.cornell.edu/uscode/text/15/2052>

22. SaferProducts.gov, Business - Brand/Licensors FAQs. <http://www.saferproducts.gov/faq-business.aspx#faq40>

23. CPSC, Reports-Contents FAQs. <http://www.saferproducts.gov/faq-report.aspx#faq10>

24. Id.

25. Cornell, L., Product Liability and Internet Prevention: The CPSC Online Consumer Database, 24 Loy. Consumer L. Rev. 254 (2011) at 274. <http://lawcommons.luc.edu/lclr/vol24/iss2/5>

26. Co. Doe v. Pub. Citizen, No. 12-2209 (4th Cir. 2014). <http://www.ca4.uscourts.gov/Opinions/Published/122209.P.pdf>

27. CPSC, Reports-Contents FAQs. <http://www.saferproducts.gov/faq-report.aspx#faq10>

28. CPSC, Business-Comments FAQs. <http://www.saferproducts.gov/faq-business.aspx#faq8>

The CPSC excludes from each report a variety of personal information from the submitters and victims (unless permission to publish this information is given) as well as information deemed to be confidential, inaccurate, or not in the public interest to disclose.<sup>29</sup>

## Legal Challenge to Report Inclusion in SaferProducts.gov

The first and, thus far, only legal challenge to the implementation of SaferProducts.gov involved a company filing suit to enjoin the Commission from posting a report of harm.<sup>30</sup> The plaintiff, known initially only as Company Doe, first claimed to the CPSC that the report was materially inaccurate and should not be published. The CPSC redacted information in the report that it felt was inaccurate and proposed multiple versions of the report to Company Doe for publication on SaferProducts.gov. When the CPSC and the company could not come to a resolution about the report, and the CPSC determined that it could publish the report, Company Doe sued the Commission. The District Court enjoined the CPSC from posting the report to SaferProducts.gov and allowed Company Doe to maintain its anonymity throughout the legal proceedings by keeping documents under seal and holding proceedings behind closed doors.<sup>31</sup> This prevented the press and the public from being informed about the details of the litigation.

Public Citizen, on behalf of itself, Consumer Federation of America and Consumers Union, appealed the order sealing the case. In a significant win for transparency, the Court of Appeals for the Fourth Circuit ordered the District Court to unseal the record.<sup>32</sup> This decision firmly established the integrity of the database and ensured that companies could not game the process by litigating every report while also keeping their names out of court records. In light of the court order, Company Doe revealed itself as the baby carrier manufacturer Ergobaby in May 2014 before the records were unsealed.<sup>33</sup>

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29. CPSC, Reports-Content FAQs. <http://www.saferproducts.gov/faq-report.aspx#faq11>

30..Co. Doe v. Pub. Citizen, No. 12-2209 (4th Cir. 2014). <http://www.ca4.uscourts.gov/Opinions/Published/122209.P.pdf>

31. Id. at Pg. 3. <http://www.ca4.uscourts.gov/Opinions/Published/122209.P.pdf>

32. Public Citizen. <http://www.citizen.org/litigation/forms/cases/getlinkforcase.cfm?clD=783>

33. 'Company Doe' is Ergobaby, a maker of baby carriers, Consumer Reports, May 8, 2014. <http://www.consumerreports.org/cro/news/2014/05/company-doe-is-ergobaby-maker-of-baby-carriers/index.htm>

# SaferProducts.gov Data

SaferProducts.gov provides valuable information for consumers, advocates, and regulators. Providing a downloadable data set gives the public the opportunity to analyze the reports of harm, including what type of submitter is reporting harm about which products. Below is an analysis of SaferProducts.gov data downloaded on June 29, 2016.

While the data downloaded was already fairly consistent, we conducted limited edits to entries in some categories, such as manufacturer, where it appeared there were typos in company names, or consolidated related companies under one name—e.g., General Electric had several listed manufacturers with their own reports. Those reports were consolidated under the heading “GE” Where such changes have been made, they are noted in a footnote or a note attendant to the graph or chart displaying the data.

The CPSC labels the products that caused harm into three categories of increasing specificity: Product Category (e.g., “Kitchen”), Product Subcategory (e.g., “Appliances”) and Product Type (e.g., “Dishwashers”). These allow a user to look at harm trends at various levels.

Because the database has 32 fields and nearly 30,000 entries, it is not possible to give a comprehensive overview of every field within the database. Rather, this report presents visualizations of selected data fields that will be useful to consumers, advocates, and regulators. This report also includes an overview of submissions and a comparison of how SaferProducts.gov compares to other federal databases with similar missions.

This data section will provide:

- ▶ An overview of the number of reports published on SaferProducts.gov as of 2011, 2013, and 2016, and what type of submitter those reports came from;
- ▶ A comparison of SaferProducts.gov and other, select, federal databases that accept reports from consumers; and
- ▶ An analysis of the data as of June 29, 2016, by:
  - The top ten manufacturers whose products have the most reports;
    - An analysis of the product types found within the appliances subcategory that accounted for most of the reports referencing the top ten manufacturers with reports of harm;
  - The ten product categories with the most reports;
  - The ten subcategories with the most reports;
  - The ten product types with the most reports;
  - Deaths reported in SaferProducts.gov by age and product type.

- The type of injury (if any) reported; and
- The percentage of reports published with a manufacturer comment.

Each data section includes suggestions for changes that the CPSC should consider making to SaferProducts.gov to further improve its utility.

## Submitters and Reports Published

Because the CPSC requires eight distinct fields before a report can be considered for publication and the manufacturer has an opportunity to object to a report’s publication, a significant percentage of reports are not published.

A 2011 GAO analysis of CPSC data determined that 5,464 reports from eligible submitters were sent to the CPSC in the first four months SaferProducts.gov was live.<sup>34</sup> Of those 5,464 reports, 38% had all of the required information to be published, and 34% were ultimately published on SaferProducts.gov.<sup>35</sup>

As context, a 2013 GAO report noted that the number of reports the CPSC received from all of its data sources (SaferProducts.gov submissions, phone, e-mail, postal mail, or fax) for each month exceeded 1,000 from March 2011 to December 2012.<sup>36</sup> While the numbers fluctuate from month to month, the percentage of reports submitted through SaferProducts.gov versus reports received by phone, e-mail, postal mail, or fax hovered around a fifty-fifty split.<sup>37</sup> Thus, SaferProducts.gov data has created a significant avenue for more information to flow to the CPSC.

Category of Submitter	Submitters* as of:		
	July 11, 2011	January 3, 2013	June 29, 2016
Child Service Provider	4 (<1%)	29 (<1%)	60 (<1%)
Consumer	1,786 (97%)	11,696 (97%)	28,257 (97%)
Federal, State or Local Government Agency	21 (1%)	116 (1%)	287 (1%)
Health Care Professional	16 (1%)	63 (1%)	146 (1%)
Medical Examiner and Coroner	(none reported)	19 (<1%)	38 (<1%)
Other	(none reported)	(none reported)	1 (<1%)
Public Safety Entity	20 (1%)	107 (1%)	234 (1%)
<b>Total</b>	<b>1,847</b>	<b>12,030</b>	<b>29,023</b>

\*These dates reflect GAO analysis of Saferproduct.gov data in 2011 and 2013 and consumer group analysis in 2016.

As of June 29, 2016, there were 29,023 reports in the SaferProducts.gov database, which account for 33% of the 88,414 reports the CPSC received (both through SaferProducts.gov and other methods) from 2011 to September 7, 2016.<sup>38</sup> This percentage is roughly in line with the 38% publishing rate the GAO found in 2011. Of the 29,023 reports, we believe that a large percentage of products that are the subjects of reports have model numbers, but it is difficult to arrive at a definitive number since—rather than model numbers or blanks—many cells are populated with various ways of saying “unknown,”

34. U.S. Government Accountability Office, Consumer Product Safety Commission, Action Needed to Strengthen Identification of Potentially Unsafe Products, 2011. Pg. 7. <http://gao.gov/assets/590/585725.pdf>. SaferProducts.gov went live on March 11, 2011 and the GAO analyzed submitted reports through July 11, 2011.

35. Id. at pg. 7. <http://gao.gov/assets/590/585725.pdf>.

36. U.S. Government Accountability Office, Consumer Product Safety Commission: Awareness, Use, and Usefulness of SaferProducts.gov, 2013. Pg. 14. <http://www.gao.gov/assets/660/652916.pdf>

37. Id. at Pg. 15, Fig. 4. <http://www.gao.gov/assets/660/652916.pdf>

38. CFA staff phone call with Scott Wolfson, Communications Director and Senior Advisor to the Chairman, CPSC, on 9/7/16.

such as “n/a,” “I don’t know,” or other entries. This field would benefit from standardizing the various consumer inputs that mean “unknown” to either a blank field or “unknown.”

The reasons given for the relatively low percentage of reports being published on SaferProducts.gov center around the CPSC’s other data sources (staff in-depth investigations, Medical Examiners and Coroners Alert Project, news reports, and the National Electronic Injury Surveillance System) not having the necessary information required by statute to be published on SaferProducts.gov.<sup>39</sup> A report cannot be posted on SaferProducts.gov unless it has eight pieces of information (see **Submitting a Report** above) but the CPSC does not require those same fields when users submit to its other databases.

Who submits the bulk of the reports has remained constant from the launch of SaferProducts.gov in 2011 to GAO’s follow up report in 2013 to this report’s download of the database in 2016. Ninety-seven percent of reports were consistently submitted by consumers in 2011, 2013, and 2016.

**Recommendation:** The CPSC should make it a priority to increase participation from other categories of submitters. Suggestions for improving submissions from other entities include consistent communication with and education of all permissible submitters about the importance of, and ease of, reporting to SaferProducts.gov. It is also necessary to change the required fields on intake forms for sources like the Medical Examiners and Coroners Alert Project (MECAP) so that their data can be published on SaferProducts.gov.

## SaferProducts.gov and Other Federal Consumer Complaint Databases

Public report databases are powerful tools for consumers to make purchasing choices and for advocates to understand how to best represent the interests of consumers. These databases also provide agencies with critical information about the products they regulate. SaferProducts.gov is but one searchable database that includes consumer complaints. Other examples include the National Highway Traffic Safety Administration’s (NHTSA) Safercar.gov and the Consumer Financial Protection Bureau’s (CFPB) public Consumer Complaint Database.

Agency	Database	Data From	Complaints	Search	Export	Data Snapshots
CFPB	Consumer Complaint Database	2011	622,006	Yes	Yes	Yes
CPSC	SaferProducts.gov	2011	29,023	Yes	Yes	No
DOT	Air Travel Consumer Reports	1998	Unknown	No	No	Yes
FTC	Consumer Sentinel Network	1997	~12M	No	No	Yes
NHTSA	Safer car	1994	1,313,809	Yes	Yes	No

See Appendix A for table with full citations.

Other databases, such as the Federal Trade Commission’s (FTC) Consumer Sentinel Network, and the Department of Transportation’s (DOT) Air Travel Consumer Reports, collect complaints and provide monthly reports but do not make the data available in a searchable format that is publicly available.

## Top Ten Manufacturers by Number of Reports

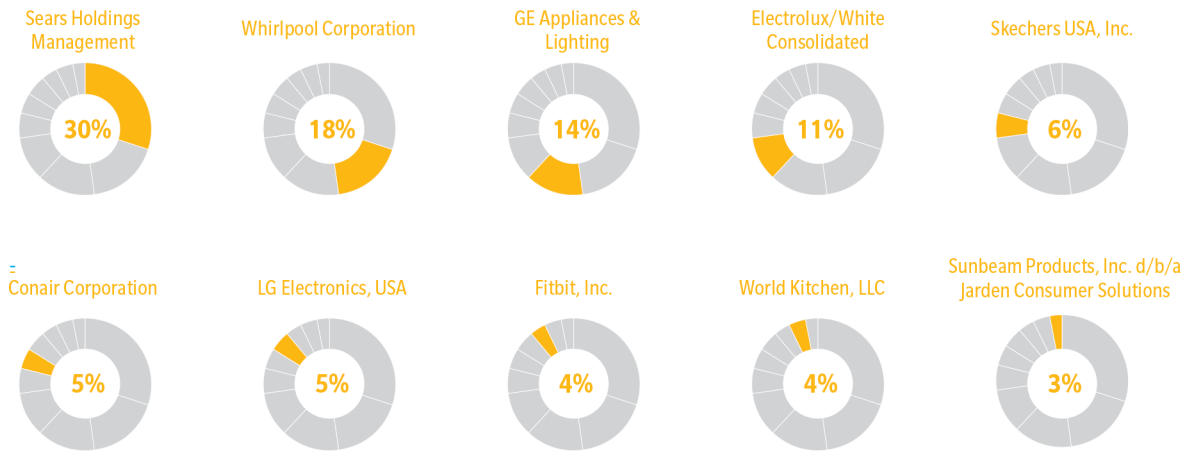
Approximately 39% (11,177) of reports were for products from ten manufacturers, with the other 61% (17,846) of reports spread out among 3,802 other manufacturers. A majority of the manufacturers

<sup>39</sup>. Id.

(2,399 or 63%) had one report of harm. Of the top ten manufacturers with reports of harm, Electrolux, GE,<sup>40</sup> Whirlpool, and Sears<sup>41</sup> made up 73% of the reports of harm among the top ten. Just over half of the reports in SaferProducts.gov are in the appliances subcategory of data (see top ten subcategory section below); thus, manufacturers of appliances have a large number of reports in SaferProducts.gov. While the ubiquity and relative high cost of appliances may be part of why so many complaints are lodged with these companies, another possible factor for some of these companies could be their substantial market share in a broad range of products. However, further analysis is warranted.

### Top 10 Manufacturers by Number of Reports (as a percentage of top ten reports)

Top ten reports = 11,177  
 + all other reports = 17,846  
 Total reports = 29,023



**Recommendation:** The CPSC should complete and release an in-depth analysis on the types of harm reported for these manufacturers and products and determine if there is a pattern in the reports that the CPSC could work to mitigate.

### Top Ten Product Types within Appliances Subcategory of Top Ten Manufacturers

Of the 11,177 reports (out of a total of 29,023 reports) referencing one of the top ten manufacturers by number of reports, 8,068 (72%) concerned the appliances subcategory—the intermediate specific category in between product category and product type. In analyzing the top ten product types within the 8,068 entries in the “appliances” subcategory of the top ten manufacturers, ranges or ovens of various types make up the vast majority of reports with “electric ranges or ovens (excluding counter-top ovens)” being the largest segment with 34% of reports. The next largest number of reports within “appliances” for a top ten product type is “dishwashers” with 18% of reports. The top ten product types within the 8,068 entries in the “appliances” subcategory of the top ten manufacturers number 7,910 or 98% of those reports. The number of reports within the top ten quickly drops from the number one

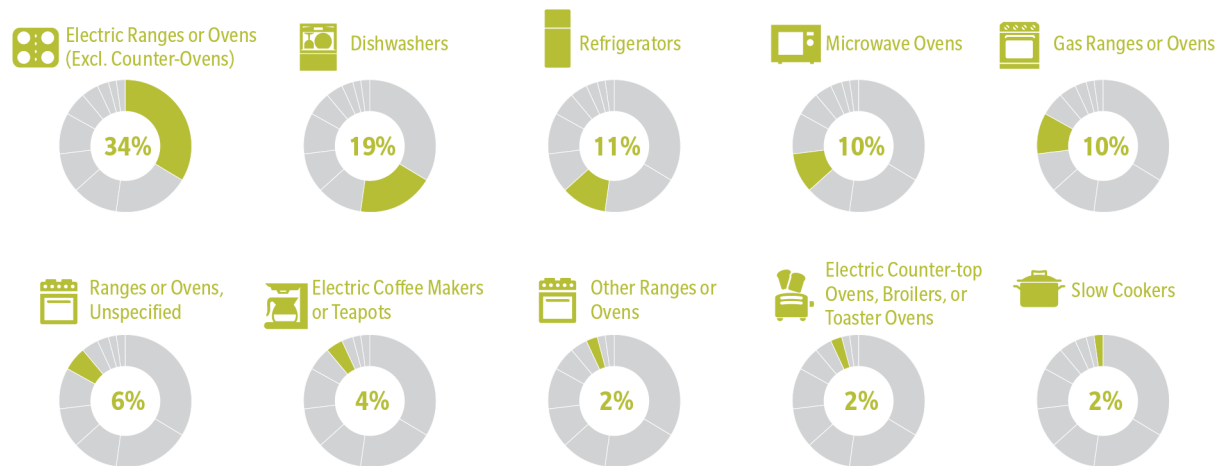
40. GE has been consolidated from five entities with reports in SaferProducts: GE Appliances, GE Appliances & Lighting, GE Energy, GE Lighting, GE Trademark Licensing, Inc.

41. As noted previously, Sears is generally a private labeler that places its brand on products manufactured by other entities; yet, SaferProducts.gov has one field for manufacturer/importer/private labeler. For the purposes of this report, we use the shorthand “manufacturer” to refer to the entity listed in the SaferProducts.gov “manufacturer/importer/private labeler” field.

spot of 2,700 for “electric ranges or ovens (excluding counter-top ovens)” to the number 10 spot of 117 reports for “slow cookers.” Without a sortable field of the type of harm reported (see Recommendations section below asking the CPSC create and populate such a field) a user is forced to read through the incident narratives of each report to determine the risk posed by a product. This is cumbersome and makes analysis of hazard patterns very difficult. Consumers Union conducted an analysis of reports in 2013 and found that for appliances “fire was the primary safety problem cited” and our groups would like the CPSC to make it easier to conduct that type of analysis.<sup>42</sup>

**Top 10 Product Types within Appliances Sub Category of Top Ten Manufacturers by Number of Reports (as a percentage of top ten product types)**

Top ten reports = 7,910  
 + all other reports = 158  
 Total reports = 8,068



**Recommendation:** The CPSC should complete and release an in-depth analysis of the types of harm reported for these manufacturers and products and determine if there is a pattern in the reports of harm that the CPSC could work with manufacturers to address.

**Top Ten Product Categories by Number of Reports**

The top ten product categories (out of a total of fifteen product categories used in the database) account for 97% of the reports in SaferProducts.gov. “Kitchen” is the largest “product category” with 11,183 reports which account for 40% of the reports in the top ten product categories. This is consistent with the analysis above showing that reports are clustered around appliances and largely kitchen appliances.

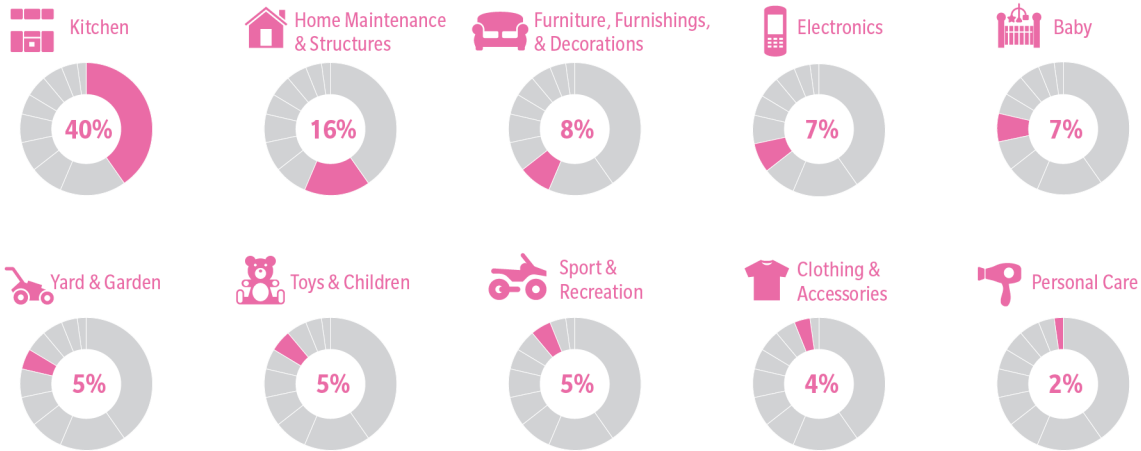
There are also a significant number of reports regarding children’s products in the top ten reports by product category. Taken individually, the “toys and children” (5%) and “baby” (7%) “product categories” look fairly low, but it is appropriate to aggregate these categories for evaluating the impact of safety problems on particularly vulnerable populations. The combined “toys and children” and “baby” reports (3,533 reports) become the third largest number of reports in the top ten product category analysis after “kitchen” (11,183) and “home maintenance” (4,536).

42. “Biggest consumer complaints to the CPSC Appliances accounted for 2,029 complaints in the SaferProducts.gov database, Consumer Reports,” January 2013. <http://www.consumerreports.org/cro/magazine/2013/01/biggest-consumer-complaints-to-the-cpsc/index.htm>



### Top 10 Product Categories by Number of Reports (as a percentage of top ten product categories)

Top ten reports = 28,273  
+ all other reports = 750  
Total reports = 29,023



**Recommendation:** While the ability to look at data at more micro levels is useful, (“baby” as well as “toys and children”) the CPSC should also group, and allow consumers and advocates to search and sort by, a category that encompasses all products designed for and marketed to children.

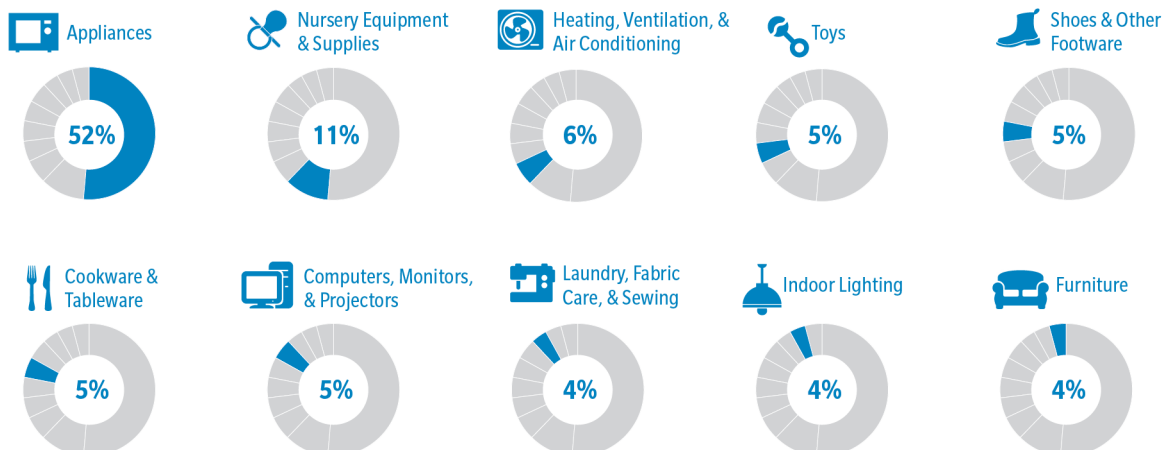
### Top Ten Subcategories by Number of Reports

Ten product subcategories account for 66% of the reports in SaferProducts.gov. “Appliances” is the largest “product subcategory” with 52% of the reports in the top ten product subcategories. Appliances are the largest subcategory with reports when looking at the entire SaferProducts.gov data set. This mirrors the analysis of subcategories within the data set of the ten manufacturers with the most reports

Looking at the larger set, however, shows that children’s products are a significant percentage of reports, with 5% of reports in the “toys subcategory” and 11% of reports in the “nursery equipment & supplies subcategory.”

### Top Ten Product Subcategories by Number of Reports (as a percentage of top ten product subcategory reports)

Top ten reports = 19,228  
+ all other reports = 9,795  
Total reports = 29,023



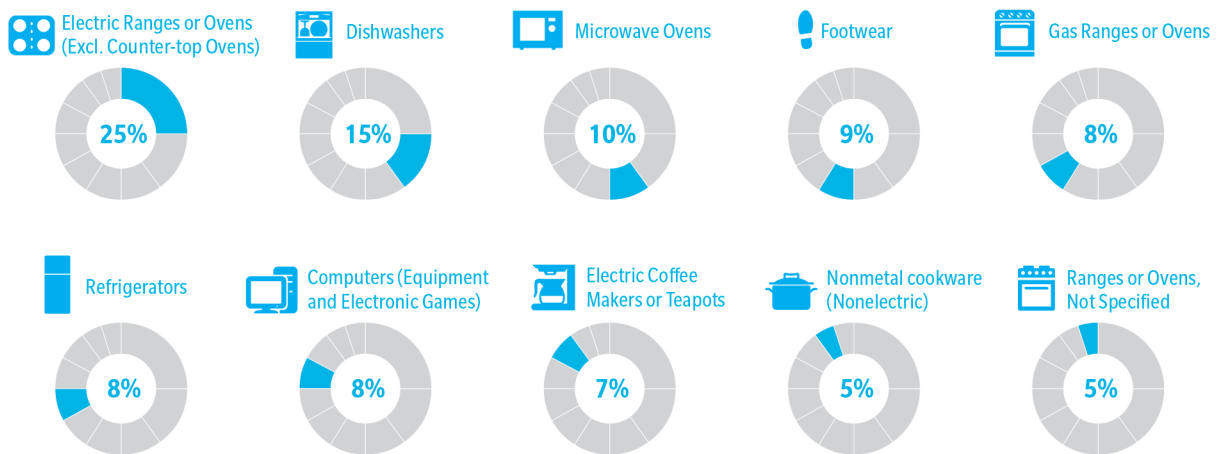
**Recommendation:** For products in subcategories like “toys” and “nursery equipment and supplies” that impact vulnerable populations and are generating large numbers of reports, the CPSC should start issuing regular data snapshots alerting consumers to reports of harm that the CPSC is receiving about products in those categories.

## Top Ten Product Types by Number of Reports

The top ten “product types” make up 38% of total reports in the database. When analyzing the more macro “product category,” however, this includes 97% of reports. The ten “product types” with the most reports are largely kitchen appliances (which is in line with the analysis of “product category” and “subcategory”) though footwear makes up 9% and “computers” (equipment and electronic games) make up 8% of the top ten reports.

### Top 10 Product Types by Number of Reports (as a percentage of top ten product type reports)

Top ten reports = 10,998  
+ all other reports = 18,025  
Total reports = 29,023



**Recommendation:** The CPSC should publish annual reports analyzing trends in reports, interpreting those trends, and explaining how the agency is working to address the harms reported in SaferProducts.gov. The CPSC is required to submit annual reports to Congress on SaferProducts.gov and this analysis could be folded into those reports.<sup>43</sup>

## Deaths Reported in SaferProducts.gov

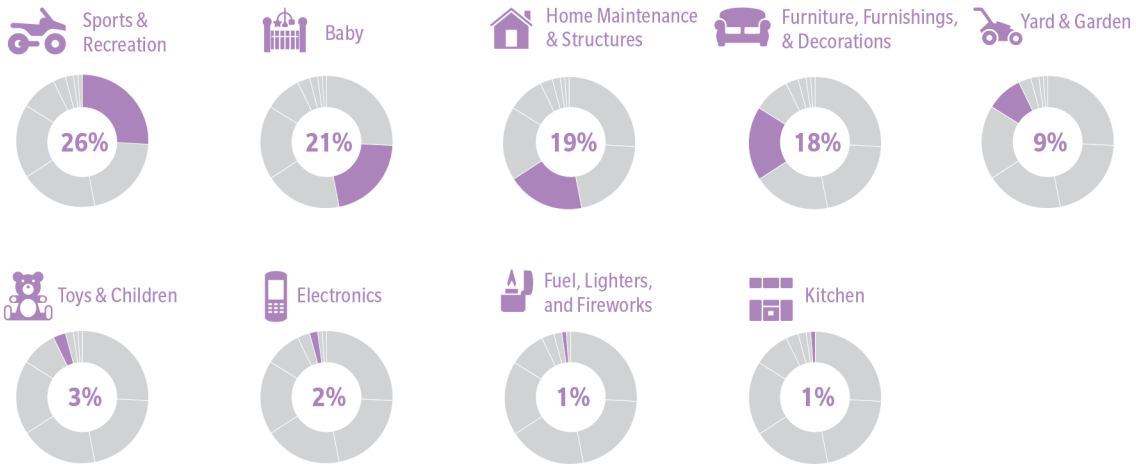
While less than 1% of the reports published on SaferProducts.gov document a death from a product, these 90 fatalities warrant additional analysis.

Our groups have long worked to improve safety standards for some of the most dangerous products that the CPSC regulates, such as off-highway vehicles (OHVs). The most fatalities reported for a product type on SaferProducts.gov are 16 for “all-terrain vehicles” (“ATV”). The product subcategory “recreational vehicles (unlicensed),” which encompasses the product types “ATV” and “utility vehicles” (which had two reports of fatalities) are responsible for 18 reports of fatalities, or 20% of the total.<sup>44</sup>

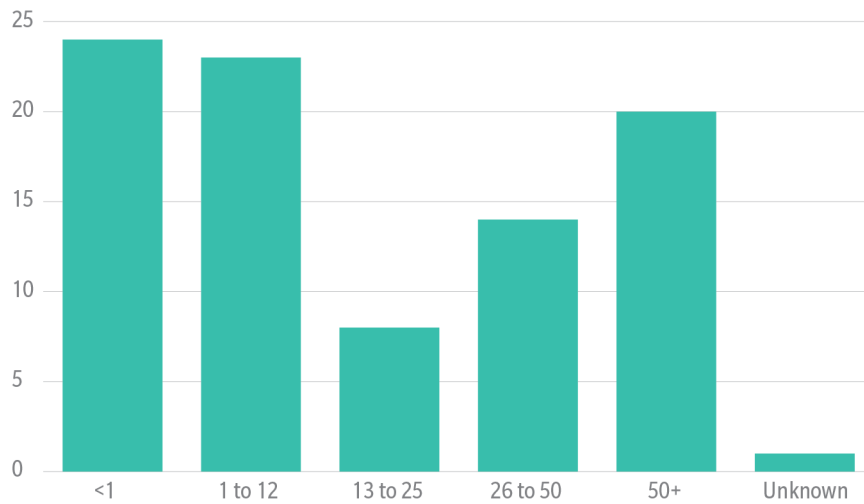
43. 15 USC 2055a(d) Publicly Available Consumer Product Safety Information Database. <https://www.law.cornell.edu/uscode/text/15/2055a>

44. The product sub-category listed for these vehicles is Recreational Vehicles (Unlicensed), and the product types listed are all-terrain vehicles (16 reports), and utility vehicles (2 reports). CFA uses the umbrella phrase off-highway vehicles when discussing these types of products.

## Fatalities by Product Category



## Fatalities by Age Group



After “ATV” (16 of the 18 fatalities in the product subcategory, “recreational vehicles”) the most reported deaths associated with a product-type were playpens, with five fatalities (6%) of the total. Child-related product categories (“baby” and “toys and children”) make up a large proportion of the fatality reports with 22 (24%) of the reports.<sup>45</sup> The product subcategory with the most fatalities is “nursery equipment & supplies” with 19 (21%) of the total 90 reported fatalities.

While 24% of the product categories for fatalities were explicitly child- or baby-related, a full 52% of the reported fatalities involved children 12 or under, with 24 children (27%) under a year old.

Forty-seven of the reports (52%) documenting a death are accompanied by a public company

<sup>45</sup> The largest category of child-related product categories is Baby with 19 reports of fatalities, and Toys and Children with three reports of fatalities.

comment. However, manufacturers can request that their comments not be made public and it is possible that additional responses may simply not be published in the database.<sup>46</sup>

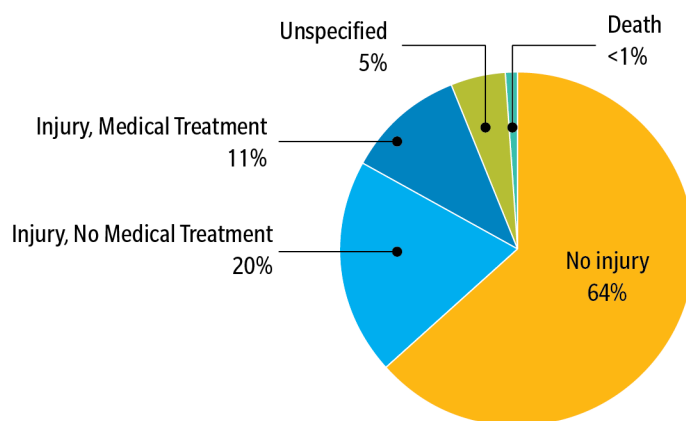
**Recommendation:** The 90 reports are likely an underreporting of consumer product-related fatalities over the five years SaferProducts.gov has been online, as the CPSC documents hundreds of ATV deaths alone each year in its annual ATV report.<sup>47</sup> The CPSC should analyze its larger data sets and release the product types responsible for the most fatalities associated with the products it regulates. For these product types, the agency should make consumers aware of design flaws that are likely causing hazards to their safety and open a dialogue with manufacturers to work toward fixing those potential hazards.

## Reports by Injury

The largest category of injury across all reports in SaferProducts.gov is “no injury.” A report must describe a harm, which is statutorily defined as injury, illness, or death, or the risk of injury, illness, or death, as determined by the Commission.<sup>48</sup> It would be helpful for the CPSC to categorize injuries and risks by type (burn, cut, etc.) in a searchable field of the database. Currently, a consumer has to read through the incident description of a report to identify the injury or risk of injury reported, making analyses of patterns of injury or risk very difficult.

This report consolidated the ten categories of harm the CPSC uses<sup>49</sup> into five to make visualization of the data easier. While the largest category is no injury, it is important to note that an important function of SaferProducts.gov is to make consumers and the CPSC aware of product risks that may lead to injury.

### Percentage of all Reports by Injury



46. SaferProducts.gov, Business – Comments FAQs. <http://www.saferproducts.gov/faq-business.aspx#faq8>

47. See 2014 Annual Report of ATV-Related Deaths and Injuries, November 2015. <http://www.cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Sports-and-Recreation/ATVs/2014atvannualreport.pdf>

48. 15 USC 2055a(g) Publicly Available Consumer Product Safety Information Database. <https://www.law.cornell.edu/uscode/text/15/2055a>

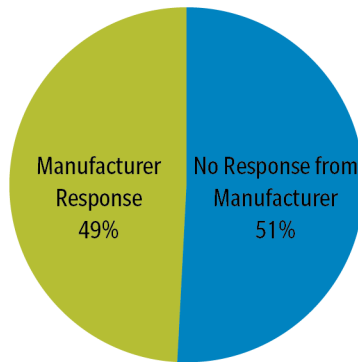
49. The original ten categories are: Death; Injury, Hospital Admission; Injury, Seen by Medical Professional; Injury, Emergency Department Treatment Received; Injury, First Aid Received by Non-Medical Professional; Injury, No First Aid or Medical Attention Received; Incident, No Injury; Injury, Level of Care not Known; No Incident, No Injury; Unspecified.

**Recommendation:** Create new categories of injury/risk of injury that can be sorted and searched to allow consumers, regulators, and advocates to easily understand the harm that has been reported for the various categories of products in the database.

### Percentage of Reports with Manufacturer Comments on SaferProducts.gov

While manufacturers have an opportunity to provide comments on reports published on SaferProducts.gov, less than half of published reports include manufacturer comments. Manufacturers can, however, request that their comments on a report not be placed in the database, so manufacturers may be submitting comments but requesting that the comments not be posted on SaferProducts.gov.

#### Percentage of Manufacturers with Published Comments



**Recommendation:** The CPSC should indicate when a manufacturer has commented even if the comment is not posted, so that consumers can understand how engaged manufacturers are in using SaferProducts.gov.

# Conclusion

Our analysis of the first five years of SaferProducts.gov has identified that the database is an important tool that offers significant utility for consumers, researchers, and the CPSC. The database gives consumers both a place to report hazards and to review reports of harm associated with consumer products.

While almost 30,000 reports of harm have been published in the database,<sup>50</sup> the more reports that are included, the more robust and useful the database will be. According to a GAO analysis, reporting to SaferProducts.gov is increasing over time. In July 2011, there were 1,847 reports; on January 3, 2013, there were 12,030 reports; and on June 29, 2016, CFA documented 29,023 reports.

SaferProducts.gov is growing, and has a number of excellent, consumer-friendly features. We have also identified a number of areas where the CPSC could make SaferProducts.gov a more useful tool for consumers, and our groups are committed to working with the CPSC to make SaferProducts.gov even more widely used and even more effective as a tool to prevent consumer harm.

## Recommendations

As we have documented, there is room to improve both the database itself and how the CPSC collects, uses, and disseminates data. Our recommendations fall into four areas: increase the use of SaferProducts.gov, fold other CPSC data sources into SaferProducts.gov, release reports analyzing SaferProducts.gov data, and improve some data categories.

### ► Increase use:

- **Healthcare professionals:** More should be done to reach out to doctors, hospital staff, and coroners to increase awareness of, and train them on the use of, SaferProducts.gov. Only 60 reports, for instance, have been submitted by Child Service Providers in nearly five years—that's less than 1% of the reports analyzed. The development of entry portals to encourage health care and child services providers and coroners should be added to the "Chairman's Challenge."
- **Consumers and advocates:** The CPSC and other stakeholders should engage in efforts to increase consumer and researcher awareness of SaferProducts.gov.
- **Interagency working group:** The CPSC should take the lead in convening an interagency publicly accessible database working group to share best practices, identify mutual challenges, and otherwise share information toward operating a successful consumer reporting database.

- **Fold additional data sources into SaferProducts.gov:** Include information from other CPSC databases and resources in SaferProducts.gov. To make this possible, the CPSC will need to collect

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<sup>50</sup> As of June 29, 2016.

the information statutorily required for a report to be included in SaferProducts.gov when collecting information for the CPSC's other databases.

▶ **Data analysis and reports:**

- **Types of harm:** The CPSC should complete and release in-depth analyses on the types of harm reported for manufacturers and products and determine if there is a pattern in the reports of harm that the CPSC could work to address.
- **Product types responsible for harm:** The CPSC should analyze its larger data sets, release the product types responsible for the most fatalities associated with the products it regulates, make consumers aware of design flaws that are likely causing hazards to their safety, and open a dialogue with manufacturers to work towards fixing those potential hazards.
- **Annual report:** The CPSC should publish an annual report analyzing trends in reports to SaferProducts.gov, interpreting those trends, and explaining how the agency is working with industry to address the harms reported in SaferProducts.gov. The CPSC is required to submit annual reports to Congress on SaferProducts.gov and this analysis could be folded into those reports.
- **Inform submitters of recalls:** After a recall is announced CPSC should cross-reference older reports from SaferProducts.gov and update consumers who may not know about the recall.

▶ **Improve data categories:**

- **Types of harm:** Create new categories of harm that can be sorted and searched to allow consumers, regulators, and others to easily understand the harm that has been reported for the various categories of products in the database. For example, injury or risk of injury from fire or electric shock, burns, cuts, or falls.
- **Incident field in exportable database:** While the incident date (when the harm took place) is available in individual reports found through SaferProducts.gov, it is not a sortable field in the exportable database. The CPSC should add incident date as a sortable field to allow users to identify trends by date.
- **More macro-level categories:** While the ability to look at data at more micro levels is useful (e.g., "baby" as well as "toys and children"), the CPSC should also group, and allow consumers and advocates to search and sort by, a category that encompasses all products designed for and marketed to children.
- **Parent company:** The CPSC should add a "parent company" field that Commission staff populates when entering data so that firms owned by other entities can be more easily grouped.

# Appendix A

Agency	Database	Data From	Complaints	Search	Export	Data Snapshots
CFPB	Consumer Complaint Database <sup>i</sup>	2011 <sup>ii</sup>	622,006 <sup>iii</sup>	Yes	Yes	Yes
CPSC	SaferProducts.gov <sup>iv</sup>	2011 <sup>v</sup>	29,023 <sup>vi</sup>	Yes	Yes	No
DOT	Air Travel Consumer Reports <sup>vii</sup>	1998 <sup>viii</sup>	Unknown	No	No	Yes
FTC	Consumer Sentinel Network <sup>ix</sup>	1997 <sup>x</sup>	~12M <sup>xi</sup>	No	No	Yes
NHTSA	Safer car <sup>xii</sup>	1994 <sup>xiii</sup>	1,313,809 <sup>xiv</sup>	Yes	Yes	No

- i. Consumer Complaint Database. <http://www.consumerfinance.gov/data-research/consumer-complaints/>
- ii. The CFPB started taking complaints, initially just on credit cards, in July 2011 and the database for those complaints went live June 19, 2012. CFPB Launches Consumer Complaint Database, June 19, 2012. <http://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-launches-consumer-complaint-database/>
- iii. Number of complaints in CFPB database as of 9/2/16. <https://data.consumerfinance.gov/dataset/Consumer-Complaints/s6ew-h6mp>
- iv. SaferProducts.gov. <http://www.saferproducts.gov/Default.aspx>
- v. CPSC Launches New Consumer Product Safety Information Database Today SaferProducts.gov database delivered on time, on budget for the public, March 11, 2011. <http://www.cpsc.gov/en/Newsroom/News-Releases/2011/CPSC-Launches-New-Consumer-Product-Safety-Information-Database-Today--SaferProductsgov-database-delivered-on-time-on-budget-for-the-public/>
- vi. Complaints downloaded by CFA staff as of 6/29/16.
- vii. U.S. Department of Transportation, Air Travel Consumer Reports. <https://www.transportation.gov/airconsumer/air-travel-consumer-reports>
- viii. CFA staff had some difficulty tracking down an archive of the monthly reports, though the reports from 1998 to 2009 are here: <http://airconsumer.ost.dot.gov/reports/> and reports from 2010 to 2016 can be found by taking this address: <https://www.transportation.gov/airconsumer/air-travel-consumer-reports-2010> and changing the last 4 digits to the desired year.
- ix. Consumer Sentinel Network. <https://www.ftc.gov/enforcement/consumer-sentinel-network>
- x. Consumer Sentinel Network Data Book, January-December 2015. <https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2015/160229csn-2015databook.pdf>
- xi. Excludes Do Not Call Registry complaints and represents only complaints from 2011 through 2015 as the agency only retains data for five years. The number of complaints received from 2001 through 2015 were over 21 million.
- xii. Safercar. <http://www.safercar.gov/>
- xiii. Established online in 1994. Mike Litt, Edmund Mierzwinski, Predatory Loans & Predatory Loan Complaints, The CFPB's Consumer Complaint Database Shows the Need to Stop Payday Debt Traps, U.S. PRG Education Fund, August 2016. Pg. 31. <http://uspig.org/sites/pirg/files/reports/USPIRG%20Payday%20Report.pdf>
- xiv. Download of Safercar.gov complaints on 9/2/16. <http://www-odi.nhtsa.dot.gov/downloads/>