April 3, 2023

Division of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Comments of Consumer Reports to the Consumer Product Safety Commission on the Supplemental Notice of Proposed Rulemaking: "Information Disclosure Under Section 6(b) of the Consumer Product Safety Act" Docket No. CPSC-2014-0005

I. Introduction

Consumer Reports, the independent, non-profit member organization,[1] welcomes the opportunity to submit comments to the Consumer Product Safety Commission (CPSC) regarding the agency's supplemental notice of proposed rulemaking (SNPR) to update its regulations interpreting section 6(b) of the Consumer Product Safety Act (CPSA).[2] Consumer Reports supports the CPSC's renewed work to update the current regulations to increase transparency for the public and align its rules more closely with the text of section 6(b) of the CPSA.[3]

The CPSC is tasked with protecting the public from unreasonable risks of injuries and deaths associated with some 15,000 types of consumer products. With such an essential role to play for public health and safety, the CPSC should be able to inform the public readily about legitimate safety hazards in a timely and complete manner—regardless of whether or not a company agrees. The agency's regulations interpreting section 6(b) should ensure that the CPSC, to the greatest extent possible under the statute, can fulfill its mission and maximize the public's access to safety information.

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[1] Founded in 1936, Consumer Reports (CR) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

[2] Consumer Product Safety Commission, "Supplemental Notice of Proposed Rulemaking: Information Disclosure Under Section 6(b) of the Consumer Product Safety Act" (Feb. 2023) (online at: www.regulations.gov/document/CPSC-2014-0005-0027).

[3] 15 U.S.C. 2055(b).

Under section 6(b), the CPSC generally must provide ample opportunity for manufacturers and private labelers to comment on a proposed disclosure of information that may "permit the public to ascertain readily the identity of such manufacturer or private labeler."[4] If such a company has concerns about the wording or the substance of the disclosure, they can object, and the CPSC "must review and analyze the information in light of the comments received," which may result in the restriction of information that is released.[5] In addition, though less common, the CPSC also may inform the company that it plans to disclose the information over the company's objections, and if it so chooses, the manufacturer or private labeler can file a legal action to enjoin disclosure. The threat of these legal challenges has resulted in a time-consuming and resource-intensive process between the CPSC and the affected company.

This provision is unique to the CPSC and all too often prevents or severely delays the release of information about hazards relating to consumer products, including infant and children's products. Other federal public health or safety agencies do not have a similar law that restricts their ability to keep consumers informed. For example, while the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) appropriately must protect the confidentiality of trade secrets and personally identifiable information, this auto safety agency is able to warn consumers and press publicly for a recall of vehicles with potentially dangerous defects without needing to take additional time and effort to notify and wait for comment from automakers.

In contrast, section 6(b) of the CPSA has resulted in sharp limitations on the CPSC's ability to announce warnings to consumers about safety hazards in a clear and timely fashion. It has contributed to preventable injuries and deaths connected to consumer products.[6] For example, as early as 2017, the CPSC was aware of at least 14 deaths connected to the Fisher-Price Rock 'n Play.[7] However, in May 2018, the CPSC issued only a general warning about "infant inclined sleep products" because of section 6(b).[8] Tragically, this warning accomplished little, and parents and caregivers remained in the dark about the Rock 'n Play's hazards for nearly another year.[9] It was only the inadvertent release of section 6(b)-protected information to

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[4] 15 U.S.C. 2055(b)(1).

[5] CPSC, "CPSA Section 6(b) FACT SHEET" (online at: www.cpsc.gov/s3fs-public/pdfs/blk_pdf_CPSA6bFactSheet.pdf); CR, "Decades-Old Law Hides Dangerous Products and Impedes Recalls" (Apr. 30, 2019) (online at: www.consumerreports.org/product-safety/decades-old-law-hides-dangerous-products-and-impedes-recalls); *see also* Public Citizen "Delay and Secrecy: How Section 6(b) of the Consumer Product Safety Act Keeps Consumers in the Dark" (June 24, 2019) (online at: www.citizen.org/article/delay-and-secrecy).

[6] House Committee on Oversight and Reform, "Letter from Erika Richter" (June 5, 2021) (online at: docs.house.gov/meetings/GO/GO00/20210607/112721/HHRG-117-GO00-20210607-SD005.pdf); Meghan's Hope "Broken: Deadly Dressers a review and understanding the scope of furniture tip-over" (Dec. 8, 2019) (online at: www.meghanshope.org/safety-blog/broken-deadly-dressers-a-review-and-understanding-the-scope-of-furniture-tip-over).

[7] Staff of House Committee on Oversight and Reform, "Report on Infant Deaths in Inclined Sleepers: Fisher-Price's Rock 'n Play Reveals Dangerous Flaws in U.S. Product Safety." p. 23 (June 2021) (online at: docs.house.gov/meetings/GO/GO00/20210607/112721/HHRG-117-GO00-20210607-SD007.pdf).

[8] PRNewswire, "CPSC Consumer Alert: Caregivers Urged To Use Restraints With Inclined Sleep Products" (May 31, 2018) (online at: www.prnewswire.com/news-releases/cpsc-consumer-alert-caregivers-urged-to-use-restraints-with-inclined-sleep-products-300657677.html).

[9] Rachel Rabkin Peachman, *Consumer Reports*, "While they were sleeping" (Dec. 30, 2019) (online at: www.consumerreports.org/child-safety/while-they-were-sleeping)

Consumer Reports—and CR's decision, in the interest of infant safety, to proceed with publishing what our organization had learned—that brought the truth to light in April 2019.[10] Shortly thereafter, Fisher-Price and the CPSC announced a recall of 4.7 million Rock 'n Play products that cited "over 30 infant deaths" connected to this product.[11]

The Rock 'n Play is just one example of a time when section 6(b) left the public unaware and at risk. Similarly, section 6(b) prevented the release of critical product safety information, including incidents involving serious injury or death, linked to the IKEA Malm dresser and the Peloton Tread+ treadmill.[12] In all three cases, the secrecy permitted by section 6(b) allowed for the continued sale of these products well after a hazard was identified, delayed release of critical information, and left consumers at risk, unaware of the hazards. Unfortunately, the public is blocked from knowing the full impact of section 6(b), since this provision generally prevents the CPSC from telling people about a specific product's dangers without manufacturer permission. Nevertheless, former CPSC Commissioners have voiced frustration, stating that "the effect of [section 6(b)] is to make the release of some information almost impossible," and that this provision "puts the agency in the role of a national data nanny of vital consumer product safety information."[13] Another former Commissioner and Chair stated bluntly: "People die because of Section 6(b). It is that simple."[14]

The ability of other agencies to successfully warn consumers as soon as they identify an issue underscores that a provision like section 6(b) of the CPSA is unnecessary to protect a company's reputation, its trade secrets, or individuals' personally identifiable information.

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[10] Staff of House Committee on Oversight and Reform, "Report on Infant Deaths in Inclined Sleepers: Fisher-Price's Rock 'n Play Reveals Dangerous Flaws in U.S. Product Safety." (June 2021) (online at: docs.house.gov/meetings/GO/GO00/20210607/112721/HHRG-117-GO00-20210607-SD007.pdf);Consumer Reports, "Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says" (Apr. 8, 2019), (online at: www.consumerreports.org/recalls/fisher-price-rock-n-play-sleepershould-be-recalled-consumer-reports-says).

[11] CPSC, "Fisher-Price Recalls Rock 'n Play Sleepers Due to Reports of Deaths" (Apr. 12, 2019) (online at: www.cpsc.gov/Recalls/2019/Fisher-Price-Recalls-Rock-n-Play-Sleepers-Due-to-Reports-of-Deaths).

[12] "[The CPSC] and IKEA were aware of safety concerns surrounding the Malm, including at least two prior deaths, but Section 6(b) forced the CPSC to largely stay silent, pending IKEA's approval for any messaging…" Tellado, Marta, *Buyer Aware,* p. 210 (2022); "In the case of the Peloton Tread+, CPSC was unable to alert the public of the 39 reported incidents…until a month later. These incidents ranged from mild injury to broken limbs, brain damage, and even death….CPSC was also required to negotiate with Peloton over the wording and timing of the warning alert because of Section 6(b)." Blumenthal, Richard, "Blumenthal, Schakowsky & Rush Introduce Legislation to Bolster CPSC's Power to Warn Americans About Dangerous Products in the Wake of Peloton Reports" (Apr. 21, 2021) (online at: www.blumenthal.senate.gov/newsroom/press/release/blumenthal-schakowsky-and-rush-introduce-legislation-to-bolster-cpscs-power-to-warn-americans-about-dangerous-products-in-the-wake-of-peloton-reports).

[13] Former Commissioner David Pittle, U.S. Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs and Product Safety, "Hearing on the Reauthorization of the Consumer Product Safety Commission (CPSC)" (June 17, 2003) (online at: www.govinfo.gov/content/pkg/CHRG-108shrg76385/html/CHRG-108shrg76385.htm); Former Acting Chair and Commissioner Bob Adler, "Statement of Acting Chairman Robert S. Adler on the Notice of Proposed Rulemaking Regarding an Amendment to the Regulation on Information Disclosure Under Section 6(b) [...]" (Feb. 13, 2014) (online at: www.cpsc.gov/about-cpsc/commissioner/robert-bob-s-adler/statements/statement-acting-chairman-robert-s-adler).

[14] Former Commissioner Elliot Kaye. U.S. House of Representatives Committee on Energy and Commerce, Subcommittee on Consumer Protection and Commerce, "Hearing: Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling its Mission?" (Apr. 9, 2019) (online at: www.govinfo.gov/content/pkg/CHRG-116hhrg39670/html/CHRG-116hhrg39670.htm).

Section 6(b) inherently puts consumers at risk, which is why Consumer Reports has long supported its repeal.

As we continue to advocate for congressional action to do this, we strongly support the CPSC's efforts to modernize and align its regulations interpreting the provision. As the agency continues its work to increase transparency, we offer the following comments and additional suggested modifications to the proposed rule to ensure the greatest level of transparency, clarity, and speed that is allowed by statute. In addition, we attach to these comments CR's itemized suggestions for changes to certain sections of 16 CFR Part 1101.

II. The CPSC should ensure that its proposed changes to 16 CFR Part 1101 provide greater transparency and clarity, and the release of safety information to the public as quickly as possible within the confines of the law

Current regulations interpreting section 6(b) of the CPSA impose severe limits on disclosure that have kept consumers in the dark for too long. Numerous instances over the years, including the Fisher-Price Rock 'n Play, highlight the devastating impact that this law has had on people's lives. CR supports most of the SNPR's proposed changes, which include language that more closely mirrors the text of section 6(b), making it clearer which information is exempt and which party is responsible for what action, and fixing citations where appropriate. These changes would help to remove language in 16 CFR Part 1101 that go beyond the requirements of the law, and allow the CPSC to more easily notify the public of product safety hazards without delay.

A. Information "obtained, generated, or received by the Commission"

At 16 CFR 1101.11(a), the CPSC specifies the information that is subject to the notice and analysis provisions of CPSA section 6(b)(1). The 2023 SNPR attempts to revise §1101.11(a)(3) to more closely align with the text of the statute, but only goes part of the way. In its 2014 notice of proposed rulemaking (NPR), the CPSC proposed removing information "generated or received" by the Commission from this paragraph, terms that are not found anywhere in the text of section 6(b) of the CPSA. Information "obtained" by the Commission would still be covered. Without explanation, the CPSC reversed its position from 2014 and now proposes to keep the full phrase "obtained, generated or received" in this paragraph.

CR strongly urges the CPSC to delete "generated or received" from proposed §1101.11(a)(2) in its 2023 SNPR. When the CPSC first proposed to remove these terms in 2014, the agency stated that there was no "expectation that it would reduce the scope of information subject to 6(b)" and inclusion of these terms is inconsistent with the text of the statute.[15] We agree with the agency's 2014 assessment. Even if the CPSC has no expectation that the scope would change, the regulations interpreting section 6(b) should provide the agency with the greatest flexibility possible to minimize any potential delay of getting critical information to the public. Inclusion of "generated or received" may require CPSC staff to conduct unnecessary analysis, resulting in unforeseen and gratuitous restrictions on the agency's ability to share potentially life-saving information with the public.

[15] 79 Fed. Reg. 10712, 10714.

B. Addition of three categories of publicly available information not subject to 6(b) restrictions

CR supports the addition of three categories to § 1101.11(b) as proposed in the agency's 2023 SNPR. Information that is publicly available on the CPSC's own website, the publicly available consumer product safety information database, or sources other than the CPSC should not be subject to section 6(b). The CPSC should be able to amplify information about a product safety hazard as quickly as possible in the interest of consumer safety—especially when that information already is publicly available.

Section 6(b) cannot apply to information already in the public domain because such information, by definition, cannot be "disclosed." Section 6(b)(1) of the CPSA requires that the CPSC notify the manufacturer or private labeler "prior to its public *disclosure* of any information obtained under this Act, or to be *disclosed* to the public in connection therewith" (emphasis added). The CPSC's release of publicly available information would not constitute "disclosure," which, according to Black's Law Dictionary, means "To make (something) known or public; to show (something) after a period…of being unknown." Here, the CPSC would be amplifying information that is already known and public.

Specifically, in § 1101.11(b)(6), we support the portion of the SNPR's revised approach that would require the CPSC to identify the source of the information. However, to avoid any further confusion and redundancy, CR recommends striking "and the Commission's use of the information is accurate and not misleading." The inclusion of this phrase in § 1101.11(b)(6) is unnecessary and it may lead to unwarranted confusion, because it would mean: (1) the Commission must ensure the information in the publicly available source is accurate and not misleading;[16] (2) the Commission must ensure its description of the source's report is accurate and not misleading; or (3) both.[17] While we understand that generally the CPSC has an obligation to disseminate information responsibly and has a strong interest in ensuring the accuracy of the information, the SNPR proposes to extend parts of section 6(b) that should not apply to publicly available information.[18]

CR also urges the CPSC to reconsider part of its approach that would limit the agency's ability to characterize information from publicly available sources.[19] Staff's revised approach states that information obtained from publicly available sources would be subject to section 6(b) requirements if the Commission characterizes the information.[20] Such an approach may result in

[16] Section 6(b)(6) of the CPSA requires the Commission, "Where the Commission initiates the public disclosure of information that reflects on the safety of a consumer product or class of consumer products, whether or not such information would enable the public to ascertain readily the identity of a manufacturer or private labeler, the Commission shall establish procedures designed to ensure that such information is accurate and not misleading." 15 U.S.C. 2055(b)(6). CR's position is that this paragraph does not apply to information that is already publicly available, since such information, by definition, cannot be disclosed. See also SNPR proposed 16 CFR 1101.2(c).
[17] 88 Fed. Reg. 10432, 10435. (Feb 17, 2023).
[18] 15 U.S.C. 2055(b). The law requires the CPSC to "take reasonable steps to assure, prior to the *public disclosure thereof*, that information . . . is accurate." (*emphasis added*).
[19] *Id.* at 10435 ("Under the revised approach proposed here, the Commission may release or identify information that the Commission obtained from publicly available sources (*e.g.,* news clippings), without notice under section 6(b)(1), if (1) the Commission does not characterize the publicly available information or relay new information…")
[20] *Id.*

further confusion and hinder the CPSC's ability to warn consumers against using a consumer product even if the Commission re-shares already-disclosed information. Moreover, this approach may lead some to argue that by merely publishing information from publicly available sources, the CPSC inherently characterizes the information as information of great interest to the agency. Limiting the CPSC's ability to characterize information from publicly available sources is not required by section 6(b), and potentially hinders the agency's ability to serve in the public interest. The Commission should change course and omit this limitation.

C. Public's ability to ascertain readily the identity of a manufacturer or private labeler

CR supports proposed changes to § 1101.13 that would remove the last sentence, which states that manufacturers and private labelers would receive advanced notice and opportunity to comment if there is a question whether the public could readily ascertain their identity. We agree with the CPSC that this sentence is vague and inconsistent with the rest of the section, which employs a reasonable person standard.

CR also supports the proposed additions to § 1101.13 clarifying that section 6(b) would not apply to: (1) information about categories of consumer products, provided such information will not permit the public to ascertain readily the identity of the products' manufacturers or private labelers; and (2) information about manufacturers or private labelers, provided such information does not designate or describe a consumer product.

D. Removal of CPSC's blanket policy allowing a manufacturer or private labeler to withhold comments in response to a request by the CPSC that are not related to confidential commercial or trade secret information

Consumer Reports strongly supports the CPSC's proposed change to its blanket policy that allows manufacturers and private labelers to withhold comments not related to confidential commercial or trade secret information. This blanket policy allows for manufacturers and private labelers to wield significant control over what the public knows and does not know. Such a policy is anti-transparency and against the public interest. Comments that are not related to confidential commercial or trade secret information should not be given the same level of protection as information protected under section 6(a) of the CPSA. We agree with the CPSC's new approach that would require a manufacturer or private labeler to request and explain why such comments should not be disclosed.

While the CPSC may have broad discretion whether to grant a request for non-disclosure of manufacturer comments, CR expresses concern over what manufacturers and private labelers would have to provide as an explanation on why comments should not be disclosed. The proposed approach would only require manufacturer and private labelers' requests to provide "a basis" why comments should not be disclosed. "A basis" provides little guidance and may lead to a similar result to what the current blanket policy allows, as well as inconsistent practices over time. Companies should provide more than merely any "basis" and instead should provide staff with a clear and valid explanation for why the agency should not disclose the comments. Consumer Reports recommends that the CPSC require a "clear and compelling basis" in § 1101.24 and § 1101.33 to ensure that the requests for non-disclosure reflect a compelling need for a manufacturer or private labeler's comments to stay private.

E. Modernizing communication and transmission methods

One of the most important aspects of the proposed changes is expressly stating that the CPSC uses modern technology, such as electronic communications, to comply with section 6(b). The SNPR's proposed update to 16 CFR Part 1101 reflects the technological advancements that have been made since 1983. Adding clear language that directs the CPSC to use, to the extent practicable, electronic transmissions and communications will lead to greater efficiency and reduce administrative burdens on the CPSC and companies. CR strongly supports the proposed changes in the SNPR that make clear that electronic communication and transmission will be the default method, when possible.

F. Timing: request for time extensions

CR supports the SNPR's proposed changes to § 1101.22 that would ensure greater efficiency and limit any unnecessary delays, including the modernization of the process and the requirement for manufacturers and private labelers to submit a written request for extension at least 48 hours before the deadline to respond. To best ensure a timely release of information to the public, Consumer Reports also recommends adding a sentence to § 1101.22(c)(2) stating that the CPSC would grant the shortest extension that would be reasonably necessary for companies to submit comments.

G. Circumstances when the Commission does not provide notice and opportunity to comment

CR supports the proposed changes that would add examples clarifying when the CPSC would not need to provide notice and opportunity to comment. The additional examples—pertaining to when the CPSC cannot obtain company contact information, or when a serious hazard demands immediate disclosure to the public—are distinct from the two examples currently in § 1101.26, and they provide greater clarity on the circumstances under which it would be considered "not practicable" to provide notice and opportunity to comment. Such clarity is essential to ensure that the CPSC is able to act quickly and effectively when the public's safety is at risk.

H. Statements made under oath added to list of reasonable steps to ensure information is accurate

CR supports the CPSC's proposed language in § 1101.32 that would allow the agency to rely on statements made under oath or a similar statement enforceable under penalty of perjury. This addition to this section is reasonable and is an appropriate method that the CPSC should be able to use to ensure the accuracy of any information the agency proposes to disclose.

I. Eliminating the CPSC's obligation to prevent disclosure of information submitted to the agency that is attorney work-product or subject to attorney/client privilege

CR supports the SNPR's deletion of § 1101.33(b)(3). We agree with the CPSC that when a company or its representative submits information to the CPSC, the agency is under no obligation to maintain the confidentiality of information that is attorney work-product or subject

to the attorney/client privilege.[21] We consider it appropriate for the CPSC to treat the information in accordance with its inadvertent disclosure procedures, and if a company wishes to claim that submitted information contains trade secret or privileged or confidential commercial or financial information, it may do so in accordance with the Commission's FOIA regulations.

J. Public health and safety exception to section 15(b) of the CPSA.

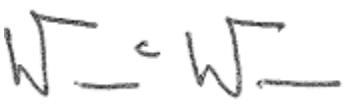
The Commission seeks comment on whether sections 6(b)(2) and (b)(3) of the CPSA apply where there has been a public health and safety finding under section 6(b)(5)(D) of the CPSA.[22] Recognizing that the legislative history expressly states that section 6(b)(3), and relatedly section 6(b)(2), should not apply, CR supports the CPSC's proposed edit to § 1101.61.[23] The legislative history makes clear that the 2007 amendment adding the "public health and safety finding" exception was to "greatly enhance[] the Commission's ability to protect the public by granting the agency authority to overcome statutory obstacles."[24] With Congress' intent clearly stated, it is appropriate for the CPSC to rely on legislative history in the absence of clear language in the CPSA. Accordingly, CR recommends that the CPSC make conforming changes to § 1101.61(a) to reflect the inapplicability of section 6(b)(2)-(3) of the CPSA to the proposed § 1101.61(b)(iii).

III. Conclusion

Consumer Reports supports the CPSC's work to improve transparency and streamline the regulations implementing section 6(b) of the CPSA. Timely, informative alerts are critical to the public's safety. At the same time, we want to be clear that the overall impact of section 6(b) is anti-consumer and anti-safety, and we support current efforts in Congress to repeal this provision. In the meantime, we look forward to continuing to work with the CPSC and all who support the agency's mission to ensure it is well equipped to communicate with the public about critical safety issues.

Thank you for your consideration of our comments.

Respectfully submitted,



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[21] 79 FR 10719
[22] 88 Fed. Reg. 10445.
[23] H.R. Rep. No. 110-501, Consumer Product Safety Modernization Act, 38 (Dec. 19, 2007) (online at: www.congress.gov/110/crpt/hrpt501/CRPT-110hrpt501.pdf).
[24] *Id. at 37*.

Suggested changes to CPSC's proposed updates to Part 1101 Information Disclosure Under Section 6(b) of the Consumer Product Safety Act

Subpart A—Background

No additional changes suggested to Subpart A.

Subpart B—Information Subject to Notice and Comment Provisions of Section 6(b)(1)

§ 1101.11 General application of provisions of section 6(b)(1).

No additional changes to §§ 1101.11(a)(1)-(2) and (b)(1)-(5), (7) suggested.

(a)(3) The information must be obtained~~, generated or received~~ under the Acts, or be disclosed to the public in connection therewith.

(b)(6) Information that has already been made available to the public through sources other than the Commission, provided the Commission clearly indicates the source of the information ~~and the Commission's use of the information is accurate and not misleading~~.

No additional changes to §§ 1101.12-13 suggested.

Subpart C—Procedure for Providing Notice and Opportunity To Comment Under Section 6(b)(1)

No additional changes to §§ 1101.21, 23, 25-26 suggested.

§ 1101.22 Timing: request for time extensions.

No additional changes to § 1101.22(a)-(b) suggested.

(c) Requests for time extension.

(1) Requests for extension of time to comment on information to be disclosed must be made in writing and submitted to the person who provided the Commission's notice and opportunity to comment at least 48 hours before the deadline to respond. If the time for response has been shortened due to a public health and safety finding, no extension will be granted except upon the Commission's own initiative. Requests for extension must explain with specificity why the extension is needed and how much additional time is required.

(2) It is the policy of the Commission to respond promptly to requests for extension of time. The CPSC may grant requests for time extensions but shall only grant the time that is reasonably necessary for companies to submit comments.

§ 1101.24 Scope of comments Commission seeks.

No additional changes to § 1101.24(a)-(b) suggested.

(c) Requests for nondisclosure of comments. If a manufacturer or private labeler objects to disclosure of its comments or a portion thereof, it must notify the Commission at the time manufacturer or private labeler submits its comments and provide a clear and compelling basis for its request. If the firm objects to the disclosure of a portion of its comments, it must identify those portions which should be withheld.

Subpart D—Reasonable Steps Commission Will Take To Assure Information It Discloses Is Accurate, and That Disclosure Is Fair in the Circumstances and Reasonably Related to Effectuating the Purposes of the Acts It Administers

No additional changes to §§ 1101.31-32, and 34 suggested.

§ 1101.33 Reasonable steps to assure information release is fair in the circumstances.

No additional changes to § 1101.33(a), (b)(1)-(2) suggested.

(b)(3) Disclosure of a manufacturer's or private labeler's comments or other information or a summary thereof submitted under section 6(b)(1), when the Commission deems the firm has provided a ~~sufficient~~ clear and compelling basis for why the comments should not be disclosed.

No additional changes to **Subparts E, F, or G** suggested.