

that there be no electrical leakage or alternatively that the product conform to Underwriters Laboratory standards.

The information as to which particular brand conforms or does not conform may or may not be available in the Government files. It would depend on whether the product is on a qualified product list, in which case the Government may very well have tested large numbers of brands on the market and know that some do or some do not conform.

Mr. ROSENTHAL. Let us take another safety item. I am told that GSA specifications require that many or all electrical appliances purchased for Federal use have an elastic type of cord, a cord that contracts and expands when you pull it away from the product. Presumably this is a safety feature that the housewife would find useful in that a young child or adult could not pull accidentally on a long 3- or 4- or 5-foot cord hanging toward the floor.

Do you know anything about this?

Mr. KAPLAN. No, I am not familiar with that particular specification.

Mr. ROSENTHAL. You mentioned very briefly the freedom of information bill reported out of this committee which is going to become law next week. Do you see this as a vehicle for extracting from Government agencies consumer information that they presently possess?

Mr. KAPLAN. I see this as a vehicle, but I also see many problems. The bill was passed with many exceptions.

I haven't had an opportunity in the time available to read the interpretation that the Justice Department just published in the form of 47 pages of guidelines to Government agencies so I am not quite sure how effectively it will be possible to pry this kind of information out by means of the Freedom of Information Act. I can say that it is my wish, my hope, that it would be possible to use that act and if the act as finally interpreted by the courts turns out not to be suitable for this purpose that Congress will amend the act to make it suitable for this purpose. It seems to me that this kind of information, as I said throughout my testimony, is vital, important, available, and should be made available to people at large.

Mr. ROSENTHAL. Well, for example, one of the exceptions in the act is that trade secrets cannot be made public. You do not find anything inconsistent between the exclusion of trade secrets and disclosure of product safety information?

Mr. KAPLAN. None at all. I believe that the information about the characteristics of a product, which information is obtainable in the course of ordinary testing by anybody who has laboratory facilities available, does not constitute a trade secret. It is not a secret if it is readily obtainable through such means. I would argue that no information that the Government has that was obtained confidentially from manufacturers should be made public. But any information it could obtain in its own laboratories and information that it does obtain in its own laboratories would not in my view be considered under that exception as a trade secret.

Mr. ROSENTHAL. In other words, what you are saying is that if the Government goes out in the open market and buys products and tests them, that that information could be made available. Confidential income taxes or something along those lines certainly could not be made public.