



Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

Your efforts to stop the problem of Spam or unsolicited bulk email is a much needed government ruling. However, I am really concerned about the CAN-SPAM Act requirements for merchants to maintain the management of suppression lists.

There are so many problems and costs associated with suppression lists, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

If it becomes law to use of suppression lists, it will seriously prevent many of the legitimate publications available on the internet. These are opt-in publications that people want to receive and are not unsolicited that I am talking about. Suppression lists will prevent this kind of good well meaning internet commerce and this is not fair to the merchant nor the consumer.

My specific concern is for harm to legitimate publishers who do not publish questionable material but where suppression lists will require permission from the consumer prior to adding them to any list.

Also, the management of these suppression lists will put most legitimate merchants out of business. Not only that, the ones that can afford to manage suppression lists would have a heavy burden of accidental mismanagement problem or become overwhelmed with the management itself leading to many frivolous law suits. This is quite an unnecessary burden.

To my understanding, it is the illegitimate internet scammers that CAN-SPAM was designed to put out of business, and rightfully so. However, this requirement will very likely have more of an effect on the legitimate merchants. We are the ones that will leave internet commerce and this is so unfair.

Please recognize the real potential for significant harm to consumers, of not properly knowing their intent when they unsubscribe from a list. Or the fact that many times do not receive in email the legitimate opt-in publications that they requested.

So, CAN-SPAM a good idea but with the use of suppression lists, it becomes a double edge sword. Suppression lists will wipe out the free enterprise that the internet has been providing. However, with that said, isn't there a more fine tuned measure that will still allow CAN-SPAM to prevail but in a way that will prevent frivolous law suits for the legitimate internet merchants?

This would make far more sense to be fair to the ones that do not intend to break laws or abuse the internet. Another serious consideration is that these suppression lists could easily fall into the hands of spammers leading to more spam instead of less.

It is quite surprising looking at the potential problems this ruling could involve. I seriously urge you to reconsider the use of suppression lists and their implementation in light of these problems,

Sincerely,


Michael N. Sciuto, Maryland USA