

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

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

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

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

The people and organizations who send real SPAM will not pay any attention to this ruling as they know that they would be difficult if not impossible to locate plus the fact that many (if not most) of them are physically located outside the U.S. and would have no reason to abide by this ruling. Additionally, while large corporations could possibly devote resources to this, many online businesses are very small. A large percentage are one person operations and this would put legitimate business out of business.

I strongly believe in the double opt-in process where an individual signs up on a web site and that is then confirmed either by sending them an email to which they must respond or they are called by telephone and asked to

confirm that they are actually the person who put the information on the web site.

This is obviously not 100% bullet proof as it will still be abused by the spammers, but it will keep legitimate businesses in business.

As an individual, I play by the rules and pay taxes. The spammers do not do that. There are also many individuals who think of it as a toy or a game and I have myself sent email to people who had been on double opt-in business opportunity seeker lists and when a half dozen or so over the past couple of years have responded to my emails claiming that I was spamming them, I politely pointed out that they had double opted-in so that it was not spam, but because they clearly did not want what I was offering, I told them that I would remove them from my list. As I said, I ONLY purchase double opt-in business opportunity seekers from reputable lead generation companies and I have paid up to \$5 each for these. I have had hundreds of these turn out to be bogus and/or not interested. This is a significant cost to a small operation and adding the additional cost and time required to use and maintain a list like this would be prohibitively expensive. You would find that many legitimate businesses in the U.S. would cease operation entirely. The legitimate operations outside the U.S. would continue and add to the balance of trade deficit. The spammers would not be affected by this at all. The people who send out viruses would not be affected by this at all.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,

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