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June 23, 2005

Federal Trade Commission
CAN-SPAM Act
Post Office Box 1030
Merrifield, VA 22116-1030

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

To Whom It May Concern:

Thank you for the opportunity to provide public comments regarding proposed rule changes to the CAN SPAM Act of 2003. The comments below are specifically directed at the proposed rule change for companies who send commercial e-mail have to honor opt out requests from 10 days to 3 days.

There are several reasons that would make complying with proposed change to a 3 day time requirement to honor opt out requests unworkable and unmanageable. The first is that a commercial e-mail is broadly defined under the Act and could be more than an e-mail generated by a system. It could be a single e-mail sent from an individual of one company to an individual of another company. Because of this broad definition, there should not be an assumption that a simple technology system exists to handle an opt out request. Especially in a manual environment, 3 days is not workable, particularly in the event of holiday weekends.

Furthermore, the opt-out process itself can be very complex, as many companies also must synchronize multiple e-mail databases, forward opt-out requests to third parties, or otherwise manually process opt-out requests, all of which takes a certain amount of time no matter how quickly or efficiently done. The proposed rule change to a 3 day requirement would require extensive investment in both process and technology over and above what companies have already made to meet the current 10 day requirement. Finally, the change would particularly effect and burden small businesses, which have fewer resources than larger companies. For the reasons listed above, we respectfully urge the FTC to keep the 10 day requirement intact.

Again, thank you for the opportunity to provide comments regarding proposed rule changes and for giving them your serious consideration.

Sincerely,

Ron Miller
Associate Privacy Manager