U. S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Report for Fiscal Year 2012

The Administration of
The Freedom of Information Act

I. BASIC INFORMATION REGARDING THE REPORT

1. Contact for questions about the report: Todd Stevenson, Director, Secretariat / Office of the Secretary, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Suite 820, Bethesda, Maryland 20814-4408, Telephone: 301-504-7923, Facsimile: 301-504-0127
Email: tstevenson@cpsc.gov or cpsc-os@cpsc.gov

2. Web address for this report: http://www.cpsc.gov/cpscpub/pubs/reports/foia12.pdf

3. A paper copy of the report is available from CPSC's Secretariat / Office of the Secretary at the address above.

II. MAKING A FOIA REQUEST

1. All FOIA requests received by the CPSC are processed at CPSC's headquarters. The address is: Freedom of Information Act Request, Secretariat / Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Suite 820, Bethesda, Maryland 20814-4408. Telephone: 301-504-7923, Facsimile: 301-504-0127, Email: tstevenson@cpsc.gov or cpsc-os@cpsc.gov.

   a. Other Reference Information about the Agency: The CPSC's World Wide Web site, www.cpsc.gov, contains extensive information about the agency's activities, including agency meetings, product recalls and hazards, job vacancies, publications, a calendar of public meetings and other important information. This site also contains CPSC's Guide to Public Information and includes an interactive feature that allows consumers to report unsafe products and related injuries electronically. CPSC maintains an electronic mail address: Info@cpsc.gov. This can be used for inquiries about product recalls or to report potential product hazards. The CPSC's public reference reading room contains numerous

agency records, including the materials the CPSC makes available for public inspection and copying pursuant to the FOIA, 5 U.S.C. §§ 552(a)(2) and (5). The reading room is accessed via Suite 419 at the CPSC's headquarters at 4330 East West Highway, Bethesda, Maryland 20814-4408 after calling the Secretariat / Office of the Secretary for an appointment, 301-504-7923. Reading room records are also available on the CPSC's electronic reading room on CPSC's World Wide Web site, www.cpsc.gov in the "Library - FOIA" section.

b. Response Time Ranges: The CPSC responds within 20 days to most of the FOIA requests that are received. These are considered simple requests for materials that are frequently requested or where we have anticipated the subject of the requests. More complex requests require additional preparation and processing time. The median time to complete complex requests is 84 days. Complex requests involve one or more of the following: voluminous records or records which are not easily accessible and have to be collected from several Commission offices or from archived storage facilities; proprietary data; material with privacy concerns; material that is part of an investigatory file; or materials where review is required by section 6(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b).[1] The CPSC reviews all agency records that are responsive to FOIA requests according to the requirements of section 6(b). The notifications and the extensive analyses required by section 6(b) are in addition to procedures routinely conducted pursuant to the FOIA. The process not only involves staff in the Offices of the Secretary and the General Counsel, but also frequently involves other technical staff where their expertise is required for an understanding of the materials being processed. The time-consuming reviews and material preparations for FOIA requests involving section 6(b) lengthen the period of time required for the processing of these requests.

2. The CPSC generally does not disclose to the public the following types of information:

a. Documents prohibited from disclosure by the CPSA, 15 U.S.C. §§ 2055(a), (b) and (e)(1), which prohibits the release of trade secrets and confidential commercial or financial information; information that identifies manufacturers of consumer products, unless the CPSC has taken

[1] On June 9, 1980, the U. S. Supreme Court ruled that section 6(b) of the CPSA applies to FOIA requests, CPSC v. GTE Sylvania, 447 U.S. 102 (1980). Section 6(b) requires that, with certain exceptions, the Commission notify manufacturers or private labelers of consumer products before disclosing information from which their identities can be readily ascertained by the public. The Consumer Product Safety Improvement Act of 2008, Pub. L. No. 110-314 (2008), amended the notification time provisions in section 6 of the CPSA. 15 U.S.C. § 2055. Section 6(b) prohibits the disclosure of information earlier than 15 days after notification to identified firms to allow the firms to make claims and comments. Firms must be given 5 days to file suit to enjoin the disclosure if they claim that the information is confidential or inaccurate. Efforts to satisfy the statutory requirements in the CPSA necessarily delay many responses to FOIA requests.

reasonable steps to assure it is accurate, its release would be fair under the circumstances, and its release is reasonably related to effectuating the purposes of the acts the Commission administers; and information reported by manufacturers to the Commission under section 37 of the CPSA.

b. Information that identifies injured persons and the persons who treated them, without their consent to disclosure.

c. Certain inter-agency and intra-agency memoranda containing opinions and recommendations prepared to assist in decision-making.

d. Personnel, medical and similar files, the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

e. Investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings, reveal identities of confidential information sources, or would disclose techniques, guidelines and procedures for law enforcement investigations or prosecutions.

III. ACRONYMS, DEFINITIONS AND EXEMPTIONS

1. Agency-Specific Acronyms or Other Terms.

a. CPSA • Consumer Product Safety Act, 15 U.S.C. §§ 2051-2084.

b. CPSC or Commission • Consumer Product Safety Commission.

c. Section 6(a) of the CPSA, 15 U.S.C. § 2055(a) • prohibits the disclosure of trade secrets, confidential or proprietary business information or other matters referred to in 18 U.S.C. § 1905 or FOIA Exemption 4; requires notification to submitters of information prior to disclosure of any potential confidential information.

d. Section 6(b) of the CPSA, 15 U.S.C. § 2055(b) • prohibits the disclosure of information from which the identity of a manufacturer or private labeler of a consumer product can be readily ascertained by the public, earlier than 15 days after notification of the manufacturer or private labeler; requires the Commission to take reasonable steps to assure, prior to disclosure, that the information to be disclosed is accurate, that the disclosure is fair in the circumstances and that disclosure is reasonably related to effectuating the purposes of the statutes that the Commission

administers; requires the Commission to notify a firm 5 days prior to disclosure of information that the firm claims is inaccurate, but for which the Commission believes it has complied with the requirements of section 6(b)(1).

e. Section 6(e)(1) of the CPSA, 15 U.S.C. § 2055(e)(1) • prohibits the disclosure of information furnished to the Commission under section 37 of the CPSA.

f. Section 15(b) submissions • Section 15(b) of the CPSA, 15 U.S.C. § 2064(b), requires manufacturers, distributors, or retailers of consumer products to report to the Commission certain hazardous products and products that fail to comply with any other rule, regulation, standard, or ban under the CPSA or any other Act enforced by the Commission.

g. Section 37 • Section 37 of the CPSA, 15 U.S.C. § 2084, requires manufacturers to report certain information on consumer product lawsuits if certain statutory criteria are met.

2. Definitions Used in This Report:

a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

d. **Component** – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds

back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

f. **Exemption 3 Statute –** a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

g. **FOIA Request –** a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this report.

   Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)

h. **Full Grant –** an agency decision to disclose all records in full in response to a FOIA request.

i. **Full Denial –** an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

j. **Median Number –** the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

k. **Multi-Track Processing –** a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

   i. **Expedited Processing –** an agency will process a FOIA request on an expedited basis when a requester satisfies the

requirements for expedited processing as set forth in the statute and in agency regulations.

ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.

o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.

p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

3. The FOIA Exemptions from Disclosure:

a. **Exemption 1**: classified national defense and foreign relations information

b. **Exemption 2**: internal agency rules and practices

c. **Exemption 3**: information that is prohibited from disclosure by another federal law

d. **Exemption 4**: trade secrets and other confidential business information

e. **Exemption 5**: inter-agency or intra-agency communications that are protected by legal privileges

f. **Exemption 6**: information involving matters of personal privacy

g. **Exemption 7**: records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

h. **Exemption 8**: information relating to the supervision of financial institutions

i. **Exemption 9**: geological information on wells

IV. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	**Type of Information Withheld**	**Case Citation**	**Total Number of Times Relied upon by Agency**
Section 6(a)(2) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(a)(2)	Trade secret and other confidential business information	Mulloy v. Consumer Prod. Safety Comm'n, No. C-2-85-645, 1985 U.S. Dist. LEXIS 17194, at **2-5 (S.D. Ohio Aug.2, 1985)	**174**
Section 6(b)(1) of the CPSA, 15 U.S.C. §	Information that identifies a particular brand name of a	Consumer Prod. Safety Comm'n v. GTE Sylvania, Inc., 447 U.S.	**210**

2055(b)(1)	consumer product	102, 122 (1980); and Krugler v. U.S. Consumer Prod. Safety Comm’n, 1:03-CV-1905-JTC (N.D.GA. June 22, 2004), and Reliance Elec. Co. v. Consumer Prod. Safety Comm'n, 924 F.2d 274 (D.C. Cir. 1991)	
Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5).	Information submitted under statutory reporting requirement for certain potentially unsafe consumer products	Reliance Elec. Co. v. Consumer Prod. Safety Comm'n, 924 F.2d 274 (D.C. Cir. 1991)	**13**
Section 6(e)(1) of the CPSA, 15 U.S.C. § 2055(e)(1)	Information submitted under statutory reporting requirement for certain consumer products involved in product liability actions	None	**5**
Section 25(c) of the CPSA, 15 U.S.C. § 2074(c).	Information that identifies injured persons or those treating injured persons, absent consent.	None	**194**

V. FOIA REQUESTS

A. Received, Processed, and Pending FOIA Requests

	Number of Requests Pending as of Start of Fiscal Year	**Number of Requests Received in Fiscal Year**	**Number of Requests Processed in Fiscal Year**	**Number of Requests Pending as of End of Fiscal Year**
AGENCY OVERALL	**353**	**2,357**	**2,452**	**258**

B. (1) Disposition of FOIA Requests – All Processed Requests

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									
				No Records	All Records Refer-red to Another Com-ponent or Agency	Request With-drawn	Fee-Related Reason	Records not Reason-ably Described	Im-proper FOIA Request for Other Reason	Not Agency Record	Dupli-cate Request	Other *Ex-plain in chart below	TOTAL
AGENCY OVERALL	1,784	398	41	120	4	34	33	0	0	4	27	7	2,452

B. (2) Disposition of FOIA Requests – "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions" from Section V, B (1) Chart

Component	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied Upon	TOTAL
Not Applicable	**Requesters did not respond to clarification inquiries**	**2**
Not Applicable	**Referrals**	**4**
Not Applicable	**Not a proper FOIA request**	**1**

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
AGENCY OVERALL	**0**	**0**	**350**	**159**	**325**	**261**	**33**	**0**	**7**	**31**	**1**	**0**	**0**	**0**

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
0	**19**	**19**	**0**

B. Disposition of Administrative Appeals – All Processed Appeals

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
14	**5**	**0**	**0**	**19**

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Ex. 1	**Ex. 2**	**Ex. 3**	**Ex. 4**	**Ex. 5**	**Ex. 6**	**Ex. 7(A)**	**Ex. 7(B)**	**Ex. 7(C)**	**Ex. 7(D)**	**Ex. 7(E)**	**Ex. 7(F)**	**Ex. 8**	**Ex. 9**
0	**0**	**10**	**8**	**7**	**6**	**2**	**0**	**1**	**0**	**0**	**0**	**0**	**0**

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
0	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied Upon	**TOTAL**
n/a	**0**

C. (4) Response Time for Administrative Appeals

Median Number of Days	**Average Number of Days**	**Lowest Number of Days**	**Highest Number of Days**
19	**19**	**19**	**20**

C. (5) Ten Oldest Pending Administrative Appeals

Not Applicable – No Pending Administrative Appeals

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	Date	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**
Number of Days Pending	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS Processed Requests – Response Time for All Processed Perfected Requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	8	35	1	615	77	102	1	644	99	99	99	99

A. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	**Average Number of Days**	**Lowest Number of Days**	**Highest Number of Days**	**Median Number of Days**	**Average Number of Days**	**Lowest Number of Days**	**Highest Number of Days**	**Median Number of Days**	**Average Number of Days**	**Lowest Number of Days**	**Highest Number of Days**
AGENCY OVERALL	**3**	**28**	**1**	**340**	**84**	**110**	**1**	**644**	**0**	**0**	**0**	**0**

C. Processed Requests – Response Time in Day Increments

Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	**1,703**	**32**	**10**	**22**	**7**	**7**	**4**	**5**	**4**	**0**	**2**	**1**	**1**	**1,798**

Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	**116**	**88**	**56**	**71**	**63**	**61**	**49**	**28**	**25**	**17**	**50**	**13**	**17**	**654**

Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	0	0	0	0	1	0	0	0	0	0	0	0	0	1

D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	**Median Number of Days**	**Average Number of Days**	**Number Pending**	**Median Number of Days**	**Average Number of Days**	**Number Pending**	**Median Number of Days**	**Average Number of Days**
AGENCY OVERALL	**13**	**25**	**95**	**209**	**82**	**156**	**0**	**0**	**0**

E. Pending Requests – Ten Oldest Pending Perfected Requests

Agency Overall	**10th Oldest Request and Number of Days Pending**	**9th**	**8th**	**7th**	**6th**	**5th**	**4th**	**3rd**	**2nd**	**Oldest Request and Number of Days Pending**
Date	Feb. 22, 2010	Feb. 16, 2010	Feb. 16, 2010	Sept. 17, 2009	July 22, 2009	July 21, 2009	Jun.30, 2009	Dec. 2, 2008	July 23, 2008	Mar 31, 2008
Number of Days	**656**	**660**	**660**	**761**	**801**	**802**	**816**	**961**	**1,051**	**1,131**

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	**1**	**3**	**20**	**20**	**0**

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	**1**	**1**	**8**	**8**

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	**Number of "Equivalent Full-Time FOIA Employees"**	**Total Number of "Full-Time FOIA Staff"** (The sum of Columns 1 & 2)	**Processing Costs** (At initial request and appeal levels)	**Litigation-Related Costs**	**Total Costs**
AGENCY OVERALL	**10**	**4**	**14**	**$1,186,256**	**Approximately $1,600**	**$1,187,856**

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	**Percentage of Total Costs**
AGENCY OVERALL	**$5,533**	**0.5**

XI. FOIA REGULATIONS

- Title 16, Code of Federal Regulations, Part 1015 – Procedures for Disclosure or Production of Information under the FOIA, which includes the fee schedule, is electronically located at: http://www.cpsc.gov/cpscpub/pubs/reports/16cfr1015.pdf

- Title 16, Code of Federal Regulations, Part 1101 – Information Disclosure under Section 6(b) of the Consumer Product Safety Act is electronically located at: http://www.cpsc.gov/cpscpub/pubs/reports/6b1101.pdf

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	**Number of Backlogged Appeals as of End of Fiscal Year**
AGENCY OVERALL	**232**	**0**

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were Pending at CPSC as of Start of the Fiscal Year	**Number of Consultations Received from Other Agencies During the Fiscal Year**	**Number of Consultations Received from Other Agencies that Were Processed by CPSC During the Fiscal Year**	**Number of Consultations Received from Other Agencies that Were Pending at CPSC as of End of the Fiscal Year**
AGENCY OVERALL	**0**	**0**	**0**	**0**

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at CPSC

Not Applicable - No Consultations Pending at the End of the Year

AGENCY OVERALL	**10th Oldest Consultation and Number of Days Pending**	**9th**	**8th**	**7th**	**6th**	**5th**	**4th**	**3rd**	**2nd**	**Oldest Consultation and Number of Days Pending**
	Date Number of Days	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	**Number Received During Fiscal Year from Current Annual Report**	**Number Processed During Fiscal Year from Last Year's Annual Report**	**Number Processed During Fiscal Year from Current Annual Report**
AGENCY OVERALL	**2,545**	**2,357**	**2,560**	**2,452**

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	**Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report**
AGENCY OVERALL	**237**	**232**

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	**Number Received During Fiscal Year from Current Annual Report**	**Number Processed During Fiscal Year from Last Year's Annual Report**	**Number Processed During Fiscal Year from Current Annual Report**
AGENCY OVERALL	**21**	**19**	**21**	**19**

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	**Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report**
AGENCY OVERALL	**0**	**0**

F. Discussion of Other FOIA Activities

Other Statistics Significant to Agency

1. CPSA Section 6(b)(1) notifications made to manufacturers or private labelers of consumer products to inform them of the proposed disclosure of information that identifies their products and allow them to comment on the disclosure. (Many notices are made at the time the documents are initially filed, before the agency has received a FOIA request.) • 4,918

2. CPSA Section 6(b)(2) notifications made to manufacturers or private labelers to inform them 10 days prior to disclosure of information that the firms had claimed was inaccurate or unfair to release, but for which the CPSC believes it has complied with the requirements of Section 6(b)(1) and has overruled the comments or claims made by the firm • 183

3. Instances where CPSA Section 6(b)(1) applied to requested materials and, upon completion of notifications and other requirements of Sections 6(b)(1) and 6(b)(2), the CPSC disclosed materials • 1,444

4. CPSA Section 6(a)(3) notifications made to submitters of information to the Commission prior to disclosure of any potential confidential information • 268

5. CPSA Section 6(a)(5) notifications made to submitters of information 10 days prior to the intended disclosure, where the CPSC had overruled any firm claims of proprietary or confidential business information • 105

Other Agency Efforts to Improve Timeliness of FOIA Performance and to Make Records Available to the Public -

The CPSC has increased its activities to make more available to the public the records of interest, by expanding the placement of records on its World Wide Web site (www.cpsc.gov). The CPSC's Web Site had 75,347,346 visits during fiscal year 2012, including 109,196 visits to the Web Site Library and 22,962 visits to the FOIA Electronic Reading Room. We responded to 1,080 internet inquiries about agency activities. The information provided included records regarding the Commission's regulatory and compliance activities, documents filed in adjudicatory proceedings, Commission decisions, press releases, safety alerts, publications, the Public Calendar of meetings and briefings, briefing materials on matters before the Commission, advisory opinions of the General Counsel, materials requested under the FOIA by more than one requester, contracting activities, job vacancies, and many other matters.

The Commission launched its Publicly Available Consumer Product Safety Information Database in 2011. The Database allows the public to search online immediately for information submitted to the Commission's website about consumer products.

Members of the public can search the Database for safety information about products that are in their home already, or that they may be thinking about purchasing. Since March 11, 2011, reports of harm or "Reports," that contain minimum information required by law and that provide the submitter's consent, are posted in the Database on our website at: www.SaferProducts.gov. In general, the public can search the Database and review Reports approximately 15 business days after a Report is submitted to the CPSC. At present the Database contains approximately 12,000 publicly available reports.

Product manufacturers (including importers) and private labelers that are identified in a Report may submit comments to be displayed in the Database along with the Report. Information about product recalls is also available for search and review in the Database. The Database represents a new level of transparency for the CPSC, allowing the public to have immediate access to safety information reported to the Commission about consumer products.

The Commission continues to maintain materials of interest to the public in a reading room in its headquarters location. No visitors used the reading room. The Commission's Secretariat / Office of the Secretary (301)-504-7923 or cpsc-os@cpsc.gov is available to assist the public in locating information or with preparing an FOIA request for information.

This report is also available in XML format.