UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

VOTE SHEET

DATE: APR 23 2010

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Maruta Budetti, Executive Director
Cheryl A. Falvey, General Counsel CAF
Philip L. Chao, Assistant General Counsel PLC

FROM: Melissa V. Hampshire, Assistant General Counsel, GCEI MVH
Jan Carlson, Attorney, GCRA

SUBJECT: **Draft Paperwork Reduction Act Language for Notice of Proposed Rule on Consumer Product Safety Information Database**

Ballot Vote Due April 30, 2010

Attached for the Commission's consideration is a revised Paperwork Reduction Act discussion for the *Federal Register* notice on the Consumer Product Safety Information Database that the Commission approved for publication on March 31, 2010. This change implements the Commission's amendments to the *Federal Register* notice approved by the Commission on March 31, 2010. The amendments necessitated a change to the language on which the Commission voted to comply with the Paperwork Reduction Act. Attached is a redline copy and a copy without redline of the revised language.

Please indicate your vote on the attached portion of the notice concerning the Paperwork Reduction Act.

A. Approve the inclusion of the revised Paperwork Reduction Act language in the Proposed Rule on the Consumer Product Safety Information Database without change.

(Signature) (Date)

RH 4/23/2010
CLEARED FOR PUBLIC RELEASE
UNDER CPSA 6(b)(1)

THIS DOCUMENT HAS NOT BEEN REVIEWED OR ACCEPTED BY THE COMMISSION.

B. Do not approve the inclusion of the revised Paperwork Reduction Act language in the Proposed Rule on the Consumer Product Safety Information Database.

_____ _____
(Signature) (Date)

C. Include the revised Paperwork Reduction Act in the Proposed Rule on the Consumer Product Safety Information Database with changes (please specify).

_____

_____

_____

_____ _____
(Signature) (Date)

D. Other (please specify).

_____

_____

_____

_____ _____
(Signature) (Date)

Attachment: Draft revised Paperwork Reduction Act language for inclusion in the Proposed Rule on the Consumer Product Safety Information Database.

REDLINE

III. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). We describe the provisions in this section of the document with an estimate of the annual reporting burden. Our estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

We particularly invite comments on: (1) Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility; (2) the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Publicly Available Consumer Product Safety Information Database

Description: The proposed rule would allow consumers to submit reports of harm involving the use of consumer products or other products or substances regulated by the CPSC and also allow manufacturers of such products or substances to comment on the reports of harm. The reports and comments would be part of a public database operated and maintained by the CPSC. A manufacturer identified in a report of harm and who

receives a report of harm from CPSC may request that portions of the report be designated as confidential information. Any person or entity reviewing a report of harm or manufacturer comment may request that the report or comment, or portions thereof, be excluded from the database or corrected by the CPSC because it contains materially inaccurate information.

Description of Respondents: Persons who wish to submit reports of harm involving the use of consumer products or other products or substances regulated by the CPSC and manufacturers of such products or substances who wish to comment on those reports of harm, pursuant to section 6A of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2055a). In addition, any person or entity reviewing a report of harm or manufacturer comment, either before or after publication in the database, may request that the report of harm or manufacturer comment, or portions thereof, be excluded from the database or corrected by the CPSC because it contains materially inaccurate information.

We estimate the burden of this collection of information as follows:

Table 1 – Estimated Annual Reporting Burden

16 CFR Section	Number of Respondents	Frequency of Responses	Total Annual Responses	Minutes per Response	Total Burden, in Hours
16 CFR 1102.10(b)(1), (3) Reports of harm – electronic	11,534	1	11,534	12	2,307
16 CFR 1102.10(b)(2) Reports of harm – telephone	3,329	1	3,329	10	555

16 CFR 1102.10(b)(4) Reports of harm – paper	277	1	277	20	92
16 CFR 1102.12(b)(1), (2) Manufacturer comments – electronic	5,753	1	5,753	255	24,450
16 CFR 1102.12(b)(3) Manufacturer comments – paper	1,817	1	1,817	270	8,177
16 CFR 1102.24 Requests to treat information as confidential – electronic	345	1	345	15	86
16 CFR 1102.24 Requests to treat information as confidential – paper	109	1	109	30	54
16 CFR 1102.26 Requests to treat information as materially inaccurate - electronic	1726	1	1726	30	863
16 CFR 1102.26 Requests to treat information as materially inaccurate –	545	1	545	60	545

paper					
				Total	~~35,581~~37,129

There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimates are based on the following:

The CPSC is in the process of developing the forms that will be used by consumers and manufacturers to submit reports and comments for inclusion in the database. Because those forms are still under development, for present purposes we based our burden estimates on our experience with similar forms and processes, and on information gleaned from manufacturers. Specifically, the CPSC currently has an incident report form that consumers and others use to report consumer safety incidents to the agency. The CPSC provides most of those consumer complaints to the manufacturer, and the manufacturer may provide comments to the agency.

For present purposes, we assume that the public database will receive the same number of reports of harm as the CPSC received of incident reports in fiscal year 2009 and that the numbers by manner of submission to the CPSC (i.e., electronic, telephone, paper) will be the same. Thus, using the data from fiscal year 2009, we estimate that we will receive a total of 15,140 reports of harm (11,534 by electronic means, 3,329 by telephone, and 277 by paper submissions). We had already estimated the time associated with the electronic and telephone submission of incident reports at 12 and 10 minutes respectively and so used those figures for present purposes as well. We estimate that the time associated with a paper form would be 20 minutes on average. Thus, we estimate the total burden hours associated with the submission of reports of harm to be 2,954

hours ((11,534 electronic report x 12 minutes per report) + (3,329 telephone reports x 10 minutes per report) + (277 paper reports x 20 minutes per report) = 177,238 minutes or approximately 2,954 hours)).

In 2008, manufacturers submitted comments to the CPSC in response to a consumer complaint forwarded to the manufacturer about 40% of the time. We estimate that the response rate will increase in the case of the public database; currently, neither the incident reports nor manufacturer comments are routinely public. We estimate that the manufacturer response rate will increase 25%, up to a 50% response rate. Therefore we expect to receive half as many total manufacturer comments as reports of harm (15,140 reports of harm x 0.5 manufacturer comments per report of harm = 7,570 manufacturer comments). In terms of the manner of commenting, we do not currently keep track of how many manufacturer comments are submitted electronically versus in paper form. Because the public database will be online, we will assume that most manufacturers will utilize electronic options for participating in the database, especially when the public database (unlike the current incident reporting system) will not give manufacturers the option of submitting their comments by phone. However, to ensure that we avoid inadvertently underestimating the burden, we will assume that manufacturers would submit electronically at the same rate. That equates to an estimate of 5,753 manufacturer comments submitted electronically and 1,817 submitted on paper.

We also will assume that that there are two actions involved in a manufacturer comment: first, the research and preparation necessary to comment, and second, the act of providing the comment. To estimate how much time manufacturers will spend researching and preparing to comment, we contacted three manufacturers that have

experience submitting comments in response to incident reports. The manufacturers each reported a range of time, because time required in preparing a comment can vary greatly. The three ranges were 15 minutes to 4 hours, 10 minutes to 5 hours, and 10 minutes to 3 hours. For purposes of estimating the burden, we used the average high end of these ranges, 4 hours, for that portion of the burden estimate. Based on our experience with the current manufacturing comment process, we estimate that manufacturers will spend between 5 and 30 minutes actually providing the comment, depending on the length and complexity of their comment. For the purposes of this estimate, we use the high end of that range for paper submissions (30 minutes) and the midpoint for electronic (15). Thus, the estimated burden associated with manufacturer comments is approximately 32,607 hours (((5,753 electronic comments x 255 minutes per comment) + (1,817 paper comments x 270 minutes per comment) = 1,957,605 minutes or approximately 32,627 hours).

Regarding requests to designate information confidential, we anticipate that there are very limited circumstances under which confidential information will be included in a report of harm; by its very nature, such information is not available to the public. Accordingly we assigned a value of 3% to our estimation of the rarity with which we expect to receive such requests. Three percent of the total number of reports of harm estimated (15,140) results in an estimate of 454 requests to designate information as confidential. The proposed rule would specify what must be included in such a request (§ 1102.24(b)); it is concrete information that we expect will be known or readily attainable by the entity filing the request. We estimate that it will take 15 minutes to submit such a request electronically. Because it would take longer to convey the necessary information

on paper, and to avoid inadvertently underestimating the burden, we estimate that it will take twice as much time, or 30 minutes, to submit the request on paper. We employed the same assumptions as used above to predict how many requests will be submitted electronically (454 requests x 76% electronic submission) to arrive at an estimate of 345 electronic requests and 109 paper requests. We multiplied 345 electronic requests by 15 minutes, resulting in 5,175 minutes, or about 86 burden hours for the electronic requests. Similarly, we multiplied 109 paper requests by 30 minutes, resulting in 3,270 minutes, or about 54 burden hours for the paper requests.

Regarding requests to designate information materially inaccurate, roughly 10% of the manufacturer comments that we currently receive contain a claim that the incident report contained inaccurate information. We used that figure to estimate that the number of requests to treat information as materially inaccurate will be 10% of the total number of reports of harm and manufacturer comments that we expect, or 2,271 ([15,140 reports + 7,570 comments] x 10%). The proposed rule would specify what must be included in such a request (§ 1102.26(b)); most of the information will be known or readily attainable by the person or entity filing the request, but we estimate it will take longer to file a request to treat information as materially inaccurate than to file a request to treat information as confidential because with a request related to material inaccuracy one must provide evidence of the inaccuracy (§ 1102.26(b)(4)). We anticipate this will double the amount of time it takes to file the request, or 30 minutes for an electronic request and 60 minutes for a paper request. Employing the same assumptions concerning the method of submission, we estimate that there will be 1,726 electronic requests to treat information as materially inaccurate (2,271 total requests x 76% electronic = 1,726). As

each electronic request is estimated to take 30 minutes, we estimate the resulting burden to be 863 hours (1,726 requests x 30 minutes = 51,780 minutes, or 863 burden hours). Similarly, 545 paper requests (2,271 requests x 24% paper = 545), at 60 minutes each to complete, results in a burden of 545 hours (545 paper requests x 60 minutes = 32,700 minutes, or 545 hours).

The total estimated burden, therefore, is 37,129 ~~35,581~~ hours.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to OMB for review. Interested persons are requested to fax comments regarding information collection by [insert date 30 days after date of publication in the FEDERAL REGISTER], to the Office of Information and Regulatory Affairs, OMB (see ADDRESSES).

WITHOUT REDLINE

III. Paperwork Reduction Act

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