



BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2010-0041]

Collection of Information; Proposed Extension of Approval; Comment Request--Publicly Available Consumer Product Safety Information Database

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of a collection of information for the Publicly Available Consumer Product Safety Information Database. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (OMB).

DATES: Submit written or electronic comments on the collection of information by **[insert date 60 days after date of publication in the FEDERAL REGISTER]**.

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2010-0041, by any of the following methods:

You may submit comments, identified by Docket No. CPSC-2010-0041, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (e-mail), except through

www.regulations.gov. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to:

<http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>, and insert the docket number CPSC-2010-0041, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7815, or by e-mail to: rsquibb@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Section 212 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) added section 6A to the Consumer Product Safety Act (CPSA), which requires the Consumer Product Safety Commission (CPSC or Commission) to establish and maintain a publicly available, searchable database on the safety of consumer products and other products or substances

regulated by the Commission (Database). Among other things, section 6A of the CPSA requires the Commission to collect reports of harm from the public for potential publication in the publicly available Database, and to collect and publish comments about reports of harm from manufacturers.

The Commission announced that a proposed collection of information in conjunction with the Database, called the Publicly Available Consumer Product Safety Information Database, had been submitted to OMB for review and clearance under 44 U.S.C. 3501–3520 in a proposed rule published on May 24, 2010 (75 FR 29156). The Commission issued a final rule on the Database on December 9, 2010 (75 FR 76832). The final rule interprets various statutory requirements in section 6A of the CPSA pertaining to the information to be included in the Database and also establishes provisions regarding submitting reports of harm; providing notice of reports of harm to manufacturers; publishing reports of harm and manufacturer comments in the Database; and dealing with confidential and materially inaccurate information.

OMB approved the collection of information for the Database under control number 3041-0146. OMB's most recent extension of approval on December 2, 2013 will expire on December 31, 2016. Accordingly, the Commission now proposes to request an extension of approval of this collection of information.

B. Information Collected Through the Database

The primary purpose of this information collection is to populate the publicly searchable Database of consumer product safety information mandated by section 6A of the CPSA. The Database information collection has four components: reports of harm, manufacturer comments, branding information, and the Small Batch Manufacturer Registry (SBMR).

Reports of Harm: Reports of harm communicate information regarding an injury, illness, or death, or any risk (as determined by CPSC) of injury, illness, or death, relating to the use of a consumer product. Reports can be submitted to the CPSC by consumers; local, state, or federal government agencies; health care professionals; child service providers; public safety entities; and others. Reports may be submitted in one of three ways: via the CPSC website (www.SaferProducts.gov), by telephone via a CPSC call center, or by email, fax, or mail using the incident report form (available for download or printing via the CPSC website). Reports may also originate as a free-form letter or email. Submitters must consent to inclusion of their report of harm in the publicly searchable Database.

Manufacturer Comments: A manufacturer or private labeler may submit a comment related to a report of harm after the CPSC transmits the report to the manufacturer or private labeler identified in the report. Manufacturer comments may be submitted through the business portal, by email, mail, or fax. The business portal is a feature of the Database that allows manufacturers who register on the business portal to receive reports of harm and comment on such reports through the business portal. Use of the business portal expedites the receipt of reports of harm and business response times.

A manufacturer may request that the Commission designate information in a report of harm as confidential. Such a request may be made using the business portal, by email, by mail, or by fax. Additionally, 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 or comment, or portions of the report or comment, be excluded from the Database because it contains materially inaccurate information. Such a request may be made by manufacturers using

the business portal, by email, mail or fax, and may be submitted by anyone else by email, mail, or fax.

Branding Information: Using the business portal, registered businesses may voluntarily submit branding information to assist CPSC in correctly and timely routing reports of harm involving their products to them. Brand names may be licensed to another entity for use in labeling consumer products manufactured by that entity. CPSC’s understanding of licensing arrangements for consumer products ensures that the correct manufacturer is timely notified regarding a report of harm.

Small Batch Manufacturers Registry: The business portal also contains the SBMR, which is the online mechanism by which “small batch manufacturers” (as defined in the CPSA) can identify themselves to obtain relief from certain third party testing requirements for children’s products. To register as a small batch manufacturer, a business must attest that the company’s income level and the number of units of the covered product manufactured for which relief is sought both fall within the statutory limits to receive relief from third party testing.

C. Estimated Burden

1. Estimated Annual Burden for Respondents

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

Table 1 – Estimated Annual Reporting Burden for Reports of Harm

Collection Type	No. of Respndts	Response Frequency¹	Total Annual Responses	Minutes per Response	Total Burden, in Hours²
Reports of Harm – submitted through website	6,582	1.03	6,790	12	1,358
Reports of Harm – submitted by phone	2,632	1.01	2,643	10	441
Reports of Harm – submitted by mail, e-mail, fax	780	6.67	5,206	20	1,735
TOTAL	9,994		14,639		3,534

¹ Frequency of responses is calculated by dividing the number of responses by the number of respondents.

² Numbers have been rounded.

Table 2 – Estimated Annual Reporting Burden for Manufacturer Submissions

Collection Type	No. of Respdnrs	Response Frequency¹	Total Annual Responses	Minutes per Response	Total Burden, in Hours²
Manufacturer Comments – submitted through website	532	6.23	3,317	117	6,468
Manufacturer Comments – submitted by mail, e-mail, fax	283	1.22	346	147	848
Requests to Treat Information as Confidential – submitted through website	12	1.08	13	42	9
Requests to Treat Information as Confidential – submitted by mail, e-mail, fax	0	n/a	0	72	0
Requests to Treat Information as Materially Inaccurate – submitted through website	131	1.82	238	165	655
Requests to Treat Information as Materially Inaccurate – submitted by mail, e-mail, fax	79	1.06	84	195	273
Voluntary Brand Identification	829	1.48	1,228	10	205
Small Batch Manufacturer Identification	2,208	1	2,208	10	368
TOTAL	4,074		7,434		8,826

Based on the data set forth in Tables 1 and 2 above, the annual reporting cost is estimated to be \$719,381. This estimate is based on the sum of two estimated total figures for reports of harm and manufacturer submissions. The estimated number of respondents and responses are based on the actual responses received in FY 2015. We assume that the number of responses and respondents will be similar in future years.

Reports of Harm: Table 1 sets forth the data used to estimate the burden associated with submitting reports of harm. We had previously estimated the time associated with the electronic and telephone submission of reports of harm at 12 and 10 minutes, respectively, and because we have had no indication that these estimates are not appropriate or accurate, we used those figures for present purposes as well. We estimate that the time associated with a paper or PDF form would be 20 minutes, on average.

To estimate the costs for submitting reports of harm, we multiplied the estimated total burden hours associated with reports of harm (1,358 hours + 441 hours + 1,735 hours = 3,534 hours) by an estimated total compensation for all workers in private industry of \$32.06 per hour,³ which results in an estimated cost of \$113,300 (3,534 hours x \$32.06 per hour = \$113,300).

Manufacturer Submissions: Table 2 sets forth the data used to estimate the burden associated with manufacturers' submissions to the Database. We observed that a large percentage of the general comments come from a few businesses and assumed that the experience of a business that submits many comments each year would be different from one that submits only a few. Accordingly, we divided all responding businesses into three groups, based on the number of general comments submitted in FY 2015; and then we selected several businesses from each group to contact. The first group we contacted consisted of businesses that submitted 50 or more comments in FY 2015, accounting for 31 percent of all general comments received. The second group we contacted included businesses that submitted six to 49 comments, accounting for 39 percent of all general comments received. The last group contacted included businesses that submitted no more than five comments, accounting for 30 percent of all general comments received.⁴ We asked each company contacted how long it typically takes to research, compose, and enter a comment, a claim of materially inaccurate information, or a confidential information claim.

To estimate the burden associated with submitting a general comment through the business portal regarding a report of harm, we averaged the burden provided by each company within each group and then calculated a weighted average from the three groups, weighting each

³ U.S. Department of Labor, Bureau of Labor Statistics, Table 9 of the Employer Costs for Employee Compensation (ECEC), Private Industry, goods-producing and service-providing industries, by occupational group, June 2016 (data extracted on 06/23/2016 from <http://www.bls.gov/news.release/ecec.t09.htm>)

⁴ In the last group one company was excluded as an outlier.

group by the proportion of comments received from that group. We found that the average time to submit a general comment regarding a report of harm is 117 minutes based on the data in Table 3 $((15 \text{ minutes} + 45 \text{ minutes} + 30 \text{ minutes} + 15 \text{ minutes}) / 4 \text{ companies}) \times .31 + ((105 \text{ minutes} + 45 \text{ minutes} + 150 \text{ minutes} + 15 \text{ minutes}) / 4 \text{ companies}) \times .39 + ((240 \text{ minutes} + 60 \text{ minutes} + 480 \text{ minutes}) / 3 \text{ companies}) \times .30 = 117 \text{ minutes}$).

Table 3 – Estimated Burden to Enter a General Comment in the Database

Group	Company	General Comments
Group 1 (≥ 50 comments)	Company A	15 minutes
	Company B	45 minutes
	Company C	30 minutes
	Company D	15 minutes
Group 2 (6-49 comments)	Company A	105 minutes
	Company B	45 minutes
	Company C	150 minutes
	Company D	15 minutes
Group 3 (≤ 5 comments)	Company A	240 minutes
	Company B	60 minutes
	Company C	480 minutes

Registered businesses generally submit comments through our website. Unregistered businesses submit comments by mail, e-mail, or fax. We estimate that for unregistered businesses, submitting comments takes a little longer because we often must ask the businesses to amend their submissions to include the required certifications. Thus, we estimated that on average, comments submitted by mail, e-mail, or fax take 30 minutes longer than those submitted through our website $(117 \text{ minutes} + 30 \text{ minutes} = 147 \text{ minutes})$.

The submission of a claim of materially inaccurate information is a relatively rare event for all respondents. Accordingly, we averaged all responses together. Eight of the businesses contacted had submitted claims of materially inaccurate information. We found that the average time to submit a claim that a report of harm contains a material inaccuracy is 165 minutes $((30 \text{ minutes} + 90 \text{ minutes} + 45 \text{ minutes} + 90 \text{ minutes} + 60 \text{ minutes} + 660 \text{ minutes} + 45 \text{ minutes} + 300 \text{ minutes}) / 8 \text{ companies} = 165 \text{ minutes})$.

Registered businesses generally submit claims through the business portal. Unregistered businesses submit claims by mail, e-mail, or fax. We estimate that submitting claims by mail, e-mail, or fax takes a little longer because we often must ask the businesses to amend their submission to include the required certifications. Thus, we estimated that on average, claims submitted by mail, e-mail, or fax take 30 minutes longer than those submitted through our website (165 minutes + 30 minutes = 195 minutes).

The submission of a claim of confidential information is a relatively rare event for all respondents; accordingly, we averaged all responses together. Five of the businesses contacted had submitted claims of confidential information. We found that the average time to submit a claim that a report of harm contains confidential information is 42 minutes ((45 minutes + 15 minutes + 60 minutes + 30 minutes + 60 minutes) / 5 companies = 42 minutes).

Registered businesses generally submit confidential information claims through the business portal. Unregistered businesses submit confidential information claims by mail, e-mail, or fax. We estimate that submitting claims in this way takes a little longer because we often must ask the businesses to amend their submission to include the required certifications. Thus, we estimate that a confidential information claim submitted by mail, e-mail, or fax would take 30 minutes longer than those submitted through our website (42 minutes + 30 minutes = 72 minutes).

For voluntary brand identification, we estimate that a response would take 10 minutes on average. Most responses consist only of the brand name and a product description. In many cases a business will submit multiple entries in a brief period of time and we can see from the date and time stamps on these records that an entry often takes less than two minutes. CPSC

staff enters the same data in a similar form based on our own research, and that experience was also factored into our estimate.

For small batch manufacturer identification, we estimate that a response would take 10 minutes on average. The form consists of three check boxes and the information should be readily accessible to the respondent.

The responses summarized in Table 2 are generally submitted by manufacturers. To avoid underestimating the cost associated with the collection of this data, we assigned the higher hourly wage associated with a manager or professional in goods-producing industries to these tasks. To estimate the cost of manufacturer submissions we multiplied the estimated total burden hours in Table 2 (8,826 hours) by an estimated total compensation for a manager or professional in goods-producing industries of \$68.67 per hour,⁵ which results in an estimated cost of \$606,081 (8,826 hours x \$68.67 per hour = \$606,081).

Therefore, the total estimated annual cost to respondents is \$719,381 (\$113,300 burden for reports of harm + \$606,081 burden for manufacturer submissions = \$719,381).

2. *Estimated Annual Burden on Government*

We estimate the annualized cost to the CPSC to be \$954,531. This figure is based on the costs for four categories of work for the Database: Reports of Harm, Materially Inaccurate Information Claims, Manufacturer Comments, and Small Batch Identification. Each category is described below. No government cost is associated with Voluntary Brand Identification because this information is entered directly into the Database by the manufacturer with no processing required by the government. The information assists the government in directing reports of harm to the correct manufacturer. We did not attempt to calculate separately the government cost for

⁵ U.S. Department of Labor, Bureau of Labor Statistics, Table 9 of the Employer Costs for Employee Compensation (ECEC), Private Industry, goods-producing and service-providing industries, by occupational group, June 2016 (data extracted on 06/23/2016 from <http://www.bls.gov/news.release/ecec.t09.htm>)

claims of confidential information because the number of claims is so small. The time to process these claims is included with claims of materially inaccurate information.

Reports of Harm: The Reports of Harm category includes many different tasks. Some costs related to this category are from two data entry contracts. Tasks related to these contracts include clerical coding of the report, such as identifying the type of consumer product reported and the appropriate associated hazard, as well as performing quality control on the data in the report. Contractor A spends an estimated 5,267 hours per year performing these tasks. With an hourly rate of \$33.31 for contractor services, the annual cost to the government of contract A is \$175,444. Contractor B spends an estimated 2,539 hours per year performing these tasks. With an hourly rate of \$58.09 for contractor services, the annual cost to the government of contract B is \$147,491.

The Reports of Harm category also includes sending consent requests for reports when necessary, processing that consent when received, determining whether a product is out of CPSC’s jurisdiction, and confirming that pictures and attachments do not have any personally identifiable information. The Reports category also entails notifying manufacturers when one of their products is reported, completing a risk of harm determination form for every report eligible for publication, referring some reports to a Subject Matter Expert (SME) within the CPSC for a determination on whether the reports meet the requirement of having a risk of harm, and determining whether a report meets all the statutory and regulatory requirements for publication. Detailed costs are:

Table 4 – Estimated Costs for Reports of Harm Task

Grade Level	Number of Hours (Annual)	Total Compensation per Hour	Total Annual Cost
Contract A	5,267	\$33.31	\$175,444
Contract B	2,539	\$58.09	\$147,491

7	200	\$34.78	\$6,956
9	300	\$42.69	\$12,807
12	5,528	\$61.91	\$342,238
13	428	\$73.37	\$31,402
14	1,068	\$86.99	\$92,905
Total	15,330		\$809,243

Materially Inaccurate Information (MII) Claims: The MII claims category includes reviewing and responding to claims, participating in meetings where the claims are discussed, and completing a risk of harm determination on reports when a company alleges that a report does not describe a risk of harm.

Table 5 – Estimated Costs for MII Claims Task

Grade Level	Number of Hours (Annual)	Total Compensation per Hour	Total Annual Cost
12	275	\$61.91	\$17,025
13	167	\$73.37	\$12,253
14	323	\$86.99	\$28,098
15	50	\$101.99	\$5,100
SES	50	\$109.97	\$5,499
Total	865		\$67,975.00

Manufacturer Comments: The Comments category includes reviewing and accepting or rejecting comments.

Table 6 – Estimated Costs for Manufacturer Comments Task

Grade Level	Number of Hours (Annual)	Total Compensation per Hour	Total Annual Cost
12	62	\$61.91	\$3,838
13	109	\$73.37	\$7,997
Total	171		\$11,835

Small Batch Manufacturer Identification: The Small Batch Manufacturer Identification category includes time spent posting the list of small batch registrations, as well as answering manufacturers’ questions on registering as a Small Batch company and what the implications to that company of small batch registration.

Table 7 – Estimated Costs for Small Batch Task

Grade Level	Number of Hours (Annual)	Total Compensation per Hour	Total Annual Cost
15	642	\$101.99	\$65,478
Total	642		\$65,478

We estimate the annualized cost to the CPSC of \$954,531 by adding the four categories of work related to the Database summarized in Tables 4 through 7 (Reports of Harm (\$809,243) + MII Claims (\$67,975) + Manufacturer Comments (\$11,835) + Small Batch Identification (\$65,478) = \$954,531).

This information collection renewal request based on an estimated 12,360 burden hours per year for the Database is a decrease of 7,485 hours since this collection of information was last approved by OMB in 2013. The decrease in burden is due primarily to the fact that the number of incoming reports of harm has decreased, and the number of claims based on those reports has decreased as well. While comments did not decline significantly, they did shift to the more efficient online submissions. We note a large increase in small batch manufacturer activity, which has been rising steadily for years. However, this increase was not large enough to offset the decreases in other areas.

D. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;

- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: February 16, 2016

Todd A. Stevenson, *Secretary*
Consumer Product Safety Commission

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