

A. Justification

1. The Consumer Product Safety Commission is responsible for the enforcement of the mandatory federal regulation “Safety Standard for Automatic Residential Garage Door Operators” (16 CFR, Part 1211). This standard requires all automatic residential garage door operators manufactured and sold in the U.S. on or after January 1, 1993, to conform to the entrapment protection requirements developed by Underwriters Laboratories, Inc. (UL 325, fifth edition, dated June 7, 2002, including revisions through February 21, 2006.)

The recordkeeping requirements of the standard (16 CFR, Part 1211.31 attached) became effective on January 21, 1993. According to these requirements, written certification records must be maintained for a period of at least three years from the date of certification of each residential garage door operator subject to the standard. These certificates are based on a test of each operator or on a “reasonable testing program.” These records must be available upon request to any designated officer or employee of the Commission upon request in accordance with section 16(b) of the CPSA, 15 U.S.C. 2065(b).

Since automatic residential garage door operators are continually being introduced into the market either by established manufacturers or new manufacturers, the Commission requests that these recordkeeping requirements be continued without change.

2. CPSC will use the information obtained from the requested records to assess the current level of compliance with the entrapment provisions of the standard for automatic garage door operators. Also, we will use information we obtain at a given firm in any appropriate legal action(s) initiated, if the firm or its product(s) fail to comply with the entrapment provisions of the standard. The recordkeeping requirements will enable the Commission to identify industry-wide problems and address them prior to the report of related incidents associated with noncomplying products.
3. Manufacturers and importers subject to the regulation may use any improvements in information technology that they deem suitable for compiling and maintaining the records required by the regulation.
4. Information collected by the Commission during this enforcement activity is not collected by any other agency, organization, or individual. There is no similar information available.
5. Enforcement activities associated with the standard for automatic garage door operators may include a number of small firms. The Commission cannot

exclude these firms since previous experience has shown a higher level of noncompliance at small firms. However, the length of time required for a

firm to respond to the questionnaire is dependent upon (1) the number of products handled by the firm; (2) the number of records maintained by a firm; and, (3) the complexity of a firm's day-to-day operations. Consequently, less time will be expended by small firms.

6. Without the recordkeeping requirements, the level of noncompliance could significantly increase, resulting in an increase in the number of product-related deaths and injuries. The lack of written test records would require an increase in Federal Government inspections and sample collections for testing to determine the industry's compliance with the standard.
7. There may be special circumstances in which respondents will be requested to prepare a written response involving the collection of information within fewer than 30 days after receipt of the request. These circumstances apply when the CPSC Compliance staff is trying to determine preliminarily whether a defect is present in an automatic residential garage door operator, and whether that defect rises to the level of a substantial product hazard under Section 15 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064. Firms are typically given ten working days to respond to our request for information.
8. A copy of the FR notice, dated, May 15, 2006 (Volume 71, Number 93) is attached. One comment was received from B. Sachau electronically (Copy enclosed along with staff response).
9. None.
10. All records cited as being confidential remain confidential according to the Commission's procedures under the Freedom of Information Act. These procedures are provided in 15 U.S.C. 1015.
11. There are no questions of a sensitive nature.
12. There are 22 respondents. It is estimated that each respondent will spend 40 hours annually (880 hours total) on the collection of information at a total industry cost of \$37,700, using the rate of \$42.84 as average total compensation. (Bureau of Labor Statistics, September 2005.) Professional and clerical time may be spent in retrieving product data from automated or other records systems, explaining firm practices/policies intended to assure compliance with the standard, or accompanies Commission personnel during inspections.

13. Not applicable.

14. Costs to the federal government are estimated to be approximately 6 staff months at \$48,000, (\$8,000 per staff month.)

15. Not applicable.

16. Not applicable.

17. Not applicable.

B. Collection of Information Employing Statistical Methods – not applicable.

