

## **Supporting Statement for Collection of Information Follow-up Activities for Product-Related Injuries**

### **A. Justification**

#### ***1. Information to be collected and circumstances that make the collection of information necessary***

Section 5(a) of the Consumer Product Safety Act (CPSA)(15 U.S.C. § 2054(a)) requires the Commission to collect information related to the cause and prevention of death, injury and illness associated with consumer products. That legislation also requires the Commission to conduct continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from incidents involving consumer products. The Commission obtains information about product-related deaths, injuries and illnesses from a variety of sources, including newspapers, death certificates, consumer complaints, hospital emergency rooms, and other medical facilities. From these sources, the Commission staff selects cases of interest for further investigation by face-to-face or telephone interviews with persons who were injured or witnessed incidents involving consumer products. On-site investigations are usually made in cases where the Commission staff needs photographs of the incident site, the product involved, or detailed information about the incident. This information can come from face-to-face interviews with persons who were injured or who witnessed the incident, as well as contact with state and local officials, including police, coroners and fire investigators, and others with knowledge of the incident.

#### ***2. Use and sharing of collected information and impact on privacy***

The Commission uses this information to support development and improvement of voluntary standards; proceedings for the development of mandatory standards and regulations; information and education campaigns; and administrative and judicial proceedings for enforcement of the statutes, standards, and regulations administered by the Commission. By these means, the Commission removes unsafe products from channels of distribution and consumers' homes and provides information to the public about the safety of consumer products.

#### ***3. Use of information technology (IT) in information collection***

This collection of information uses face-to-face or telephone interviews as well as information reported electronically to the Commission through our toll-free Hotline and the internet web site by persons who have sustained injuries or who have witnessed incidents associated with consumer products, as well as other knowledgeable parties such as fire/police officials and health care professionals. An estimated 46 percent of the incident reports are obtained by use of electronic or other forms of information technology.

#### ***4. Efforts to identify duplication***

This information is submitted by persons who have sustained injuries or who have witnessed or otherwise have knowledge about an incident associated with consumer products. The information about the details of specific injuries and incidents is not available from any other source.

**5. *Impact on small business***

This collection of information is entirely from individuals and is not conducted during the course of their employment. Consequently it has no impact on small businesses.

**6. *Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently***

If this information were not collected or were collected less frequently, the Commission would lack timely and detailed information to identify new hazards and to support rulemaking proceedings, efforts to develop or improve voluntary standards, actions to obtain correction of products which present a substantial product hazard, and informational campaigns.

**7. *Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days***

Not applicable.

**8. *Agency's Federal Register Notice and related information***

The Commission published a notice to solicit comments on the proposed extension of approval of the collection of information concerning injuries and incidents associated with consumer products in the Federal Register of August 4, 2006. A copy of that notice is attached. The Commission received two comments. One commenter requests that the Commission post reports of problems found with products and act on the information obtained. This comment does not weigh against extension of the current authorization. Another commenter, the Association of Trial Lawyers of America (ATLA), supports the proposed extension and requests the Commission staff to continue to use personal interviews as well as technological data collection to obtain pertinent information regarding product-related incidents. ATLA also requests that the Commission staff investigate a wider variety of product-related incidents. Given the large number of incidents reported involving consumer products annually, including NEISS data on hospital emergency room treated injuries, over 350,000 records per year, the Commission's resources and strategic goals guide the number of follow-up investigations that are conducted annually. Although Commission staff does not conduct follow-up investigations in every instance, staff does conduct an estimated 807 face-to-face interviews, excluding investigations conducted by the Office of Compliance and Field Operations, 2,544 in-depth investigations by phone, 4,600 hotline staff interviews, and conducts a review of 6,900 internet forms received from persons requesting information about product-related incidents or injuries.

ATLA also requests that incident reports that contain identifying information be made available, in unredacted form, to counsel for both plaintiffs and defendants.

The statutes administered by the Commission explicitly preclude the release of the type of identifying information sought to be obtained by ATLA. Section 6 of the CPSA, 15 U.S.C. 2055, provides that the Commission may not disclose any information which will permit the public to ascertain the identity of a manufacturer without providing prior notification and opportunity for comment to the manufacturer to which such information pertains. In addition, section 25 of the CPSA, 15 U.S.C. 2074, provides that any accident or investigation report made by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified. Records that could reasonably be expected to constitute an unwarranted invasion of personal privacy are also exempt from product and disclosure under the Freedom of Information Act, 5 U.S.C. 552(b). To the extent an injured person has consented to release such information, that information would be readily available to counsel for either the plaintiff or the defendant.

The Commission's staff consults with many individuals and organizations when designing interview guides for collection of information about product-related incidents and injuries. These persons and groups may include representatives of manufacturers and trade associations, voluntary standards organizations, and contractors hired to collect and analyze information about product-related incidents and injuries.

#### ***9. Decision to provide payment or gift***

A minimal number of persons who provide information about injuries or incidents associated with consumer products of special interest to CPSC are paid for their responses. We pay for about 50-60 responses per year at \$50.00 per response.

#### ***10. Assurance of confidentiality***

If a person requested to provide information about a product-related injury or incident claims that any information submitted to the Commission is trade secret or confidential business information, that information is subject to the Commission's procedures for withholding confidential information from public disclosure codified at 16 C.F.R. Part 1015, subpart B. If such information is requested under provisions of the Freedom of Information Act, the person who provided the information is notified and given the opportunity to respond and seek judicial relief prior to the Commission's release of the information. In addition, any accident or investigation report made under the CPSA by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified.

#### ***11. Questions of a sensitive nature***

The Commission's staff takes care to design interview guides so that persons who witness or are injured in incidents associated with consumer products are not requested to provide any information of a sensitive nature.

#### ***12. Estimate of hour burden to respondents***

The staff conducts face-to-face interviews of approximately 807 persons each year. On average, an on-site interview takes approximately five hours. The staff also conducts approximately 2,544 in-depth investigations by telephone. Each in-depth telephone investigation requires approximately 20 minutes. Additionally, the Commission's hot-line staff interviews about 4,600 persons each year about incidents involving selected consumer products. On average, each of these interviews takes 10 minutes. The Commission also receives information from about 6,900 individuals each year who complete a web form requesting information about product-related injuries or incidents. The consumer use of this form has increased since the last OMB clearance. This form appears on the Commission's internet web site and is printed in the Consumer Product Safety Review and other Commission publications. The staff estimates that completion of the form takes about 12 minutes.

The Commission staff estimates that this collection of information imposes a total annual hourly burden of 7,030 hours on all respondents: 4,035 hours for face-to-face interviews; 848 hours for in-depth telephone interviews; 767 hours for Hotline interviews; and 1,380 hours for completion of written web forms.

The Commission's staff estimates the value of the time of respondents to this collection of information at \$28.75 an hour (June 2005, Bureau of Labor Statistics) At this valuation, the estimated annual cost to the public is about \$202,000.

### ***13. Estimate of total annual cost burden to respondents***

The only costs to respondents from this collection of information are those described in item 12, above.

### ***14. Estimate of annualized costs to the Federal government***

The annual cost to the government of this collection of information is estimated to be about \$1.9 million a year. The Commission staff estimates that this collection of information will require approximately 239 professional staff months each year. That estimate includes the time required to prepare the questionnaires, interviewer guidelines, and other instruments and instructions used to collect the information; the time used to conduct the face-to-face and telephone interviews; and the time required to evaluate the responses obtained from interviews and completed forms. Each month of professional staff time costs the Commission about \$8,100.

### ***15. Program changes or adjustments***

This request for approval of 7,030 burden hours is an increase of 1,558 hours since this collection of information was last approved by OMB in 2003, due to shifts in Commission data collection needs and increased consumer reporting through the Web site.

### ***16. Plans for tabulation and publication***

The Commission publishes results from some of its investigations of product-related injuries and incidents in Federal Register notices during rulemaking proceedings, and in safety alerts, news releases, and other informational materials that are disseminated to the general public, voluntary standards groups, firms, and trade associations. The Commission has no specific plan to publish all of the data obtained from this collection of information.

***17. Rationale for not displaying the expiration date for OMB approval***

The Commission does not request permission to avoid display of the expiration date of OMB approval of this information collection.

***18. Exception to the certification statement***

No exception is made to the certification statement in item 19 of OMB Form 83-1.

**B. Collection of Information Employing Statistical Methods**

1. The potential respondent universe consists of patients treated in statistically selected hospitals under contract to the Commission to report emergency department treated product-related injuries and individuals involved with incidents recorded in newspaper articles, consumer complaints, death certificates, coroner reports and any other injury sources which may be reported to the Commission.

The affiliated hospitals report more than 680,000 cases annually to the Commission using existing information extracted from hospital records. Since these data are limited, further information is frequently necessary, which involves a completed investigation via telephone and/or face-to-face in approximately 1,828 these cases. Other data sources contribute over 39,000 cases, of which approximately 2,400 are selected for investigation.

2. Cases associated with categories of interest are selected nightly from the hundreds of incident reports received each day by the Commission. Commission investigators call to interview or to arrange to visit the victim or others to determine specific details about the accident sequence. Information collected from the victim, family member, witness, or others is reported on an investigation form designed for this purpose.

When less than 100 percent of the surveillance cases are selected for investigation, the universe of cases is stratified by relevant factors such as type of injury or consumer product involved and a simple random sample of cases is selected.

The estimation procedure for probability surveys involves multiplying the original surveillance case weight by the case weight appropriate for the follow-back investigation. Normally, the latter is the reciprocal of the probability of selection, adjusted where needed for non-response.

3. More than 73 percent of the victims involved in the selected accidents are successfully contacted. Of those contacted, more than 95 percent agree to

voluntarily provide information on the accident situation. For probability surveys, responses are weighted to account for non-responses. The results from probability surveys can be generalized to the universe studied.

4. No tests of procedures or methods will be undertaken.

5. Consultants originally involved in the statistical design of the National Electronic Injury Surveillance System:

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