

INFORMATION COLLECTION REQUEST (ICR):
OMB 83-I SUPPORTING STATEMENT AND PRIVACY IMPACT ASSESSMENT

A. Justification

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

The U.S. Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency that was created in 1972 by Congress in the Consumer Product Safety Act. In that law, Congress directed the Commission to “protect the public against unreasonable risks of injuries and deaths associated with consumer products.”

Most of the work of the staff of the CPSC Division of Human Factors involves applying human factors data and principles to the design and evaluation of consumer products. Some of these data are available through human factors texts, professional journals, and the like. However, relevant research and data on some human characteristics and attributes, such as certain population stereotypes and consumer perceptions related to specific product use, often are not readily available to the staff. Obtaining relevant data typically would require the staff to conduct research; however, the timeframes available in which to complete an assessment are usually too short to plan and complete formal research studies. Additionally, the staff often lacks the necessary funds to carry out these studies. Thus the staff often must rely solely on its own expert opinions or judgments. The ability to pose questions or scenarios to consumers to obtain their opinions and perceptions could provide the staff with preliminary information from which more accurate expert judgments can be made. This information could also be used to identify areas worthy of additional research by the staff. To obtain this information, the staff proposes two related information-collection activities: a Consumer Opinion Forum and the Respondent Registration process.

The Consumer Opinion Forum would be an internet-based survey or poll that would be available for voluntary participation by interested consumers 18 years of age and older through the CPSC website. The Consumer Opinion Forum would periodically post a set of questions, scenarios, or similar information (collectively referred to as “questions” from this point on) to solicit opinions and perceptions from respondents. Before being posted in the Consumer Opinion Forum, each set of questions will be prepared by the CPSC Human Factors staff, cleared within

the CPSC for public dissemination, and submitted to OMB with a quick-turn-around approval request.

Once a new set of questions is posted in the Consumer Opinion Forum, potential respondents will receive e-mail invitations to respond. Individual participants will not be sent invitations more frequently than once every four weeks. New questions may be prepared and posted in the Consumer Opinion Forum more frequently than this, but invitations to respond will only be sent to those participants who have not received invitations within the prior four weeks.

From the time a set of questions is posted on the Consumer Opinion Forum, participants will be given a minimum of two weeks to respond. To provide a response, participants will go to the CPSC website, log into the Consumer Opinion Forum, and respond to the questions posted. At the end of the posting period, no more responses to the questions will be permitted and the responses will be forwarded to the Human Factors staff.

The Respondent Registration process is the method by which consumers can choose to participate in the Consumer Opinion Forum. Only those consumers who visit the CPSC website and voluntarily register for the Consumer Opinion Forum will be permitted to participate in the Forum. To register, volunteers will be required to fill out an online registration form that asks for the following information:

- The respondent's e-mail address
- A personal password for access to the Consumer Opinion Forum
- The respondent's sex
- The respondent's date of birth
- The zip code of the respondent's primary residence
- The respondent's number of children
- The sex and date of birth for each child

Registration would commence before any questions are posted, but potential respondents will be permitted to register at any time for as long as the Consumer Opinion Forum is available for participation. The intended population group of respondents includes all "adult" users of consumer products over the age of 18 except for current employees of CPSC. However, given the nature of the Consumer Opinion Forum, only those consumers with internet access and an e-mail address will be able to participate. The staff will not commence information collection through the Consumer Opinion Forum until at least 40

respondents have registered. The staff does not have a predetermined upper limit or goal for the total number of registrants/respondents. The staff plans to allow as many respondents as are interested to register.

2. Use and sharing of collected information

The information collected by the Consumer Opinion Forum would be used by the CPSC Human Factors staff to make more informed and accurate expert judgments on consumer behavior. Precisely how the information would be used depends on the information needed at the time. However, two examples of how this information could be used follow.

First, in support of voluntary standards activities, the Human Factors staff may be asked to estimate typical use patterns with a product—for example, how long a person typically takes to iron a shirt or how many times a person would press a “steam” button on an iron while ironing a shirt. Specific information of this type is rarely available. A survey or poll of respondents through the Consumer Opinion Forum would provide the staff with rough estimates of these numbers, which the staff can then use to develop preliminary performance requirements.

Second, the Human Factors staff often prepares or proposes revisions to warning language intended for product labels or manuals. Although the staff can develop improved language based on human factors principles, the warning ultimately must be understood by a wide range of consumers, and certain wording or language may be interpreted in ways not anticipated by the staff. Misinterpretation of warning information can prove hazardous, if not deadly. Posting the draft proposed warning language in the Consumer Opinion Forum, even if it would not identify all potential forms of misinterpretation, could identify those parts of the warning most likely to be misinterpreted. Alternative wording of sentences could also be presented to respondents to determine which one is likely to be more easily understood.

The responses collected through the Consumer Opinion Forum, and the demographic information associated with those responses and collected through the Respondent Registration process, may be made available to the public through the CPSC website. The e-mail addresses and personal passwords of the respondents, however, will not be shared outside the CPSC. All information collected during the Respondent Registration will be stored in a registration database. When a potential respondent

logs into the Consumer Opinion Forum using his or her e-mail address and password, this information will be compared against information in this database (i.e., the e-mail address and password) to confirm that he or she is registered to participate. This process would be automated. As participants provide responses to the Consumer Opinion Forum, the responses and the associated demographic information—retrieved from the registration database—will be loaded into a separate, response database. Once all responses are collected, the information in the response database will be forwarded to the CPSC Human Factors staff and may be made available to the public (e.g., through the CPSC website). The respondents' e-mail addresses and passwords, however, will not be made public and will only be accessible to those CPSC staff who are granted access to the registration database.

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

All information collection will be done electronically through the CPSC's Internet Information Server. The staff intends to restrict participation in the Consumer Opinion Forum to those people who register online through the CPSC website. The information collected during the Respondent Registration process will be transferred into a registration database. Once registered, respondents would then need to log into the Consumer Opinion Forum through the CPSC website, using the respondent's e-mail address and a password, to provide the staff with responses. All responses would be recorded online and automatically transferred into a response database.

This method of information collection was selected because it would allow the staff to securely collect information about the characteristics of the respondents without having to repeatedly collect this information each time a respondent provides a response. During the registration process, consumers will be asked to provide the staff with certain personal demographic information, such as their sex and their date of birth (see #1, *Information to be collected and circumstances that make the collection of information necessary*, for a complete list of information to be collected). Once a respondent has registered and later logs onto the website to provide the staff with a response, the response will be associated with the respondent's profile, allowing the staff to know the characteristics of the individual associated with that response. Although this information could be requested from the respondent each time he or she responds to a question posed in the Consumer Opinion Forum, the staff believes this would be unnecessarily redundant and prone to error. Additionally, the staff believes that providing the requested information through the CPSC website would be more secure and less prone to transcription error than having the respondent provide the information by phone, e-mail, or an alternate method.

4. *Efforts to identify duplication*

The intent of the Consumer Opinion Forum is to obtain information that is not readily available elsewhere. Some information on consumer opinions and perceptions related to product use is available online. For example, the websites Epinions (www.epinions.com) and Amazon.com permit people to "review" or comment on various products, including consumer products of interest to the staff. These comments sometimes provide insight into consumer perceptions about what a product is believed to be intended for, how the product was used or misused by the individual, etc. The staff sometimes searches these websites and can identify usage patterns or similar information from them. However, for the most part, this is not the website's focus or intent, and the information that is available from these websites is limited. For example, respondents to those websites often limit their responses to whether the product was "good" or not, or whether the product met their expectations. Other websites may have similar online forums, bulletin boards, or message boards that allow people to provide feedback or comments about product use; for example, the Woodworker's Association website (www.woodworking.org). The staff intends to rely on these other websites to the extent

possible. However, the staff often encounters unique situations or products that are not dealt with on these websites. In these cases, the ability to pose questions and scenarios to consumers would be valuable.

The Human Factors staff intends to meet regularly to identify new sets of questions to consider posting in the Consumer Opinion Forum. The originator of each set of questions proposed will be asked to discuss efforts expended to locate existing research or information on the topic. The Human Factors staff will not consider a question unless it concludes that effort has been put into locating research that could be used to answer the question and that such research is not available, unless there is a reason to believe that the data that are available are not accurate.

5. Impact on small businesses

The information will not be collected from small businesses or other small entities. We expect individual consumers to participate in the Forum.

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

Currently, the Human Factors staff must sometimes rely solely on expert judgment about consumer behavior, perceptions, and similar information related to consumer products and product use. Not conducting the information collection activity, therefore, would not reduce the quality of assessments currently completed by the staff. However, conducting the information collection activity would likely provide the staff with evidence that would inform the staff's assessments, or could provide insight into consumer perceptions and usage patterns that could not be anticipated by the staff. Hence, conducting the information collection activity would likely improve the quality of the staff's assessments. Conducting the collection activity less frequently would provide the staff with fewer opportunities to obtain the necessary information.

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

Some of the human factors assessments for which the results of the Consumer Opinion Forum may be particularly useful include Product Safety Assessments (PSAs). PSA requests are received

from the CPSC Office of Compliance, and may ask for such things as an assessment of how consumers are likely to interpret an instruction or warning, or how likely it is that a consumer will use a product in a particular way. The staff may be able to use the Consumer Opinion Forum to identify information of this sort. However, the staff cannot predict when it might receive a request for a PSA. Frequently, such requests are received more often than quarterly, and the staff's assessments must be completed in much less time than one quarter (i.e., three months). Hence, posing questions no more than once every quarter would potentially limit the usefulness of the information collection activity.

Additionally, PSA requests often have due dates that fall within 30 days from the date in which the request is submitted. Given that questions that are to be posed to respondents through the Consumer Opinion Forum must be internally cleared for public dissemination before being posed to respondents, the amount of time available to post and await responses in support of PSA-related work could easily be less than 30 days. Some information sought through the Consumer Opinion Forum will not be needed in fewer than 30 days. However, providing interested respondents with 30 days or more for responses to all questions posed in the Consumer Opinion Forum would potentially limit the Forum's usefulness, especially for PSA-related work.

8. Agency's Federal Register Notice and related information

See FR Notice dated May 1, 2006, pages 25570-25571. There were 2 comments received. One commenter, Safe Kids Worldwide, supported the collection of information because it believes that direct consumer input on specific consumer products would be beneficial to the Commission in its efforts to improve the safety of consumer products and improve the effectiveness of product recall campaigns. Safe Kids recommended that the Commission make public the participant responses on the Forum. Staff will evaluate whether posting summaries of participant responses on certain Forum topics or questions may be useful after the program is fully operational. Another commenter, the Consumer Specialty Products Association (CSPA), questioned how the comments would be solicited and verified. In addition, CSPA asked whether product-specific information would be kept confidential, and what role a manufacturer would have in such a Forum.

In the first Federal Register Notice, 71 FR 25570, the Commission explained in detail how information would be collected through the Forum. Any individual at least 18 years old who has access to the Internet and to e-mail may voluntarily register to participate in the Forum through the CPSC Web site. During the registration process, participants will be asked to provide an e-mail address and personal password to access the Forum. When a new question is posted in the Forum, registered participants may be invited via e-mail to log into the Forum and to provide responses to the posted question(s). Since the purpose of the Forum is to solicit consumer opinions and perceptions, the staff will not verify the responses provided by participants. Although questions related to certain product classes or categories might be posted in the Forum, staff does not intend to pose questions that are specific to a particular brand or model of product. Such information, however, may be received inadvertently through the Forum even if it is not solicited. To the extent that any information is obtained that could identify a specific product brand or model, such information will be kept confidential and will not be released.

A second FR notice, 71 FR 26482-56483, was published September 27, 2006.

9. Decision to provide payment or gift

The Commission will not provide any payment or gift to participants in the Consumer Opinion Forum.

10. Assurance of confidentiality

All responses to the Consumer Opinion Forum are entirely voluntary. As described earlier, those who register to participate in the Forum will occasionally receive e-mail notifications that a new set of questions has been posted and that they are invited to respond. To provide responses, the potential respondent must go to the CPSC website and log into the Consumer Opinion Forum. If the potential respondent chooses not to respond to a particular set of questions, he or she can simply ignore the notification/invitation. Additionally, the potential respondent may log into and later exit the Forum without responding to the posted questions. Similarly, during the Respondent Registration process, an individual may choose not to provide the information requested. However, in so doing, the individual will not be permitted to participate in the Forum.

During the Respondent Registration process, respondents will be informed that their participation is voluntary and that information exchanged during registration will be encrypted for privacy during transit using a VeriSign SSL (Secure Sockets Layer) Certificate. By clicking on a VeriSign logo, respondents can see the CPSC's specific server ID information and verify that cpsc.gov is a legitimate VeriSign secure site. Respondents will also be informed that their e-mail address and personal password will not be distributed outside the CPSC. The staff proposes that the following text be used in the confidentiality statement:

"Your identity, and that of your children, will be treated as confidential. The responses obtained through the Consumer Opinion Forum may be reported for scientific purposes, but these responses will not include any identifiable references to you or your children. Any responses or data obtained through this Forum may be inspected by any relevant government agency, or by the staff of the CPSC, provided that any such person or agency is legally obligated to protect any identifiable information from public disclosure, except as otherwise authorized or required by law."

Each respondent will be identified by his or her e-mail address. However, the e-mail addresses will not be linked to the respondents' responses to questions posted in the Consumer Opinion Forum. These e-mail addresses will not be included in any reports or summaries of the data collected through the Consumer Opinion Forum.

The CPSC Office of General Counsel has reviewed the proposed information collection activities and has found that the Privacy Act does not apply because the data are not maintained in a "system of records" from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to the individual. The CPSC staff will not access or retrieve records (i.e., responses to the Consumer Opinion Forum) using e-mail addresses; instead, the staff will use demographic criteria to access and retrieve records.

11. Questions of a sensitive nature

The information to be collected is described in #1, *Information to be collected and circumstances that make the collection of information necessary*. The staff will not pose questions of a

sensitive nature, such as sexual behavior or attitudes, religious beliefs, or other matters commonly considered private.

12. *Estimate of hour burden to respondents*

At this time, the staff is unable to estimate the number of respondents that might register to participate in the Consumer Opinion Forum. Registration would be open to anyone accessing our website and demonstrating an interest. The staff will not commence information collection through the Consumer Opinion Forum until at least 40 respondents have registered. For now, we have not established an upper limit or goal for the total number of respondents. Currently, the upper limit of CPSC e-mail subscription lists—which allow interested consumers to receive notifications of CPSC press releases, recalls, etc.—is about 250,000; that is, no more than 250,000 consumers can subscribe to those lists. The number of subscribers to any one of those lists has not yet reached this limit, and the total number of registrants for the Consumer Opinion Forum is likely to be significantly smaller than this. For the purposes of estimating burden hours, the staff is estimating that 5,000 consumers may participate in this project. Numbers will be revised and provided to OMB in an annual update.

Staff estimates that the total time for each respondent to register to participate in the Consumer Opinion Forum will likely be not more than 10 minutes, depending on the number of children in the respondent's household. As described in #1, *Information to be collected and circumstances that make the collection of information necessary*, registration information includes e-mail address, password, designation of sex, date of birth, zip code, number of children, and the sex and date of birth for each child.

The two main purposes for having respondents register are to provide CPSC Human Factors staff with basic demographic information on the respondents while reducing the overall burden on respondents. Registering respondents will permit the Human Factors staff to invite or notify respondents, using the e-mail addresses they provide, when a new set of questions has been posted in the Consumer Opinion Forum. The likely alternative would be to simply post questions on the Forum and to ask interested respondents to check the website regularly to see when a new question has been posed. The Human Factors staff believes that having respondents register would reduce the total burden hours placed on them.

Additionally, requiring respondents to register would provide the staff with related demographic data without having to ask for this information every time the respondent provides a response. Gathering this information will also permit the staff to avoid sending notifications to participants who are unlikely to provide the staff with useful information because of their demographics. For example, the staff may be interested in understanding how parents, in particular, are likely to respond to a certain scenario; therefore, the staff may not be interested in responses from consumers without children. Similarly, the staff may be interested in posing certain questions only to females, or to consumers 65 or older. By having respondents register, the Human Factors staff can limit its invitation to only those respondents of interest, thereby limiting the burden on respondents whose demographics are not consistent with the intended target population.

Once respondents have logged into the Consumer Opinion Forum, they will also be given the opportunity to update their registration information as needed. For example, respondents who give birth to another child may choose to update their registration information so that it includes the new child, and that child's sex and date of birth. Updating this information would take only a fraction of the total estimated initial registration time.

When a new set of questions is posted on the Forum, potential respondents will receive e-mail invitations to respond. Individual respondents will not be sent invitation more frequently than once every four weeks. New questions may be prepared and posted in the Consumer Opinion Forum more frequently than this, but invitations to respond will only be sent to respondents who have not received invitations within the last four weeks.

Logging into the Consumer Opinion Forum would likely take less than one minute since it will only require respondents to enter their e-mail address and personal password. The amount of time required for a respondent to provide responses to the questions would likely vary considerably depending on the specific number, type, and complexity of questions being posted. This variability does not allow the staff to make an estimate of the total time to respond. However, the Human Factors staff has decided on a self-imposed upper limit of 15 minutes total. The staff will estimate the time needed to respond to each set of questions to be posted in the Forum, and will only post sets of questions that are estimated to take no more than 15 minutes to complete.

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

It is difficult at this time to estimate a total annual cost burden to respondents, primarily because the number of consumers interested in voluntarily participating in the Forum cannot be anticipated. For each respondent there would be a one-time, 10 minute registration process, and up to 15 minutes per set of questions to which they might respond. For purposes of a best guess, we could foresee each respondent being invited to participate in up to 12 sets of questions over the course of a year--or once a month. That would result in approximately 3 hours per year for each respondent. If as many as 5,000 consumers indicated an interest in participating, that could result in approximately 15,833 hours per year. At 15,833 hours times the hourly rate of \$28.75¹ the burden cost would be approximately \$455,000 per year. The staff plans to update these projected numbers to OMB on a yearly basis once participation with the program can be evaluated.

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

The staff estimates the total staff time for initially developing the IT system to be used for collecting information for the Consumer Opinion Forum to be three staff months. Additionally, the staff estimates the total staff time for preparing questions for the Consumer Opinion Forum, maintaining the Forum, and analyzing the responses from the Forum to be four staff months. This latter estimate assumes three staff months per year for the preparation, selection, and internal clearance of 12 sets of questions to be posted in the Consumer Opinion Forum over the year,² and one staff month per year for the analysis of the 12 sets of responses from the Consumer Opinion Forum over the year.

Based on the total staff time necessary to develop and maintain the online Forum and to analyze the respondent responses, we estimate the annualized cost to the federal government to be approximately \$46,000 ([1 staff month for IT development + 4 staff months total for preparation and analysis] × \$9,268).

¹ U.S. Department of Labor. (2005). *Employer Costs for Employee Compensation – June 2005* [On-line]. Available: <http://www.bls.gov/news.release/pdf/ecec.pdf>.

² This is based on eight staff members each spending approximately four hours each month preparing questions for consideration and one hour each month meeting to select which questions to post in the Consumer Opinion Forum, and on one staff member spending an additional, small amount of time sending the final question through internal clearance and expedited OMB clearance.

15. *Program changes or adjustments*

This is a new information collection; therefore, no program changes or adjustments are involved.

16. *Plans for tabulation and publication*

Not applicable

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

Not applicable.

18. *Exception to the certification statement*

Not applicable.

B. Collections of Information Employing Statistical Methods

Not applicable.