

Information Collection Request (ICR)
Standard for Automatic Residential Garage Door Operators
Supporting Statement

A. Justification

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

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 and importers or new manufacturers and importers, the Commission requests that these recordkeeping requirements be continued without change.

2. *Use and sharing of collected information*

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

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. *Efforts to identify duplication*

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. *Impact on small businesses*

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

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

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 10 working days to respond to our request for information.

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

A Federal Register notice was published July 8, 2009. Comments were not received.

9. *Decision to provide payment or gift*

Not applicable.

10. *Assurance of confidentiality*

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. *Questions of a sensitive nature*

Not applicable. There are no questions of a sensitive nature.

12. *Estimate of hour burden to respondents*

There are 21 respondents. It is estimated that each respondent will spend 40 hours annually (840 hours total) on the collection of information.

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

Total annual burden is estimated at a cost of \$22,800, using the rate of \$27.14 (average total compensation for sales and office for all workers, goods-producing industries (private industry), Bureau of Labor Statistics, September 2008). Professional and clerical time may be spent to retrieve product data from automated or other records systems, explain firm practices/policies intended to assure compliance with the standard, or accompany Commission personnel during inspections.

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

Costs to the Federal government of the collection of information in these regulations are estimated to be 6 staff months at \$13,840 per month providing a total cost of \$83,000. This assumes a Federal government employee with GS 14/5 rank and a 29.9 percent cost of benefits (OPM Salary Table 2009-DCB).

15. *Program changes or adjustments*

The number of respondents has been decreased by one based on our recent experience with the industry.

16. *Plans for tabulation and publication*

Not applicable.

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

Not applicable.

B. *Collection of Information Employing Statistical Methods*

Not applicable.