

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 October 4th, 2012, with a correction notice published October 17th, 2012. Comments were not received in response to this notice.

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 23 respondents. It is estimated that each respondent will spend 40 hours annually (920 hours total) on the collection of information. Total annual burden is estimated at a cost of \$25,429, using the rate of \$27.64 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2012, Table 9, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs>) (920 hours x 23 firms).

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.

13. *Estimates of other total annual cost burden to respondents or recordkeepers*

There are no costs to respondents beyond those presented in Section A.12. There are no operating, maintenance, or capital costs associated with the collection.

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

The estimated annual cost to the federal government is approximately \$86,031, which includes 6 months to examine and evaluate the information, as needed, for compliance activities. This estimate uses an annual total compensation of \$119,238 (the equivalent of a GS-14 Step 5 employee) with an additional 30.7 percent added for benefits U.S. Bureau of Labor Statistics,

“Employer Costs for Employee Compensation,” June 2012, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees).

15. *Program changes or adjustments*

Based on recent experience, CPSC staff have revised their estimates of the number of firms from 21 to 23.

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.