

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), , including subsequent revisions.

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).

Automatic residential garage door operators are continually being introduced into the market, either by established manufacturers and importers or new manufacturers and importers. Therefore, the Commission seeks approval to continue the recordkeeping requirements without change.

On January 18, 2017, and July 11, 2017, the Commission voted to include the revisions regarding the entrapment protection requirements for automatic residential garage door operators in UL 325, Seventh Edition. This update does not affect the recordkeeping requirements of the standard.

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. CPSC staff has identified 18 manufacturers and importers, including private labelers, of automatic residential garage door operators. Information from company websites and from Dun & Bradstreet business reports indicate that, of the 18 identified firms manufacturing or importing the products, 4 are either large companies or subsidiaries of large domestic or foreign companies (subsidiaries of large firms are considered to be large, regardless of the number of employees at the subsidiary). The remaining 14 appear to be small firms under the SBA size standards for their industry sectors.¹ All known firms, including the small firms, voluntarily conformed to the various requirements of UL 325 since before the time that UL 325 became the referenced standard in the federal rule. In the August 2015 proposed update of the mandatory rule, the Commission noted that all known firms met the UL certification requirements; UL certification is considered sufficient evidence of compliance with the mandatory rule. Thus, the requirements do not impose significant impacts on small businesses.

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

The Commission relies on the recordkeeping provisions of the UL standard to monitor compliance with the rule. Without the recordkeeping requirements, the level of compliance would be unknown. 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.

¹ Domestic manufacturers of "other miscellaneous electrical equipment" (NAICS code 335999) with fewer than 500 employees; and merchant wholesalers (including importers) of "durable goods" (NAICS Subsector 423) with fewer than 100 employees.

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 announcing the Commission's latest proposed update of this rule was published in September 2015, with public comments due in November 2015. A Federal Register Notice announcing the renewal of this clearance was published March 14, 2019. No comments were 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*

CPSC staff has identified 18 respondents. These firms conduct performance tests and maintain records based on the test results in order to maintain UL certification and verify compliance with the rule. Staff estimates that each respondent will spend 40 hours annually (35 hours for testing and 5 hours for recordkeeping) on the collection of information related to the rule. Therefore, the total estimated burden is 720 hours (18 firms x 40 hours).

The total annual cost of the testing burden is estimated to be about \$43,834, based on an hourly rate of \$69.60 as total compensation for managerial and technical time in goods-producing private industries (18 firms x 35 hours x \$69.60); the annual cost of recordkeeping is estimated to be about \$2,928 based

on an hourly rate of \$32.54 for sales and office workers.² Thus, the total cost associated with the testing and recordkeeping burden is about \$46,762 (\$43,834 + \$2,928). This estimate includes professional and clerical time that 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 other operating, maintenance, or capital costs associated with the collection.

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

Approximately 1.5 staff months for agency employees to examine and evaluate the information could be required for compliance activities. The estimated annual cost to the federal government is based on performance of the work by employees paid at a GS-14 Step 5 pay rate employee, \$129,869. According to the most recent Employer Costs for Employee Compensation, this represents approximately 67.7 percent of total compensation for management, professional and related occupational groups.³ Therefore, total compensation for an employee at the GS-14 Step 5 pay rate will have an annual value of about \$191,830 (or \$15,986 per month). The annual cost to the federal government of the collection of information is therefore estimated to be about \$23,979 (\$15,986 times 1.5 months).

15. *Program changes or adjustments*

Based on recent experience, CPSC staff revised the estimate of the number of firms from 19 to 18 resulting in a reduction of 40 hours.

16. *Plans for tabulation and publication*

Not applicable.

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

² U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2018, Table 9, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>

³ U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2018, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees.

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.