

INFORMATION COLLECTION REQUEST (ICR)
Virginia Graeme Baker Pool and Spa Safety Act
Verification of Compliance Form
SUPPORTING STATEMENT

A. Justification

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

The CPSC administers and oversees compliance with the Virginia Graeme Baker Pool and Spa Safety Act (“Act”) (Pub. L. No. 110-140). The Act is designed to prevent the tragic and hidden hazard of drain entrapment and eviscerations in public pools and spas.

To achieve its purposes, the Act requires, among other things, each swimming pool and spa drain cover manufactured, distributed, or introduced into commerce meet specific requirements of the CPSC recognized performance standard, and that each public pool and spa be equipped with anti-entrapment devices or systems that comply with the recognized performance standard.

CPSC, directly or through State contracted employees, inspects and assesses public pools and spas for compliance with the Act. A form is used to record observations and assessments of compliance. OMB has previously approved this information collection and the form associated with it (e.g., OMB Approval No. 3041-0142).

2. Use and sharing of collected information

The CPSC will use the information collected on the form to identify and document public pool and spa facilities that have not installed compliant covers and other anti-entrapment devices that may be required. Compliance efforts are then taken to ensure appropriate covers and/or anti-entrapment devices are installed.

3. Use of Information Technology (IT) in information collection

The collection of information would occur through a form that CPSC staff will fill in during the course of the pool and spa inspection.

4. Efforts to Identify Duplication

The Verification of Compliance Form (“form”) provides for very detailed information recordation for each individual pump located at a pool or spa facility. The CPSC staff is unaware of any other source of this information other than

directly from pool managers.

5. Impact on Small Businesses

The form does not have a disproportionate impact on pool owners or operators because the form will be filled out entirely by the field investigators during the normal course of the pool or spa inspection. Depending on the size of the facility being inspected, the average time to inspect a pool or spa facility should not exceed three hours for the pool owner/operator. The pool or spa manager would not necessarily need to be present throughout the entire inspection.

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

Failure to provide the information sought by the questionnaire would impair the CPSC's ability to identify noncompliant pools or spas and specifically what drain covers are noncompliant. The failure to obtain this information could lead to the use of non-compliant drain covers and pose a risk of serious injury to the public.

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

Given the limited purpose and nature of the information collection, no consultation outside the agency was necessary. Federal Register (FR) notice, 84 FR 27772, was published June 14, 2019. Comments received were addressed in the 30-Day FR notice.

9. Decision to provide payment or gift

The CPSC will not provide any payment or gifts to pool and spa owners/operators in connection with the information collection.

10. Assurance of confidentiality

The information recorded in response to the questions on the form would be subject to the Freedom of Information Act and its exemptions to public disclosure.

11. Questions of a sensitive nature

No questions of a sensitive nature are asked.

12. Estimate of hour burden to respondents

Investigators will be talking to either the pool owner/operators or staff at the time of the inspection. Investigators will be collecting drain cover and sump certification documents, and equipment room information. It is estimated that three hours will be required to inspect a pool or spa facility. The total testing burden hours are at most 300 (100 inspections x 3 hours per inspection). We estimate that hourly compensation for the time required for inspecting is \$58.34 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2018, Table 9, total compensation for management, professional, and related workers in service-producing industries: <http://www.bls.gov/ncs>). We estimate the annual cost to be \$17,502 (\$58.34 x 300).

13. Estimate of other total annual cost burden to respondents and recordkeepers

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

14. Estimate of annualized cost to the federal government

The CPSC estimates that it will take an average of four hours to review the information collected from the oral communications with pool owners/operators or staff. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$25,984. This is based on an average wage rate of \$64.96 (the equivalent of a GS-12 Step 5 employee). This represents 68.4 percent of total compensation with an additional 31.6 percent coming from benefits (BLS, December 2018, percentage of total benefits for all civilian management, professional, and related employees), or \$64.96 x 4 hours x 100 inspections.

15. Program changes or adjustments

The number of annual inspections has decreased from 200 to 100 per year.

16. Plans for tabulation and publication

Information collected under this requirement will not be published.

17. Exemption for display of expiration date

The agency does not seek an exemption from displaying the expiration date.

18. Exemption to certification statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.