



# **U.S. CONSUMER PRODUCT SAFETY COMMISSION**

## **2009 PERFORMANCE BUDGET (OPERATING PLAN)**

*Saving Lives and Keeping Families Safe*

**May 2009**

# U.S. CONSUMER PRODUCT SAFETY COMMISSION

## 2009 PERFORMANCE BUDGET

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## HIGHLIGHTS OF THE 2009 OPERATING PLAN

Congress appropriated a substantial increase for CPSC of \$25,404,000 over the agency's 2008 appropriation, for a total of \$105,404,000. Along with laboratory modernization funds and an addition in staffing, this increase allows CPSC to implement the Consumer Product Safety Improvement Act (CPSIA), which provides greatly expanded authorities to regulate safety in consumer products to better protect America's children and families and mandates the establishment of the Consumer Product Safety Risk Management System (RMS) database. Key expenditures in this Operating Plan include:

- CPSC has worked diligently on implementing the CPSIA and two other new safety laws and has been issuing rules at an unprecedented pace. To date, we have initiated or advanced over 20 rulemaking activities required by the CPSIA, with several others planned.
- With the additional resources in the agency's FY 2009 appropriations and FY 2010 request, we are moving vigorously to hire and train technical staff, testing professionals, and inspectors to continue our responsiveness to CPSIA requirements as well as work on previously planned safety activities. To implement this staff expansion, existing office space will be renovated and necessary equipment acquired.
- CPSC will begin the first phase of the RMS, which is an integrated Web-based database for both public and staff use that will enhance CPSC's ability to achieve its mission, increase the efficiency and effectiveness of CPSC staff's consumer product safety work, and enable more rapid dissemination of information.
- We will expand the Import Surveillance Division. New staff will be specifically trained in import surveillance procedures and work with the U.S. Customs and Border Protection to rapidly identify potentially hazardous products.
- CPSC will establish its first overseas office, to be located at the U.S. Embassy in Beijing. This will better enable CPSC to promote compliance with U.S. product safety requirements among Asian (especially Chinese) exporters and to better coordinate with product safety regulators in the region.
- Appropriations are available to institute a States Grant Program to administer enforcement of the requirements of the Virginia Graeme Baker Pool and Spa Safety Act (PSSA). The Act requires public pools to be equipped with compliant anti-entrapment drain covers and in certain instances with additional anti-entrapment devices/systems.
- CPSC will use new funding from Congress to carry out a targeted education campaign in the spring and summer of 2009 that addresses the PSSA, the hidden hazard of drain entrapments, and child drowning. Every year 280 children under the age of 5 drown. Also, the agency will publicize the enhanced safety in retrofitting the nation's public pools with compliant anti-entrapment drain covers and in certain instances with additional anti-entrapment devices/systems.
- Funds in the 2009 appropriation will be used for the final portion of the CPSC Laboratory modernization, which plays a vital role in the testing and evaluation of consumer products and contributes to the development of test methods for consumer product safety standards.
- CPSC will continue its works in existing hazard areas, including: conducting large scale open flame and smolder testing of upholstered furniture, the leading cause of residential fire deaths; investigating technical means to address the CO poisoning hazard through shutoff sensors on portable generators and longevity/durability of sensors within a gas furnace; and evaluating nanomaterials, which may behave differently in the environment and in the human body, to assess their effect on consumer product safety when used as flame retardants.

**TABLE 1**  
**2007 TO 2009 RESOURCES BY PROGRAM AND ACTIVITY**  
**(DOLLARS IN THOUSANDS)**

	<u>2007 Actual</u>		<u>2008 Actual</u>		<u>2009 Plan</u>		<u>2009 Change from 2008</u>	
	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>
<b>REDUCING PRODUCT HAZARDS TO CHILDREN AND FAMILIES:</b>								
Fire Deaths .....	126	\$19,445	120	\$20,811	105	\$16,783	-15	-\$4,028
Carbon Monoxide Poisoning .....	16	3,158	6	1,118	8	1,303	2	185
Children's and Other Hazards * .....	<u>169</u>	<u>25,500</u>	<u>188</u>	<u>32,572</u>	<u>280</u>	<u>53,541</u>	<u>92</u>	<u>20,969</u>
<b>Subtotal</b> .....	<b>311</b>	<b>\$48,103</b>	<b>314</b>	<b>\$54,501</b>	<b>393</b>	<b>\$71,627</b>	<b>79</b>	<b>\$17,126</b>
<b>IDENTIFYING PRODUCT HAZARDS:</b>	<b>82</b>	<b>\$12,460</b>	<b>82</b>	<b>\$17,447</b>	<b>90</b>	<b>\$27,777</b>	<b>8</b>	<b>\$10,330</b>
<b>LAB MODERNIZATION</b>		<b>\$2,100</b>		<b>\$8,000</b>		<b>\$6,000</b>		<b>-\$2,000</b>
<b>TOTAL COMMISSION</b>	<b><u>393</u></b>	<b><u>\$62,663</u></b>	<b><u>396</u></b>	<b><u>\$79,948</u></b>	<b><u>483</u></b>	<b><u>\$105,404</u></b>	<b><u>87</u></b>	<b><u>\$25,456</u></b>

\* Children's hazards include CPSIA activities except for the Consumer Product Safety Risk Management System (RMS), which is included in Identifying Product Hazards.

## BUDGET PROGRAM: Reducing Product Hazards to Children and Families

Our largest budget program, representing the work of about 80 percent of our staff, focuses on *Reducing Product Hazards to Children and Families*. This program addresses product hazards identified in our other program, *Identifying Product Hazards*.

CPSC's hazard reduction work has contributed substantially to the decline in the rate of deaths and injuries related to consumer products since the agency's inception in 1973. Past CPSC work has saved and continues to save the nation billions of dollars each year. Product-related deaths and injuries, however, continue to occur. There are on average 28,200 deaths and over 33.6 million injuries each year related to, but not necessarily caused by, consumer products under CPSC's jurisdiction.

In the Reducing Hazards budget program, we set goals for:

- Implementing the Consumer Product Safety Improvement Act (CPSIA) requirements;
- Protecting the public from unsafe imported products;
- Reducing the risk of injuries and deaths from *Fire hazards*;
- Reducing the risk of injuries and deaths from *Carbon Monoxide hazards*; and
- Reducing the risk of injuries and deaths from *Children's and Other hazards*, including electrocutions, child drowning, chemical, and household/recreational hazards.

<b>2007-2009 RESOURCES BY HAZARD* (DOLLARS IN THOUSANDS)</b>						
<b>HAZARDS</b>	<b>2007 Actual</b>		<b>2008 Actual</b>		<b>2009 Plan</b>	
	<b>FTEs</b>	<b>Amount</b>	<b>FTEs</b>	<b>Amount</b>	<b>FTEs</b>	<b>Amount</b>
<b>Fire</b>	126	\$19,445	120	\$20,811	105	\$16,783
<b>Carbon Monoxide</b>	16	3,158	6	1,118	8	1,303
<b>Children's and Other Hazards</b>	169	25,500	188	32,572	280	53,541
<b>TOTAL</b>	311	\$48,103	314	\$54,501	393	\$ 71,627

\*Resources for the CPSIA (except for the Consumer Product Safety Risk Management System (RMS), which is included under Identifying Product Hazards) and the Import Safety Initiative are included under all hazard programs above because these initiatives affect all hazard areas.

### HOW WE REDUCE HAZARDS

CPSC uses a number of strategies to reduce the risks associated with hazardous consumer products. These strategies include: (1) implementing the Consumer Product Safety Improvement Act; (2) conducting activities to ensure the safety of imported products; (3) participating in the voluntary standards process or developing mandatory safety standards; (4) conducting compliance activities such as recalls, corrective actions, and enforcement of existing regulations; and (5) alerting the public to safety hazards and informing them about safe practices. The agency bases its actions to reduce the risks from hazardous consumer products on information developed from its extensive data collection systems, which can be used to assess the causes and scope of product-related injuries.

### Consumer Product Safety Improvement Act

CPSC has worked diligently on implementing the Consumer Product Safety Improvement Act (CPSIA), which, along with two

other new laws, more than doubled the workload of the agency. CPSC has been issuing rules at an unprecedented pace with no increase in staff available through the first half of 2009. With the additional resources in the agency's FY 2009 appropriation, for the second half of 2009, we are moving vigorously to hire and train technical staff, testing professionals, and inspectors. It is important to note, however, that it will take some time to recruit and train new staff.

As of the date of this report, CPSC has completed 17 rules and related rulemaking activities or official Commission actions such as limiting lead in children's products; warning labeling for toy and game advertisements; laboratory accreditation and third party testing requirements; and requirements for lead-containing paint and phthalates. The Commission staff is actively engaged in more than 60 other related CPSIA activities to be presented to the Commission for vote by August of this year. In 2009, staff will work on rulemaking activities related to lead, labeling of consumer products, phthalates, and durable infant and toddler products.

### ***Import Safety***

Many consumer products, especially toys and other children's items, are imported into the U.S.; the largest share comes from China. Most of CPSC's recent product recalls have involved imported products. CPSC is addressing the potential risk associated with imported products through an Import Safety Initiative, which is based on three key principles: (1) assure product safety is built into the manufacturing and distribution processes from the start; (2) increase enforcement at the border to stop dangerous goods from entering the country; and (3) enhance surveillance of the marketplace to remove unsafe products from store shelves.

CPSC's Office of International Programs and Intergovernmental Affairs provide a comprehensive and coordinated effort for consumer product safety standards development and implementation at the international level. The Office conducts activities and creates strategies aimed at ensuring greater import compliance with U.S. product safety requirements. A key emphasis of this program is encouraging foreign manufacturers to establish product safety systems as an integral part of manufacturing. The 2009 appropriation provides CPSC with an international staff presence in China, which will allow CPSC more coordination of safety efforts with Chinese manufacturers and the Chinese government.

In 2008, CPSC implemented an Import Safety Initiative, including the establishment of a new Import Surveillance Division, which marks the first permanent, full-time presence of CPSC investigators at key ports of entry throughout the U.S. and is planned to expand by an additional four staff in 2009. The port investigators work with compliance officers, research analysts, attorneys, and support staff. Furthermore, staffing has been

increased (in 2008 and 2009) in other offices, which support import safety efforts.

### **Safety Standards**

Much of our work in saving lives and making homes safer involves the development of voluntary safety standards and is conducted in cooperation with industry. Staff participates in the development of these standards at a number of steps in the process. Staff first submits recommendations for new standards, or modifications of existing standards, to voluntary standards organizations. After receiving our recommendations, the organizations may conduct technical assessments (as appropriate), publish a proposal for public comment, receive and evaluate comments, or publish a standard. This process may take months or several years. Staff participates in the process by providing expert advice, technical assistance, and information based on data analyses of how deaths, injuries, and/or incidents occurred. Our voluntary standards policy does not permit us to vote on proposed changes or new standards. Our comments are considered, however, throughout the process. The CPSIA resulted in delaying some of our previously planned work on safety standards to focus on higher priority CPSIA activities.

Safety standards may also be developed through mandatory rulemaking. If a voluntary standard exists, by law, we may issue a mandatory standard only when we find that the voluntary standard will not eliminate or adequately reduce the risk of injury or death or it is unlikely that there will be substantial compliance with the voluntary standard. During the rulemaking process, we seek input from all interested parties, including consumers, industry, and other government agencies. We usually develop performance standards, rather than design standards, to give manufacturers the most flexibility in meeting our requirements. Examples of mandatory standards under development are requirements for portable generators, upholstered furniture, and lab accreditation. We may initiate rulemaking based on petitions from outside parties or based on staff work. CPSC rulemaking required by the CPSIA resulted in delaying other previously planned safety rulemaking activities.

### **Compliance**

We also reduce hazards through compliance activities. Compliance staff identifies defective products through their own investigations. We learn about potential product defects from many sources, including consumers, our hotline, and our Web site. In addition, firms are required legally to report potential product hazards or violations of standards to the Commission. In 2005, staff developed a *Retailer Reporting Model* that is now being followed by six companies, including several of the nation's largest retailers, which reports these potential hazards or violations more efficiently.

When a recall is necessary, Compliance staff negotiates with the responsible firm. In 2008, CPSC staff completed 563 cooperative

recalls (100 percent voluntary) involving 60.8 million consumer product units that either violated mandatory standards or presented a substantial risk of injury to the public. For these corrective actions, we established efficiency goals to complete key actions within a challenging time period.

When companies fail to report as required, CPSC can seek civil penalties. In 2008, CPSC negotiated out of court settlements in which 23 companies voluntarily agreed to pay \$3.675 million in civil penalties to the U.S. Treasury.

We developed the Fast Track program to streamline the process of recalls for firms that were willing and prepared to recall their products quickly. Because every defective product presents a risk of injury or death, removing hazardous products from the marketplace faster can prevent more injuries and save more lives. Recalls under the Fast Track program are conducted without the need for time-consuming hazard analyses and are initiated within 20 days of a firm's report to CPSC over 95 percent of the time.

CPSC's Small Business Ombudsman helps small firms comply with product safety regulations and guidelines. Staff has been frequently updating the small business Web page on our Web site and providing as much information as possible on new requirements to small businesses, particularly about the new CPSIA requirements.

### Consumer Information

CPSC warns the public about product-related hazards. Our "Drive to One Million" campaign was started in 2007. This effort uses several agency tools to make the public aware that despite our best efforts there are still many recalled products in the hands of the public. Our goal is to have at least one million consumers sign up to receive, free of charge, potentially life-saving information electronically through CPSC's e-mail notification system including Spanish translations. Consumers can receive notice of recall information as it is released by signing up at [www.cpsc.gov/cpsclist.aspx](http://www.cpsc.gov/cpsclist.aspx).

We alert the public through recall alerts, print and video news releases, public service announcements, publications, national and local television appearances, our hotline, our listservs, the Internet ([www.cpsc.gov](http://www.cpsc.gov), [www.recalls.gov](http://www.recalls.gov), [www.atvsafety.gov](http://www.atvsafety.gov)), our CPSIA Web page ([www.cpsc.gov/about/cpsia/cpsia.html](http://www.cpsc.gov/about/cpsia/cpsia.html)), and other outreach activities such as the *Neighborhood Safety Network (NSN)*. The NSN is a grassroots outreach program that provides timely lifesaving information to more than 5,600 organizations and individuals who, in turn, share our safety posters and news alerts with underserved consumers who might otherwise never hear or receive the information from CPSC.

In order to make the *Neighborhood Safety Network* program even more effective and useful for grassroots safety organizations,

CPSC developed an on-line toolkit which allows communities to promote safety by downloading a variety of free publications, posters, checklists, and tools to create their own program on fire safety, drowning prevention, ATV safety, and other consumer safety issues. The toolkit also has a “Design a Safety Program” link to assist officials in disseminating this lifesaving information in their community. CPSC will continue to update this site with new programs and will continue to promote the initiative among the members of NSN.

We continually strive to improve our Web site, consumer hotline, National Injury Information Clearinghouse, and publications distribution capability to better serve the public. CPSC’s Web site has grown rapidly from 13.7 million visits 3 years ago to 40.5 million visits in 2008 and the number of times users accessed publications from our Web site was 14.5 million in 2008. This increase is due, in part, to the successful introduction of new technology, which has replaced faxing and e-mailing to disseminate product safety information to the public, and provided instantaneous release of information. CPSC now posts recalls and press releases in a format that allows TV stations and other media to obtain the information from CPSC’s Web site and, in seconds, have the information posted on their Web sites.

In 2003, we initiated [www.recalls.gov](http://www.recalls.gov), an innovative “one-stop shop,” easy-to-use portal for all federal product recalls, in partnership with five other federal health and safety regulatory agencies. In 2008, there were about 2 million visits to the site.

The hotline receives consumer complaints and provides information on product hazards and recalls to the public. The Clearinghouse provides injury data to our staff and the public and provides manufacturers with consumer complaints, reported incidents, and investigations involving their products.



## CONSUMER PRODUCT SAFETY IMPROVEMENT ACT<sup>1</sup>

On August 14, 2008, the President signed the Consumer Product Safety Improvement Act (CPSIA) into law. This Act represents the most significant change in the Consumer Product Safety Commission's (CPSC) governing statutes since the enactment of the original Consumer Product Safety Act in 1972.

The CPSIA directs the Commission to implement numerous rulemakings and other official Commission actions intended to enhance the safety of consumer products. Over 40 separate rules or rulemaking activities were mandated by the CPSIA. Many of these rulemakings and Commission actions are subject to aggressive deadlines.

Rulemakings, related rulemaking activities, and official actions mandated or initiated by the CPSIA include a catalogue labeling rule, an ATV rule, a rule amending information regulations to reflect CPSIA changes, procedures for handling lead exclusions, accreditation procedures for adherence to various consumer product safety standards, and rules relating to some twelve different categories of durable infant and toddler products.

The CPSC has been very responsive to the requirements of the CPSIA. As of the date of this report, the CPSC has completed 17 rules and related rulemaking activities or official actions. These include limiting lead in children's products, warning labeling for toy and game advertisements, laboratory accreditation and third party testing requirements, and requirements for lead-containing paint and phthalates. The Commission staff is actively engaged in more than 60 other related CPSIA activities to be presented to the Commission for vote by August of this year.

The CPSIA also provides several administrative improvements, enhanced enforcement authority, and specific import-export provisions. It restricts the sale of recalled products, requires certification for many consumer products, mandates the voluntary standard associated with All Terrain Vehicles (ATVs), enhances the sharing of information with other domestic agencies and foreign governments, and increases the civil and criminal penalties associated with illegal action, among many other activities.

CPSC has worked diligently on implementing the CPSIA. Implementation of the CPSIA, along with the implementation of two other recently enacted product safety laws (the Children's Gasoline Burn Protection Act and the Virginia Graeme Baker Pool and Spa Safety Act), has more than doubled the workload of the agency. CPSC has been issuing rules at an unprecedented pace, with no increase in staff available through the first half of 2009. With the additional resources in the agency's FY 2009 appropriation for the second half of 2009, we are moving vigorously to hire and train technical staff, testing professionals, and inspectors. It is important to note, however, that it will take some time to recruit and train new staff.

CPSC's responsiveness to the CPSIA requirements and the agency's limited resources resulted in a number of FY 2009 projects being delayed to allow staff to focus on the CPSIA requirements. This includes ongoing rulemaking activities on mattress cigarette ignition as well as some voluntary standards work on electrical, fire, mechanical, chemical, and children's hazards. It also includes work on range extinguishing systems, cigarette ignition risk, and bicycle integrity and illumination. The FY 2009 increase will give CPSC a more robust safety program in the long term. Due to the timing of the appropriation, however, it will not allow CPSC to fully restore some projects necessarily deferred to implement the new legislation.

<sup>1</sup> Resources for this effort are included in the major program, Reducing Product Hazards to Children and Families, except for the Consumer Product Safety Risk Management System (RMS), which is included under Identifying Product Hazards.

## IMPROVING PRODUCT SAFETY: IMPLEMENTING THE NEW LEGISLATION

### TITLE I - CHILDREN'S PRODUCT SAFETY

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Safety Standards: Prepare Candidates for Rulemaking</b>							
1. Lead content and lead paint reduction rules (sec. 101)	Goal	**	**	**	**	**	5
	Actual	--	--	--	--	--	
2. Third party testing accreditation requirements (sec. 102)	Goal	**	**	**	**	**	6
	Actual	--	--	--	--	--	
3. Requirements for the periodic audit of third party conformity assessment bodies (sec. 102)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
4. Labeling of consumer products as complying with certification requirements (sec. 102)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
5. Electronic filing of certificates (sec. 102)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
6. Consumer registration forms for durable infant and toddler products (sec. 104)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
7. Safety standards for durable infant or toddler products (sec. 104)	Goal	**	**	**	**	**	3
	Actual	--	--	--	--	--	
8. Cautionary statement labeling requirements (sec. 105)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
9. All-Terrain Vehicles (ATVs) (sec. 232)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
<b>Complete Data Analysis and Technical Review Activities</b>							
10. Study the measurement of lead in paint through X-Ray Fluorescence and alternative technologies (sec. 101)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
11. Publish a list of accredited laboratories (sec. 102)	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
12. Evaluate and make recommendations to improve sections of the ASTM toy standard	Goal	**	**	**	**	**	6
	Actual	--	--	--	--	--	
13. Complete a phthalate toxicity review and a review of phthalate substitutes (sec. 108)	Goal	**	**	**	**	**	2
	Actual	--	--	--	--	--	
14. Review laboratory applications for accreditation	Goal	**	**	**	**	**	400
	Actual	--	--	--	--	--	
15. Develop laboratory testing procedures and requirements	Goal	**	**	**	**	**	5
	Actual	--	--	--	--	--	
16. Prepare briefing packages responding to requests from lead content exclusion rules	Goal	**	**	**	**	**	4
	Actual	--	--	--	--	--	
<b>Compliance</b>							
17. Enforce the lead paint bans on lead content and in children's products (sec. 101)	Goal	**	**	**	**	**	500
	Actual	--	--	--	--	--	
18. Review existing State safety standards (sec. 106)	Goal	**	**	**	**	**	90%
	Actual	--	--	--	--	--	
19. Review ATV action plans within 60 days (sec. 232)	Goal	**	**	**	**	**	100%
	Actual	--	--	--	--	--	
<b>Communication/Consumer Information</b>							
20. Develop summaries of CPSIA sections for publication on CPSC's Web site	Goal	**	**	**	**	**	14
	Actual	--	--	--	--	--	
21. Prepare guidance documentation for phthalates awareness	Goal	**	**	**	**	**	1
	Actual	--	--	--	--	--	
22. Participate in public Web-cast meetings for stakeholders to learn about the CPSIA	Goal	**	**	**	**	**	9
	Actual	--	--	--	--	--	
23. Create guidance publications for small businesses seeking Ombudsman office counsel	Goal	**	**	**	**	**	3
	Actual	--	--	--	--	--	

\*\*No goal established. -- Legislation not yet in place: while no CPSIA goals were set in FY 2008, work began in late FY 2008.

## ***Safety Standards: Prepare Candidates for Rulemaking***

### ***1. Lead Content and Lead Paint Reduction Rules***

The Commission's regulations ban lead in paint in excess of 0.06 percent of the total nonvolatile content of paint. The CPSIA reduces the limit for lead in paint to 0.009 percent and establishes a new ban on children's products, as defined in the Consumer Product Safety Act (CPSA), based on lead content in materials other than paint.

**Goal:** In 2009, staff will prepare for Commission consideration:

- a modification of 16 C.F.R. 1301.1, Ban of Lead-Containing Paint, by substituting "0.009 percent" for "0.06 percent" in scope and application;
- a rule providing guidance on which products or classes of components are inaccessible to a child and, therefore, exempt from lead testing;
- a rule providing requirements for certain electronic devices with respect to lead content of component parts;
- a rule providing procedures for determinations and exclusions concerning lead content limits for specific products or materials; and
- a rule providing for the determination that the lead content of certain specified materials does not exceed the lead limits.

### ***2. Third Party Testing Accreditation Requirements***

The CPSC is charged with publishing acceptance requirements for the accreditation of third party assessment bodies in reference to certain children's products and with establishing requirements for certificates and audits.

**Goal:** In 2009, staff will draft requirements for acceptance of the accreditation of third party conformity assessment bodies to assess conformity of children's products with the following standards:

- lead-containing paint to be no greater than 0.009 percent by weight of the total nonvolatile content of the paint;
- full-size cribs, non full-size cribs, and pacifiers in October 2008;
- small parts in November 2008;
- children's metal jewelry in December 2008;
- children's products, other than metal jewelry, subject to the 300 ppm lead content limit in May 2009; and
- all other children's product safety rules in June 2009.

### ***3. Periodic Audit Requirements***

The CPSIA includes an additional requirement related to the mandatory third party testing for the periodic audit of assessment bodies, as a condition for continuing acceptance of accreditation.

**Goal:** In 2009, staff will draft a notice of requirements for the periodic audit of third party conformity assessment bodies.

**4. *Labeling of Consumer Products as Complying with Certification Requirements***

The CPSIA requires that the CPSC initiate a process by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements.

**Goal:** In 2009, staff will prepare for Commission consideration a plan for such labeling of consumer products.

**5. *Electronic Filing of Certificates***

The CPSIA requires that, for products manufactured on or after November 12, 2008, manufacturers, importers, and private labelers of the products certify that the products comply with all applicable CPSA consumer product rules, bans, standards, and regulations by issuing a certificate that accompanies the product and can be furnished to certain parties. The CPSIA also states that the Commission may provide for the electronic filing of certificates.

**Goal:** In 2009, staff will prepare for the Commission a briefing package on an emergency rule relating to electronic filing of certificates and an analysis of legal issues relating to the electronic filing of certificates.

**6. *Consumer Registration Forms for Durable Infant and Toddler Products***

The CPSIA requires CPSC to issue a rule requiring manufacturers of durable infant and toddler products to issue postage prepaid registration cards that will enable the manufacturer or retailer of the product to contact consumers with recall or other safety information.

**Goal:** In 2009, staff will prepare for Commission consideration a draft Notice of Proposed Rulemaking on the use of registration cards for durable infant products regarding registration forms.

**7. *Safety Standards for Durable Infant or Toddler Products***

The CPSIA requires CPSC to study and develop safety standards for two durable infant and toddler products every six months, to begin no later than August 14, 2009.

**Goal:** To meet the requirements of the CPSIA, staff will prepare two draft notices of proposed rulemaking (NPR) on baby bath seats and baby walkers and begin the rulemakings required under this section of the statute. Also, in 2009, staff will prepare for Commission consideration one briefing package recommending an Advanced Notice of Proposed Rulemaking (ANPR) on cribs (full size and non-full size) to address hazards associated with hardware failures. In Spring 2009, staff will hold a Roundtable on Cribs and Other Sleeping Environments for Infants to consult with interested stakeholders, pursuant to section 104 of the CPSIA. Staff plans to present a comparison of requirements in various standards for cribs and will solicit input regarding the adequacy of the requirements in addressing hazards to infants, including performance requirements to address durability and requirements for warning labels to address hazards associated with soft bedding. This event will provide an opportunity for attendees to present

data, ideas, proposals, or concerns about current or future standards as they relate to the infant sleep environment.

**8. *Cautionary Statement Labeling Requirements***

Prior to the CPSIA, manufacturers were required to place cautionary statements, when necessary, only on the product packaging. The CPSIA extends these cautionary statements to Internet advertising by December 12, 2008, and to catalogues and other printed materials by February 10, 2009.

**Goal:** In 2009, staff will prepare for Commission consideration a draft rule for print advertising labeling requirements.

**9. *All-Terrain Vehicles (ATVs)***

The CPSIA requires that the Specialty Vehicle Institute of America's (SVIA) voluntary American National Standard for Four Wheel All-Terrain Vehicles - Equipment, Configuration, and Performance Requirements (ANSI/SVIA 1-2007) become a mandatory standard.

**Goal:** In 2009, staff will prepare for Commission review the ANSI/SVIA 1-2007 standard draft Federal Register notice.

***Complete Data Analysis and Technical Review Activities***

**10. *Measurement of Lead in Paint***

To ensure effective and efficient enforcement, the CPSIA permitted CPSC to rely on x-ray fluorescence technology or other alternative methods for measuring lead in paint. CPSIA requires the CPSC to conduct a study to evaluate the effectiveness, precision, and reliability of such measurement technologies no later than one year from the enactment date.

**Goal:** In 2009, staff will complete a study evaluating x-ray fluorescence technology and other alternative methods for measuring lead in paint.

**11. *List of Accredited Laboratories***

Staff will develop and maintain on the CPSC Web site an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules.

**Goal:** In 2009, the CPSC staff will publish a list of laboratories accredited for testing.

**12. *ASTM F963 Toy Standard Evaluation***

After the adoption of the ASTM F963 toy safety standard as a mandatory consumer product safety standard, staff will evaluate the adequacy of requirements that address hazards associated with: small magnets; toxic substances; toys with spherical ends; hemispheric-shaped objects; cords, straps, and elastics; and battery-operated toys.

**Goal:** In 2009, staff will evaluate the adequacy of the requirements that address hazards in six areas. Staff will prepare recommendations for improvements to these requirements, as appropriate.

**13. *Phthalates and Phthalate Substitutes***

The CPSC will prepare for the appointment of a Chronic Hazard Advisory Panel (CHAP) to study the effects on children's health of phthalates and common substitutes or alternate plasticizers to phthalates from all sources, including personal care products, and make recommendations to the Commission.

**Goal:** In 2009, staff will complete a draft report of its toxicity review of six phthalates. A contractor will prepare a report of a toxicity review of five phthalate substitutes. These reviews will be provided to the CHAP when it convenes in 2010.

**14. *Laboratory Applications for Acceptance of Accreditation***

Staff evaluates requests from laboratories for acceptance of accreditation to verify International Standards Organization/ International Electrotechnical Commission (ISO/IEC 17025:2005) accreditation, ownership registration, and other requirements.

**Goal:** In 2009, staff will review 400 applications for possible acceptance of laboratory accreditation.

**15. *Laboratory Testing Procedure***

The CPSIA mandates that third party testing be conducted for certain children's products. Some testing of products will involve procedures, methodologies, or requirements to be developed by CPSC staff.

**Goal:** In 2009, staff will prepare five Standard Operating Procedures, testing methodologies, or other requirements for accredited laboratories to conduct product testing.

**16. *Requests for Lead Content Exclusions***

The CPSIA allows industry to apply for exclusions or exemption from the lead limits.

**Goal:** In 2009, staff will prepare for Commission consideration four briefing packages relating to requests for exclusion under section 101(b) (1).

**Compliance****17. *Bans on Lead in Paint and Lead Content for Children's Products***

Beginning February 10, 2009, children's products containing more than 600 ppm lead are banned. The CPSIA limits the amount of lead in children's products (lead content) and lowered the lead in paint limit under CPSA's regulations.

**Goal:** In 2009, staff will screen 500 models of children's products for compliance with these lead limits, testing samples as appropriate.

**18. *State Safety Standards Review***

Upon application of a State or political subdivision of a State, the staff shall evaluate any such State or local safety standard or regulation in existence prior to August 14, 2008, for potential exemption from preemption.

**Goal:** In 2009, staff will consider and respond to 90 percent of any such applications received for exemption from preemption.

**19. *ATV Action Plans***

The CPSIA requires CPSC staff to review and approve ATV action plans (Letters of Undertaking), which are written plans that describe the actions a manufacturer or distributor agrees to undertake to promote ATV safety.

**Goal:** In 2009, staff will review (analyze for acceptability) 100 percent of ATV action plans from manufacturers or distributors within 60 days of receipt.

***Communication/Consumer Information*****20. *Summaries of CPSIA Sections***

Understanding the statutory language of the CPSIA may be difficult for many stakeholders. To encourage compliance with the Act, staff will prepare summaries of the relevant sections of the CPSIA.

**Goal:** In 2009, staff will summarize 14 sections of the CPSIA for better stakeholder and consumer understanding.

**21. *Phthalates Awareness***

**Goal:** In 2009, staff will prepare for Commission consideration guidance in the form of questions and answers to assist in better stakeholder and consumer understanding of phthalate requirements.

**22. *Public or Web-Cast Meetings***

**Goal:** To address the many questions about the CPSIA and allow for an open dialogue with stakeholders, staff will present nine public, Webcasted meetings. In these meetings, sections of the CPSIA of most interest to stakeholders will be explained and discussion encouraged through question and answer sessions.

**23. *Small Business Guidance Publications***

The Consumer Product Safety Improvement Act (CPSIA) defined the content level of lead and phthalates allowed in children's products. Businesses (both small and large) are required to comply with the new requirements of the CPSIA. The Ombudsman office is the CPSC's contact point for small businesses.

**Goal:** In 2009, the Ombudsman office will: (1) produce a guidance document for small businesses and crafters of children's products on CPSIA requirements; (2) produce a guidance document for thrift stores and consignment shops; and (3) create a Web page to aid small businesses in complying with the new legislation and CPSC's enforcement policies.

## IMPROVING PRODUCT SAFETY: IMPLEMENTING THE NEW LEGISLATION

### TITLE II - CONSUMER PRODUCT SAFETY

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Prepare Candidates for Rulemaking</b>							
1. Prepare guidelines for Commission consideration on content requirements in recall notices (sec. 214)	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
2. Prepare a final regulation for Commission consideration providing CPSC interpretation of civil penalty factors (sec. 217)	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
<b>Review and Oversight</b>							
3. Develop a procedure to make determination of foreign government agencies' eligibility to receive information (sec. 207)	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
4. Notification to States (sec. 207)	<b>Goal</b>	**	**	**	**	**	95%
	<b>Actual</b>	--	--	--	--	--	
5. Develop a procedure to monitor and record the referral of cases as to alleged prohibited acts (sec. 216)	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
6. Coordinate with State Attorneys General on litigation (sec. 218)	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
<b>Risk Management System and Public Database</b>							
7. Consumer Product Safety Risk Management System (RMS) (sec. 212)	<b>Goal</b>	**	**	**	**	**	3
	<b>Actual</b>	--	--	--	--	--	

\*\*No goal established. -- Legislation not yet in place: while no goals were established because of the passage date, work on CPSIA began in late FY 2008.

### Rulemaking

#### 1. *Guidelines on Content Requirements in Recall Notices*

The CPSIA requires that CPSC issue guidelines concerning the specific content of information listed in a mandatory recall notice unless the Commission determines certain items are unnecessary or inappropriate.

**Goal:** In 2009, staff will develop for Commission consideration a briefing package setting forth a uniform class of information to be included in any recall notice associated with a mandatory recall.

#### 2. *Interpretation of Civil Penalty Factors under the CPSA, FHSA, and FFA*

The CPSIA requires CPSC to provide its interpretation of the penalty factors described in the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act as amended by the CPSIA on civil penalties.

**Goal:** In 2009, staff will provide for Commission consideration a draft Notice of Proposed Rulemaking (NPR) regarding interpretation of civil penalty factors.

### Review and Oversight

#### 3. *Foreign Government Agencies' Eligibility to Receive Information*

The Commission has the authority under the CPSIA to make information obtained by the CPSC available to a foreign government agency provided there is an agreement that such material will be maintained in confidence and used only for

official law enforcement or consumer protection purposes. There is also a prohibition on sharing information with terrorist states.

**Goal:** In 2009, staff will develop for Commission consideration a draft internal policy on sharing information with foreign governments.

#### **4. *Notification to States***

The CPSC is required to notify each State health department or designated agency whenever it is notified of a voluntary corrective action taken by a manufacturer or the Commission issues a mandatory order under section 15(c) or (d) with respect to any product.

**Goal:** In 2009, staff will notify State health departments or designated agencies of such actions within one business day 95 percent of the time.

#### **5. *Procedure of the Referral of Cases as to Alleged Prohibited Acts***

CPSC staff reviews and tracks cases involving the alleged sale, offer for sale, manufacture for sale, distribution into commerce, import into or export out of the United States, of any consumer product or other product or substance that is under a voluntary corrective action, subject to an order issued by the Commission, or has been deemed a banned hazardous substance. Staff also reviews and tracks cases in which a product allegedly bears a certification mark that is false or misleading, that misrepresents which product is subject to an action, or bears certification due in any part from the exercise, or attempt to exercise, undue influence on a third party conformity assessment body.

**Goal:** In 2009, staff will develop a process to monitor and record the procedure of the referral of cases as to alleged prohibited acts.

#### **6. *Coordination with State Attorneys General on Litigation***

The CPSIA allows State Attorneys General to bring injunction actions alleging a violation of specific acts prohibited by the Consumer Product Safety Act as amended by the CPSIA on behalf of the residents of their states.

**Goal:** In 2009, staff will coordinate to the extent possible with the State Attorneys General and monitor any cases filed by them to determine whether and when to intervene.

### ***Risk Management System***

#### **7. *Risk Management System***

Under CPSIA, the CPSC was mandated by Congress to establish and maintain a publicly available database on the safety of consumer products. CPSIA mandates that the database be searchable and accessible through the Web site of the Commission. The CPSIA also directs the agency to expedite efforts to upgrade and improve the information technology systems currently in use. Based on research and analysis of various alternatives, staff has proposed a Consumer Product Safety Risk Management System (RMS) to provide a single integrated

Web-based environment to accommodate a searchable database for consumers, enhance the efficiency and effectiveness of CPSC staff's consumer product safety work, and enable more rapid dissemination of information.

**Goal:** In 2009, CPSC will establish an IT governance structure that includes: (1) implementation of a Program Management Office (PMO); (2) finalizing the Capital Planning and Investment Control (CPIC) policy document; and (3) completing an Enterprise Architecture framework report designed to manage the RMS, existing applications, and any future IT projects that CPSC may seek to undertake.

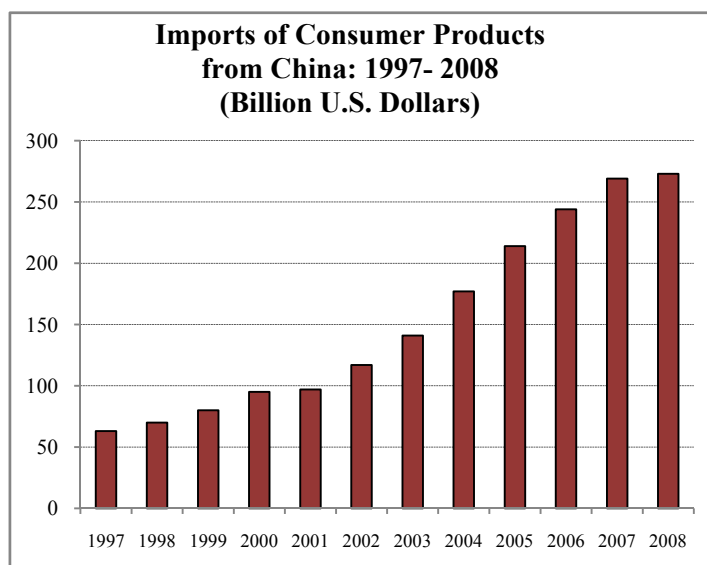


## IMPORT SAFETY INITIATIVE<sup>2</sup>

There has been an unprecedented surge of imported consumer products into the United States, especially from China. These products may not have been tested to voluntary or mandatory safety and performance standards. Therefore, it is important for product safety that there is a strong Federal presence in the import arena. CPSC recalled a record number of hazardous imported products from China in 2008, including toys and children's jewelry.

The safety issues associated with this increase in imports have created new challenges for CPSC. In the past, when most products were manufactured in the U.S., or the final assembly and quality control was being done domestically, it was easier to enforce federal safety standards. For example, when a product was suspected of posing a safety hazard, CPSC staff could focus on the specific manufacturers/importers, inspect their local facilities, collect product samples for laboratory analysis, meet with company officials in person and work out a satisfactory corrective action plan. Traditional methods of marketplace surveillance and enforcement, while still necessary, have limited effectiveness to address new avenues of commerce such as direct Internet sales to U.S. consumers by foreign entities. The ability for potential small business retailers and foreign manufacturers to quickly locate each other via the Internet and communicate cheaply has truly created a global marketplace. CPSC has no physical presence overseas and traditional methods of compliance oversight, such as firm and factory inspections by CPSC investigators, do not take place overseas.

About 85 percent of U.S. product recalls now are of imported products and the large majority of those products are manufactured in China. The value of U.S. imports from all countries of consumer products under CPSC's jurisdiction was \$639 billion in 2008, with imports from China valued at \$273 billion, comprising about 43 percent (dollar value) of all consumer products imported into the United States. From 1997 through 2008, the value of all U.S. imports of consumer products from China more than quadrupled. CPSC is addressing the issue of consumer product import safety with a number of activities including: dialogue and initiatives with China and other foreign governments; working with the private sector, including foreign manufacturers directly; increased surveillance and enforcement activities at the borders and within the marketplace; and CPSC is a member of an Interagency Working Group on Safe Imports and has been working closely with the other agencies



<sup>2</sup> Resources for this effort are included in the major program, Reducing Product Hazards to Children and Families, which this activity supports.

on that Working Group to share information and to develop integrated strategies to address import safety issues.

The 2008 appropriation allowed CPSC to implement the Import Safety Initiative, including the establishment of a new Import Surveillance Division. This is the first permanent, full-time presence of CPSC investigators at key ports of entry throughout the United States. These port investigators work with compliance officers, research analysts, attorneys, and support staff to stop defective products from entering the U.S.

CPSC's *Office of International Programs and Intergovernmental Affairs* continues to provide a comprehensive and coordinated effort with other countries in consumer product safety standards development and implementation at the international, Federal, State, and local levels. The Office conducts activities and creates strategies aimed at ensuring greater import compliance with recognized American safety standards. A major emphasis of this program is encouraging foreign manufacturers to establish product safety systems as an integral part of the manufacturing process. The Office has been responsible for coordinating the biennial U.S.-Sino Product Safety Summit. The next summit is scheduled for October 2009. The 2009 appropriation allows CPSC to have an international presence for the first time, where a staff person will be located in China to facilitate safety efforts with one of the largest importers of consumer products to the U.S.

## 2009 ANNUAL IMPORT SAFETY GOALS

### IMPORTS FROM CHINA

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Dialogue and Initiatives with the Chinese Government</b>							
1. Participate in biennial U.S.-Sino Product Safety Summit	<b>Goal</b>	**	**	**	**	0	0
	<b>Actual</b>	0	1	0	1	0	
2. Develop or continue implementation of cooperative work plans in product areas, as appropriate	<b>Goal</b>	**	**	2	4	4	6
	<b>Actual</b>	--	--	2	4	4	
3. Review and update China program plan	<b>Goal</b>	**	**	1	1	1	1
	<b>Actual</b>	--	--	1	1	1	
4. Conduct periodic review with Chinese regulatory officials to exchange information about significant recalls and/or other product safety issues	<b>Goal</b>	**	**	**	**	12	12
	<b>Actual</b>	--	--	--	--	12	
5. Establish a regional Product Safety Office in Beijing, China	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
<b>Working with the Private Sector</b>							
6. Conduct outreach/training events for U.S. Importers of Chinese products	<b>Goal</b>	**	**	**	**	2	3
	<b>Actual</b>	--	--	--	--	3	

\*\*No goal established for that year. --Data not available.

### Dialogue and Initiatives with the Chinese Government

#### 1. Biennial U.S.-Sino Product Safety Summit

The first Product Safety Summit took place in Beijing, China in 2005, between CPSC and the General Administration for Quality Supervision and Inspection (AQSIQ), CPSC's Chinese counterpart agency. At that time, CPSC and AQSIQ signed an Action Plan on Consumer Product Safety and agreed to hold a Safety Summit every two years. In accordance with the Action Plan, AQSIQ and CPSC established four working groups: Fireworks, Toys, Lighters and Electrical Products. The Work Plans for these were presented

at the second Biennial Consumer Product Safety Summit held in Washington, D.C., on September 11, 2007. At that event, CPSC and AQSIQ explained their expectations for retailers, importers, exporters, and manufacturers dealing in consumer products. A third Summit, in October 2009, will build on these events with the goal of institutionalizing a culture of product safety among Chinese consumer product exporters.

**Goal:** During 2009 staff will plan and make arrangements for the upcoming 2010 meeting. CPSC will participate in the third biennial U.S.-Sino Product Safety Summit in October 2009.

## ***2. Implementation of Cooperative Work Plans***

The 2005 Action Plan on Consumer Product Safety with AQSIQ outlines specific cooperative actions (training, technical assistance, consultation, and the creation of Working Groups) to be taken by CPSC and AQSIQ to improve the safety of consumer products. Utilizing this plan in 2007 and 2008, we communicated to our Chinese counterpart specific problems with respect to each of the Working Group product areas and negotiated and reached agreements on work plans to address these problems. In 2008, in conjunction with the passage of the CPSIA, it became essential to integrate ongoing product areas into analogous cooperative work plans to improve the safety of consumer products.

**Goal:** In 2009, CPSC staff will continue to cooperate with its Chinese counterpart on the implementation of work plans on the six priority areas: toys, ATVs, lead in children's products, electrical products, lighters, and fireworks.

## ***3. China Program Plan***

The China program plan was originally developed in 2005 as a way of managing CPSC's various China-related activities and as the basis for an overall strategy to promote safety and compliance of Chinese consumer products exported to the United States. The plan is reviewed and updated annually to ensure that it takes into account changing conditions and new opportunities for progress.

**Goal:** In 2009, staff will review and update the China program plan.

## ***4. Recall Information Exchange***

A key element in product safety cooperation with another country is the exchange of pertinent information about non-compliant or hazardous products. This supports bilateral compliance efforts and allows staff to emphasize areas needing particular attention.

**Goal:** In 2009, staff will conduct 12 periodic reviews with Chinese regulatory officials to exchange information about significant recalls and/or other product safety issues.

## ***5. Beijing Product Safety Office***

CPSC will establish its first overseas office, to be located at the U.S. Embassy in Beijing. This will better enable CPSC to promote compliance with U.S. product safety requirements among Asian (especially Chinese) exporters and to better coordinate with

product safety regulators in the region. U.S. imports of consumer products from China comprise a large portion of all U.S. imports of consumer products, with other Asian countries accounting for a growing share.

**Goal:** In 2009, staff will put in place the arrangements with the U.S. State Department to support the establishment of the regional Product Safety Office at the U.S. Embassy in Beijing, China. Also, CPSC will hire a Product Safety Specialist in China.

### ***Working with the Private Sector***

#### ***6. Outreach/Training events for U.S. Importers***

In order to maximize U.S. importers' cooperation with U.S. product compliance efforts, it is essential to convey sufficient understanding of the U.S. regulatory environment, as it applies to imports. Outreach/training events that explain U.S. statutory and regulatory requirements and present useful techniques, regulatory best practices, and relevant experience increase the chances of effective cooperation and the level of compliance.

**Goal:** In 2009, staff will conduct three outreach/training events for U.S. importers.

## 2009 ANNUAL IMPORT SAFETY GOALS

### IMPORTS FROM ALL COUNTRIES

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Surveillance and Enforcement Activities</b>							
1. Expand Import Surveillance Division and conduct the following import safety improvement activities	<b>Goal</b>	**	**	**	**	1	1
	<b>Actual</b>	--	--	--	--	1	
a) Increase the number of samples of imported products collected*	<b>Goal</b>	**	**	**	**	750	1200
	<b>Actual</b>	886	685	609	724	1131	
b) Examine product categories for potentially hazardous imports	<b>Goal</b>	**	**	**	**	8	12
	<b>Actual</b>	--	--	--	--	13	
c) Cross-train other federal agencies' staff to identify hazardous imported products	<b>Goal</b>	**	**	**	**	4	6
	<b>Actual</b>	--	--	--	--	6	
2. Work with GSA to improve facilities for the test/evaluation of import samples	<b>Goal</b>	**	**	**	**	1	1
	<b>Actual</b>	--	--	--	--	1	
3. Expand in-house capabilities to conduct Human Factors product research	<b>Goal</b>	**	**	**	**	1	0
	<b>Actual</b>	--	--	--	--	1	
4. Test/evaluate import samples	<b>Goal</b>	**	**	**	**	1	0
	<b>Actual</b>	--	--	--	--	1	
5. Develop measures of import safety success	<b>Goal</b>	**	**	**	**	1	1
	<b>Actual</b>	--	--	--	--	1	
<b>Dialogue and Initiatives with Foreign Entities<sup>1</sup></b>							
6. Conduct outreach/training events for foreign government officials	<b>Goal</b>	**	**	**	**	3	3
	<b>Actual</b>	--	--	--	2	3	
7. Conduct outreach/training events for foreign manufacturers	<b>Goal</b>	**	**	**	**	2	3
	<b>Actual</b>	--	--	--	--	3	
<b>Communication/Consumer Information</b>							
8. Respond to requests for information from foreign manufacturers/government officials through Web page contact form within 3 business days	<b>Goal</b>	**	**	**	**	90%	90%
	<b>Actual</b>	--	--	--	--	100%	
9. Consumer outreach for imports (million)	<b>Goal</b>	**	**	**	**	450	200
	<b>Actual</b>	--	--	125	966	185	
10. Conduct public information efforts/partnerships	<b>Goal</b>	**	**	**	**	2	2
	<b>Actual</b>	--	--	--	--	2	
<b>Improving Rapid Identification of Import Safety Issues</b>							
11. Develop metrics for quick identification of hazardous products through Customs' and CPSC's databases	<b>Goal</b>	**	**	**	**	1	1
	<b>Actual</b>	--	--	--	--	1	
12. Improve tracking mechanisms	<b>Goal</b>	**	**	**	**	1	0
	<b>Actual</b>	--	--	--	--	0	

\*\*No goal established. --Data not available. <sup>1</sup>Before 2009, these goals were for Chinese officials or manufacturers.

\*In 2008, the goal was to measure samples tested. For 2009, it is counting samples collected and is not comparable to 2008.

### Surveillance and Enforcement Activities

#### 1. Import Surveillance Division and Import Safety Improvement Activities

The marketplace within which consumer products are made available for sale to the public has changed dramatically in recent years. A far greater percentage of consumer products are now imported. The ability for small business retailers and foreign manufacturers to quickly locate each other via the Internet and communicate cheaply has truly created a global marketplace. In 2008, CPSC created an Import Surveillance Division with specialists specifically trained in import surveillance procedures and rapid identification of defective and non-complying consumer

products to conduct import safety improvement activities. This marks the first permanent full-time presence of CPSC investigators at key ports of entry throughout the United States.

**Goal:** In 2009, the CPSC will expand the Import Surveillance Division by increasing the number of staff working at U.S. ports of entry.

**a) *Number of Samples of Imported Products Collected***

Members of the Import Surveillance Safety Division are CPSC's frontline in identifying the imported products that violate CPSC enforced regulatory requirements or that contain defects that present a significant risk of injury. These investigators screen products and ship samples to other CPSC locations for final determinations.

**Goal:** In 2009, staff will increase to 1200 the number of samples of imported consumer products collected that are suspected of being non-conforming or defective.

**b) *Product Categories for Potentially Hazardous Imports***

In 2008, CPSC staff and U.S. Customs and Border Protection conducted 20 import surveillance activities, as identified by the Import Surveillance Division, for 12 product categories. Examples of these products included toys, holiday lights, extension cords, lighters, fireworks, children's jewelry, and children's sleepwear.

**Goal:** In 2009, staff will inspect shipments of potentially hazardous products for at least 12 product categories.

**c) *Working with Other Federal Agencies***

CPSC staff works with other federal agencies on inspection of shipments of imported consumer goods.

**Goal:** In 2009, CPSC staff will cross-train other federal agencies' staff working at six ports to identify hazardous imported products.

**2. *Laboratory Modernization Plan***

The CPSC Laboratory plays a vital role in the testing and evaluation of consumer products. The laboratory also contributes to the development of test methods for consumer product safety standards. CPSC needs to acquire a new facility to replace the current inefficient 1950s-era laboratory. CPSC committed funds in 2007 and 2008 and GSA is proceeding to acquire a new site. Funds in the 2009 appropriation will be used for the final portion of the project, scheduled to be completed by 2010.

**Goal:** In 2009, staff will continue to work with GSA to complete the lease procurement of a modern laboratory to facilitate the testing and evaluation of import samples and support the development of safety standards.

**3. *Enhanced Human Factors Research Capability***  
**Defer/Delay**

In 2006, more than 78 percent of children's games and toys were imported from China. CPSC currently does not have the capability to conduct in-house applied Human Factors research about how adults and children use and interact with toys as well as other products. This research would provide important information for

the development of performance standards for toys. These standards would provide the basis for third party certification of imports and domestically produced children's products. In 2008, staff initiated plans for the design of a lab that will be used in developing a human factors/ergonomics test facility that would accommodate evaluations such as studies of children's play behaviors and unintended uses of toys and other products.

**Previous Goal:** In 2009, staff will complete designs for an observation test facility that will enhance its Human Factors applied research by providing the in-house capability to conduct observational studies of children's and adults' interaction with products such as toys.

**4. Testing Samples**  
**Defer/Delay**

CPSC tests a variety of imported sample types, with varying requirements. We do not currently have an integrated database that tracks the time it takes from sample collection at the port to final Customs and Border Protection (CBP) notification of test results. In 2008, we evaluated the existing sample tracking process and made recommendations to more accurately track the timeliness of sample collection and testing.

**Previous Goal:** In 2009, staff will follow appropriate recommendations made in 2008.

**5. Measures of Import Safety**  
**Success**

Surveillance of consumer products for compliance to mandatory and voluntary standards presents many methodological and other challenges. In 2008, CPSC staff researched and evaluated compliance studies for potential applicability to an enhanced surveillance system. Staff made contact with the Food and Drug Administration, Customs and Border Protection, and the Internal Revenue Service staff to discuss methods and requirements of their surveillance systems. CPSC also published a "Request for Information" in the Federal Register and received two responses concerning the development of consumer product safety metrics. These were reviewed and presented to CPSC management for consideration, but found not to form the basis for additional work.

**Goal:** In 2009, staff will develop a plan to conduct a pilot study to determine methods for evaluating compliance with one CPSC regulatory requirement.

**Dialogue and Initiatives with Foreign Entities**

**6. Outreach/Training events for**  
**Government Officials**

To maximize foreign government cooperation with U.S. product compliance efforts, it is essential to convey sufficient understanding of U.S. regulatory requirements. Outreach/training events that present regulatory best practices and relevant experience increase the chances of effective bilateral cooperation.

**Goal:** In 2009, staff will conduct three outreach/training events for foreign government officials.

**7. *Outreach/Training events for Foreign Manufacturers***

To maximize foreign manufacturers' cooperation with U.S. product compliance efforts, it is essential to convey sufficient understanding of the U.S. regulatory environment. Outreach/training events that explain U.S. statutory and regulatory requirements, regulatory best practices, and relevant experience increase the chances of effective cooperation and the level of compliance.

**Goal:** In 2009, staff will conduct three outreach/training events for foreign manufacturers.

***Communication/Consumer Information*****8. *Responsiveness to Foreign Manufacturers and Others***

CPSC has created a specific section of its Web site to provide detail of the agency's international programs, access to the formalized cooperative agreements with international counterparts and electronic copies of the CPSC Handbook for Manufacturing Safer Consumer Products (available in both English and Mandarin). CPSC's international activities Web pages are among the first places foreign officials and producers/exporters look for information about U.S. product safety requirements. The International Activities section of the Web site is especially useful to international manufacturers seeking the relevant regulations, standards, and testing expectations for products bound for the U.S. market. Ensuring that the information presented is up-to-date and that foreign visitors can request additional information are essential elements in gaining cooperation of non-U.S. stakeholders.

**Goal:** In 2009, staff will respond to requests for information from foreign manufacturers, foreign government officials, and others through the International Activities section of CPSC's Web site within three business days of receiving the request 90 percent of the time.

**9. *Consumer Outreach***

In 2008, about 185 million views of CPSC safety messages relating to imported goods were received by consumers through video news releases (VNRs) and television appearances. In 2007, there were a number of recalls of very popular toys and nursery products which drew exceptional media coverage and accounted for the higher number of consumers reached. Some of that effect also occurred in 2008 with the enactment of the CPSIA. The target for 2009 will be set at a more usual but ambitious level.

**Goal:** In 2009, 200 million views of CPSC safety messages will be received by consumers through TV appearances and VNRs related to import safety campaigns and recalls as well as from downloading e-publications.

## 10. Conduct two public information efforts/partnerships concerning import safety.

### *Imported Products*

**Goal:** In 2009, staff will conduct an activity, such as local and/or national interviews, to inform consumers about a particular imported consumer product posing a hazard to the public or presenting a potential safety risk. Staff will educate consumers via the media about steps that CPSC takes to investigate, detect, prevent and respond to dangerous or potentially dangerous imports.

### *Port safety*

**Goal:** In 2009, staff will conduct an activity, such as issuing a news release, related to an enforcement or intervention action at a U.S. port.

## **Improving Rapid Identification of Import Safety Issues**

### **11. Metrics for Quick Identification of Hazardous Products through Customs' and CPSC's Databases**

During 2008 staff submitted CPSC's business and system requirements for the Automated Commercial Environment (ACE), the commercial trade processing system being developed by Customs and Border Protection (CBP). CPSC has found that to improve the rapid identification of hazardous products, CPSC needs to provide to CBP and the International Trade Commission (ITC) a data map of CPSC jurisdiction in terms of the Harmonized Tariff Schedule product code. This will allow ITC to be more specific when classifying products for entry documentation and allow CBP to customize ACE to focus on CPSC's products and needs, which will improve the compliance of manufacturers of imported products to CPSC standards through improved monitoring.

**Goal:** In 2009, staff will submit CPSC's data map to ITC and CBP.

### **12. Improve Tracking Mechanisms Defer/Delay**

To provide staff with the latest information on potentially hazardous imported products as well as domestic cases at the touch of a button, CPSC plans to automate and update compliance systems used for tracking and performance information. CPSC has two data systems that are used to track case information and identify non-compliant manufacturers. Currently, staff has been merging information from these sources manually to support field investigators and provide additional reporting to managers who manage import safety. Resources have been identified that will allow for a redesign of these systems in three years. In 2008, staff worked with contractors to complete analysis of our current case management system and business architecture.

**Previous Goal:** In 2009, based on our 2008 analysis and architecture, we will develop and test prototypes to improve tracking mechanisms used for case management, complaint tracking, trend analysis, and report production through integrating CPSC's regulatory and non-regulatory databases.



## FIRE HAZARD

**STRATEGIC GOAL: Reduce the rate of death from fire-related causes by 20 percent from 1998 to 2013.**

### THE HAZARD

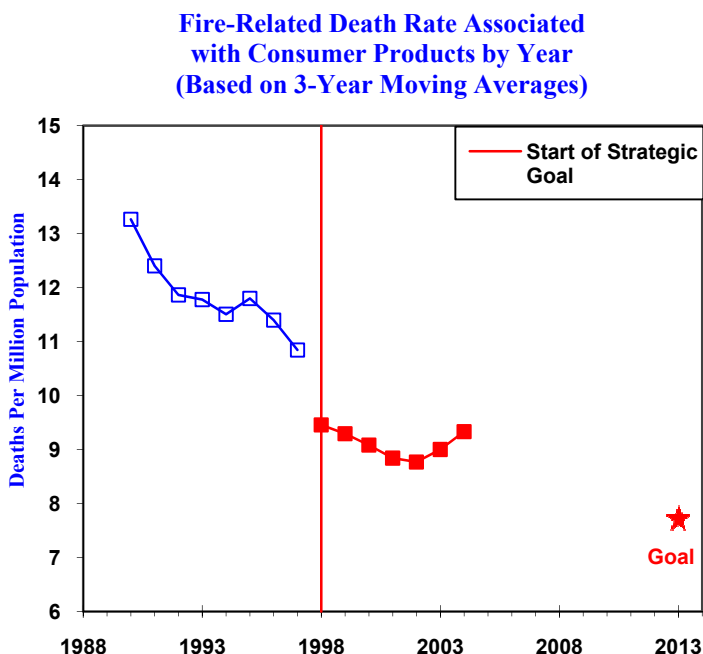
This nation's fire death rate remains high. From 2003 to 2005<sup>3</sup>, an average 2,740 people died, and 13,090 people were injured because of fires in residences. These fires also resulted in property losses of about \$5.7 billion. The total cost to the nation from residential fires was \$20.5 billion. Children and seniors are particularly vulnerable. In 2005, over 400 children under the age of 15 died of fire-related causes, and over 200 of these deaths were to children under the age of 5 years. Older adults also have significantly higher fire death rates in comparison to the rest of the population. In 2005, residential fires resulted in over 800 deaths to adults 65 years and older.

Products most often ignited in fatal fires are upholstered furniture, mattresses, and bedding. In recent years, these product categories were associated with about one-third of fire deaths. Cooking equipment is often involved as a source of ignition in fire deaths, accounting for about eight percent of fire deaths in recent years.

### OUR PROGRESS

Under previous Strategic Plans (1997 and 2000), we set a target to reduce the rate of fire deaths due to consumer products by 10 percent from 1995 to 2005<sup>4</sup>. To further

reduce the death rate, we retained this as a strategic goal in our current Strategic Plan, but with a new target of a 20 percent reduction from 1998 to 2013. While the graphic suggests a slight rise in the annual moving average based on rate estimates for 2003-2005, this is most likely associated with statistical variation in the estimates.



In July 2007, CPSC's new flammability standard for mattresses became effective. Staff estimates that, in 2013, this standard will prevent as many as 148 deaths. Once fully effective, staff estimates that this standard will prevent as many as 270 deaths every year. Child resistant features on cigarette and multi-purpose lighters have been effective in reducing the number of fires started by children under the age of

<sup>3</sup>2005 is the latest year for which complete death data are available; these estimates are based on fires in residential structures that were attended by the fire service.

<sup>4</sup>The estimates since 1998 are not strictly comparable to those for previous years because of changes in the system for coding fire data.

5 years, and it is expected that the number of fire deaths associated with lighters will continue to decline. As the number of homes with arc-fault circuit interrupters increases, it is expected that this technology will have an increasing impact on the number of fires and fire-related deaths associated with home wiring systems.

## 2009 ANNUAL FIRE-RELATED GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Safety Standards</b>							
1. Prepare candidates for rulemaking	<b>Goal</b>	3	4	5	8	9	3
	<b>Actual</b>	3	1	4	5	7	
2. Present recommendations to voluntary standards or code organizations	<b>Goal</b>	3	0	1	2	2	1
	<b>Actual</b>	2	0	0	0	3	
3. Complete data analysis and technical review activities	<b>Goal</b>	10	14	12	11	8	2
	<b>Actual</b>	5	10	9	8	5	
4. Support voluntary standards and code revisions	<b>Goal</b>	14	13	11	11	13	3
	<b>Actual</b>	14	17	11	12	13	
<b>Compliance</b>							
5. Preliminary determination within 85 business days (unregulated products) <sup>#</sup>	<b>Goal</b>	**	**	**	66%	70%	70%
	<b>Actual</b>	57%	68%	54%	82%	79%	
6. Corrective action within 60 business days of preliminary determination (unregulated products) <sup>#</sup>	<b>Goal</b>	**	**	**	80%	82%	80%
	<b>Actual</b>	77%	71%	84%	86%	85%	
7. Corrective action within 35 business days of notice of violation (regulated products) <sup>#</sup>	<b>Goal</b>	**	**	**	80%	82%	80%
	<b>Actual</b>	83%	60%	89%	76%	96%	
8. Monitor existing voluntary standards	<b>Goal</b>	**	**	1	1	1	0
	<b>Actual</b>	0	0	1	1	1	
<b>Consumer Information</b>							
9. Consumer outreach* (in millions)	<b>Goal</b>	**	**	**	125	200	150
	<b>Actual</b>	82	94	185	295	103	
10. Conduct public information efforts/partnerships	<b>Goal</b>	5	6	7	7	6	5
	<b>Actual</b>	5	5	5	8	6	

\* The baseline data for this goal are not strictly comparable to the 2007 or later data due to an improved data capturing capability implemented in 2007.

<sup>#</sup> These efficiency measures do not match those in the PART. The measures in the PART table were calculated using the method that was originally developed to measure this performance and crosses over fiscal years. These measures in the body of the document were calculated using the same method, modified to allow these measures to be finalized within a fiscal year.

\*\* No goal established.

## Safety Standards

### 1. Prepare for Commission consideration three candidates for rulemaking or other alternatives.

#### *Upholstered Furniture*

Ignitions of upholstered furniture are a leading cause of residential fire deaths among the consumer products under CPSC's jurisdiction. Staff is developing a possible rule to address the risk of fire associated with the ignitions of upholstered furniture. In 2004, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) expanding the agency's rulemaking proceeding to cover the risk of fire from both cigarette-ignited and small open flame-ignited fires. In 2008, the Commission published a Notice of Proposed Rulemaking (NPR) and received public comments.

**Goal:** In 2009, staff will: (1) conduct large scale open flame testing of complying and non-complying furniture and prepare for large scale smolder testing; (2) begin development of standard reference material (SRM) test cigarettes and test foam under interagency agreements (IAGs) with NIST; and (3) continue analyzing public comments on the NPR and developing regulatory options. Completion of the SRM cigarette development, and a decision point on proceeding with the SRM foam development, are scheduled for early 2010.

*Mattresses - Cigarette Ignition*  
**Defer/Delay**

In 2005, the Commission issued an ANPR, initiating a possible amendment or revocation of the existing mattress cigarette ignition standard. In 2006, the staff analyzed comments on the ANPR and conducted an extensive review of historical compliance data. In 2007, a research study to re-examine the test criteria for self-sustained smoldering in light of new technologies used to meet the new open flame mattress standard began at NIST. In 2008, staff continued to monitor NIST research and the progress of a CPSC project on Cigarette Ignition Risk.

**Previous Goal:** In 2009, if appropriate, staff will prepare a briefing package with a draft proposed rule.

*Carpet and Rug Standards Amendments*

The standards for the surface flammability of carpets and rugs were enacted under the Flammable Fabrics Act to reduce fires where carpets and rugs are the first items ignited. Cleaning methods are prescribed in the standards for various carpet and rug types to help assure permanence of any flame retardant (FR) treatments.

The carpet and rug flammability standards were reviewed in 2005 under the Program for Systematic Review of Commission Regulations. The rule review identified inconsistencies with CPSC's internal compliance testing procedures, references to obsolete standards, and requirements no longer needed based on CPSC staff experience with the rules. In 2008, staff visited the Carpet and Rug Institute to learn about test methods for measuring carpet and rug flammability and reviewed voluntary and mandatory international methods.

**Goal:** In 2009, staff will complete a draft report of their review of voluntary and mandatory international test methods for measuring carpet and rug flammability.

*Lighters Amendments*  
**Defer/Delay**

In 2008, as a result of a rule review regarding the child resistance of cigarette lighters, staff evaluated issues such as record keeping, testing, and novelty lighters. Staff also detailed potential options to address those concerns and began development of amendments to improve the lighter standards.

**Previous Goal:** In 2009, staff will prepare a draft ANPR to improve the clarity and specificity of the requirements, address

*Cigarette Lighters, Mechanical Malfunction*

**Defer/Delay**

changes in the lighter market that have occurred since the implementation of the standards, and propose streamlined procedures to reduce the burden on industry and staff resources.

In 2005, the Commission issued an ANPR to begin development of a new mandatory safety standard to address mechanical malfunctions of cigarette lighters. In 2006, staff conducted a study of conformance with ASTM F400 and prepared a status briefing for the Commission providing an estimate of current industry conformance. In 2007 and 2008, staff monitored voluntary standard activities.

**Previous Goal:** In 2009, staff will continue to monitor voluntary standard activities and follow Commission direction on this activity.

*Cigarette, Standard Reference Material  
(Technical Amendment to 16 CFR Part 1632)*

In 2008, CPSC entered into an Interagency Agreement with the National Institute of Standards and Technology (NIST) to develop a standard reference material (SRM) cigarette that is consistent with the ignition source requirements of 16 CFR Part 1632, Standard for the Flammability of Mattresses and Mattress Pads. By specifying the SRM cigarette in the standard, CPSC staff believes that there will be greater consistency in testing for compliance with the regulation. The standard must be amended to specify the NIST SRM cigarette as the ignition source.

**Goal:** In 2009, staff will prepare a briefing package with a draft proposed rule (technical amendment) for Commission consideration.

*Bedclothes -Flammability*

**Defer/Delay**

In 2005, the Commission voted to publish an ANPR to develop a possible mandatory standard to address open-flame ignition of bedclothes. In 2006, 2007, and 2008, staff monitored the progress of the efforts of the California Bureau of Home Furnishings and Thermal Insulation (CBHFTI) to develop a test method for filled bedding items. In 2008, CPSC staff also participated in the Precision & Bias study discussion meeting with CBHFTI and prepared updated estimates of deaths and injuries associated with mattresses and bedding.

**Previous Goal:** In 2009, staff will continue to support rulemaking activities or other options, as directed by the Commission, and will consider how information derived from implementation of the new open flame mattress standard impacts bedclothes flammability.

**2. Prepare and present one recommendation to voluntary standards or code organizations.**

*High Energy Battery Packs*

**Defer/Delay**

Portable electronic devices use higher energy density batteries, such as lithium-ion batteries. Batteries that experience an internal short may overheat and explode, posing a hazard to consumers. Moreover, new technology battery chargers may have faster charge times with increased charging currents and temperatures that require monitoring of the battery charging status. In 2006, a

contractor report on testing of high energy density lithium-ion batteries for mobile telephone use was drafted. In 2007, staff followed up this work by examining potential methods and/or safety features that could be incorporated to reduce the hazards. In 2008, the staff's draft report of this work was shared with interested parties for comment.

**Previous Goal:** In 2009, staff will consider comments received on its draft, and the report will be finalized. Recommendations for improvements to voluntary standards will be made, as appropriate.

#### *National Electrical Code*

Staff will continue to support revisions to improve the model code for electrical installations, the National Electrical Code (NEC). Staff will also actively participate on NEC Code-Making Panels, as appropriate.

**Goal:** In 2009, staff will submit proposals for the 2011 revision of the *National Electrical Code* to expand the use of arc-fault circuit interrupters in manufactured homes to prevent fires associated with arcing in a home's branch circuit wiring.

### 3. Complete two data analysis, collection, or technical review activities.

#### *Cigarette Ignition Risk* **Defer/Delay**

Several States have adopted legislation requiring "fire safe" cigarettes to address potential fires caused by unattended or dropped cigarettes; other States are considering similar legislation.

In 2007, CPSC awarded a contract to test conventional and "fire safe" cigarettes according to requirements in a voluntary standard; the data will be used to evaluate relative ignition propensities. Moreover, staff developed a test plan to compare the ignition propensity of some consumer products commonly involved in smoldering ignition fires (e.g., furniture, mattresses) when exposed to "fire safe" and conventional cigarettes. In 2008, staff monitored a contract to test the burn characteristics of 13 brands of cigarettes and methods and analytical results were documented.

**Previous Goal:** In 2009, staff will complete a test program comparing the ignition propensity of some consumer products commonly involved in smoldering ignition fires (e.g., furniture, mattresses) when exposed to "fire safe" and conventional cigarettes. A report of this work will be completed in 2010.

#### *Range Extinguishing Systems* **Defer/Delay**

Cooking fires continue to be a major cause of residential fires and there is a variety of products marketed to consumers to prevent these fires, including range extinguishing systems. In 2006, staff conducted an evaluation of production and prototype range extinguishing systems in cooperation with the National Institute for Standards and Technology. In 2007, staff completed technical research on these systems. No test data were received in 2008.

*Smoke Alarms*  
**Defer/Delay**

**Previous Goal:** In 2009, staff will write a report of its assessment of the data, when received, with recommendations for future work.

Young children and seniors are particularly vulnerable in fires. In 2009, staff will begin an applied human factors research activity to assess consumer behavior regarding smoke alarms (e.g., the reasons consumers install, inspect, maintain, or disable them). In 2008, staff identified the most critical data deficient areas for smoke alarm design, which will be useful in updating smoke alarm performance standards.

**Previous Goal:** In 2009, staff will conduct a literature search and develop a questionnaire for the Consumer Opinion Forum and submit it to OMB for Approval.

*Enhanced Smoke Alarms*

Young children, the elderly, adults who are sleep deprived, those under the influence of alcohol, drugs, or sleep induced medication; and the visually and hearing impaired may be harder to awaken with current smoke alarm designs. Work in this project is designed to improve occupant response under different fire scenarios and to reduce the possibility of nuisance alarms.

**Goal:** In 2009, CPSC staff will enter into an Interagency Agreement with the U.S. Fire Administration (USFA) to sponsor research to develop enhanced smoke alarm technologies. CPSC staff will provide technical support to USFA in developing a statement of work (SOW) to specify the identification of candidate sensors, the construction of prototype smoke alarms, and the evaluation of their fire performance. Staff will also provide recommendations for the types of fire scenarios to be used in evaluating the prototype alarms. In 2009, the SOW will be used to award a contract for the development of promising new types of smoke sensors.

*Sensor Technology*  
**Defer/Delay**

Electronic sensors and controls are becoming more sophisticated yet less expensive. One application of these sensors would be to enable an appliance to recognize hazardous conditions and initiate an action to mitigate the hazard. For example, a proximity sensor integrated into a heat-producing appliance, such as a portable heater, could enable it to detect when it is too close to a combustible item and then shut itself off or sound a warning.

**Previous Goal:** In 2009, staff will investigate existing sensing circuitry and search for newly emerging technologies. Promising technologies will be integrated into a candidate application and testing will be conducted to demonstrate the viability of the concept.

*Children's Sleepwear Test Manual*

The Federal standards for the flammability of children's sleepwear, 16 CFR Parts 1615 and 1616, were enacted since the 1970's (and amended in 1996) to reduce the unreasonable risk of burn injuries and deaths when children's sleepwear is the first item

ignited. There is no laboratory test manual for users of the standards. With the implementation of third-party certification for children's products required by the CPSIA, publication of a user-friendly laboratory test manual for 16 CFR Parts 1615 and 1616 will help manufacturers comply with the regulations.

**Goal:** In 2009, staff will complete a laboratory test manual for the children's sleepwear flammability standards.

#### 4. Support voluntary standards and codes revisions.

##### *Voluntary Standards*

Staff participates in the voluntary standard process by providing expert advice, technical assistance, and information based on data analyses of how deaths, injuries and/or incidents occurred.

**Goal:** In 2009, staff will support the revision of the voluntary standard and/or model codes for the following three products:

- batteries
- electric heaters
- smoke alarms

## **Compliance**

#### 5. Preliminary Determination Efficiency

Compliance Officers open fire-related investigations based on reports of a possible defect from a manufacturer, importer, or retailer or on their own initiative following up consumer complaints, newspaper accounts, or information from CPSC surveillance activity. Each investigation involves a thorough review of information from the company and other sources, with analysis by CPSC's technical experts. The investigation culminates in a staff preliminary determination that there is or is not a product defect.

**Goal:** In 2009, staff will make 70 percent of fire-related staff "preliminary determinations" within 85 business days from the case opening date.

#### 6. Corrective Action Timeliness (Unregulated Products)

Each investigation involving a fire-related hazard will culminate in a preliminary determination that a product is or is not defective. If the product is determined to be defective, the Compliance Officer begins negotiating with the responsible company to obtain a voluntary corrective action. For defects that pose a risk of serious injury, the Compliance Officer seeks a consumer-level recall, which usually involves a free repair or replacement of the product or a refund of the purchase price. For less serious hazards, the corrective action may involve stopping sale of the product and correction of future production.

**Goal:** In 2009, staff will negotiate and commence 80 percent of fire-related corrective actions within 60 business days after a firm is notified of the staff's preliminary determination.

**7. *Corrective Action Timeliness  
(Regulated Products)***

Compliance staff regularly conducts surveillance activity to check compliance of products with CPSC mandatory standards. Samples collected by investigators in the Field are sent to the CPSC Laboratory for analysis. Additional technical analysis is often conducted by CPSC technical experts. When it is determined that a product violates CPSC standards, a Compliance Officer sends a letter of advice (LOA) to the manufacturer, importer or retailer. For violations posing a serious risk of injury, the staff will seek a consumer-level recall (unless the sample was collected at a port of entry and no products have been distributed within the United States). For less serious violations, the staff may seek a lesser corrective action, such as stopping sale of the violative products and correction of future production.

**Goal:** In 2009, staff will obtain 80 percent of fire-related corrective action within 35 business days after the LOA is issued.

**8. *Voluntary Standards  
Compliance  
Defer/Delay***

**Previous Goal:** In 2009, staff will monitor compliance with one existing voluntary standard likely to reduce fire-related deaths.

***Consumer Information***

**Alert the public to fire-related hazards through:**

**9. *Consumer Outreach***

In 2008, about 103 million views of CPSC safety messages related to fire hazards were received by consumers through TV appearances, video news releases (VNRs), and e-publications through CPSC's Web site. However, no major fire-related appliance recalls, final rules, or major advancements of rules occurred in 2008 that generated the extraordinary interest that was realized in 2007.

**Goal:** In 2009, 150 million views of CPSC fire safety messages will be received by consumers through TV appearances and interviews on national television networks, VNRs to national and local television networks, and Web publications.

**10. Conduct five public information efforts, including at least one partnership with industry and/or a fire safety group.**

*Fireworks Safety*

**Goal:** In 2009, CPSC will conduct a national safety campaign for the Fourth of July to increase public awareness of the dangers associated with legal and illegal fireworks. This campaign will include activities such as a news conference, video news release, Podcast message, or message to the *Neighborhood Safety Network (NSN)*. Possible partners include the Department of Justice and the Department of Homeland Security.

*Halloween Hazards*

**Goal:** In 2009, CPSC staff will remind consumers of the flammability hazards associated with Halloween costumes and highlight warnings about the risk of fire associated with

homemade children's costumes, jack-o-lanterns, and other Halloween decorations. Staff will conduct activities such as issuing a news release and a podcast, and providing TV and radio interviews.

#### *Holiday Decoration Hazards*

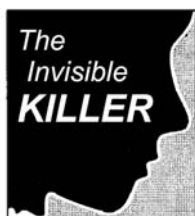
**Goal:** In 2009, for the winter holiday season, CPSC will reissue its annual news release to warn consumers about the fire risk from defective decorative holiday light strings and from natural trees, and provide tips on the safe use of candles and fireplaces. Staff will also conduct activities such as recording a Podcast and reissuing the *Neighborhood Safety Network* poster to its members.

#### *Home Heating*

**Goal:** In 2009, at the beginning of the home heating season, staff will conduct activities such as issuing a news release, an audio news release, and a Podcast message to warn about fire hazards from home heating equipment, especially space heaters.

#### *Smoke Alarms*

**Goal:** In 2009, in a continuing effort to remind consumers that smoke alarms save lives, staff will issue a news release in the spring and the fall to emphasize that consumers need to have and maintain their smoke alarms. Staff will also contact national and local media to encourage them to remind consumers to check that their smoke alarms are in working order.



## ***CARBON MONOXIDE POISONING HAZARD***

**STRATEGIC GOAL: Reduce the rate of death from carbon monoxide poisoning by 20 percent from the 1999-2000 average by the year 2013.**

### **THE HAZARD**

Carbon monoxide (CO) is a poisonous gas that has no smell, color, or taste -- truly an invisible killer. Burning any fuel, such as gas, oil, wood, or coal produces this gas, so that any fuel-burning appliance is a potential CO source. At higher concentrations in the blood, CO can cause cognitive impairment, loss of consciousness, coma, and death.

From 2003-2005<sup>5</sup>, there was an estimated annual average of 171 unintentional non-fire CO poisoning deaths associated with consumer products, at a societal cost of approximately \$860 million each year. Because some symptoms of moderate CO poisoning may mimic common illnesses, such as influenza or colds, there may be a high incidence of missed initial diagnoses. Not only are victims frequently unaware of exposure to CO, but also health care providers may not suspect, and consequently not check for, CO poisoning. While some symptoms of CO poisoning are reversible, irreversible debilitating delayed neurological effects can develop following severe poisonings, especially those involving prolonged unconsciousness. Prompt medical attention is important to reduce the risk of permanent damage.

Most consumer product-related CO poisoning deaths are associated with the use of heating systems and portable generators. Other consumer products associated with CO poisoning deaths include charcoal grills, gas water heaters, gas ranges and ovens, and fuel-burning camping equipment. Problems with chimneys, flues, or vents connected to fuel-burning products have also been mentioned in fatal scenarios.

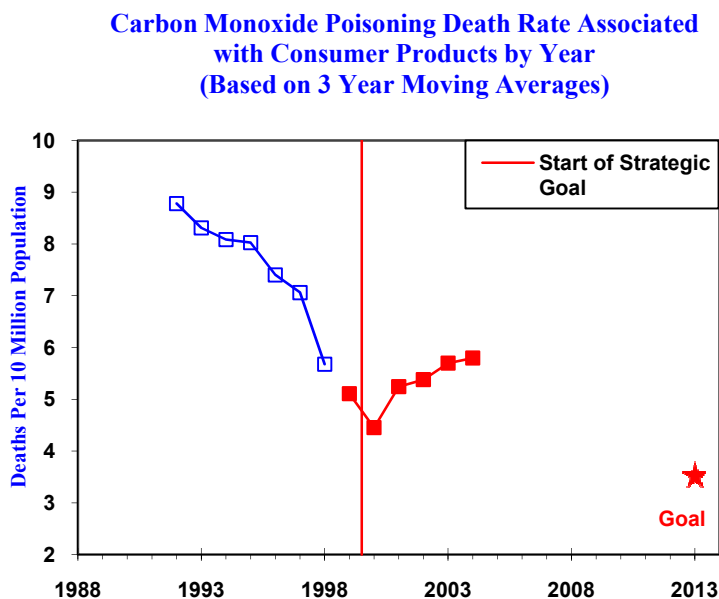
### **OUR PROGRESS**

Under our previous Strategic Plans, we had a target to reduce the rate of CO poisoning deaths associated with consumer products by 20 percent from 1994 to 2004. From 1994 to 2004, the annual death rate was reduced by 34 percent. To further reduce the death rate, we retained this strategic goal in our Strategic Plan with a new target of 20 percent reduction by 2013 from the 1999-2000 average.

We have been successful in the past in reducing deaths through a number of interventions, including: working with industry to

<sup>5</sup>2005 is the latest year for which death data are available. CPSC continues to receive reports of CO poisoning deaths for previous years, so these estimates may change in future reports.

encourage the development of new products to protect consumers from CO poisonings; working with industry to develop a voluntary performance standard for CO alarms; and warning the public about CO poisoning through information campaigns.



Recently, as shown in the graph<sup>6</sup>, there has been an increase in the number of CO-related deaths, in large part associated with the use of portable generators during natural disasters, such as hurricanes and ice/snow storms. The share of CO poisonings associated with portable generators increased from 6 percent in 1999 to 49 percent in 2005. Effective in 2007, CPSC issued a mandatory rule for a new danger label for portable generators to warn consumers about CO and to encourage safe use. Activities in our plan, including supporting a portable generator rulemaking activity, public outreach activities, and monitoring voluntary standards, are designed to address this increase.

## 2009 ANNUAL CARBON MONOXIDE-RELATED GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Safety Standards</b>							
1. Prepare candidates for rulemaking	<b>Goal</b>	**	**	**	1	1	1
	<b>Actual</b>	0	0	1	1	1	1
2. Complete data analysis and technical review activities	<b>Goal</b>	0	3	3	2	1	1
	<b>Actual</b>	0	1	2	1	1	1
3. Support voluntary standards and codes revisions	<b>Goal</b>	3	3	3	3	3	0
	<b>Actual</b>	3	3	3	3	3	3
<b>Compliance</b>							
4. Monitor existing voluntary standards	<b>Goal</b>	1	**	1	1	1	0
	<b>Actual</b>	0	0	1	1	1	1
<b>Consumer Information</b>							
5. Consumer outreach* (in millions)	<b>Goal</b>	**	**	**	20	25	15
	<b>Actual</b>	9	5	15	26	1.0	15
6. Conduct public information efforts/partnerships	<b>Goal</b>	3	2	3	4	4	4
	<b>Actual</b>	3	2	2	4	4	4

\* The baseline data for this goal are not strictly comparable to the 2007 or later data due to an improved data capturing capability implemented in 2007.

\*\* No goal established.

<sup>6</sup>The estimates since 1998 are not strictly comparable to those for previous years because of changes in the methods for estimating carbon monoxide data.

## **Safety Standards**

### **1. Prepare for Commission consideration one candidate for rulemaking or other alternatives.**

#### *Portable Generators*

In 2006, the Commission voted to publish an Advance Notice of Proposed Rulemaking to begin research to develop technology to lower the risk of CO poisonings associated with portable generators. Staff awarded a contract to take a commercially-available generator and modify the engine with a prototype configuration that reduced CO emissions in the exhaust. Staff also entered into an Interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to model the infiltration of CO in various styles of homes when the generator (in both the off-the-shelf and prototype configurations) is operated in an attached garage. Moreover, staff also conducted a proof-of-concept demonstration of a remote CO sensing automatic shutoff device for a portable generator as well as an on-board CO-sensing shutoff device in which a CO sensor was located on the generator. In 2007 and 2008, staff continued to monitor the contract and the IAG, adding necessary modifications to each.

**Goal:** In 2009, staff will: (1) continue its management of the contract to develop a low CO emission portable generator, which will be modified in 2009 to include additional investigations into the use of a shutoff feature; (2) continue to evaluate the prototype generator's performance by overseeing the testing and modeling conducted at NIST; and (3) establish a new agreement with NIST to develop CO emission performance limits for portable generators to significantly improve predicted survivability, based on results from indoor air quality and health effects modeling.

### **2. Complete one testing, data collection, hazard analysis, or technical review activities.**

#### *Vented Gas Appliance CO Sensors*

Gas-fired heating appliances continue to be a leading cause of unintentional CO poisoning deaths. Despite improvements over the years, current standards for vented gas appliances do not adequately address known CO poisoning hazard scenarios. In 2000, CPSC staff proposed that the ANSI Z21/83 Committee revise applicable standards to include CO shutdown requirements for the appliances. Staff supported these proposals with proof-of-concept testing in 2001 and 2003, demonstrating the use of CO and other gas sensors for safety shutdown of gas appliances. From 2002-2004, staff participated in an industry-led working group to develop test criteria to evaluate the use of gas sensors for this application. To address industry concerns that sensors did not have adequate durability and longevity to operate in the appliance environment, in 2006, staff initiated a test program to evaluate sensors in a gas furnace. This work was completed in 2008.

**Goal:** In 2009, staff will complete a draft report of test results associated with longevity/durability tests of sensors within a gas furnace.

### 3. Support no voluntary standards and codes revisions.

#### *Voluntary Standards*

#### **Defer/Delay**

Staff participates in the voluntary standards process by providing expert advice, technical assistance, and information based on data analyses of how deaths, injuries and/or incidents occurred.

**Previous Goal:** In 2009, staff will support the revision of the voluntary standard and/or model codes for the following three products:

- CO alarms
- portable generators
- vented gas appliances (CO sensors)

### **Compliance**

#### 4. *Voluntary Standards*

#### *Compliance*

#### **Defer/Delay**

**Previous Goal:** In 2009, staff will monitor compliance with 1 existing voluntary standard likely to reduce CO poisoning-related deaths or injuries.

### **Consumer Information**

#### **Alert the public to the hazards of CO poisoning deaths through:**

#### 5. *Consumer Outreach*

In 2008, about 1 million views of CPSC CO safety messages related to CO poisoning hazards were received by consumers through TV appearances, VNRs, and Web publications. This number represents an unusual decrease in consumer interest experienced that year. In 2007, the Commission approval for new danger labels for portable generators was a source of significant media attention where a press conference with the Acting Chairman reached 13 million viewers.

**Goal:** In 2009, 15 million views of CPSC CO safety messages will be received by consumers through TV appearances and interviews on national television networks, video news releases (VNRs) to national and local television networks, and e-publications through CPSC's Web site.

### 6. **Conduct four public information efforts and/or partnerships with a trade association or safety advocacy group.**

#### *CO Alarms*

While a large percentage of consumers' homes are equipped with smoke alarms, it is estimated that far fewer have working CO alarms in their homes. CPSC supports the installation of CO alarms as strongly as it does smoke alarms.

**Goal:** In 2009, through activities such as using posters, news releases, podcasts, or other similar media instruments, CPSC will continue its CO alarm messaging in connection with a daylight savings time news release recommending that consumers change

the batteries in their smoke and CO alarms at least once every year.

#### *Home Heating*

**Goal:** In 2009, staff will highlight the need for routine maintenance of gas appliances to remind the public of the continuing threat of CO in the home. At the beginning of the home heating season, staff will issue a seasonal warning about CO hazards from home heating equipment. Staff will remind consumers of specific issues including the need to have a routine furnace checkup, which will be completed through activities such as using news releases, audio news releases, publications, or other similar media instruments.

#### *Portable Gas Generators*

During times of power loss, homeowners may be exposed to CO because of incorrect use of combustion consumer products, such as portable gas generators, to provide power to their homes.

**Goal:** In 2009, staff will promote generator safety and related rulemaking activities using at least one communication tool such as a news release, a video, a Podcast, or safety materials to help reduce generator related deaths and poisonings.

#### *Natural Disaster Preparedness*

**Goal:** In 2009, staff will use communication tools such as print news releases, audio news releases, or VNRs to address CO poisoning hazards, especially in the aftermath of hurricanes, tornadoes, floods, and/or blizzards.

## CHILDREN'S AND OTHER HAZARDS

### THE HAZARDS

#### Children's Hazards



Children's hazards are associated with a wide range of consumer products. Examples of children's hazards include drowning hazards related to pools and other in-home products; choking and suffocation hazards related to some children's toys; strangulation, suffocation and entrapment risks to infants in sleep environments; strangulation from window blind cords and clothing drawstrings; unintentional ingestion of toxic household chemicals; and various hazards with infant products such as old or improperly maintained cribs, high chairs, and strollers.

The recently enacted CPSIA and Virginia Graeme Baker Pool and Spa Safety Act (PSSA) legislation gave the agency new tools to address Children's hazards. The PSSA addresses the enhanced safety in retrofitting the nation's public pools with compliant anti-entrapment drain covers and in certain instances with additional anti-entrapment devices/systems, as well as a comprehensive education initiative to inform the public and pool owners of pool and spa hazards. Additionally, our Import Safety Initiative will also contribute to reductions in Children's and Other hazards. These are discussed in other sections of this plan.

CPSC has had a significant impact in reducing injuries and deaths for a number of children's hazards. For example, staff worked with industry to develop a voluntary safety standard to prevent baby walker-related head injuries from falls down stairs and recalled numerous toys and other products that presented choking hazards to children.

#### Chemical Hazards



CPSC seeks to reduce or prevent deaths or injuries due to ingestion, inhalation, or dermal exposure from hazardous substances in consumer products. Commission action has helped to protect children from exposure to lead in toys, crayons, children's jewelry, mini-blinds, and playground equipment. We have helped reduce children's exposure to hazardous chemicals in art materials and school laboratories. CPSC has worked to improve indoor air quality by reducing emission of pollutants from heating equipment, building materials, and home furnishings.

The Poison Prevention Packaging Act (PPPA) authorizes CPSC to issue requirements for child resistant packaging for such products as drugs and other hazardous household chemical substances. Since the PPPA became law in 1970, poisoning deaths to children under 5 years of age have declined substantially. While child poisoning deaths have been relatively low for a number of years, the Commission has seen evidence that, without continued surveillance, the death rate could increase.

For 2003 to 2005, unintentional<sup>7</sup> ingestion of drugs and hazardous household products was associated with an annual average of 33 deaths to children under age 5. In 2007, more than an estimated 78,000 children under 5 were treated in hospital emergency rooms.

### **Household and Recreation Hazards**



Household and recreation hazards are found throughout the nation's homes and affect many of our family activities. CPSC work in this area covers products such as lawn and garden equipment, power tools, and recreational equipment. Our past activities made significant contributions to household and recreation safety. For example, we improved lawn mower safety by establishing a standard addressing blade contact. We estimate that the lawn mower standard saves about \$1 billion in societal costs annually. The agency also has been a leader in urging consumers to use safety gear when participating in recreational activities, such as bicycling, all-terrain vehicle riding, and skateboarding.

### **Electrocution and Shock Hazards**



In 2004<sup>8</sup>, there were about 60 deaths from consumer product-related electrocutions. In 2007, an estimated 6,000 consumer product-related electric shock injuries were treated in U.S. hospital emergency rooms. Total societal costs in the U.S. associated with electrocutions and electric shock are about \$600 million. The annual estimate of electrocutions has declined substantially since 1975. CPSC's work on ground fault circuit interrupters hair dryers, power tools, house wiring, and garden equipment has contributed significantly to this decline.

<sup>7</sup>Unintentional ingestions are those not supervised or administered by an adult.

<sup>8</sup>2004 is the latest year for which complete fatality data are available.

**2009 ANNUAL CHILDREN'S AND OTHER HAZARDS RELATED GOALS**

<b>Annual Goals Summary</b>		<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Safety Standards</b>							
1. Prepare candidates for rulemaking <sup>#</sup>	<b>Goal</b>	3	3	3	5	4	2
	<b>Actual</b>	1	0	1	4	2	
2. Present recommendations to voluntary standards or code organizations	<b>Goal</b>	2	1	**	1	2	0
	<b>Actual</b>	1	1	0	0	4	
3. Complete data analysis and technical review activities	<b>Goal</b>	21	21	21	22	17	11
	<b>Actual</b>	17	21	15	17	15	
4. Support voluntary standards and code revisions	<b>Goal</b>	50	51	52	49	56	36
	<b>Actual</b>	54	54	49	51	58	
<b>Compliance</b>							
5. Corrective action within 60 business days of preliminary determination (unregulated products) <sup>##</sup>	<b>Goal</b>	**	**	**	80%	82%	80%
	<b>Actual</b>	70%	78%	93%	89%	91%	
6. Corrective action within 35 business days of notice of violation (regulated products) <sup>##</sup>	<b>Goal</b>	**	**	**	85%	88%	80%
	<b>Actual</b>	86%	95%	91%	96%	96%	
7. Monitor existing voluntary standards	<b>Goal</b>	2	2	2	1	1	0
	<b>Actual</b>	2	2	2	1	1	
8. Enforce the Virginia Graeme Baker Pool and Spa Safety Act	<b>Goal</b>	**	**	**	**	**	1
	<b>Actual</b>	--	--	--	--	--	
<b>Consumer Information</b>							
9. Consumer outreach* (in millions)	<b>Goal</b>	**	**	**	125	450	300
	<b>Actual</b>	101	87	284	978	334	
10. Conduct public information efforts/partnerships	<b>Goal</b>	13	10	8	7	9	10
	<b>Actual</b>	10	7	9	9	9	
<b>Virginia Graeme Baker Pool and Spa Safety Act – National Education Campaign</b>							
11. Consumer outreach (in millions)	<b>Goal</b>	**	**	**	**	**	60
	<b>Actual</b>	--	--	--	--	--	
12. Conduct public information effort	<b>Goal</b>	**	**	**	**	**	2
	<b>Actual</b>	--	--	--	--	--	
13. Conduct drain entrapment/evisceration hazards public information efforts/partnerships	<b>Goal</b>	**	**	**	**	**	5
	<b>Actual</b>	--	--	--	--	--	

\* The baseline data for this goal are not strictly comparable to the 2007 or later data due to an improved data capturing capability implemented in 2007.

\*\* No goal established. -- Data not available.

<sup>#</sup> The CPSIA covers Children's hazards. Refer to the CPSIA section for a list of other rulemaking activities related to Children's hazards.

<sup>##</sup> These efficiency measures do not match those in the PART. The measures in the PART table were calculated using the method that was originally developed to measure this performance and crosses over fiscal years. These measures in the body of the document were calculated using the same method, modified to allow these measures to be finalized within a fiscal year.

**Safety Standards****1. Prepare for Commission consideration one candidate for rulemaking or other alternatives.***All Terrain Vehicles (ATVs)*

In recent years, there has been a dramatic increase in both the numbers of ATVs in use and the numbers of ATV-related deaths and injuries. According to the staff's latest ATV annual report, the Commission has reports of more than 7,000 ATV-related deaths since 1982. The Commission is considering what actions, both regulatory and non-regulatory, it could take to reduce ATV-related deaths and injuries. In 2005 and 2006, staff conducted a

comprehensive review of regulatory and non-regulatory options to address ATV hazards. In July 2006, the Commission voted to issue a Notice of Proposed Rulemaking (NPR) and directed the staff to carry out specific research activities, including testing of youth ATVs, conducting a review of in-depth investigation data, and gathering information regarding the appropriate size and speed of youth ATVs. The NPR was published in August 2006. During 2007, staff reviewed the comments submitted in response to the NPR and began the research activities directed by the Commission. In 2008, staff continued work on the research activities and, in accordance with the CPSIA, the Commission published an FR notice mandating the ANSI/SVIA safety standard for 4 wheel ATVs.

**Goal:** In 2009, staff will provide a status report on youth ATV testing activities.

*Electric Toys*  
**Defer/Delay**

The Electric Toy regulation was reviewed in 2004 under the Program for Systematic Review of Commission Regulations. The rule review identified references to obsolete standards and requirements that could potentially be streamlined. In 2008, staff reviewed proposed changes to voluntary standards by Underwriters Laboratories to update the Electric Toy regulation.

**Previous Goal:** In 2009, staff will continue to support rulemaking activities or other options, as directed by the Commission.

*Infant Cushions*

In 2006, the Commission voted to initiate rulemaking that could result in an amendment to the current ban on infant cushions and pillows. In 2008, staff prepared a briefing package for Commission consideration. The Commission voted (2-0) to publish a notice to terminate the existing rulemaking on infant pillows and to publish a Notice of Proposed Rulemaking (NPR) to exempt certain nursing pillows from classification as a banned hazardous substance.

**Goal:** In 2009, staff will prepare a final rule briefing package for Commission consideration to exempt certain nursing pillows from the infant cushion ban.

**2. Prepare and present no recommendations to voluntary standards or code organizations to strengthen or develop voluntary standards.**

No children's and other hazards recommendations are currently planned for 2009.

**3. Complete 11 testing, data collection, hazard analysis, or technical review activities to evaluate the need for, or adequacy of, safety standards.**

*ATV Annual Data Update*

**Goal:** In 2009, staff will prepare its annual ATV death and injury data update report, which began in 1982. The report also includes data on deaths by State, relative risk of death by year, and injuries distributed by year and age grouping.

*Bicycle Integrity & Illumination*  
**Defer/Delay**

The Federal Bicycle Regulation was last amended by CPSC in 1981. Since then, the evolution of bicycle technology has led to changes that are not currently covered by this standard. Voluntary standards coverage of new technology developments is limited. Bicycle injury rates remain high. While the majority of bicycle-related deaths occur during daylight hours, CPSC staff determined that a bicyclist is 2 to 4 times more likely to be killed riding at night as compared to daytime. In 2008, staff received test data from the Federal Highway Administration on LED rear flashers for bicycles.

**Previous Goal:** In 2009, staff will conduct a comparative evaluation of the LED rear flashers tested and will prepare a report of its assessment of the test data.

*Chemical Toxicity Assessment*  
(2 activities)  
**Defer/Delay**

Staff will assess potential chemical toxicity associated with a variety of products and hazards by continuing ongoing activities and initiating new activities depending on the identification of emerging hazards. The issues may include: lung injuries and fatalities from aerosol water-proofing products, chronic hazard guidelines updates, stabilizers used in plastics, lead, and indoor air quality.

**Previous Goal:** In 2009, staff will complete at least 2 risk assessments, technical review activities, or guidance documents.

*Consumer Opinion Forum*

This Web-based Forum provides a venue for CPSC staff to solicit information from consumers who volunteer to respond to staff questions about interactions with consumer products. Such information can be useful for framing questions for scientific surveys, for providing information for future studies, or for providing anecdotal behavioral data regarding foreseeable use of products. In 2008, staff prepared a survey questionnaire related to consumer understanding and use of GFCI receptacles. When the survey period closed on October 31, 2008, the agency had received 343 responses from consumers.

**Goal:** In 2009, staff will complete analysis of GFCI questionnaires and draft a report of the results.

*Electrocution Annual Data Update*

**Goal:** In 2009, staff will prepare an updated annual report of estimates of the number of consumer product-related electrocutions.

*Globally Harmonized System (GHS)*

In 2007, staff compared selected portions of the Federal Hazardous Substances Act (FHSA) regulatory requirements to the Globally Harmonized System (GHS) for classification and labeling. This comparison identified some of the technical differences between the FHSA and GHS. A preliminary legal feasibility assessment was also conducted to assess what, if any, changes would be needed to the FHSA should certain provisions of the GHS be adopted and implemented. The staff work indicated

that a more complete technical comparison is needed, and a contract to complete a side-by-side comparison of the FHSA and the GHS was initiated in 2008.

**Goal:** In 2009, a contractor report on a side-by-side comparison of the FHSA and the GHS will be completed.

### *Nanotechnology*

There is a growing use of compounds or materials that have been produced using technologies (i.e., nanotechnologies) that directly manipulate matter at the atomic level and fabricate materials that could not have been produced in the past. Nanomaterials are defined as materials/particles that range from 1 to 100 nanometers (nm) in length. Although these materials may have the same chemical composition as non-nanomaterials, these new materials may demonstrate different physical and chemical properties; and they may behave differently in the environment and in the human body. In March 2006, the Woodrow Wilson International Center for Scholars published an inventory of consumer products found on the Internet which were identified by manufacturers as nanotechnology products; products included aerosol household chemicals, apparel, and sports equipment.

In 2007, CPSC staff initiated a contract to review the structure and existing exposure and toxicity of fire retardant (FR) nanomaterials. The contractor's review was completed in 2008. Staff also entered into an agreement with the National Institute of Standards and Technology (NIST) for preliminary analysis of FR nanomaterials. Staff continues to participate in several Interagency workgroups and initiatives related to nanomaterials, especially those in consumer products.

**Goal:** In 2009, CPSC staff will develop a statement of work to expand the Interagency Agreement with NIST to evaluate the flammability performance and exposure potential of selected nanomaterials used as flame retardants (nano FRs) in foam and barriers. These nano FR-treated barriers and foams may be used in mattresses and upholstered furniture to meet existing and proposed flammability standards.

### *Nursery Equipment Annual Update*

**Goal:** In 2009, staff will prepare its annual report on nursery product-related injuries and deaths to children age 5 and under.

### *Pediatric Poisoning Annual Update*

**Goal:** In 2009, staff will prepare its annual report on unintentional pediatric poisoning injuries.

### *Pool and Spa Safety*

In accordance with the Virginia Graeme Baker Pool and Spa Safety Act, CPSC staff will carry out activities to implement a grant program to provide funding to eligible States for improving and enforcing pool and spa safety. CPSC's 2009 appropriation includes \$2 million to implement the grant program, with funds remaining available for obligation until September 30, 2010.

**Goal:** In 2009, staff will identify and enter into an agreement with The Centers for Disease Control and Prevention (CDC) to assist CPSC in implementing the grant program. (The CPSC does not currently have an in-house mechanism for awarding, administering, and evaluating results of grant activities.) Along with CDC, staff will determine eligibility criteria for grant applicants, establish application submission and evaluation criteria, and prepare and release a public announcement about the grant program.

*Pool Submersion Annual Update*

**Goal:** In 2009, staff will prepare its annual report on pool submersion incidents involving children age 5 and under.

*Pool Safety Handbook*  
**Defer/Delay**

In 2006, staff combined and updated the *Safety Barrier Guidelines for Home Pools* and *Guidelines for Entrapment Hazards: Making Pools and Spas Safer*. Staff intends the publication to become a single reference guide on pool safety issues. In 2008, staff completed draft revisions to the handbook and invited comment from the pool and spa safety community.

**Previous Goal:** In 2009, staff will review public comments and complete revisions to the handbook.

*Sensitizers*  
**Defer/Delay**

Previous staff work identified the need to update the supplemental definition of “strong sensitizer” due to recent scientific advances and the United Nations Globally Harmonized System for classifying and labeling chemicals. In 2006, staff developed a recommendation regarding CPSC’s supplemental definition to address scientific advances and new risk assessment methods currently under development by federal agencies. In 2007, the staff’s recommendation and analysis was peer reviewed by scientists from other federal agencies. In 2008, external peer review of the staff’s report was completed. Staff revised its report based upon the peer review.

**Previous Goal:** In 2009, staff will conduct activities, as directed by the Commission.

*Table Saws (Blade Guards)*

Although staff has worked with industry to improve the protection from blade contact with table saws, there remains the concern that blade guards are inadequate and/or of poor design and can place consumers at risk for severe injury. In 2007, some new blade guard designs became available for consumers. In 2008, staff began an evaluation to assess if these new designs can reduce blade contact injuries.

**Goal:** In 2009, staff will complete testing of new blade guard designs and prepare a draft report of its evaluation.

*Toys Annual Update*

Each year, staff prepares an annual report of toy-related deaths and injuries. Forty-six percent of the estimated emergency department treated injuries in 2006 were associated with toy types that cannot

be placed under already established toy product codes and are, therefore, categorized as "Toys, Not Elsewhere Classified." In 2010, assigned product descriptions will suggest possible updates to the existing toy product codes and will help to inform the design of a future NEISS-based special study to gather more detailed information on the toys involved in incidents that are correctly associated with "Toys, Not Elsewhere Classified."

**Goal:** In 2009, staff will prepare its annual update on toy-related deaths and injuries. Staff will assign a product description and hazard type to each incoming record to begin a surveillance task to monitor all incoming incidents associated with toy product codes.

#### 4. Support the development/revision of voluntary standards and codes.

##### *Voluntary Standards*

Staff participates in the voluntary standards process by providing expert advice, technical assistance, and information based on data analyses of how deaths, injuries and/or incidents occurred.

**Goal:** In 2009, staff will support the revision of the voluntary standard and/or model codes for the following 36 products:

- |   |  |
|---|--|
| - bassinets/criadles  | - infant swings  |
| - bath seats  | - infant slings  |
| - beds (bunk and toddler)                                   | - infant tubs  |
| - bed rails   | - infant walkers   |
| - bedside sleepers  | - phthalates   |
| - blind cords   | - playground equipment (under 2, home, public)   |
| - booster seats   | - shopping carts   |
| - chairs (high, youth)                                      | - stationary activity centers  |
| - cribs (full-size, non-full size & play yards, commercial) | - strollers  |
| - infant bedding and accessories                            | - swimming pools and spas (alarms, pools & spas, portable pools, suction vacuum release systems) |
| - infant carriers (frame, hand-held, soft)                  | - toys   |
| - infant bouncers   | - changing tables  |
| - infant gates  |  |

#### **Compliance**

##### 5. *Corrective Action Timeliness (Unregulated Products)*

Each investigation involving a Children's and Others hazard will culminate in a preliminary determination that a product is or is not defective. If the product is determined to be defective, the Compliance Officer begins negotiating with the responsible company to obtain a voluntary corrective action. For defects that pose a risk of serious injury, the Compliance Officer seeks a consumer-level recall, which usually involves a free repair or replacement of the product or a refund of the purchase price. For less serious hazards, the corrective action may involve stopping sale of the product and correction of future production.

**Goal:** In 2009, staff will negotiate and commence 80 percent of children's and other hazards corrective actions within 60 business days after a firm is notified of the staff's preliminary determination.

**6. *Corrective Action Timeliness  
(Regulated Products)***

Compliance staff regularly conducts surveillance activity to check compliance of products with CPSC mandatory standards. Samples collected by investigators in the Field are sent to the CPSC Laboratory for analysis. Additional technical analysis is often conducted by CPSC technical experts. When it is determined that a product violates CPSC standards, a Compliance Officer sends a letter of advice (LOA) to the manufacturer, importer or retailer. For violations posing a serious risk of injury, the staff will seek a consumer-level recall (unless the sample was collected at a port of entry and no products have been distributed within the United States). For less serious violations, the staff may seek a lesser corrective action, such as stopping sale of the violative products and correction of future production.

**Goal:** In 2009, staff will obtain 80 percent of children's and other hazards corrective actions within 35 business days after the LOA is issued.

**7. *Voluntary Standard Compliance  
Defer/Delay***

**Previous Goal:** In 2009, staff will monitor compliance with one existing voluntary standard likely to reduce children's and other hazards.

**8. *Pool & Spa Safety Act  
Enforcement***

The Virginia Graeme Baker Pool and Spa Safety Act (PSSA) requires public pools to be equipped with compliant anti-entrapment drain covers and in certain instances with additional anti-entrapment devices/systems.

**Goal:** In 2009, staff will develop and implement a program for enforcement of the new requirements.

**Consumer Information**

**Alert the public to children's and other hazards through:**

**9. *Consumer Outreach***

In 2008, about 334 million views of CPSC safety messages related to children and other hazards were received by consumers through TV appearances, video news releases (VNRs), and e-publications through CPSC's Web site.

**Goal:** In 2009, 300 million views of CPSC safety messages related to children's and other hazards will be received by consumers through TV appearances and interviews on national television networks, video news releases to national and local television networks, and e-publications through CPSC's Web site.

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**10. Conduct 10 public information efforts to warn the public about other hazards.***Drive to One Million*

Our “Drive to One Million” campaign was started in 2007. This effort uses several different agency tools to make the public aware that, despite our best efforts; there are still many recalled products in the hands of the public. Our goal is to have at least one million consumers sign up to receive, electronically and free of charge, potentially life-saving information through CPSC’s e-mail notification system. Consumers can sign up to receive instant notice of recall information at [www.cpsc.gov/cpsclist.aspx](http://www.cpsc.gov/cpsclist.aspx). In 2009, we will continue to aim to reach the one million mark of consumers who have been registered to receive our recall announcements. Marketing of this program will continue to be driven by promotion of our Drive to One Million logo.

**Goal:** CPSC will work with the media, consumer-oriented Web sites, and private sector supporters, with each major recall announcement to promote the Drive to One Million program. CPSC will also work with State and local governments to encourage their constituents to register for recall alerts

*ATV Safety*

**Goal:** In 2009, staff will continue information and education activities begun in 2006 focusing on preventing injuries and deaths to both children and adults from all-terrain vehicles (ATVs). Staff will focus on States and communities affected by injuries and deaths, using grassroots communications, such as public service announcements, CPSC’s ATV Rapid Response Program, and other educational tools. In addition, the multi-faceted Web page [www.ATVsafety.gov](http://www.ATVsafety.gov) will continue to be promoted and updated with information for State officials, parents, children, and the press. The ATV Web page received about 213,000 visits in 2008. An educational roundtable/forum on ATV safety may be planned to be held by CPSC for all organizations interested in promoting safe riding practices.

*Baby Safety Month*

**Goal:** In 2009, CPSC will recognize Baby Safety Month by partnering with one or more organizations that are focused on the safety of young children in and around the home. Information and education activities for this effort will include materials such as a new publication, a press release featuring new data, a Podcast, a message to National Safety Network (NSN) members, a video, and media interviews.

*Bicycle/Helmet Safety*

**Goal:** In 2009, CPSC will communicate with the public about the need to wear helmets and ensure children are safe when riding their bikes and other wheeled toys through public information efforts such as a news release, re-issuance of NSN posters on bike and helmet safety, a Podcast, audio news release, PSAs, and/or partnering with agencies such as the National Highway Traffic Safety Administration.

*In-Home Drowning Prevention*

**Goal:** In 2009, we will focus at the end of the summer on addressing the hazard of standing water in places such as buckets and bathtubs to prevent drowning to young children. As part of this effort to reduce in-home drowning, CPSC will use tools such as issuing a news release, conducting media interviews, recording a Podcast, distributing a video, or issuing a poster for NSN members.

*Poison Prevention*

**Goal:** In 2009, during National Poison Prevention Week, CPSC will continue to support the efforts of the Poison Prevention Council by issuing a news release to promote child-resistant packaging and other poison prevention measures. CPSC will conduct activities such as media interviews, a Podcast, and a safety message to NSN members.

*Product Tip-Over*

**Goal:** In 2009, CPSC will work to alert parents to the dangers of televisions, heavy furniture, and freestanding ovens tipping over and crushing young children. CPSC will communicate this hazard through one or more of the following communication tools: issuance of a video news release (VNR) with new data, Podcast, conduct media interviews, or produce a new NSN poster.

*Safety Publication Update*

Some of CPSC's electrical, nursery, and mechanical/recreational brochures and product safety alerts (both in print and on the Web site) are aging. That is, they may depict older products that do not comply with more recent standards, contain outdated epidemiological information, and refer to codes and standards that have been revised, or refer to organizations that have changed names. This project will establish a pilot process for regularly updating CPSC safety publications and on-line documents.

**Goal:** In 2009, staff will update a safety publication addressing hazards to children for a nursery/juvenile product and will establish a pilot process for regularly updating CPSC safety publications and on-line documents addressing hazards to children, fire and electrical hazards, mechanical hazards, sports and recreational hazards, and chemical and combustion hazards.

*Smart Holiday Shopping /  
Toy Safety*

Every holiday season, staff continues efforts to educate parents and caregivers on the appropriate products for appropriate ages. We will also continue at this time of year to encourage consumers to be aware of the various Web sites that will assist them to identify recalled products. As part of the drive to remove dangerous products from homes, staff will continue to build upon the success of our Web site, [www.cpsc.gov](http://www.cpsc.gov), and the [www.recalls.gov](http://www.recalls.gov) Web site for notifying consumers about recalled products.

**Goal:** In 2009, staff will issue communication tools such as a VNR, safety poster, news conference, and other materials to educate the public at the grassroots level.

*Resale Round-Up*

Each year, consumers bring to thrift and consignment stores or put out for sale at yard and garage sales previously recalled products, including different types of children's products. For most consumers, this action is taken unsuspectingly. With the passage of the Consumer Product Safety Improvement Act of 2008, the list of children's products which should not be re-sold has expanded greatly.

**Goal:** As directed in the CPSIA, staff will conduct an education campaign to address the issue of reselling previously recalled or recently deemed violative children's products. This initiative will be conducted using tools such as: the issuance of a new Guide for Resellers; in-store educational seminars, held in conjunction with partners; media interviews; posters for thrift or consignment store associations to share with members; downloadable information on [www.cpsc.gov](http://www.cpsc.gov); a Webinar; or videos. The goal of the campaign will be to help thrift and consignment stores stay open and stay in compliance with the CPSIA.

***Virginia Graeme Baker Pool and Spa Safety Act – National Education Campaign***

In December 2007, the Congress passed and the President signed the Virginia Graeme Baker Pool and Spa Safety Act, which became effective in December of 2008. The Act addresses the hazards of child drowning and drain entrapment. It requires a targeted education campaign that addresses these hazards. The Act also mandates retrofitting the nation's public pools with compliant anti-entrapment drain covers and in certain instances with additional anti-entrapment devices/systems. CPSC is working on achieving high compliance with this new law.

***11. Consumer Outreach***

**Goal:** In 2009, 60 million views of CPSC safety messages related to pool and spa safety will be received by consumers and key stakeholders through activities such as: TV appearances and interviews on national and local television networks; public service announcements (PSAs); video news releases (VNRs); and e-publications through CPSC's Web site.

***12. Public Information and Education Campaign***

**Goal:** The agency will do two of the following to address child drowning and entrapment in residential and public pools: develop a stand-alone Web site for pool and spa owners and operators, the pool and spa industry, State and local health officials, the media, and the public at-large; hold press events; a rapid response program; and expand tool-kit materials for the Neighborhood Safety Network.

***13. Drain Entrapment Hazards Information and Education Efforts***

**Goal:** In 2009, the agency will work on an extensive education effort by using five of the following communication tools: Webinars; conference calls; media interviews; publications; an e-mail listserv; Web-based resources; and responding to public calls and emails. These approaches will be used to address questions and concerns regarding the mandates of the Act with respect to entrapment hazards in public pools, CPSC's technical and legal interpretations, how to comply, and the consequences of non-compliance.

## BUDGET PROGRAM: Identifying Product Hazards

The work in this program provides the information needed to assess product hazards and apply hazard reduction strategies. The program includes Data Collection and Data Analysis Activities.

2007-2009 RESOURCES (DOLLARS IN THOUSANDS)					
2007 Actual		2008 Actual		2009 Plan	
FTEs	Amount	FTEs	Amount	FTEs	Amount
82	\$12,460	82	\$17,447	90	\$27,777

### HOW WE IDENTIFY HAZARDS

CPSC collects data on consumer product-related injuries and deaths, as well as economic and hazard exposure information, for products under our jurisdiction. We also investigate specific injury cases to gain additional knowledge about injuries or hazards and how the reported product was involved. We systematically analyze this information to determine where hazards exist and how to address them. These activities reflect the agency's commitment to making decisions based on appropriate data analyses. This work provides underlying support to all of CPSC's safety activities.

**Product-Related Injuries.** Each year, we collect information about product-related injuries treated in hospital emergency rooms through our National Electronic Injury Surveillance System (NEISS). This unique system provides statistically valid national estimates of product-related injuries from a probability sample of hospital emergency rooms and is the foundation for many CPSC activities. Several foreign governments have modeled their national injury data collection systems after CPSC's system. Annually, NEISS supplies over 360,000 product-related cases from a sample of about 100 hospitals. The hospitals transmit incident information electronically and, in some cases, the data are available within 24 hours after an incident.

In 2000, NEISS was expanded to provide data on all trauma-related injuries. The expanded data provide other Federal agencies, researchers, and the public with more comprehensive information on injuries from all sources, not just consumer products. The Institute of Medicine recommended the expansion of NEISS into an all-injury system. The effort is being supported by reimbursable funds of approximately \$2 million from the Centers for Disease Control and Prevention. The reimbursable funds allow us to collect non-consumer product injury data, while we continue collecting product injury data with CPSC funds.

**Product-Related Deaths.** CPSC also collects mortality data. We purchase, review, and process about 8,000 death certificates each year covering unintentional product-related deaths from all 50

States, D.C., and New York City. Our Medical Examiner and Coroner Alert Project collects and reviews approximately 4,600 additional reports from participating medical examiners and coroners throughout the country. We also collect and review about 7,400 newsclips and 14,300 other reports of product-related injuries and deaths from consumers, lawyers, physicians, fire departments, and others.

#### **RISK MANAGEMENT SYSTEM EARLY WARNING SYSTEM**

In 2007, CPSC staff established a pilot program for an Early Warning System (EWS), which will facilitate rapid identification and corrective actions regarding emerging product-associated hazards. The pilot consists of a system of processes and procedures that integrate timely input from subject matter experts (SMEs) and electronic assessment tools for evaluating incoming product-related reports. In 2008, staff implemented processes and procedures from the pilot EWS focusing on products found in the sleeping environments of children – cribs, bassinets, and play yards (play pens). A multi-disciplinary team of SMEs meets weekly to evaluate and characterize the hazard scenarios and failure modes of product-associated incidents received during the previous week. An electronic database was developed and is updated weekly to capture the hazard scenarios, failure modes, investigative status, and compliance action disposition of each incident. Work on EWS contributed to 12 recalls involving more than 3 million cribs, bassinets, and play yards, demonstrating the successful implementation of the pilot EWS processes and procedures.

Work on the Consumer Product Safety Risk Management System (our information technology modernization effort), in response to CPSIA requirements, is done under this program. This work is described under the CPSIA section shown earlier in this request.

#### **EMERGING HAZARDS**

CPSC staff has systematically reviewed death and injury data and associated cost data by product grouping (such as heating, cooking and ventilating equipment, general household appliances, children's products, and home workshop tools) and conducted other emerging hazard reviews. We conduct special studies in areas identified by the strategic planning process, data reviews, or other staff activity. An investigation begins with careful review of all incoming reports to identify those most important for further study. These cases are followed up with a telephone interview and continued, if appropriate, with an on-site investigation when information is needed on how specific types of injuries occurred. The resulting information shows the interaction among the victim, the product, and the environment, and forms the basis for developing appropriate remedial strategies. We also screen all incoming data daily to identify products that may be associated with increasing numbers of injuries.

We conduct economic studies to provide specialized economic information to staff, Commissioners, other agencies, and the

public. Staff develops injury cost projections to estimate potential benefits associated with agency actions. We generate estimates of numbers of products in use to determine potential recall effectiveness and consumer exposure to product hazards, and to support agency hazard analysis work.

The public may file a petition requesting that CPSC regulate a consumer product under its jurisdiction. In response to these petitions, staff may prepare briefing packages for Commission consideration to grant, deny, or defer the petitions.

## 2009 ANNUAL DATA COLLECTION AND DATA ANALYSIS GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Data Collection Activities</b>							
1. Evaluate, train and audit each hospital in the NEISS sample	<b>Goal</b>	100%	100%	95%	95%	95%	98%
	<b>Actual</b>	98%	99%	100%	99%	100%	
2. Capture the product-related cases	<b>Goal</b>	90%	90%	90%	90%	90%	90%
	<b>Actual</b>	93%	92%	91%	91%	91%	
3. Complete headquarters telephone investigations in less than 45 business days	<b>Goal</b>	85%	90%	90%	90%	90%	98%
	<b>Actual</b>	100%	99%	100%	99%	99%	
4. Complete fire investigations as on-site or other in less than 45 business days	<b>Goal</b>	**	**	**	95%	95%	95%
	<b>Actual</b>	91%	97%	95%	98%	98%	
5. Complete non-fire investigations as on-site or other in less than 45 business days	<b>Goal</b>	**	**	**	93%	93%	93%
	<b>Actual</b>	90%	97%	93%	96%	95%	
6. Maintain the number of establishment inspections by field staff	<b>Goal</b>	**	**	**	400	400	400
	<b>Actual</b>	417	274	320	493	463	
7. Sustain the number of incident reports collected from medical examiners/coroners	<b>Goal</b>	3,600	3,600	4,160	3,900	4,500	4,500
	<b>Actual</b>	4,514	4,428	4,843	4,724	4,606	
8. Sustain the number of incident reports collected from news clips	<b>Goal</b>	7,000	7,000	8,100	7,300	7,800	7,200
	<b>Actual</b>	7,870	8,766	8,634	8,612	7,402	
<b>Data Analysis Activities</b>							
9. Early Warning System	<b>Goal</b>	**	**	**	**	1	1
	<b>Actual</b>	--	--	--	--	1	
10. Special Economic Studies	<b>Goal</b>	10	8	8	8	8	0
	<b>Actual</b>	10	8	11	9	10	

\*\* No goal established. -- Data not available.

## Data Collection Activities

### Maintain the quality of injury data.

#### 1. Monitoring Hospitals

Evaluation visits provide CPSC staff an opportunity to review hospital records and ensure that hospital coders are capturing and reporting data on the highest possible percentage of reportable cases.

**Goal:** In 2009, staff will conduct at least one evaluation visit at 98 percent of the hospitals in the NEISS sample.

**2. *Capturing Product-Related Cases***

A high reporting percentage is necessary to ensure the integrity of the estimates. Remedial action would be implemented in any hospital that is missing significant numbers of reportable cases.

**Goal:** In 2009, the results of the audits in each hospital will indicate that NEISS hospitals are reporting over 90 percent of the product-related cases.

**Identify and investigate product hazards in the field.**

**3. *Telephone Investigations (Headquarters)***

Headquarters telephone investigations provide valuable information on specific NEISS cases of interest to CPSC analysts. Analysts must receive these data as quickly as possible to support hazard reduction activities.

**Goal:** In 2009, staff will complete at least 98 percent of telephone investigations in fewer than 45 business days.

**4. *On-site and Other Fire Investigations (Field) – Timeliness***

On-site and other fire investigations by the field staff provide valuable information on cases of interest to CPSC compliance officers and analysts. Analysts must receive these data as quickly as possible to support hazard reduction activities.

**Goal:** In 2009, field staff will complete at least 95 percent of on-site and other fire investigations (not including telephone investigations) in fewer than 45 business days.

**5. *On-site and Other Non-Fire Investigations (Field) – Timeliness***

On-site and other non-fire investigations by the field staff provide valuable information on cases of interest to CPSC compliance officers and analysts. Analysts must receive these data as quickly as possible to support hazard reduction activities.

**Goal:** In 2009, field staff will complete at least 93 percent of on-site and other non-fire investigations (not including telephone investigations) in fewer than 45 business days.

**6. *Establishment Inspections***

The primary purpose of an on-site field inspection of a manufacturing facility, importer, distributor or a retailer is to gain first-hand knowledge of a particular product or product type to determine whether it is in compliance with federal regulations or contains a defect which could create a substantial product hazard.

**Goal:** In 2009, field staff will conduct 400 establishment inspections.

**7. *Medical Examiner/Coroner Reports***

Reports from medical examiner and coroners provide critical information on product-related deaths. The data are especially valuable because, unlike death certificates, they are generally received soon after the incident and provide some detail on how the incident occurred.

**Goal:** In 2009, staff will obtain 4,500 medical examiner/coroner reports.

**8. *News Clips***

CPSC relies on clips from newspapers in all 50 States to identify incidents. News clips are provided by two sources; (1) news reports purchased under clipping service contracts; and (2) news reports obtained from the Internet and other sources by staff. News clips provide many reports of product-related deaths, serious injuries, and hazardous fires. The reports fill gaps in reporting from other data systems and provide a very important source of incidents to investigate in support of hazard identification and analysis activities.

In 2008, an expired contract with one newsclip provider service was not immediately replaced with another, which resulted in incomplete data. Furthermore, increased demands on staff did not allow them opportunities to search for news clips, as this task is assigned if time allows. In 2009, it is expected that similar demands will continue to limit opportunities to collect news clips.

**Goal:** In 2009, staff will obtain 7,200 incident reports from news clips.

***Data Analysis Activities*****9. *Risk Management System  
Early Warning System***

In 2008, staff developed and implemented processes and procedures for the pilot Early Warning System (EWS) that focuses on products found in the sleeping environments of children: cribs, bassinets, and play yards (play pens). A multi-disciplinary team of subject matter experts (SMEs) meets weekly to evaluate and characterize the hazard scenarios and failure modes of product-associated incidents received during the previous week. An electronic database captures the hazard scenarios, failure modes, investigative status, and compliance disposition of each incident.

**Goal:** In 2009, staff will apply the EWS processes and procedures for products found in the sleeping environment of children by automating extractions of product-related records that have been coded with respect to hazard scenario and investigation status. Staff will develop enhanced IT functions and features for the process. These enhancements will be provided in a collaborative electronic work environment that will facilitate the electronic extraction and collation of weekly reported incidents from across data sources and append them to the master file. Additional enhancements will allow the SME team to electronically track and update case status, assess hazard patterns and scenarios using filtering criteria, conduct searches, and issue alerts.

**10. *Special Economic Studies  
Defer/Delay***

Staff conducts economic studies to develop hazard exposure data; to provide injury cost estimates; to develop estimates of product life and numbers of products in use; and to determine general and small business impacts, such as costs of production, environmental impact, labeling, and recalls. Staff will maintain econometric models through periodic review to assure that methodological approaches/models are current and adequate for CPSC staff use.

**Previous Goal:** In 2009, staff will complete 8 economic studies.

## SERVICES AND MANAGEMENT GOALS

In support of our two core budget programs, *Reducing Hazards to Children and Families* and *Identifying Product Hazards*, we conduct activities designed to maintain and improve outstanding agency service and management. In the area of service quality, we focus on ways to better provide industry service and satisfy our customers. We have both long-term strategic goals and annual performance goals in each service quality area. We also have annual performance goals to improve management support.



### INDUSTRY SERVICES

**STRATEGIC GOAL: Maintain success with the timeliness and usefulness of the Fast Track Product Recall and the Small Business Ombudsman programs for industry through 2010.**

### THE PROGRAM

CPSC's Compliance function ensures that firms comply with the laws, regulations, and safety standards that protect consumers from hazardous and defective products. When a violation of a safety standard is found or a defective product is identified, we work cooperatively and quickly with industry to obtain an appropriate corrective action that can include recall of the hazardous product.

We administer two programs to assist industry: the Fast Track Product Recall (Fast Track) and Small Business Ombudsman programs. Under the Fast Track program, a firm that reports a hazardous product and recalls it quickly avoids a CPSC staff preliminary determination that its product is defective and presents a substantial risk of injury. Other advantages of this program for industry include reductions in paperwork and legal expenses related to voluntary recalls. For CPSC, advantages of this program include removing hazardous products from consumers and the marketplace more quickly and a reduction in staff time to process the recall.

Through 2008, over 1,500 firms have participated in the program, resulting in nearly 3,000 product recalls involving over 300 million product units. The Fast Track program has been cited as outstanding by both government and private organizations.

With the Small Business Ombudsman program, we help small businesses comply more easily with product safety guidelines to manufacture safer products. We assist by frequently updating the small business Web page on our Web site and providing as much information as possible on the requirements to small business.

## 2009 ANNUAL INDUSTRY SERVICES GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
1. Initiate a Fast Track recall within 20 days	Goal	95%	95%	90%	90%	90%	90%
	Actual	96%	94%	98%	95%	96%	
2. Provide industry guidance	Goal	5	5	5	5	5	10
	Actual	8	8	8	5	6	
3. Develop responses to frequently asked questions	Goal	**	**	**	**	**	85
	Actual	--	--	--	--	--	

\*\* No goal established. -- Data not available.

### 1. *Fast Track Timeliness*

**Goal:** In 2009, staff will complete a technical review and initiate a recall within 20 days 90 percent of the time for the Fast Track Program.

### 2. *Industry Guidance*

The new CPSIA, enacted in August 2008, greatly expanded our authorities to regulate safety in consumer products. Staff is developing guidance to facilitate industry transition to the new legislation.

**Goal:** In 2009, staff will develop 10 advisory opinions or guidance documents concerning the application of the CPSIA to current industry practices.

### 3. *Frequently Asked Questions*

The new CPSIA, enacted in August 2008, greatly expanded our authorities to regulate safety in consumer products. Staff is developing responses to over 3,000 email requests for guidance.

**Goal:** In 2009, staff will identify at least 85 frequently asked questions about the CPSIA, then develop and post responses on CPSC's Web site.

### *Ombudsman - Small Business Guidance Publications*

The CPSIA section presented earlier in this document describes this activity.



## THE PROGRAM

## CUSTOMER SATISFACTION WITH CPSC SERVICES

**STRATEGIC GOAL: Sustain the high level of customer satisfaction with the CPSC Web site, hotline, Clearinghouse, and State Partners Program at 90 percent or better through the year 2010.**

In addition to our work reducing hazards associated with consumer products, we provide additional services to the public in the form of information services, including the agency's Internet Web site, hotline, the National Injury Information Clearinghouse, and the State Partners Program. These resources are used both to provide safety information to, and receive information from, the public. Customer satisfaction with these services is vital if CPSC is to fulfill its mission.

Our Web site ([www.cpsc.gov](http://www.cpsc.gov)) provides Internet access to CPSC resources and allows the public to view information about recalled products, report unsafe product incidents, request information, and download safety information. The hotline is a toll-free service that allows consumers to report product complaints or product-related injuries, learn about recalls and safety hazards, and obtain safety publications. The National Injury Information Clearinghouse provides data to the public in response to about 1400 requests each year. It also alerts manufacturers to potential hazards associated with their products, providing them with consumer complaints, reported incidents, and incident investigations involving their products. Our State Partners Program, using limited CPSC funds and CPSC-developed safety information, brings product safety services to consumers through cooperative programs with State and local governments. The program extends our reach throughout the nation.

## 2009 ANNUAL CUSTOMER SATISFACTION GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>CPSC Web Site</b>							
1. CPSC Web site visits (in millions)	<b>Goal</b>	10.0	11.0	18.0	25.0	38.8	40.0
	<b>Actual</b>	11.9	13.7	20.3	32.3	40.5	
<b>Hotline Services (1-800-638-2772)</b>							
2. Respond to voicemail messages the next business day	<b>Goal</b>	85%	85%	85%	85%	95%	98%
	<b>Actual</b>	96%	86%	89%	99%	100%	
3. Process incident reports within 8 working hours	<b>Goal</b>	90%	95%	95%	100%	95%	99%
	<b>Actual</b>	100%	100%	100%	100%	100%	
<b>National Injury Information Clearinghouse</b>							
4. Mail incident information for verification to consumers within 2 business days	<b>Goal</b>	95%	95%	95%	95%	95%	95%
	<b>Actual</b>	99%	95%	100%	98%	97%	
5. Provide manufacturers with verified incidents and investigations within 48 business days	<b>Goal</b>	90%	90%	90%	90%	95%	95%
	<b>Actual</b>	95%	95%	96%	97%	100%	
6. Provide responses to requests within 7 business days	<b>Goal</b>	95%*	95%*	95%	95%	80%	80%
	<b>Actual</b>	97%	99%	98%	82%	63%	
<b>State Partners Program</b>							
7. Conduct product safety activities within 90 days or less	<b>Goal</b>	**	**	**	88%	95%	95%
	<b>Actual</b>	81%	87%	95%	99%	100%	
8. Host State caucus training sessions	<b>Goal</b>	**	**	**	1	1	0
	<b>Actual</b>	0	0	0	1	1	

\*Starting in 2006, this goal was changed from 5 to 7 business days.

\*\*No goal established.

### CPSC Web Site

#### 1. Web Site Visits

CPSC's Web site ([www.cpsc.gov](http://www.cpsc.gov)) was established to widen and speed public access to important safety information. The site started out simply, allowing for the retrieval of basic information such as press releases (usually announcing product recalls) and the agency's public meeting calendar. Over time, new features have been added, such as allowing the public to make online reports of product hazards and providing the ability to search and download data from our National Electronic Information Surveillance System (NEISS).

The number of visits to the Web site has grown rapidly from about 200,000 visits in 1997 to about 40.5 million visits in 2008. Based on a customer feedback survey and a review of our Web site, we plan to implement changes that will improve the ability to access safety information.

**Goal:** In 2009, we will have 40 million visits to CPSC's Web site.

### Hotline Services (1-800-638-2772)

#### 2. Voicemail

The hotline maintains high levels of customer satisfaction through administering a performance-based contract for hotline operators who deal directly with the public. Under this type of contract, we evaluate the performance and renew the contract only if the performance level meets or exceeds the standards set forth in the

contract. This includes maintaining the hotline automated message system, maintaining the system for responding to e-mail messages, and preparing reports on consumer usage of these systems. In 2008, we received 3,950 messages from the public through voicemail.

**Goal:** In 2009, hotline staff will respond to voicemail messages the next business day 98 percent of the time.

### ***3. Incident Reports***

Consumers may make a complaint of an unsafe product or product-related injury through the hotline. In 2008, hotline staff processed 3,936 complaints about consumer products, and 100 percent were completed within eight working hours. We use these complaints to look for emerging hazards and to support studies of specific product hazards.

**Goal:** In 2009, hotline staff will process product incident reports within eight working hours 99 percent of the time.

## ***National Injury Information Clearinghouse***

### ***4. Consumer Confirmation***

The Clearinghouse contacts consumers to request verification of information contained in reports of unsafe products submitted to us through our consumer hotline, the Internet, or by mail. Requests for verification are mailed to consumers within 48 hours after the report arrives in the Clearinghouse. In 2008, we sent nearly 13,200 reports to consumers for verification and 97 percent were completed within two business days.

**Goal:** In 2009, staff will mail incident report verification information to consumers within two business days 95 percent of the time.

### ***5. Manufacturer Mailing***

The incidents from consumers and investigation reports from CPSC's field staff are sent to manufacturers whose products are named in these reports. Consumer verification information and manufacturer responses are also made available to staff electronically for review. In 2008, we mailed 14,300 reports to manufacturers and 100 percent were completed within 48 business days. The number of business days is calculated from the date the incident or investigation is received in the Clearinghouse and includes 20 business days of waiting for a response verifying the information from the complainant.

**Goal:** In 2009, staff will provide reported incidents and completed investigation results to manufacturers of identified products within 48 business days of receiving the reports in the Clearinghouse 95 percent of the time.

### ***6. Information Requests***

The Clearinghouse provides the public with technical information relating to the prevention of death and injury associated with

consumer products. Requests for injury data are assigned to technical information specialists who search agency databases and publications to tailor responses to each customer's needs. Most of the about 1400 requests received in 2008 were completed within seven business days. Since 2006, goal definition and targets have been adjusted because of reprioritization of resources.

**Goal:** In 2009, staff will provide responses to requests for information within seven business days 80 percent of the time.

## **State Partners Program**

### **7. Product Safety Activities**

CPSC's State Partners program works in cooperation with a group of State and local officials to deliver CPSC services to consumers, including checks of recall compliance, inspections, and injury investigations to support CPSC priorities.

**Goal:** In 2009, staff will conduct 95 percent of product safety activities within 90 days or less of assignment.

### **8. State Caucus Training Defer/Delay**

State and local officials work with CPSC on cooperative activities that complement those performed by CPSC field staff and are done at little or no cost to CPSC. Staff will host training for these officials.

**Previous Goal:** In 2009, staff will host one annual training session for State and local officials.

## MANAGEMENT SERVICES



The Commission has chosen goals in related areas of management such as: human capital management, financial management, and information technology.

### 2009 ANNUAL MANAGEMENT SERVICES GOALS

Annual Goals Summary		2004	2005	2006	2007	2008	2009
<b>Strategic Management of Human Capital</b>							
1. Modify the appraisal system	Goal	1	1	1	0	1	1
	Actual	1	1	0	0	1	1
2. Identify skill gaps and develop training plans	Goal	1	1	1	1	1	1
	Actual	0	0	0	1	1	1
3. Maintain the recruitment process time (days)	Goal	62	62	62	62	62	62
	Actual	60	61	61	49	62	62
4. Conduct training for managers in human resource management	Goal	2	1	2	2	6	6
	Actual	3	2	4	6	7	6
5. Conduct focus groups/On-line surveys of new employees	Goal	2	2	1	1	1	1
	Actual	2	2	1	2	1	1
6. Target recruitment efforts to organizations serving under-represented populations	Goal	10	12	12	8	10	11
	Actual	12	14	14	11	15	11
7. Conduct training sessions for managers and employees in EEO/AEP responsibilities	Goal	3	3	3	3	5	5
	Actual	10	10	4	6	7	5
8. Promote representation of under-represented groups and individuals with disabilities	Goal	5	5	5	5	5	5
	Actual	12	13	10	6	6	5
<b>Competitive Sourcing</b>							
9. Review and revise the annual FAIR Act Inventory as appropriate	Goal	1	1	1	1	1	1
	Actual	1	1	1	1	1	1
<b>Improved Financial Performance</b>							
10. Monitor financial management system to meet Federal requirements and standards	Goal	1	1	1	1	1	1
	Actual	1	1	1	1	1	1
11. Financial management system replacement and implementation	Goal	**	**	**	1	1	1
	Actual	--	--	--	1	1	1
12. Reduce or maintain the number of business days after month-end to produce monthly financial reports	Goal	3	3	3	3	3	3
	Actual	3	3	3	3	3	3
<b>Expanded Electronic Government</b>							
13. Implement Web-based application to improve government-to-business communication	Goal	1	1	1	1	0	1
	Actual	1	1	0	0	0	1
14. Develop and implement technology to improve access and transfer of information government-to-government	Goal	1	1	1	1	1	1
	Actual	1	1	1	1	1	1
15. Improve internal efficiency and effectiveness	Goal	2	1	1	1	1	1
	Actual	2	3	6	0	1	1
<b>Budget and Performance Integration</b>							
16. Perform program evaluations	Goal	7	8	6	4	4	3
	Actual	5	6	6	4	4	3

\*\*No goal established. --Data not available.

## ***Strategic Management of Human Capital***

### ***1. Appraisal System***

We revised CPSC's Senior Executive Service (SES) Performance Management System performance elements and standards in 2004 to include measures of success in meeting agency goals in our annual performance plans. In 2005, we revised the elements and standards for the remainder of the employees. In 2006, we monitored the use of the SES performance elements and standards and began implementing the modified elements and standards for the remainder of the employees. In 2008, we fully implemented the modified elements and standards for the remainder of the employees incorporating results-based performance measures with a direct link to CPSC's strategic goals.

**Goal:** In 2009, staff will monitor the use of the performance elements and standards for the remainder of the employees and assess program performance.

### ***2. Skills Analyses***

In 2004, we developed competencies for some of our mission critical positions. In 2007, a new management training directive was developed that included a skill gap assessment, mandatory training requirements, and a training plan for all supervisors, managers, and executives. Additionally, skill gap analysis was completed for occupations in Human Resources and Information Technology. In 2008, a formal skill gap analysis and training plans were completed for all of our engineering occupational series.

**Goal:** In 2009, we will continue to identify skill gaps and develop training plans for all mission critical positions. We will develop a succession plan to ensure continued development of current employees as well as targeted recruitment for mission critical positions.

### ***3. Recruitment Time***

The recruitment process time is calculated as the difference in the number of days between the recruitment request and the candidate selection date. In 2007, staff implemented an automated applicant intake system to improve efficiency of the staffing process, reducing the average recruitment processing time to 49 days in 2007 from the 2006 average of 61 days and well below the 2002 government average of 102 days. In 2008, the average recruitment time increased to 62 days due to a significant increase in hiring combined with unfilled vacancies in the human resources office.

**Goal:** In 2009, staff will maintain the 62-day recruitment process time.

### ***4. Human Resource Training***

In 2008, staff conducted seven training sessions for managers and supervisors in human resource management. This included topics such as leave management, automated hiring systems, and other human resource procedures.

**Goal:** In 2009, staff will conduct six essential management training sessions on human resource management topics, such as performance management, staffing and recruitment, position management, and other human resource policies.

**5. Focus Group/On-Line Survey**

In 2008, staff conducted two focus groups to survey new employees on the recruitment and orientation process to learn from their experience and determine how to improve our services in the future.

**Goal:** In 2009, staff will implement recommendations from the focus groups and continue to assess the recruitment process through an on-line survey for all new employees as well as an applicant survey through our on-line applicant intake system.

**6. Target Recruitment**

**Goal:** In 2009, staff will target 11 recruitment efforts to organizations serving under-represented populations.

**7. EEO/AEP Training**

**Goal:** In 2009, staff will conduct five training sessions for CPSC managers and employees about their Equal Employment Opportunity/Affirmative Employment Plan responsibilities.

**8. Promote Representation**

**Goal:** In 2009, staff will promote representation of under-represented groups and individuals with disabilities with at least five initiatives. Examples of these new initiatives are mentoring programs, summer volunteer program, employee training programs, and disability and diversity awareness programs.

**Competitive Sourcing**

**9. FAIR Act Inventories**

We have published an inventory as required by the *Federal Activities Inventory Reform (FAIR) Act* each year since 1999. We reviewed all positions in the agency. We find that the majority of CPSC employees are engaged in the governmental public safety function of investigating product hazards and developing product standards, leaving a small number of commercial services employees.

We currently contract out most of our commercial services. For example, CPSC contracts out mail and driver services, laborer services, and copy and library services. We also contract out for our consumer hotline operation, data screening for NEISS, and much of our computer programming and Help Desk operations. A total of 43 FTEs are represented by these contractual services. Moreover, we contract out specialized commercial reviews, such as bankruptcy experts, during the course of our investigations. We also contract out operations of various major administrative systems such as payroll, finance, human resources, and procurement. These contracts represent at least another 7 FTEs for an equivalent of 50 FTEs currently contracted out.

In our 2008 inventory, CPSC determined that an additional 12 employees over and above the 50 that are already contracted out may be performing commercial activities under the definitions in the FAIR Act and OMB Circular A-76 (Revised).

**Goal:** In 2009, staff will review and revise the FAIR Act inventory, as appropriate.

### **Improved Financial Performance**

#### **10. Financial Management Systems**

In 2001, CPSC implemented a new core accounting system, the Federal Financial System (FFS), contracted from the Department of Interior's National Business Center (NBC), a major provider of Federal accounting services meeting all Federal accounting system requirements and standards. In 2008, CPSC continued to monitor the system to ensure continued compliance with all applicable Federal regulations and standards. This will be documented in annual staff letters of assurance.

**Goal:** In 2009, staff will continue to monitor the system for compliance.

#### **11. Financial Management System Replacement**

In 2007, staff evaluated new financial systems for a replacement system as NBC is dropping support of FFS in 2010. In 2008, staff signed a contract for replacing the NBC system with a system provided by the Department of Transportation. Implementation is expected to be completed in 2010.

**Goal:** In 2009, staff will begin implementing the new system.

#### **12. Information Timeliness**

Currently, staff provides monthly financial reports electronically throughout the agency by the third business day after the close of the month. This provides electronic on-demand access to financial information.

**Goal:** In 2009, staff will maintain the third business day delivery of reports to agency staff.

### **Expanded Electronic Government**

#### **13. Government-To-Business (G2B)**

Government-to-Business initiatives reduce the burden on business by adopting processes that dramatically reduce redundant data collection, provide one-stop streamlined support for businesses, and enable digital communications with businesses. Section 102 of the CPSIA requires mandatory third party testing for certain children's products. The new legislation imposes, on a rolling schedule, additional third-party testing requirements for all consumer products primarily intended for children 12 years of age or younger. Every domestic manufacturer or importer of a children's product subject to those requirements must have its product tested by an accredited independent testing lab and, based on the testing, must issue a certificate that the product meets all

applicable CPSC requirements. The CPSC must maintain on its Web site an up-to-date list of those accredited labs that have been accepted by the CPSC.

**Goal:** In 2009, staff will develop an electronic system for Lab Accreditation processing and approval.

#### ***14. Government-To-Government (G2G)***

In 2004, the Homeland Security Presidential Directive 12 (HSPD-12) was issued mandating the implementation of a common identification standard for Federal employees and contractors. Its purpose is to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors. CPSC is using the General Services Administration (GSA) shared services provider contract to meet the HSPD-12 deadlines.

**Goal:** In 2009, staff will participate in a pilot program with GSA to transmit electronic fingerprint data to OPM for background checks connected with HSPD-12.

#### ***15. Internal Efficiency and Effectiveness (IEE)***

This initiative brings commercial best practices to key government operations, particularly information security, supply chain management, human capital management, financial management and document workflow. In 2007, we installed a new Freedom of Information Act (FOIA) Case Management system. It is expected to yield many operational and workflow improvements in the years to come. In 2008, we implemented a Web-based application for FOIA case management that will improve case management and reduce time spent searching for records in electronic form.

**Goal:** In 2009, we will complete the roll-out of this application across the agency.

### ***Budget and Performance Integration***

#### ***16. Program Evaluations***

To integrate performance review with budget decisions, we have taken a number of steps, including: (1) changing internal databases to capture performance by strategic goal; (2) developing a system for resource allocation by strategic goal for direct and indirect costs; (3) adding resource allocations (FTE, costs) for each strategic goal to the performance plan; (4) combining the performance plan and budget request; (5) realigning our budget programs to match our strategic goals; and (6) incorporating the Office of Financial Management, Planning and Evaluation work under the direction of the Office of the Executive Director to provide a comprehensive and cohesive integration of budget and performance. We believe that our annual budget and performance plans make the agency performance-oriented by showing progress achieved on our hazard reduction goals and our quality and management goals. For continued improvement, however, we must evaluate our programs.

**Goal:** In 2009, staff will perform evaluations of fire-related deaths, fireworks-related deaths, and CO poisoning deaths associated with all consumer products.

## PROGRAM EVALUATIONS

**Program evaluations used to develop the Strategic Plan.** Strategic targets for the extent of injury and death reductions in each hazard area were based on statistical analyses of data and on staff expertise. We calculated 10-year trends of injuries and deaths at both the product and hazard levels. Staff experts in each hazard area set specific targets after assessing the potential actions of the Commission and the effect of joint efforts with other organizations and industry. Staff also made assumptions concerning the outcomes of potential technical feasibility studies.

Customer service/satisfaction and human capital goals were based on information from surveys and tracking systems, as well as on staff expertise as to what could be accomplished in a given time span.

**Future program evaluations:** Injury and death reduction strategic goals will have two types of evaluations: yearly tracking of injuries and deaths at the hazard level and evaluations of injury and death reductions associated with specific products at appropriate time intervals. The timing for evaluating injury and death reductions depends, in part, on how long consumers keep specific products. Evaluations at the product level will be conducted when consumers are expected to have replaced a substantial proportion of older products with safer products. We derive estimates of the extent to which safer products have replaced older products using CPSC's Product Population Model.

Customer service/customer satisfaction goals will also have two types of evaluations: (1) tracking of customer service standards and activities and (2) assessments of consumers and industry. Tracking will be evaluated annually, while assessments are planned to be implemented on a cycle of every three years. An overall plan for future evaluations is provided in Table A.

### A. Reducing Fire-Related Deaths

- 2004: Tracking of fire-related deaths
- 2004: Tracking of fireworks-related deaths
- 2005: Tracking of fire-related deaths
- 2005: Tracking of fireworks-related deaths
- 2006: Tracking of fire-related deaths
- 2006: Tracking of fireworks-related deaths
- 2006: Impact evaluation of product(s) with fire-related hazards
- 2007: Tracking of fire-related deaths
- 2007: Tracking of fireworks-related deaths
- 2008: Tracking of fire-related deaths
- 2008: Tracking of fireworks-related deaths
- 2009: Tracking of fire-related deaths
- 2009: Tracking of fireworks-related deaths
- 2009: Impact evaluation of fireworks regulations defer/delay

### B. Reducing CO Poisoning Deaths

- 2004: Tracking of CO deaths
- 2005: Tracking of CO deaths
- 2006: Tracking of CO deaths associated with portable generators
- 2007: Tracking of CO deaths associated with all consumer products
- 2008: Tracking of CO deaths associated with all consumer products
- 2009: Tracking of CO deaths associated with all consumer products

**C. Assessments by Industry**

2004: Fast Track  
2005: Ombudsman (Carryover from 2004)  
2007: Fast Track  
2009: Ombudsman defer/delay

**D. Customer Satisfaction**

2005: Web Site  
2006: Clearinghouse (Carryover from 2005)  
2006: State Partners  
2008: Hotline

**Table A**  
**Schedule of Evaluations**

Strategic Goals	Issues	General Scope	Procedures	
			Method	Time
<b>Hazards</b> Fire Carbon Monoxide	Reduce the rate of death	National estimates of deaths	1. Hazard Surveillance (NFIRS, NCHS)*  2. Evaluation of specific products – tracking before/after studies.	1. Annually  2. As appropriate
<b>Customer/Industry Services</b> Hotline Clearinghouse State Partners Web Site Industry	1. Timeliness standards met  2. Satisfaction with CPSC's services	1. Population of users  2. Random sample of users	1. Logs  2. Interviews; mail surveys	1. Annually  2. Every 3 years

\* National Fire Incident Reporting System (NFIRS), National Center for Health Statistics (NCHS).

## VERIFICATION AND VALIDATION

This section describes the means by which we verify and validate the results of our annual performance measurement. Each annual goal was set by targeting or projecting a number of activities to be completed. We provide a complete list of performance measures with corresponding databases and verification procedures in Table B. We also provide further descriptions separately for: (A) reducing hazards to children and families for each of the core functions (safety standards, compliance, and consumer information); (B) identifying product hazards; and (C) service quality and customer satisfaction.

### A. Annual Goals for Reducing Hazards to Children and Families

#### 1. Safety Standards

- *Targeted performance goals for: (a) rulemaking activities, (b) recommendations sent to voluntary standards groups and national or international code groups, (c) assessments completed (hazard analyses, data collection, technical feasibility studies), and (d) supporting of voluntary standards developments/revisions.*

Performance measures: The number of completed activities in each category.

Database: A milestone tracking systems record (including a semi-annual voluntary standards tracking report), the completion dates for significant activities such as Commission briefings, recommendations sent to voluntary standards committees, and completed reports.

Verification: A review by senior managers and a formal clearance process, resulting in publicly available official dated documents.

#### 2. Compliance

- *Preliminary determination within 85 business days (unregulated products)*

Performance measures: The percent of unregulated cases with preliminary determination within 85 business days of initiation.

Database: The Compliance Corrective Actions (CCA) database tracks this performance metric.

Verification: Internal consistency checks, required fields, automatic generation of data reports, and reviews of each action by senior managers.

- *Corrective Action within 60 business days of preliminary determination (unregulated products)*

Performance measures: The percent of cases involving an unregulated product where a corrective action was commenced within 60 business days of preliminary determination.

Database: The Compliance Corrective Actions (CCA) database tracks this performance metric.

Verification: Internal consistency checks, required fields, automatic generation of data reports, and reviews of each action by senior managers.

- *Corrective Action within 35 business days of notice of violation (regulated products)*

Performance measures: The percent of cases involving a regulated product where a corrective action was obtained within 35 business days of the Letter of Advice being sent.

Database: CPSC's Integrated Field System (IFS) is used to track this performance measure.

Verification: Internal consistency checks, required fields, automatic generation of data reports, and reviews of each action by senior managers.

### 3. Consumer Information

- *Consumer Outreach*

Performance measures: The number of US consumers estimated to have been reached through TV appearances and interviews on national television networks, video news releases to national and local television networks, and e-publications on CPSC's Web site.

Database: The data come from three separate and independent tracking sources. The number of viewers of TV appearances and interviews is determined from Nielson ratings of major television networks. The number of viewers of video news releases is provided by a third party contractor. The number of e-publications viewed is determined through computer programming that links Web statistics (Webtrends) to publications by hazard.

Verification: All data is obtained from third parties.

- *Performance goals for responding to the public's requests for publications through our Web site. [Note that each CPSC publication has been classified by the hazard addressed.]*

Performance measures: The number of Web publications in each hazard area.

Database: The Inventory of Web Publications database tracks the number of each publication viewed or downloaded.

Verification: This information is reported to us through an off-the-shelf software application, *Webtrends*. Perform monthly check of database information.

### B. Annual Goals for Identifying Product Hazards

- *Targeted performance goals for: (a) collecting data from NEISS hospitals, telephone and onsite investigations, medical examiners and coroners, and newsclips, and (b) evaluating, training, and auditing NEISS hospitals.*

Performance measures: The number of completed activities or percent of hospitals visited in each.

Database: The NEISS, IPII (Injury or Potential Injury Incidents), INDP (In-depth Investigations), and NARS (NEISS Administrative Record System) databases track these performance measures.

Verification: Internal quality control process.

### C. Annual Goals for Service Quality and Customer Satisfaction

- *Performance goals for contacts with the public and timeliness of CPSC actions.*

Performance measure: The number of Web site contacts, hotline calls, and timeliness checks.

Verification: These performance measures are all stored electronically and are either automatically generated by contractors (Web and hotline) or automatically generated through our programming.

- *Performance goals for number of business days for technical review.*

Performance measures: The number of business days for CPSC to provide a technical response to small business callers.

Database: The number of business days is generated automatically in the Ombudsman database.

Verification: Manager review.

- *Performance goals for customer satisfaction and industry assessments.*

Performance measures: Percent of customers satisfied with our services; improvements made based on stakeholders' suggestions.

Verification: Standardized surveys and interviews based on census or sample of respondents.

**Table B**  
**Verification and Validation of Performance Measures for Annual Goals**

Type of Performance Measure	Performance Measure	Database	Verification/Validation
<b>Results-Oriented Goals</b>			
Candidates for Commission consideration	Number of Commission briefing packages	Milestone tracking	Official documents
Voluntary standards development or changes	Number of recommendations	Milestone tracking	Official documents
National codes changes	Number of recommendations	Milestone tracking	Official documents
Model legislation	Number of recommendations	Milestone tracking	Official documents
Hazard/cost analyses, data collection	Number of reports completed	Milestone tracking	Official documents
Technical feasibility studies	Number of reports completed	Milestone tracking	Official documents
Time to PD* (Unregulated)	Percent within 85 days	CCA*	Manager review
Time from PD* to CAP* (Unregulated)	Percent within 60 days	CCA*	Manager review
Time from LOA* to Corrective Action (Reg.)	Percent within 35 days	IFS*	Manager Review
Voluntary standards (VS) supported	Number of VS supported	IFS*, official documents	Manager Review
Public information efforts	Number of efforts	Milestone tracking	Official documents
Consumer Outreach	Number of consumer hits	Tape file log, Inventory	Official documents
NEISS hospital data	Number of cases	NEISS*	Office Quality Control Process
Medical Examiner/Newsclip reporting	Number of cases	IPII*	Office Quality Control Process
Investigations	Number of cases	INDP*	Office Quality Control Process
NEISS training	Percent of hospitals visited	NARS*	Office Quality Control Process
<b>Service Quality/Consumer Satisfaction</b>			
Web site	Number of contacts	Web server file log	Automated reports (Contractor)
Meet timeliness customer service standards	Number of standards met	Log of actions	Automated reports
Improve services	Number of services improved	Milestone tracking	Manager review
Survey consumer satisfaction	Ratings by consumers	Random sample	Procedural checks
<b>Industry Services</b>			
Assess services	Responses of industry callers	Random sample/census	Procedural checks
Meet timeliness standards for hotline, Clearinghouse and State Partners	Number of standards met	Log of actions	Automated reports
Track performance	Procedures completed	Milestone tracking	Manager review

\*IFS = Integrated Field System; CCA = Compliance Corrective Actions; PR/RA = Press Release/Recall Alert database; PD = Preliminary Determination; CAP = Corrective Action Plan; LOA = Letter of Advice; NEISS = National Electronic Injury Surveillance System; IPII= Injury or Potential Injury Incident; INDP= In-Depth Investigation; NARS= NEISS Administrative Records System.

## **PROCESSES AND TECHNOLOGIES NEEDED TO MEET THE PERFORMANCE GOALS**

This section reviews the (A) processes, (B) technologies (capital assets), (C) treatment of major management problems, (D) accountability, and (E) methodology for allocating CPSC's budget request to strategic goal activities in the annual performance plan.

### **A. Processes**

We plan to achieve our annual goals by continuing our current operational processes. These are described more fully under the introduction to each budget program and activity. In summary, our processes involve these hazard reduction activities:

- Participating in the voluntary standards process or developing mandatory safety standards.
- Conducting compliance activities such as recalls, corrective actions, and enforcement of existing regulations.
- Distributing information to the public on how to avoid product hazards.

### **B. Capital Assets / Capital Programming**

We have two major recurring capital asset acquisitions identified in support of our performance goals – continued investment in information technology (IT) and the modernization of our laboratory. Our investments in IT and laboratory modernization have a direct impact on our ability to achieve our mission and strategic goals.

We use IT to speed access to injury and death information to set priorities for using our resources; support various voluntary and mandatory approaches to reducing hazards; and more quickly reduce hazards to American consumers. In addition, automating various tracking, planning, and mission-critical systems needed to accomplish organizational tasks has saved thousands of administrative staff hours, thus expanding staff time devoted to injury reduction activities. This has benefited the various CPSC programs established to carry out the agency's mission. In 2009, we have allocated \$1 million for the recurring IT Capital Investment Fund and \$1 million for the recurring Applications Development Fund.

The existing 1950s era laboratory facility provides critical support to our compliance investigations and development of safety standards. We are working with GSA to seek efficiency improvements in our laboratory facility including relocating the lab to a more modern facility. We have allocated \$6 million from the 2009 Operating Plan to complete this project.

### **C. Treatment of Major Management Problems and High-Risk Areas**

We do not have any major problems of fraud and mismanagement in our programs and operations. We can address problems of fraud and mismanagement in programs and operations, if they were to arise, through CPSC's: (1) Office of Inspector General, responsible for audits, inspections, special reports, and investigations; (2) the Office of the Chairman, responsible for the annual Federal Financial Managers Improvement Act (FFMIA) report to the President and Congress; and (3) the Senior Management Council, responsible for internal control reviews and annual letters of assurance.

We produced audited 2008 financial statements (reported in our 2008 Performance and Accountability Report, November 2008). CPSC's statements received a "clean opinion." These

statements met the *accelerated* Federal schedule of 45 days after the close of the fiscal year. The audit found that CPSC's statements and financial system conformed to accepted accounting principles, laws, and regulations and that CPSC had effective internal controls. We are replacing our financial system in 2009 because the system vendor is withdrawing support.

#### **D. Accountability**

The agency's budget review process, annual performance report, and staff performance appraisals are the primary methods for assigning accountability to managers and staff for achievement of objectives. Each year during the budget and operating plan process, we will link the Strategic Plan and the Performance Budget. The Executive Director of the agency and the directors for the Offices of Hazard Identification and Reduction (for Safety Standards and Data Collection), Compliance (for Recalls and Corrective Actions), and Information and Public Affairs (for Consumer Information) are responsible for this linkage. Finally, the Commission stresses the achievement of the Strategic Plan's objectives as an important consideration in the performance appraisals of agency managers. In addition, the agency's Inspector General conducts an annual audit program of various aspects of agency operations, including auditing portions of the performance plans.

#### **E. Resource Allocation to Accomplish Annual Goals**

For 2009, the appropriation for the agency is \$105,404,000 (an increase of \$25 million) with a staff level of 483 full time equivalents (FTE) nationwide (an increase of 39 FTEs). CPSC is a staff intensive organization with nearly 70 percent of our resources allocated to the compensation and housing of our professional and technical staff that identify product-related hazards; investigate and act on product safety hazards and violations of safety regulations; provide recommendations to CPSC for decision-making; and inform the public about product safety.

In 2009, a large amount of our appropriation increase has been allocated to specific programs: \$10,575,000 (\$9,575,000 plus \$1 million for the recurring IT Capital Investment Fund) for the Consumer Product Safety Risk Management System (RMS), an integrated Web-based database for both public and staff use that will enhance CPSC's ability to achieve its mission; \$6,643,000 for grants administration, an information and education campaign, and enforcement for the Virginia Greame Baker Pool and Spa Safety Act; and \$6,000,000 to finalize funding for the laboratory facility upgrade. The remaining funds will be used primarily to increase staffing levels to address the requirements of the Consumer Product Safety Improvement Act and the more than 20 rulemaking activities that the Commission must undertake.

**Allocation Methodology:** Resources in the Annual Performance Plan are allocated between our two budget programs, *Reducing Product Hazards to Children and Families*, and *Identifying Product Hazards*. These budget programs include activities that support the strategic goals and reflect both direct and indirect costs. We estimated the resource allocation for each strategic goal by:

- Determining the direct costs for each strategic goal for those activities classified by hazard in the budget (e.g., resources for the upholstered furniture project were directly applied to the goal for reducing fire-related deaths). Most of the agency's costs are direct costs, such as salary and contract support costs.
- Estimating direct costs for those strategic goal activities not classified by hazard in the budget, such as customer and industry service activities. Staff estimated the distribution attributable to the strategic goals using historical data and expert judgment.
- Distributing proportionately indirect costs, such as administration and space rent, to the strategic goals for each program.

## VOLUNTARY STANDARDS SUMMARY

<b>Fire</b>	1	Batteries
	2	Electric Heaters
	3	Smoke Alarms
<b>Children's and Other Hazards</b>	4	Bassinets and Cradles
	5	Bath Seats
	6	Bed Rails
	7	Beds, Bunk
	8	Beds, Toddler
	9	Bedside sleepers
	10	Blind Cords
	11	Booster Seats
	12	Highchairs
	13	Chairs, Youth
	14	Changing Tables
	15	Cribs, Commercial
	16	Cribs, Full-Size
	17	Cribs, Non-Full-Size and Play Yards
	18	Infant Bedding and Accessories
	19	Infant Bouncers
	20	Infant Carriers, Frame
	21	Infant Carriers, Hand-held
	22	Infant Carriers, Soft
	23	Infant Gates
	24	Infant Slings
	25	Infant Swings
	26	Infant Tubs
	27	Infant Walkers
	28	Phthalates
	29	Playground Equipment, Children less than two years old
	30	Playground Equipment, Home
	31	Playground Equipment, Public
	32	Shopping Carts
	33	Stationary Activity Centers
	34	Strollers
	35	Swimming Pools, Alarms
	36	Swimming Pools and Spas
	37	Swimming Pools, Portable
	38	Suction Vacuum Release Systems (SVRS)
	39	Toys

## MANDATORY STANDARDS SUMMARY

<b>Fire</b>	1	Upholstered Furniture
	2	Carpet and Rug Standards (Technical Amendment)
	3	Cigarette (Technical Amendment to 16 CFR Part 1632)
<b>Carbon Monoxide</b>	4	Portable Generators – Technical and Other Issues
<b>Children's and Other Hazards</b>	5	ATVs
	6	Infant Cushions
<b>CPSIA</b>	7	Lead Content to 600 ppm (Lead Content to 300 ppm on August 14, 2009)
	8	Lead Paint to 0.009 percent
	9	Inaccessible Components exempt from lead level testing
	10	Requirements for certain electronic devices with lead
	11	Exclusions for specific products or materials containing lead
	12	Determination of specified materials for lead content
	13	Third party accreditation requirements for lead paint measurement
	14	Third party accreditation requirements for children's metal jewelry
	15	Third party accreditation requirements for full-size, non-full-size cribs, and pacifiers
	16	Third party accreditation requirements for small parts
	17	Third party accreditation requirements for all other children's products
	18	Third party accreditation requirements for children's products subject to 300 ppm lead content standard
	19	Third party laboratory periodic audit requirements
	20	Labeling consumer products as complying with certification requirements
	21	Electronic filing of certificates
	22	Consumer registration forms for durable infant and toddler products
	23	Baby walkers
	24	Baby bath seats
	25	Cribs (full size and non-full size)
	26	Cautionary statement labeling in advertising
	27	ANSI/SVIA standards adopted for ATVs
	28	Civil penalty interpretations
	29	Content requirements for recall notices
	30	Reduced notification days to manufacturers

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ACE	Automated Commercial Environment
ANPR	Advance Notice of Proposed Rulemaking
ANSI	American National Standards Institute
AQSIQ	General Administration for Quality Supervision, Inspection, and Quarantine
ASTM	ASTM International, formerly American Society for Testing and Materials
ATV	All-Terrain Vehicle
CBHFTI	California Bureau of Home Furnishings and Thermal Insulation
CBP	Customs and Border Protection
CDC	Centers for Disease Control and Prevention
CCA	Compliance Corrective Actions
CFR	Code of Federal Regulations
CHAP	Chronic Hazard Advisory Panel
CO	Carbon Monoxide
CPSC	Consumer Product Safety Commission
CPSIA	Consumer Product Safety Improvement Act
CPIC	Capital Planning and Investment Control
EEO/AEP	Equal Employment Opportunity/Affirmative Employment Program
EWS	Early Warning System
FAIR	Federal Activities Inventory Reform
FFS	Federal Financial System
FHSA	Federal Hazardous Substances Act
FOIA	Freedom of Information Act
FTE	Full-Time Equivalent
GFCI	Ground Fault Circuit Interrupt
GSA	General Services Administration
GHS	Globally Harmonized System
HSPD	Homeland Security Presidential Directive
IAG	Interagency Agreement
IFS	Integrated Field System
IEC	International Standards Organization
ISO	International Electrotechnical Commission
ITC	International Trade Commission
LED	Light Emitting Diode
LOA	Letter of Advice
NBC	Department of Interior's National Business Center
NEC	National Electrical Code
NEISS	National Electronic Injury Surveillance System
NFIRS	National Fire Incident Reporting System
NIST	National Institute of Standards and Technology
NPR	Notice of Proposed Rulemaking
NSN	Neighborhood Safety Network
OMB	Office of Management and Budget
PPPA	Poison Prevention Packaging Act
PMO	Program Management Office
PSSA	Virginia Graeme Baker Pool and Spa Safety Act
RMS	Consumer Product Safety Risk Management System
SES	Senior Executive Service
SME	Subject Matter Expert
SOW	Statement of Work
SVIA	Specialty Vehicle Institute of America
SVRS	Suction Vacuum Release Systems
SRM	Standard Reference Material
USFA	United States Fire Administration
VNR	Video News Release



**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
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