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Description of document:

Records indicating the impact of federal budget sequestration upon Consumer Product Safety Commission (CPSC) operations and functions, 2013

Requested date:

2013

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28-September-2013

Source of document:

FOIA Requester Service Center
US Consumer Product Safety Commission
4330 East West Highway, Room 502
Bethesda, MD 20814
Fax: 301-504-0127

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**U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

September 19, 2013

RE: Freedom of Information Act (FOIA) Request #13-F-00443: Documents describing the impact of federal budget sequestration upon CPSC operations and functions (since February 1, 2013)

Thank you for your Freedom of Information Act (FOIA) request seeking information from the U.S. Consumer Product Safety Commission ("Commission"). The records from the Commission files responsive to your request are enclosed.

Thank you for your interest in consumer product safety. The cost to the Commission to prepare this information was \$45.00. In this case, we have decided to waive the charges. Should you have any questions, contact us by letter, facsimile (301) 504-0127, telephone (301) 504-7923, or e-mail addressed to cpsc-foia@cpsc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Alberta".

Alberta E. Mills
Freedom of Information Officer
The Secretariat - Office of the Secretary
Office of the General Counsel

Enclosure

Mills, Alberta E.

From: Hoffman, Jay
Sent: Tuesday, March 05, 2013 11:08 AM
To: Tenenbaum, Inez; Howsare, Matt; Connor, Anupama; Lee, Dorothy; Nord, Nancy; Martyak, Joseph; Cardon, Nathan; Reggev, Timothy; Adler, Robert; Fong-Swamidoss, Jana; Levine, Jason; McCardell, Ophelia
Cc: Hinson, Kenneth; Howell, Robert; Duong, Hai; Day, Christopher
Subject: Update on FY13 and sequestration at CPSC
Attachments: FY2013 Sequestration and Funding Update030413.pdf

Importance: Low

Commissioners and Staff,
Attached is a memorandum providing an update on our FY13 funding in light of sequestration.

Please feel free to reach out to OEX or myself if you have follow-up questions.
Jay

Jay Hoffman
Chief Financial Officer
U.S. Consumer Product Safety Commission



Memorandum

March 5, 2013

TO : The Commission

THROUGH: Kenneth R. Hinson, Executive Director [signed]

FROM : Jay Hoffman, Chief Financial Officer 

SUBJECT : Update on Fiscal Year (FY) 2013 Financial Operations and Sequestration

The Consumer Product Safety Commission (CPSC) is operating under a Continuing Resolution (CR) that runs through March 27, 2013, and provides annualized funding of \$115.2M. This past Friday, the President issued a sequestration order in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended, 2 U.S.C. 901a. The order requires that budgetary resources in each non-exempt budget account be reduced by the amount calculated by the Office of Management and Budget (OMB) in its report to Congress of March 1, 2013, entitled OMB Report to the Congress on the Joint Committee Sequestration for Fiscal Year 2013. In that report, the CPSC sequestration is a 5% reduction from the current CR rate, which equates to ~\$6M and a total annualized funding level of ~\$109M.

At OMB direction, the CPSC has been operating at a reduced funding level since October 1, 2012. The current OMB apportionment caps CPSC spending at an annualized rate of ~\$109M under the CR and that amount is coincidentally the same level as the annualized funding provided for under sequestration (i.e. ~\$109M). Accordingly, CPSC has already been operating at the sequestration annualized rate since the start of the fiscal year.

The CPSC's FY 2013 Operating Plan, approved on January 18th, sequenced work across the four fiscal quarters beginning October 1, 2012, and ending September 30, 2013. More work was planned for the second half of the fiscal year than the first half, making it administratively possible to adhere to the OMB apportionment level and also reduce or defer work depending on sequestration and final FY 2013 appropriations. In addition, CPSC implemented a partial hiring freeze at the start of the fiscal year. The combination of planning some work to begin in the second half of the fiscal year and implementing a partial hiring freeze enabled the agency to stay within the OMB apportionment levels which are, as mentioned previously, essentially equal to the sequestration run rate of ~\$109M.

While the agency has adjusted to the sequestration funding level, there have been real mission impacts as a result of lower spending levels. These impacts include:

- Reduced staffing levels agency-wide and fewer replacement staff, which result in decreases to the agency's analytical, laboratory and compliance mission capabilities;
- Some information technology requirements and capital replacement investments have been delayed and may need to be deferred until future years;
- Interagency research agreements, specifically those related to the National Nanotechnology Initiative, have not yet been funded in FY 2013;
- Lower priority analytical and enforcement projects have been put on hold; and

- Operating allowances for all CPSC offices have been reduced, resulting in less travel, training and other general expenditures.

However, several Commission approved FY 2013 Operating Plan initiatives are proceeding without significant impact. These include:

- Continuing the Import Surveillance Risk Assessment Methodology pilot work;
- Establishing the contracts to complete the planned development work for CPSRMS in FY 2013;
- Maintaining the agency's injury data collection capabilities; and
- Supporting the Commission's FY 2013 identified regulatory and standards agenda.

In addition, the agency does not anticipate needing to furlough or involuntarily separate any existing full time federal employees in FY 2013 for budget reasons.

The FY 2013 Operating Plan will need to be adjusted for (1) the sequestered funds; and (2) the final FY 2013 CPSC appropriation anticipated at the end of March but unknown at this time. As you recall, the FY 2013 Operating Plan approved by the Commission on January 18, 2013 is premised on the President's Budget Request of \$116.425M and that budget request is still pending before Congress as of this writing. Staff plans to assess these necessary full year adjustments in the Mid-Year process and will prepare a recommendation for Commission decision in mid-April. By consolidating these decisions with the Mid-Year, it will enable all final FY 2013 operating adjustments to be handled in one Commission decision with full visibility into the tradeoffs due to sequestration, the final appropriation, and any new critical requirements. That analysis is already underway and we will keep you apprised of our progress.

As always, please feel free to contact me with any questions or concerns you may have.

Thank you.

Mills, Alberta E.

From: Church, Colin
Sent: Monday, June 17, 2013 10:56 AM
To: Howell, Robert
Cc: Leland, Elizabeth
Subject: FW: ANSI AIF - OMB guidance on sequestration – participation in standards setting

Importance: High

FYI. Further to this morning's conversation and in case you have not seen it, please note the OMB Guidance document with the link shown below. Colin

From: Henry Cheung [<mailto:HCheung@ansi.org>]
Sent: Monday, June 17, 2013 9:04 AM
To: All AIF Members
Subject: ANSI AIF - OMB guidance on sequestration – participation in standards setting

To:
ANSI ISO Forum (AIF) Members

From:
Joseph Tretler Jr.
ANSI Sr. Director
International Technical Programs and Services

Please find below a recent announcement from our ANSI President and CEO – S. Joe Bhatia.

Dear colleagues,

With the federal government sequestration underway, many ANSI members have wondered how spending cuts could impact the participation of government employees in standards-setting activities, both domestic and international.

To help address these and other concerns, the Office of Management and Budget (OMB) recently issued guidance specific to government spending on travel and conferences.

I am happy to report that standards setting is specifically identified in this guidance as a type of expense that should be supported wherever possible, provided that the standards work is in support of an agency's mission-critical activities.

This is welcome news for the standardization community. As you know, the strength of our national standards and conformance system relies upon close collaboration, partnership, and consensus between the public and private sectors. The OMB guidance provides clarification and reassurance that U.S. government representatives will continue to sit beside their colleagues from industry, academia, and consumer groups in developing standards that benefit us all.

Best regards,
Joe Bhatia

Please feel free to contact us if you have any questions or concerns.

Thank you.

Best regards,

Henry Cheung

Program Administrator

American National Standards Institute (ANSI)

25 W 43rd Street

New York, NY 10036

Tel: 212 642 4975

www.ansi.org



Mills, Alberta E.

From: Cave, Carol
Sent: Wednesday, March 06, 2013 1:51 PM
To: Adler, Robert; Fong-Swamidoss, Jana; Levine, Jason; Martyak, Joseph; Nord, Nancy; Cardon, Nathan; Kaye, Elliot; Hinson, Kenneth; Howell, Robert; Howsare, Matt; Wolfson, Scott; Schoem, Marc
Subject: Sequestration Impact at Ports
Importance: High

All

I wanted to provide a quick update to you regarding the sequestration impact at ports of entry. Last week we had a conference call with CBP to discuss adjustments that could be made by the other government agencies to reduce impact. As you can imagine and as Secretary Napolitano testified, CBP will likely have to lay off approximately 2700 officers and will take 10% staff cuts on the trade side of the house, perhaps having to furlough staff across the board for 12-14 days. They have already begun to cut overtime for late shifts. As a result this will increase the wait times of cargo at seaports, land borders and passenger clearance at airports.

They have shifted to the 9/11 prioritization of work which means they will have no degradation to terrorist based activities and focus on core processing. They will conduct mandatory agricultural exams and lastly will focus on threat and risk based decision making which is the bucket CPSC falls into.

CTPAT, ISA and ISA-PS members will continue to receive priority. Project delays include role out of the Centers for Excellence and Expertise (CEE's) and delays in ACE development work.

CPSC has agreed to scale back on the more routine compliance programs and focus primarily on known risk shipments as well as first time manufacturers, both of which provide a high degree of volatile product. We also anticipate having to conditionally release products at import and conduct exams at the importers premises rather than at the port of entry as a result of reduced resources. Our team will reach out to field staff to assist with exams as necessary and focus on conducting inspections of repetitive violators for possible case referral.

I will continue to keep you apprised as things develop during this sequestration period. As always let me know if you have any questions.

Thanks

Carol

Mills, Alberta E.

From: Hinson, Kenneth
Sent: Wednesday, February 20, 2013 6:34 PM
To: Everyone - Feds Only
Subject: Sequestration Contingency Planning

Importance: Low

All,

As you are likely aware, the across-the-board spending cuts known as "sequestration" are scheduled to go into effect on March 1, 2013. I wanted to update you on how a sequestration order would impact CPSC and to assure you that we have developed and are executing a plan to minimize disruption to the mission and workforce.

Earlier this year, bipartisan majorities in Congress passed and the President signed the "American Taxpayer Relief Act of 2012" in order to address key elements of the so-called "fiscal cliff." One facet of this Act delayed sequestration for two months (from the original January deadline) and reduced the overall across the board sequestration amount from approximately 8% to 5%. Based on our current budget, a 5% reduction at CPSC equates to approximately \$6 million.

With less than two weeks until the March 1st sequestration deadline, it is unclear whether there will be additional Congressional action to delay or replace sequestration. In light of this uncertainty, the agency is already implementing a contingency plan to address the anticipated sequestration reductions. The contingency plan does NOT require furloughs or layoffs to achieve the anticipated \$6 million sequestration reduction. Subject to Commission approval, the contingency plan will be made permanent if the sequestration order is issued.

The planned reductions are difficult to implement and will impact our ability to achieve our mission; however, they will not impact the status of our current onboard workforce. We are prepared to recommend the Commission fully implement these reductions if required, and each of you can be confident that you will continue to perform your normal duties in the event the sequestration order for a \$6 million reduction is issued on March 1st.

As always, I thank each of you for your hard work and dedication to mission, and for your service to the American people. Should you have unanswered questions surrounding the potential sequestration, I encourage you to reach out to our CFO, Jay Hoffman, or myself.

Sincerely,

Kenneth R. Hinson
Executive Director
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
W: 301-504-7854
F: 301-504-0407
M: 301-325-7815

Sequestration Summary				
Office	Description	Deferred Amount	Cumulative Agency Funding	Comment
	FY13 Operating Plan		\$ 116,425	
CPSC	Reduce FTE Ceiling to 528	- 2,550.0	\$ 113,875	
CPSC	Misc Surplus	- 432.0	\$ 113,443	
CPSC	14 New FTE Requested in FY13	- 1,785.0	\$ 111,658	Not appropriated
EXIT	E-Records Management	- 360.0	\$ 111,298	Not appropriated
EXIT	FISMA COOP development	- 400.0	\$ 110,898	Not appropriated
EXIT	Addition of Model #	- 350.0	\$ 110,548	Not appropriated
EXIT	IT Application Support	- 237.0	\$ 110,311	Not appropriated
EXHR	Nano	- 1,000.0	\$ 109,311	Project scaled to 50%
OCM	PSSA I&E	- 500.0	\$ 108,811	Project scaled to 50%
EXIT	Budget Application	- 50.0	\$ 108,761	Project deferred
EXHR	Bed Clothes Open Flame Ignition	- 100.0	\$ 108,661	Project deferred
EXHR	SRM Cigarette	- 115.0	\$ 108,546	Project deferred
EXHR	CO Alarm Testing/Poster Contest	- 155.0	\$ 108,391	Project deferred/scaled back
EXHR	Spray Polyurethane Foam Studies	- 43.0	\$ 108,348	Project deferred/scaled back
EXC	VGB State Enforcement Program	- 175.0	\$ 108,173	Project deferred/scaled back
EXC	ATV Undercover State Enforcement Program	- 25.0	\$ 108,148	Project deferred
EXGO	S. E. Asia and Asia Pacific programming	- 101.0	\$ 108,047	Project funded within existing allowance
EXGO	European International Organization Support	- 37.0	\$ 108,010	Project funded within existing allowance

Supplement to the 2013 Operating Plan

This file contains two CPSC documents that supplement the 2013 Operating Plan that was issued on January 18, 2013:

1. 2013 Midyear Memorandum to the Commission (issued on April 24, 2013)
 - This document contains details of the 2013 Operating Plan adjustments that resulted from the 2013 annual Midyear review process conducted by CPSC staff. This memorandum transmitted staff's proposed Operating Plan adjustments to the Commission. The memorandum is 12 pages long and begins on the following page.
2. Commission's official response to the 2013 Midyear Memorandum (issued May 3, 2013)
 - This document was issued as the Commission's official response to CPSC staff's 2013 Midyear Memorandum to the Commission. It contains the Commission's 2013 Midyear recommendations to CPSC staff. This document is one page long and is located on the last page of this file.



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

TO: The Commission

THROUGH: Todd A. Stevenson, Secretary
Stephanie Tsacoumis, General Counsel

FROM: Kenneth R. Hinson
Executive Director

SUBJECT: Fiscal Year 2013 Midyear Review and Operating Plan Adjustments

April 24, 2013

This memorandum summarizes my recommendations and staff's to reduce operating levels, as approved by the Commission in the CPSC's Fiscal Year 2013 Operating Plan on January 18, 2013. The operating reductions are necessary to implement the President's March 1 sequestration order, in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended, 2 U.S.C. 901a, and the full-year 2013 continuing resolution enacted on March 26, which provides funding through September 30. In addition, this memorandum includes recommendations to reallocate a portion of the budget to currently unfunded priority projects, as well as allocate any future surplus funds that may occur up through September 30. Lastly, we are recommending adjustments to the voluntary and mandatory standards activities. The Commission's decisions in response to this memorandum will be appended to the FY 2013 CPSC Operating Plan.

Final Enacted Fiscal Year 2013 Operating Level

The final enacted fiscal year 2013 CPSC operating level is \$108,510,000. This funding level is equal to the fiscal year 2012 full year appropriation of \$114,500,000, less a 0.2 percent rescission and less the amount required to implement the President's March 1 sequestration order.

The January 18 CPSC Fiscal Year 2013 Operating Plan approved annual agency funding up to \$116,425,000, consistent with the President's Fiscal Year 2013 Budget Request to Congress. The previously approved agency funding level must be reduced by \$7,915,000 to conform to the final enacted funding level.

FY 2013 Operating Plan Reduction

Operating Plan Level (as of 1/18/13) ¹	\$ 116,425,000
- Final Enacted FY 2013 Funding Level	\$ 108,510,000
FY 2013 Operating Reduction	\$ 7,915,000

Recommended Operating Reductions

In addition to the \$7,915,000 in reductions to stay within the final enacted fiscal year 2013 funding level, we are recommending an additional \$861,000 in funding be reallocated to more urgent, currently unfunded priorities. In total, we are recommending reductions to the Fiscal Year 2013 Operating Plan of \$8,776,000. The \$8,776,000 in recommended reductions are:

¹ The fiscal year 2013 request for \$6,000,000 to support headquarters relocation is excluded from this calculation. The request was not funded in the continuing resolution.

Table 1. Recommended Reductions to the FY 2013 Operating Plan (in \$000s)

Office	Project	\$000s
CPSC	1. Salary and Expense	- 5,500
CPSC	2. Across the Board Operating Reductions	- 616
EXIT	3. IT Projects from FY 2013 Budget Request	- 1,160
EXHR	4. Hazard Identification Analysis Support	- 400
OCM	5. Pool and Spa Safety Information and Education Campaign	- 400
EXHR	6. Nanotechnology Initiative Interagency Support	- 500
EXC	7. Compliance State Enforcement Programs	- 200
Total Recommended Reductions		-\$8,776

Explanations for the \$8,776,000 proposed reductions:

1. **Salary and Expense (-\$5,500K):** The Commission established a full-time equivalent (FTE) personnel ceiling of 562 in the FY 2013 Operating Plan. The Commission has been operating below that FTE ceiling for the first half of the fiscal year, resulting in a modest salary surplus. We recommend that the FTE ceiling be adjusted to 528 FTE for the remainder of the fiscal year. This FTE level is consistent with available appropriations to fund salary costs; there are insufficient appropriations to support a 562 FTE ceiling in light of the sequestration order. I do not plan to revise the FTE allocations by each organization at this time. Instead, vacancies will continue to be filled up to the proposed 528 FTE ceiling, based on critical need, approved through the Executive Director and consistent with Operating Plan priorities. A revised FTE allocation by organization will be proposed as part of the Fiscal Year 2014 Operating Plan recommendation to the Commission.
2. **Across the Board Operating Reductions (-\$616K):** We recommend that office allowances for travel, training, supplies, and other general operating expenses be reduced modestly consistent with available funding.
3. **IT Projects from FY 2013 Budget Request (-\$1,160K):** The FY 2013 Budget Request to Congress proposed new Information Technology projects. The full year continuing resolution did not provide sufficient funds to initiate the requested new IT projects that included Federal Information Security Management Act (FISMA) Continuity of Operations Planning, addition of model number to CPSC.gov database, and e-Records Management requirements set by the National Archives and Records Administration. We recommend that these projects be deferred until end of year, if funds become available, or to a future budget year when Congress makes available the necessary appropriations.
4. **Hazard Identification Analysis Support (-\$400K):** We recommend that project support funding (e.g., contract funding) for Bed Clothes, SRM Cigarette, Carbon Monoxide Alarms, and Spray Polyurethane Foam studies be deferred until additional surplus funds are available, or until a future budget year when Congress makes the necessary appropriations available. While important, these projects are lower in priority and/or maturity, relative to other ongoing work.
5. **Pool and Spa Safety Information and Education Campaign (-\$400K):** The Operating Plan provided \$1M for the annual Pool and Spa Safety Act Information and Education (PSSA I&E) Campaign, often referred to as the “Pool Safely Campaign.” The intent of the campaign is to increase pool safety awareness to prevent accidental drowning. We recommend that the PSSA I&E project be reduced by \$400K. The remaining \$600K is sufficient to conduct a moderately scaled program through the same contract vehicle used last year.
6. **Nanotechnology Initiative Interagency Support (-\$500K):** The Commission had budgeted \$2 million to support the \$1.8 billion nanotechnology interagency research and development (R&D) initiative. We recommend curtailing agency support by \$500K, resulting in a new CPSC

contribution to the nanotechnology initiative of \$1.5 million. The White House Office of Science and Technology Policy (OSTP) has identified R&D investments as a top priority that should be funded to the extent possible. Our recommendation includes consideration of the OSTP direction.

7. **Compliance State Enforcement Programs (-\$200K):** We recommend that funds set aside for the states to assist All-Terrain Vehicle and VGB pool and spa enforcement work be deferred this year. There is insufficient time remaining in this fiscal year to execute the work. Contracts with state and local partners provide for investigation support to monitor and assess compliance with applicable product safety laws. The high priority compliance support provided by states can be conducted by CPSC personnel in many instances.

Recommended Operating Reallocations

We recommend that \$861,000 be reallocated to projects currently unfunded in the Fiscal Year 2013 Operating Plan. These are projects that are congressionally directed or that are of sufficiently high priority to necessitate the reallocation of funds from previously approved projects. The recommended projects to receive reallocated funds are:

Table 2. Recommended Reallocations to the FY 2013 Operating Plan (in \$000s)

Office	Project	\$000s
EXHR	1. Virginia Graeme Baker Pool and Spa Safety Act Grant Program	+ 500
EXHR	2. Portable Generator Test Methodology & Market Data	+ 213
EXIS	3. Participating Government Agency Message Set (supports 1110 rule)	+ 56
EXRM	4. Web Time and Attendance Upgrade	+ 92
Total Recommended Reallocations		+ \$ 861

Explanations of the \$861,000 proposed reallocations:

1. **Virginia Graeme Baker Pool and Spa Safety Act Grant Program (+\$500K):** The final enacted fiscal year 2013 appropriation specified \$500K for the VGB Grant Program, with funding available for two years. This is consistent with the final fiscal year 2012 appropriation. Congress has not yet resolved the grant eligibility issue; accordingly, it is unclear whether these funds can be executed. However, in accordance with the enacted appropriation, the Commission must allocate the specified funds to the VGB Grant Program. VGB grant funding was not programmed in the fiscal year 2013 Operating Plan or Budget Request, thereby necessitating a reallocation of funds to be consistent with the appropriation.
2. **Portable Generator Test Methodology and Market Data (+\$213K):** The Commission has proposed issuing a notice of proposed rulemaking for portable generators in fiscal year 2014. Moving the generator rulemaking project forward on the envisioned timeframe requires the development of the test methodology and the acquisition of portable generator market data on imported units that is needed to develop the preliminary cost benefit analysis. This work is currently unfunded.
3. **Participating Government Agency (PGA) Message Set (+\$56K):** This project proposes to gather requirements and conduct analysis to determine how to incorporate Customs and Border Protection (CBP) PGA messaging, as well as design specifications for the hardware and software. This augments the current Import Surveillance Risk Assessment Methodology system and is consistent with interagency initiatives across the U.S. government in support of the International Trade Data System (ITDS). In addition, if the Commission takes action on the proposed 1110

rule, this project would support the agency's need to transfer and manipulate risk data on CPSC's systems.

4. **Web Time and Attendance Upgrade (+\$92K):** The CPSC leverages the Department of Interior's (DOI) "QuickTime" Web application to administer time and attendance to support payroll processing. DOI has notified all of its customers that they are upgrading to a new time and attendance system and that the QuickTime system is being discontinued. The time and attendance system is required to transmit payroll data to DOI, which also processes the agency's biweekly payroll for all agency personnel. We recommend transitioning to DOI's upgraded web time and attendance solution to ensure continuity of payroll processing.

Potential Future Surpluses and Proposed Allocation

Given the uncertainty of staffing levels, final contract pricing, and other operating unknowns, it is possible that modest surpluses might materialize prior to September 30. We have identified \$2,664,000 that could be executed prior to year-end to ensure that the Commission fully executes the budget Congress has appropriated. If approved by the Commission, the agency would fund the items in the priority order listed, subject to available funding and contracting feasibility. Items that do not receive funding in fiscal year 2013 could be revisited in a future fiscal year.

Table 3. Staff-Recommended Allocations of Future Surpluses (if any)

Office	Project	\$000s
EXIS	1. ITDS Rules Evaluation and Refinement	+ 140
EXHR	2. Spray Polyurethane Foam Studies	+ 43
EXHR	3. 3G Smoke Alarm Testing	+ 100
EXHR	4. Federal Interagency Forum on Aging-Related Statistics	+ 10
EXHR	5. Age Demographic Study Report	+ 31
EXFS	6. Sample Storage Racks	+ 23
EXHR	7. Oxygen Analyzer	+ 20
EXHR	8. Hydrocarbon Analyzer	+ 20
EXHR	9. Large-Scale Tower Cyclic Tester Motor & System Programming	+ 190
EXHR	10. Photometer System for ATV & Bicycle Reflector Testing	+ 25
EXHR	11. Antropomorphic Test Dummy Repairs, Replacements, and Fill-Ins	+ 96
EXHR	12. AM50 Hybrid III Instrumented Adult Test Dummy	+ 40
EXHR	13. Inspection Hardware Management System	+ 10
EXIT	14. E-Records Management (requirements)	+ 30
EXIT	15. Property Management and Asset Tracking Analysis	+ 30
EXIS	16. Automated Hold Requests (Web services)	+ 259
EXIS	17. ITDS RAM Interface to Data Repository (message bus)	+ 144
EXRM	18. Talent Management System (requirements)	+ 73
EXHR	19. Border Reduction Equipment	+ 300
EXIT	20. E-Records Management Development	+ 330
EXIT	21. EISMA COOP Development	+ 400
EXIT	22. Addition of Model #	+ 350
Total Recommended Allocation of Future Surpluses		+\$2,664

Explanations of the \$2,664,000 in proposed allocations of future surpluses:

1. **ITDS RAM Rules Evaluation and Refinement (+\$140K):** Analyze the current effectiveness of the targeting rules, improve targeting criteria, and analyze the expected effectiveness of proposed risk rules for entry line data. Improved ability to identify and target entry lines for products that are potentially in violation of critical safety standards, as well as to support the unimpeded flow of safe commerce.
2. **Spray Polyurethane Foam Studies (+\$43K):** This increment restores \$43K in funding reduced in EXHR as part of the table 1 downward budget adjustment. The first phase of this project was funded in 2011. Additional funding is needed to complete laboratory analysis of spray foam samples and determine potential exposure to consumers.
3. **3G Smoke Alarm Testing (+\$100K):** This project will identify new types of sensors that can overcome the inherent limitations of the existing sensors, while improving the reliability and utility of residential smoke alarms. The envisioned outcome of this project is to demonstrate technology that can be commercialized by manufacturers and incorporated into national codes and standards.
4. **Federal Interagency Forum on Aging-Related Statistics (+\$10K):** Participation in the Federal Interagency Forum on Aging-Related Statistics would improve CPSC partnerships with other federal agencies in the collection and sharing of injury data. This data is procured through an interagency agreement and funding for these agreements must occur by July, rather than at the end of the year. This project is prioritized to account for the interagency agreement timing.
5. **Age Determination Status Report (+\$31K):** The Division of Human Factors completes over 1,000 age determinations per fiscal year. Each delivery of products needing age determinations could have from one to more than 100 samples; however, staff learns about the requests the same day or the day before they are delivered. There are also no automatic reporting tools to assess completion status or to anticipate the number of incoming age determinations. This has made it difficult to assign and plan work. This project would create a Status Update Page that provides information about all age determination samples on one list and also generates automatic status update e-mails containing completion status and anticipated delivery information for all incoming age determination samples. This will provide advance notice of incoming samples and improve the agency's ability to plan and assign work.
6. **Sample Storage Racks (+\$23K):** The Sample Storage Facility (SSF) warehouse does not have a space-efficient way to store all-terrain vehicles and recreational off-highway vehicles. These samples take up significant floor space. The storage racks would enable the samples to be stacked vertically, saving floor space. The warehouse is near capacity, and space efficiency improvements are a priority.
7. **Oxygen Analyzer (+\$20K):** The oxygen analyzer is the most critical measurement in the oxygen consumption calorimetry system. In CPSC's current system, the oxygen analyzer is the slowest system component. This funding would be used to procure an oxygen analyzer with a faster response time that would improve the speed and safety of the heat release measurement.
8. **Hydrocarbon Analyzer (+\$20K):** The oxygen consumption calorimetry system relies primarily on the measurement of the oxygen concentration to determine the heat release rate from a fire. Adding capability to the calorimeter to measure unburned hydrocarbons increases the accuracy of measurement and important factors about the fire itself. The hydrocarbon analyzer would make this measurement.
9. **Large-Scale Tower Cyclic Tester Motor & System Programming (+\$190K):** This equipment will allow completion of the large-scale cyclic testing center that will be needed to support new dynamic testing requirements being developed for durable children's nursery products, such as strollers, play yards, and cribs, as well as larger-size products, such as bunk beds, trampolines, and playground equipment.

10. **Photometer System for ATV & Bicycle Reflector Testing (+\$25K):** The existing equipment for measuring reflector performance for bicycles and ATVs does not meet current measurement standards and methods. A new photometer system is necessary to conduct accurate measurements.
11. **Anthropometric Test Dummies Repairs, Replacements, and Fill-Ins (+\$96K):** The CRABI dummies will be useful in testing restraint systems and will have head triaxial acceleration sensors. The new CRABI dummies will address the need to have test dummies with instrumented heads to be used when testing and re-creating impact incidents that result from falls, tip-overs, and unexpected exits from durable products, such as highchairs, swings, and table top seats.
12. **AM50 Hybrid III Instrumented Adult Test Dummy (+\$40K):** This project will be used for the occupant restraint and protection standards development efforts for ROVs. The Hybrid III instrumented test units are used extensively in the automotive industry to assess occupant injury potential and the effectiveness of occupant protection systems that may be used in a vehicle.
13. **Fastener Hardware Management System (+\$10K):** The National Product Testing and Evaluation Center (NPTEC) is responsible for testing a multitude of products. Consequently, there is a need for a large range of fasteners and related hardware to set up and conduct testing. Currently, there are not enough fasteners, making set-up time consuming. The NPTEC needs to replenish its supply of fasteners.
14. **E-Records Management (requirements only) (+\$30K):** To develop an electronic document and records management system that complies with National Archives and Records Administration (NARA) requirements and assists with Electronic Discovery requirements. The scale of this project is limited to defining the requirements for a final solution.
15. **Property Management and Asset Tracking Analysis (+\$30K):** To develop an agency-wide Property Management and Asset Tracking System that addresses the needs of the property management and sample tracking processes and can better forecast capital replacement costs. The existing property management system lacks this capability.
16. **Automated Hold Requests (+\$259K):** Add a Web services capability to the Import Surveillance RAM system that enables automated interaction with the CBP/ITDS systems. This would increase staff efficiency through rapid automation of workflow and interactions concerning targeting entry lines.
17. **ITDS RAM Interface to Data Repository (+\$144K):** Technical approach for ITDS/RAM to transfer data for tracking and managing samples initiated at import to the Data Repository to be passed to the appropriate system (IFS or Case Management). This would increase staff efficiency through reduced data entry and increased data accuracy.
18. **Talent Management System (requirements only) (+\$73K):** To analyze and formulate requirements for the potential implementation of the Department of Interior's (DOI's) performance appraisal module. The module, if implemented, would be part of the existing Talent Management System (TMS), a DOI module that CPSC already leverages, and the module would seamlessly integrate performance appraisal records electronically with the electronic Official Personnel Folders and the personnel database where personnel actions are executed. This project is limited to defining implementation requirements. Implementation funds would follow in a future fiscal year if the agency decided to proceed with the module.
19. **Burden Reduction Equivalent Standards (+\$300K):** Activities focused on implementing the requirements of Public Law 112-28. This request would contract for a study of equivalent safety standards that could be used internationally to reduce testing costs.
20. **E-Records Management (+\$330K):** This funding would implement the requirements, once defined, from item #15 above.
21. **FISMA COOP Development (+\$400K):** To develop an agency-wide disaster recovery contingency plan that outlines how the agency could continue to perform essential functions during an emergency situation.

- 22. Addition of Model Number (+\$350K):** To provide improved electronic access to CPSC's recall information, as requested by the public. This recall information would be expanded to include a recalled product's model number, if available, so that retailers can remove more quickly recalled products from their shelves and websites.

Updates to Fiscal Year 2013 Voluntary Standards

We are recommending that four products be added to the list of products for which staff carries out associated voluntary standards activities. These products are:

1. laundry and dishwasher packets (liquid)
2. microwave ovens
3. torch fuels (containers)
4. trampoline courts

Voluntary standards activity for microwave ovens and trampoline courts has been, or currently is being initiated by the Standard Developing Organizations (SDO). At the request of the Commission or Commission staff, voluntary standards activity for torch fuel containers and liquid laundry and dishwasher packets is under consideration by the SDO. Staff anticipates providing support for monitoring the voluntary standards activities for these products during the remainder of fiscal year 2013.

We also recommend removing pressure cookers from the list of supported voluntary standards activity for fiscal year 2013. Currently, there is no activity associated with pressure cookers, and none is anticipated this year.

A revised Voluntary Standards Summary table for fiscal year 2013, incorporating these changes, is attached.

Updates to Fiscal Year 2013 Mandatory Standards

We are recommending that Voluntary Standards Rule Updates be added for rule review as part of the Mandatory Standards Summary Table. This activity is responsive to a recommendation from the Government Accountability Office (GAO) report, *A More Active Role in Voluntary Standards Development Should Be Considered*. That report recommended that CPSC take a more active role in the voluntary standards development process, including voting on standards or holding leadership positions on voluntary standards committees. CPSC staff will prepare a briefing package with a draft notice of proposed rulemaking to amend the rules and directives that address staff participation in the voluntary standards process.

A revised Mandatory Standards Summary Table for fiscal year 2013, incorporating these changes, is attached.

For Additional Information

If you have any questions on these staff recommendations or the performance goal summary, please contact me directly or Jay Hoffman.

Attachments: Voluntary Standards Summary
Mandatory Standards Summary

Attachment: Voluntary Standards Summary (amends FY 2013 Operating Plan)

A consumer product voluntary standard is a prescribed set of rules, conditions, or requirements concerning definitions of product-related terms; classification of components; specification of materials, performance, or operations; delineation of procedures; or measurement of quantity and quality in describing products, materials, systems, services, or practices relating to the safety of consumer products used in and around the home, outdoors, and in schools.

The CPSC's statutory authority requires the agency to rely on voluntary standards rather than promulgate mandatory standards if compliance with a voluntary standard would eliminate or adequately reduce the risk of injury identified and it is likely there will be substantial compliance with the voluntary standard. CPSC staff works with organizations that coordinate the development of voluntary standards.

Each voluntary standards activity is an ongoing process that may involve multiple revisions to a standard within 1 year or over multiple years, and those revisions may continue in subsequent years, depending upon the activities of the voluntary standards committees and the priorities of the Commission.

CPSC staff plans to provide support² for, or monitor, voluntary standards work for the products below:

#	2013 OP Plan
1	Air Cleaners (ozone-generating)
2	Amusement Rides (portable)
3	Architectural Glazing
4	Baby Monitors
5	Bassinets/Cradles
6	Bath Seats (infant)
7	Batteries (e.g., lithium, electronic devices, toy, button)
8	Bed Rails (children's, adult)
9	Beds (bunk)
10	Beds (toddler)
11	Bedside Sleepers
12	Bicycles
13	Booster Seats
14	Building Materials and Furnishings
15	Candles
16	Chairs (high)
17	Chairs (youth)
18	Changing Tables
19	Child-Resistant Packaging
20	Children's Metal Jewelry
21	clothes dryers

² Support may include, among other things, providing injury data and hazard analyses, encouraging the development of a voluntary safety standard, identifying specific risks of injury, performing research, developing health science data, performing laboratory technical assistance, and/or taking other actions that the Commission, in a particular situation, determines may be appropriate. A listing of these activities can be found at 16 CFR § 1031.7.

#	2013 OP Plan
22	CO Alarms
23	Cooktops
24	Cribs (commercial)
25	Cribs (full-size)
26	Cribs (non-full-size/play yards)
27	Drywall
28	Fireworks
29	Fuel Tanks (leakage)
30	Furnaces
31	Garage Doors/Gate Operators
32	Gasoline Containers (child-resistant closures, flame arrestors)
33	Glass Front Gas Fireplaces
34	Headgear (recreational)
35	Heaters
36	Infant Bedding/Accessories
37	Infant Bouncers
38	Infant Carriers (frame)
39	Infant Carriers (handheld)
40	Infant Carriers (soft)
41	Infant Gates
42	Infant Inclined Sleep Products (was known as infant hammocks)
43	Infant Slings
44	Infant Swings
45	Infant Tubs
46	Infant Walkers
47	Inflatable Play Devices
48	Ladders
49	Laundry and Dishwasher Packets (liquid)
50	Lighters, Cigarette
51	Mattresses, Inflatable Air
52	Microwave Ovens
53	Mowers
54	Nanotechnology
55	National Electrical Code
56	Off-Highway Vehicles, Recreational
57	Phthalates
58	Playground Equipment (children under 2 yrs)
59	Playground Equipment (home)
60	Playground Equipment (public)
61	Portable Generators
62	Power Equipment
63	Ranges (tip over)
64	Smoke Alarms
65	Soccer Goals
66	Stationary Activity Centers
67	Strollers
68	Swimming Pools/Spas
69	Torch Fuels (containers)

#	2013 OP Plan
70	Toys
71	Trampolines
72	Trampoline Courts
73	Tree Stands (hunting)
74	Window Coverings

Attachment: Mandatory Standards Summary (amends FY 2013 Operating Plan)

Mandatory standards are federal rules set by statute or regulation that impose requirements for consumer products. Typically, they take the form of performance requirements that consumer products must meet or warnings they must display to be imported, distributed, or sold in the United States.

The CPSC may set a mandatory standard when it determines that compliance with a voluntary standard would not eliminate or adequately reduce the risk of injury or the agency finds that it is unlikely that there will be substantial compliance with a voluntary standard. The Commission may also promulgate a mandatory ban of a hazardous product when it determines that no feasible voluntary or mandatory standard would adequately protect the public from an unreasonable risk of injury. In some cases, Congress directs and authorizes the Commission to set a mandatory standard.

CPSC staff plans to work on the projects in the table on the next page. This work will involve continuation of rulemaking activities related to the CPSIA, as well as other laws; and the work will include data analysis and technical review activities in support of rule review or potential rulemaking activities.

Key to Table	
NPR	Briefing package for a notice of proposed rulemaking
FR	Briefing package for a final rule
DA/TR	Data analysis and/or technical review to support ongoing or potential rulemaking and rule review activities

Mandatory Standards Summary

Items by Major Categories		2013 OP Plan
CPSIA, including Danny Keysar Child Product Safety Notification Act		
1	Bassinet Attachments to Play Yards	FR
2	Bassinets	FR
3	Bedside Sleepers	NPR, FR
4	Chairs (Folding)	DA/TR
5	Chairs (High)	DA/TR
6	Gates and Other Enclosures	DA/TR
7	Infant Bath Tubs	DA/TR
8	Infant Bouncers	DA/TR
9	Infant Carriers (Frame)	DA/TR
10	Infant Carriers (Handheld)	NPR, FR
11	Infant Carriers (Soft)	NPR, FR
12	Infant Inclined Sleep Products	DA/TR
13	Infant Slings	NPR
14	Phthalates or Phthalate Substitutes	DA/TR
15	Strollers	NPR, FR
Accreditation Requirements		
16	Bassinets	FR
17	Bedside Sleepers	FR
18	Infant Carriers (Handheld)	FR
19	Infant Carriers (Soft)	NPR, FR
20	Infant Slings	NPR
21	Strollers	NPR, FR
Implementation of Public Law 112-28		
22	ATVs—Rulemaking	DA/TR
Rule Review		
23	Animal Testing Regulations	FR
24	Bicycles	DA/TR
25	Voluntary Standards Rule Update	NPR
Other Ongoing or Potential Rulemaking Activities		
26	Firepots and Fuel Gels	DA/TR
27	Fireworks	DA/TR
28	Poison Prevention Packaging Act - Hydroxides	DA/TR
29	Poison Prevention Packaging Act - Imidazolines	FR
30	Portable Generators	DA/TR
31	Rare Earth Magnet Sets	FR
32	Recreational Off-Highway Vehicles (ROVs)	NPR
33	Revisions to FHSA Definition of "Strong Sensitizer"	NPR
34	Surrogate Smoldering Ignition Source	DA/TR
35	Table Saws	DA/TR
36	Upholstered Furniture	DA/TR
37	Voluntary Recall Rule	NPR

On page 7, under “Updates to Fiscal Year 2013 Mandatory Standards,” insert the following after the first paragraph:

As part of the Commission’s ongoing commitment to transparency, openness, and efficiency as well as recognizing a need to limit unnecessary expenditures of staff resources, in FY 2013 CPSC staff will present for Commission consideration a Notice of Proposed Rulemaking updating 16 CFR § 1101 in accordance with the following guiding principles:

1. Modernize the regulation to account for the significant advancements in information technology that have taken place since its initial adoption in 1983.
2. Streamline the regulation to be as closely aligned with 15 U.S.C. § 2055(b) as possible, with the objectives of:
 - a. eliminating unnecessary administrative burdens to the agency,
 - b. removing extra-statutory requirements,
 - c. eliminating redundancies in providing notice,
 - d. minimizing FOIA backlogs, and
 - e. maximizing transparency and openness in the agency’s disclosure of information.
3. Maintain CPSC’s compliance with the statutory requirements of 15 U.S.C. § 2055(b) (i.e., requirements related to notice, opportunity to submit comments, and taking reasonable steps to assure accuracy, fairness in the circumstances, and reasonable relation to effectuating the purposes of the CPSA outlined in 15 U.S.C. § 2051(b)).
4. Maintain the protections of 15 U.S.C. § 2055(b)(5) for information filed in accordance with the requirements of 15 U.S.C. § 2064(b) (e.g., Section 15(b) reports).

On page 12, under “Other Ongoing or Potential Rulemaking Activities,” insert the following into the table:

38	16 CFR § 1101 Update	NPR
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In addition to the changes to the midyear review plan outlined above, the Commission directs the Office of General Counsel and the Secretariat to undertake a review of existing internal practices and procedures within the Secretariat and, as necessary and appropriate, implement new practices and procedures designed to increase efficiencies and transparency in the disclosure of information outside of the agency.