



**United States
CONSUMER PRODUCT SAFETY COMMISSION
4330 East West Highway
Bethesda, MD 20814**

This document has been electronically
approved and signed.

BALLOT VOTE SHEET

DATE: May 9, 2018

TO: The Commission
Alberta E. Mills, Secretary

THROUGH: Patricia M. Hanz, General Counsel
Patricia H. Adkins, Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel
Hyun S. Kim, Attorney

SUBJECT: Agency Information Collection Activities –
CPSC Playground Surfaces Survey

BALLOT VOTE DUE: Tuesday, May 15, 2018

Attached for Commission consideration is the draft second *Federal Register* notice to announce that the proposed survey on children's potential exposure to playground surfaces, including recycled tire material, will be submitted to the Office of Management and Budget (OMB) for review and clearance. The first step in obtaining OMB approval is publication of a *Federal Register* notice providing the opportunity for public comment on the proposed collection of information. That notice was published on February 5, 2018 (83 Fed. Reg. 5073).¹ The attached draft *Federal Register* notice addresses comments that were received in response to the first notice.

Please indicate your vote on the following options:

- I. Approve publication of the attached draft notice in the *Federal Register*.

(Signature)

(Date)

¹ This new collection of information does not fall within the scope of the authority delegated to the Office of the General Counsel under Order No. 0315.8.

II. Approve publication of the attached draft notice in the *Federal Register* with the specified changes.

(Signature)

(Date)

III. Do not approve publication of the attached draft notice in the *Federal Register*.

(Signature)

(Date)

IV. Take other action as specified below:

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice; Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; CPSC Playground Surfaces Survey

CONSUMER PRODUCT SAFETY COMMISSION

Docket No. CPSC-2018-0002

Agency Information Collection Activities; Submission for OMB Review; Comment

Request--CPSC Playground Surfaces Survey

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC) announces that CPSC has submitted to the Office of Management and Budget (OMB) a new proposed collection of information by the agency on a survey that will assess children's potential exposure to playground surfaces, including recycled tire material. In the *Federal Register* of February 5, 2018 (83 FR 5073), CPSC published a notice announcing the agency's intent to seek approval of this collection of information. CPSC received several comments in response to that notice. After review and consideration of the comments, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for approval of this collection of information.

DATES: Written comments on this request for approval of information collection requirements should be submitted by **[insert date that is 30 days from publication of this notice in the Federal Register]**.

ADDRESSES: Submit comments about this request by email: OIRA_submission@omb.eop.gov or fax: 202-395-6881.

Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also

should be submitted electronically at <http://www.regulations.gov>, under Docket No. CPSC-2018-0002.

FOR FURTHER INFORMATION CONTACT: Charu Krishnan, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7221, or by e-mail to: CKrishnan@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Comments

On February 5, 2018, the CPSC published a notice in the *Federal Register* announcing the agency's intent to seek approval of a new collection of information on a CPSC Playground Surfaces Survey that will assess children's potential exposure to playground surfaces, including recycled tire material or "tire crumb" rubber (83 FR 5073). CPSC received five comments in response to that notice. Two commenters did not address the survey or any issues related to the survey. These commenters raised concerns about smart phones and bullying. One commenter supported the information collection. Two commenters requested that the CPSC analyze peer-reviewed research on the safety of rubber mulch, apply scientific methodologies to the research, and identify the constituents found in recycled rubber at acceptable risk levels.

The CPSC Playground Surfaces Survey will apply scientific survey methodologies to provide national estimates for the exposure of children less than 6 years old to playground surfaces, including, but not limited to, rubber mulch. The survey will not assess the safety of rubber mulch or whether children are at an increased health risk if they play on rubber mulch. Rather, the survey will help CPSC gain a better understanding of children's potential exposures to playground surfaces, including surfaces made from recycled tires, based on children's play

behaviors on playgrounds. Potential exposures include skin contact, ingestion, and contact through open wounds.

The CPSC, the Environmental Protection Agency (EPA), and the Centers for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) are working together on the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (Plan). The four components of the Plan and the agencies' responsibilities are as follows:

- Literature Review/Gap Analysis (EPA and CDC/ATSDR)
- Tire Crumb Characterization (EPA and CDC/ATSDR)
- Exposure Characterization Study (EPA and CDC/ATSDR)
- Playground Surfaces Study (CPSC)

The EPA and the CDC/ATSDR are charged with assessing the existence, if any, of potentially hazardous chemicals or substances in recycled tire materials on athletic playing fields. Accordingly, EPA and CDC/ATSDR will be responsible for analyzing and considering the appropriate scientific methodologies and peer reviewed research in any hazard analysis. CPSC is tasked with research to establish the level of risk and the extent to which children may be exposed to potential hazard(s) related to recycled rubber on playgrounds. The CPSC Playground Surfaces Survey will help to inform CPSC staff's analysis regarding children's potential risk of exposure, and the extent of the exposure from playground surfaces derived from recycled tires, but the survey will not address any potential hazards.

Accordingly, after consideration of these comments, CPSC will request approval of this collection of information from OMB.

B. Survey

CPSC has contracted with the Fors Marsh Group, LLC (FMG) to design the CPSC Playground Surfaces Survey. SSRS, LLC will program and administer the survey. Trained interviewers will dial and conduct the survey using a computer-assisted telephone interview (CATI) system, in a secure location, to which only authorized personnel have access. Participants will be recruited by re-contacting respondents of the SSRS Omnibus. The SSRS Omnibus is a national, weekly, dual-frame bilingual RDD telephone survey designed to meet standards of quality associated with custom research studies. Each weekly wave of the SSRS Omnibus consists of 1,000 interviews; 600 interviews are obtained with respondents on their cell phones, and approximately 35 interviews are completed in Spanish. The topic of the surveys varies week to week. Interviewers will conduct follow-up re-contacts to target specific populations on certain issues. SSRS will use existing data from this sample source to pre-screen individuals in the target population (parents of children who are currently 0-5 years old). These targeted households will be re-contacted to administer the proposed survey. Participants will be re-screened at the beginning of the call to make sure that they meet the target criteria and to identify which subset of questions they will be given for the survey. Participation is voluntary and all responses will be kept confidential.

Each telephone interview will take approximately 20 minutes to complete. CPSC estimates the number of respondents to be 2,200. CPSC estimates the total annual burden hours for respondents to be 726 hours. The monetized hourly cost is \$35.28, as defined by the average total hourly cost to employers for employee compensation for employees across all occupations as of June 2017, reported by the Bureau of Labor Statistics. Accordingly, CPSC estimates the total annual cost burden to all respondents to be \$25,613 (726 hours x \$35.28 = \$25,613.28). The

total cost to the federal government for the contract to design and conduct the survey issued to FMG under contract number CPSC-D-16-0002 is \$243,593.

Dated: _____.

Alberta E. Mills, Secretary
Consumer Product Safety Commission