



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

This document has been electronically
approved and signed.

DATE: January 7, 2014

BALLOT VOTE SHEET

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Stephanie Tsacoumis, General Counsel
Elliot F. Kaye, Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel
Mary A. House, Attorney, OGC

SUBJECT: **Announcement of Consumer Product Safety Apps Challenge Under the
America COMPETES Reauthorization Act of 2011**

Ballot Vote Due: January 13, 2014

The Office of the General Counsel is providing for Commission consideration the attached draft notice announcing a Consumer Product Safety Apps Challenge under the America COMPETES Reauthorization Act of 2011 for publication in the *Federal Register*. The Office of Communications has provided the Commission with a memorandum in support of this proposed contest.

Please indicate your vote on the following options:

- I. Approve publication of the attached document in the *Federal Register*, as drafted.

(Signature)

(Date)

II. Approve publication of the attached document in the *Federal Register*, with changes.
(Please specify.)

(Signature)

(Date)

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

(Signature)

(Date)

IV. Take other action. (Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice: Announcement of Consumer Product Safety Apps Challenge Under the America COMPETES Reauthorization Act of 2011

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Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Announcement of Consumer Product Safety Apps Challenge Under the America

COMPETES Reauthorization Act of 2011

AGENCY: Consumer Product Safety Commission.

ACTION: Notice

SUMMARY: To raise awareness of recalls of consumer products and of consumer product safety reports submitted to the U.S. Consumer Product Safety Commission (Commission or CPSC), the Commission announces a prize contest under section 105 of the America COMPETES Reauthorization Act of 2011, 15 U.S.C. 3719 (Act).

DATES: Entries will be accepted until 11:59 p.m. ET on **April 28, 2014**. Judging will be complete on or about **June 30, 2014**. Winners are expected to be announced during an awards ceremony in the July or August 2014 time frame.

FOR FURTHER INFORMATION CONTACT: Stacey Palosky, Public Affairs Specialist, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7648; spalosky@cpsc.gov.

SUPPLEMENTARY INFORMATION:

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of injury or death from thousands of types of consumer products under the agency's jurisdiction. CPSC has issued more than 13,000 consumer product recalls since the agency's creation in 1973.

Through CPSC's website www.SaferProducts.gov, consumers, child service providers, health care professionals, government officials, and public safety entities can submit reports of harm

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involving consumer products. Manufacturers (including importers) and private labelers identified in reports receive a copy of the report and have the opportunity to comment on the report.

Completed reports and manufacturer comments are published online at www.SaferProducts.gov for anyone to search.

Through the Consumer Product Safety Apps Challenge, the CPSC seeks applications and innovative tools that raise awareness of consumer product safety reports and recalls of consumer products. Because many consumers get consumer product safety information online, CPSC seeks apps and tools that combine recalls and safety reports with online auction sites, online product reviews, search engines and other innovative places where consumers get product information.

CPSC intends to promote the winning applications and tools. Except as set forth in this Notice, CPSC does not plan to retain any intellectual property rights, or assert ownership rights relating to any Consumer Product Safety Apps Challenge submissions, applications or tools.

Contest Requirements and Rules

1. *Subject of the Contest:* A key goal of the CPSC is to empower consumers with safety information about consumer products. CPSC is challenging developers to create applications (apps) and innovative tools that raise awareness of consumer safety reports submitted to CPSC through its website, SaferProducts.gov, and inform the public of recalls of consumer products.

2. *Amount of the prize:* CPSC will award \$1,000 to one winner in each of the following four categories: Best Mashup with Online Auction Sites; Best Mashup with Online Product Reviews; Best Mashup with Search; and Most Innovative. CPSC, in consultation with the judges, reserves the right in its discretion not to make an award in one or more categories based on factors such as quality, quantity or nature of eligible entries.

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3. Participation in the contest will be through the Consumer Product Safety Apps Challenge on productsafetyapps.challengepost.com. CPSC will administer the challenge according to the rules and requirements posted on productsafetyapps.challengepost.com.

4. The rules in this Notice supplement the rules on the productsafetyapps.challengepost.com website. If there is a conflict between or among any requirement stated on productsafetyapps.challengepost.com and the provisions of this Notice, the provisions of this Notice will govern.

5. *Important:* Entries must be made through the productsafetyapps.challengepost.com website. Registration through productsafetyapps.challengepost.com constitutes “registration to participate in the competition,” required by Section 105(g)(1) of the Act.

6. Entries must comply with form, content, accessibility, platform, security, privacy, eligibility, and other requirements set forth on the productsafetyapps.challengepost.com website.

7. *Basis on which a winner will be selected:*

- a. Contestants must demonstrate to the satisfaction of the judges: usefulness, innovativeness, usability, and potential reach and impact.
 - “Usefulness” is defined as the ability to empower users to engage with, and act on, consumer product safety information on an ongoing basis. The best apps will provide this safety information, tailored to the needs of the user.
 - For innovativeness, each entry will be rated for the degree of creativity the entry brings to applications focused on consumer product safety. Innovative approaches to reaching large numbers of consumers will score highest. Bonus points will be given for entries that add a “fun factor” to enhance users’ knowledge about consumer product safety.

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- “Usability” is defined as user-friendly and interactive. These capabilities will be awarded the highest marks. Entries should be applicable and attractive to people who are not necessarily “high tech.” Additional consideration will be given for usability by people in diverse populations.
 - For potential reach and impact, the top tools will prove that they can engage a large number of consumers on a regular basis and will engage consumers in a way that encourages consumers to act upon the consumer product safety information.
- b. Apps must be designed for the Web, a personal computer, a mobile device (*e.g.*, mobile phone, portable sensor), tablet, console, or any platform broadly accessible on the open Internet.
 - c. Applications developed for mobile phones must specify the specific operating system(s) on which the app runs and provide a site where the app can be downloaded.
 - d. Applications must upload data within 24 hours of its release by CPSC to keep information current.
8. *Eligibility:* To be eligible to participate in the Consumer Product Safety Apps Contest and win a prize:
- a. A contestant must create an account on the productsafetyapps.challengepost.com website by supplying his/her name and e-mail address. Creating an account will constitute “registration to participate in the competition,” as provided in the Act.
 - b. A contestant who is an individual must be at least eighteen (18) years of age, and be a citizen of or permanent resident of the United States. If the contestant is an entity, the

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entity must be incorporated in, and maintain a primary place of business in the United States.

- c. No contestant can be a federal entity or federal employee acting within the scope of the federal entity or federal employee's employment.
- d. Each contestant must agree to assume any and all risks and waive any claims against the U.S. government and its related entities (except in the case of willful misconduct) for any injury, death, damage, or loss of property, revenue or profits, whether direct, indirect, or consequential, arising from their participation in the Consumer Product Safety Apps Challenge, whether the injury, death, damage or loss arises through negligence, or otherwise. Participants will not be required to waive claims against CPSC that arise from the unauthorized use or disclosure by the agency of the intellectual property, trade secrets, or confidential information of the contestant.
- e. Each contestant may join more than one team, corporation, or nonprofit organization, if the contestant is an individual.
- f. The Chairman of the CPSC will determine whether contestants will be responsible for obtaining insurance to cover claims by any third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with, or participation in, the Consumer Product Safety Apps Challenge. Insurance requirements will be set forth in the rules and requirements provided on productsafetyapps.challengepost.com.
- g. Each contestant must comply with all requirements of this Notice, the rules and requirements posted on productsafetyapps.challengepost.com, and all requirements established by the Act.

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9. *Procedures for obtaining additional information:*

- a. During the period of the Consumer Product Safety Apps Challenge, CPSC will operate and maintain a moderated discussion board at productsafetyapps.challengepost.com, to which potential contestants may submit questions to CPSC.
- b. CPSC may choose not to respond to any question or comment or to delete questions or comments that CPSC determines are not relevant to the competition. CPSC's responses to questions on the discussion board are not official guidance.
- c. CPSC may also maintain a blog on the productsafetyapps.challengepost.com website, on which CPSC may post official guidance related to the Consumer Product Safety Apps Challenge. All contestants are bound by official guidance on the blog that is posted before submission of a participant's entry.

10. *Intellectual Property:*

- a. CPSC does not accept any responsibility for a registered contestant's lack of compliance with intellectual property or other federal law. Contestants are subject to the Competition's Intellectual Property policies set forth on productsafetyapps.challengepost.com.
- b. Each winner of the Consumer Product Safety Apps Challenge, in consideration of the prize to be awarded, will be required to grant to CPSC, an irrevocable, paid-up, royalty-free nonexclusive worldwide license to post, link to, and display publicly on the Web the winning application(s), for the purpose of the Challenge, during the duration of the Challenge, and for a period of one (1) year after announcement of the winner(s).
- c. All contestants will retain all other intellectual property rights over their submissions.

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- d. CPSC, in its sole and exclusive discretion, may choose to negotiate with any registered contestant to acquire a license to use any intellectual property developed in connection with the Consumer Product Safety Apps Challenge.

11. *Judges and Judging Procedures:*

- a. Subject to the requirements of Public Law No. 111-358, Sec 24 (k), CPSC's Office of Communications, acting on behalf of, and with the authority of the Chairman of the U.S. Consumer Product Safety Commission, will appoint one or more qualified individuals to act as judges of the CPSC Consumer Product Safety Apps Challenge. Judges may include individuals from outside CPSC, including individuals from the private sector and individuals nominated by the Competition. Judges will operate in a transparent manner.
- b. A judge may not have a personal or financial interest in, or be an employee, officer, director, or agent of, any entity or individual that is a registered contestant in the Consumer Product Safety Apps Challenge. No judge may have a familial or financial relationship with any individual who is a registered contestant.
- c. A judge may not have any matter pending before CPSC or represent anyone in any matter pending before the agency.
- d. Specific tasks related to the judging process may be delegated to CPSC employees or employees of a collaborating federal agency.
- e. Judges shall have the authority to disregard any minor error in an entry that does not create any substantial benefit or detriment to any contestant.
- f. Decisions of the judges are final.

12. *Payment of Prizes, Use of Prize Money, and Post-Award Performance:*

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- a. Prize money will be paid after the announcement of the winners, in a time frame consistent with the award ceremony, which will be held approximately in July or August 2014.
- b. CPSC may pay prize money directly. In such a case, the winner will provide CPSC with sufficient information to support payment transactions in accordance with CPSC fiscal policy and the issuance of Internal Revenue Service Form 1099.

Authority: 15 U.S.C. 3719

Dated:

Todd A. Stevenson, Secretary
Consumer Product Safety Commission.



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

This document has been electronically
approved and signed.

Memorandum

January 6, 2014

FROM: Scott Wolfson, Director
Office of Communications

Stacey Palosky, Social Media Specialist
Office of Communications

TO: The Commission

RE: SaferProducts.gov App Challenge

More than 17,000 reports of harm and potential harm have been posted on SaferProducts.gov since the successful launch of the database on March 11, 2011. As the most significant open-government initiative implemented by the agency during the past decade, SaferProducts.gov empowers consumers to: (1) report incidents, (2) search for incidents, and (3) search for recalls.

As CPSC strives to achieve the vision of Goal 5 of the 2011–2016 Strategic Plan¹—raising awareness of product risks and CPSC’s capabilities—SaferProducts.gov holds great promise as a platform to connect more consumers with the agency. As recognized by the General Accounting Office,² CPSC has used a strategic outreach effort to create more awareness, reporting, and visits to the website. Prior to and since the launch of the site, CPSC has produced promotional videos and handout materials; purchased ad space on major social media sites; disseminated publications at conference and community events; conducted local and national press interviews; used social media; and worked with consumer advocacy organizations, all to promote SaferProducts.gov.

These efforts have resulted in a respectable rate of 200,000 monthly visits to SaferProducts.gov. Yet, incident reporting on SaferProducts.gov has not shown a statistically significant increase over recent years when CPSC collected incident reports through our Hotline, CPSC.gov, fax, mail, and e-mail.

¹ U.S. Consumer Product Safety Commission, 2011–2016 Strategic Plan, October 2010, www.cpsc.gov/PageFiles/123374/2011strategic.pdf

² “Consumer Product Safety Commission, Awareness, Use, and Usefulness of SaferProducts.gov,” General Accounting Office, March 2013, www.gao.gov/assets/660/652916.pdf

Reports of Harm Received³

| | FY 2008 | FY 2009 | FY 2011 | 3/11/2011- 3/10/2012 |
|------------------------|---------|---------|---------|-------------------------|
| Internet | 8,934 | 11,527 | 17,860 | 7,952 |
| Hotline (telephone) | 3,963 | 3,330 | 5,507 | 3,706 |
| Mail/Email/Fax | 1,098 | 1,070 | 919 | 899 |

To achieve the full potential of SaferProducts.gov, CPSC needs to let more consumers know about the site so that they learn to file reports of harm and potential harm. CPSC staff believes that the mobile community is our next frontier for connecting with consumers who are not aware of or who are not logging on to SaferProducts.gov. As of September 2013, 63 percent of adult cell phone owners used their phones to log on to the Internet. Only nine percent of Americans do not own any type of cell phone. This is especially important when trying to reach minority and underserved populations because they have higher rates of cell phone use than other segments of the populations.⁴

SaferProducts.gov is well designed for use via a personal computer, or laptop. Although many mobile phone users can use a web browser to log onto SaferProducts.gov, the site is not formatted for the mobile environment.

CPSC staff believes that an app challenge enlisting third party developers would be a cost-efficient and effective approach to generating more visits from consumers and boosting reporting to SaferProducts.gov. The challenge would help the agency move closer to achieving Goal 5 of the Strategic Plan and at the same time help the agency explore future activities, such as allowing reporting via an app and/or making SaferProducts.gov more compatible for use on a mobile device.

The development of a mobile application that creates greater awareness of: (1) SaferProducts.gov, (2) reports of harm and potential harm publicly available for viewing, (3) recall announcements, and (4) the importance of reporting product safety incidents to the government would be a win-win for consumers and CPSC. In turn, CPSC staff is seeking Commission approval to initiate a SaferProducts.gov App Challenge. If the program is approved, CPSC staff would partner with the White House's Office of Science and Technology Policy (OSTP) to promote the challenge.

Developers would be provided with the incident data on SaferProducts.gov and recall information through application programming interfaces (API),⁵ as well as information technology security requirements. The challenge would encourage developers to use our data to empower consumers through the creation of four categories of apps that are useful, innovative, user-friendly, and able to reach large segments of the public:

³ Collection of Reports of Harm During First Year of SaferProducts.gov, Staff Memo, April 23, 2012.

⁴ Pew Hispanic Research Project, www.pewhispanic.org/2013/03/07/ii-internet-use-3/.

⁵ www.saferproducts.gov/faq-developers.aspx and www.cpsc.gov/cpsc/pub/prerel/api.html.

- “Usefulness” is defined as the ability to empower users to engage with, and act on, consumer product safety information continuously. The best apps will provide this safety information tailored to the needs of the user.
- For innovativeness, each entry will be rated on the degree of creativity the entry brings to applications focused on consumer product safety. Innovative approaches to reaching large numbers of consumers will receive the highest scores. Bonus points will be awarded for adding a “fun factor” to enhance users’ knowledge about consumer product safety.
- “Usability” means user-friendly and interactive. These capabilities will be rewarded with the highest marks. Entries should be applicable to and attract people who are not necessarily “high tech.” Additional consideration will be given for the app’s usability by people in diverse populations.
- For potential reach and impact, the top tools will prove that they can engage a large number of consumers regularly and encourage consumers to act on consumer product safety information.

Implementing the Challenge

If approved by the Commission, CPSC will announce the SaferProducts.gov App Challenge at a White House-sponsored Safety Datapalooza on January 14, 2014. CPSC staff would use this event, along with subsequent “data jams,” to engage with technology specialists, developers, and interested stakeholders and encourage participation in the challenge. Staff envisions the challenge lasting for 90 days, with participants using the government-supported productsafetyapps.challengepost.com website to submit their proposals.

A pool of app submissions that meet the agency’s qualifications would be submitted to a pre-approved set of non-CPSC judges.

CPSC will award \$1,000 to one winner in each of four categories: Best Mashup⁶ with Online Auction Sites, Best Mashup with Online Product Reviews, Best Mashup with Search, and Most Innovative.

The vision of this app challenge is to boost the number of SaferProducts.gov users and increase the number of reports of harm and potential harms. With the submission and uploading of more reports to the database, CPSC staff can react faster to emerging hazards. In addition, consumers will be able to make more educated decisions about the products in their home or the products they wish to purchase. Additionally, an increase in visitors to SaferProducts.gov could lead to an increase in awareness of consumer reporting and awareness of product recalls, which could contribute to an increase in recall effectiveness.

The current app challenge focuses on improving consumer interaction with SaferProducts.gov; however, future iterations of the app could involve incident reporting via mobile devices and improving mobile access to the Business Portal.

⁶ A mashup, in web development, is a web page, or web application, that uses content from more than one source to create a single new service displayed in a single graphical interface.