



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 8, 2012

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM: Hyun S. Kim, Acting Assistant General Counsel
Scott de la Vega, Attorney, General Law Division

SUBJECT: Consumer Product Safety Apps Contest Under the America COMPETES
Reauthorization Act of 2011

Ballot Vote Due: May 15, 2012

Attached is a draft *Federal Register* notice announcing the Consumer Product Safety Apps Contest Under the America COMPETES Reauthorization Act of 2011 (“the Act”), 15 U.S.C. § 3719. Pursuant to section 105(f), agencies conducting prize competitions under the authority of the Act must publish a notice in the *Federal Register* “announcing – (1) the subject of the competition; (2) the rules for being eligible to participate in the competition; (3) the process for participants to register for the competition; (4) the amount of the prize; and (5) the basis on which a winner will be selected.”

Through the Consumer Product Safety Apps Contest, the Commission 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, the CPSC seeks web applications (commonly referred to as apps) and tools that combine recalls and consumer product safety reports with online auction sites, online product reviews, search engines, and other innovative places where consumers get product information. The FY 2012 Operating Plan provides that “staff will implement a data feed to www.SaferProducts.gov that gives the public the ability to read publicly available incident reports to enable software developers more sophisticated access to the data, and will work with software developers seeking to create applications that enhance the public’s access to the data on www.SaferProducts.gov.”

Please indicate your vote on the following options:

(This document has not been reviewed by the Commission.
Cleared for public release under CPSA 6(b)(1).)

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

(Signature)

(Date)

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

(Signature)

(Date)

III. Do not approve publication of the draft notice 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 Contest Under
the America COMPETES Reauthorization Act of 2011

CONSUMER PRODUCT SAFETY COMMISSION

**Announcement of Consumer Product Safety Apps Contest 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 August 16, 2012. Judging will be complete on or about September 21, 2012. Winners will be announced during an awards ceremony in September/October 2012.

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 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 its creation in 1973.

Through the CPSC's website, www.SaferProducts.gov, consumers, child service providers, health care professionals, government officials, and public safety entities can submit reports of harm or risk of harm involving consumer products. Manufacturers (including importers) and private labelers identified in

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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 Contest, the Commission 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, the 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. It does not plan to retain any intellectual property rights of the submissions or take ownership of the tools. The CPSC intends to promote the winning applications and 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. The CPSC is challenging developers to create apps and innovative tools that raise awareness of consumer safety reports submitted to the CPSC through its website, SaferProducts.gov, and of recalls of consumer products.
2. Amount of the prize: The CPSC will award \$1,000 to four winners in four categories: Best Mashup with Online Auction Sites; Best Mashup with Online Product Reviews; Best Mashup with Search; and Most Innovative.
3. Participation in the contest will be through the Consumer Product Safety Apps Challenge on challenge.gov.
4. The contest will be administered by the CPSC, according to the rules and requirements posted on the competition website: <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge>.
5. The rules in this Notice supplement the rules on the challenge.gov website. If there is any conflict between any requirement stated on challenge.gov/cpsc and the provisions of this Notice, the provisions of this Notice will govern.

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6. Important: Entries must be made through the <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge> website. Registration through challenge.gov constitutes “registration to participate in the competition” required by Section 105(g)(1) of the Act.
7. Entries must comply with form, content, accessibility, platform, security, privacy, eligibility and other requirements set forth on the <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge> website.
8. Basis on which a winner will be selected:
 - a. An entrant 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 applications and tools will provide this safety information tailored to the needs of the user.
 - For innovativeness, each entry will be rated for the degree of creativity it 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 adding a “fun factor” to enhance users’ knowledge about consumer product safety.
 - “Usability” is defined as user-friendly and interactive. These capabilities will be rewarded with 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 the consumers to act upon the consumer product safety information.
 - Each winner guarantees that the application or tool will be provided to customers free of charge for one year after the announcement of winners.

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- b. Applications must be designed for the Web, a personal computer, a mobile device (*e.g.*, mobile phone, portable sensor), 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 the CPSC to keep information current.
9. Eligibility: To be eligible to participate in the Consumer Product Safety Apps Contest and win a prize, an entrant:
- a. Must create an account on the challenge.gov 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. If an individual, must be a citizen of or permanent resident of the United States; and if an entity, must be incorporated in and maintain a primary place of business in the United States.
 - c. May not be a federal entity or federal employee acting in the scope of the employee’s employment.
 - d. Must agree to assume any and all risks and waive any claims against the federal 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 Contest, whether the injury, death, damage, or loss arises through negligence or otherwise. Provided, however, that participants will not be required to waive claims against the CPSC arising out of the unauthorized use or disclosure by the agency of the intellectual property, trade secrets, or confidential information of the entrant.
 - e. May join more than one team, corporation, or nonprofit organization if the entrant is an individual.

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- f. Shall 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 Contest.
- g. Must have complied with all requirements of this Notice and all requirements established by the Act.

10. Procedures for obtaining additional information:

- a. During the period of the Consumer Product Safety Apps Contest, the CPSC will operate and maintain a moderated discussion board at <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge> through which potential participants or entrants may submit questions to the CPSC.
- b. The CPSC may choose not to respond to any question or comment or to delete questions or comments which it determines are not relevant to the competition. The CPSC's responses to questions on the discussion board are not official guidance.
- c. The CPSC may also maintain a blog on the <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge> website on which it may post official guidance related to the Consumer Product Safety Apps Contest. All entrants are bound by official guidance on the blog which is posted before submission of a participant's entry.

11. Intellectual Property:

- a. The CPSC does not accept any responsibility for a registered entrant's lack of compliance with intellectual property or other federal law. Entrants are subject to the Competition's Intellectual Property policies set forth on <http://challenge.gov/CPSC/359-consumer-product-safety-apps-challenge>.
- b. The winners of the Consumer Product Safety Apps Contest, in consideration of the prize to be awarded, will grant to the CPSC an irrevocable, paid-up, royalty-free nonexclusive worldwide license to post, link to, and display publicly the application on the Web, for the purpose of the

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challenge, during the duration of the challenge and for a period of one year following announcement of the winner.

- c. All contestants will retain all other intellectual property rights over their submissions.
- d. The CPSC, in its sole and exclusive discretion, may chose to negotiate with any registered entrant to acquire a license to use any intellectual property developed in connection with the Consumer Product Safety Apps Contest.

12. Judges and Judging Procedures

- a. Subject to the requirements of 15 U.S.C. 3719, CPSC's Office of Communications, acting on behalf of the Commission, will appoint one or more qualified individuals to act as judges of the CPSC Consumer Product Safety Apps Contest. Judges may include individuals from outside the CPSC, including 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 that is a registered entrant in the Consumer Product Safety Apps Contest, and may not have a familial or financial relationship with an individual who is a registered entrant.
- c. A judge may not have any matter pending before the 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 entrant.
- f. Decisions of the judges are final.

13. Payment of Prizes, Use of Prize Money, and Post-Award Performance

- a. Prize money will be paid after the announcement of the winners in a timeframe consistent with the awards ceremony, which will be held approximately in September or October 2012.

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- b. The CPSC may pay prize money directly. In such a case, the winner will provide the CPSC with sufficient information to support payment transactions in accordance with CPSC fiscal policy and the issuance of Internal Revenue Service 1099s.

Authority: 15 U.S.C. 3719

Dated:

Todd A. Stevenson, Secretary
Consumer Product Safety Commission.