

Supporting Statement
Safety Standard for Multi-Purpose Lighters

A. Justification

1. *Information to be collected and circumstances that make the collection of information necessary*

On December 22, 2000 the final Safety Standard for Multi-Purpose Lighters, 16 CFR Part 1212, became effective under the Consumer Product Safety Act. It applies to multi-purpose lighters manufactured in the United States or imported on or after December 22, 2000. These requirements for the child resistance of multi-purpose lighters address unreasonable risks of injury and death associated with multi-purpose lighters that can be operated by children under age 5. Multi-purpose lighters are hand-held flame-producing products that operate on fuel and have an ignition mechanism. They typically are used to light products such as charcoal and gas grills and fireplaces. Devices intended primarily for igniting smoking materials are excluded.

2. *Use and sharing of collected information and impact on privacy*

The Standard has recordkeeping and reporting requirements that will allow the staff to ensure that lighters comply. The Standard also requires manufacturers and importers to provide a certificate of compliance to any distributor or retailer to whom the lighters are delivered. Records must be kept in the U.S. and be available for inspection by the Commission's staff within 48 hours. Commission staff will use this information to identify products that either do not comply with the standard or that have not been properly certified.

Based on a review of the proposed information collection activities, staff has found that the Privacy Act does not apply because no electronic information system or records subject to the Privacy Act will be created. No system of records is created because no information about the customer sales will be retrieved by the agency from firms.

3. *Use of information technology (IT) in information collection*

Consideration has been given to the use of improved information technology. The records must be kept on paper, microfiche, or similar media that can be directly examined. Production records, on the other hand, may be kept on these media or on computer tape or other retrievable media.

4. *Efforts to identify duplication*

Every manufacturer's and importer's responsibilities under the rule relates to their products. In some instances, the manufacturer may sell the same product to numerous importers. The manufacturer may pay for and conduct testing and provide the test data and results to the importers who are their customers. The importer may elect to rely on

the data and file it with their report. Since the information collected applies to specific lighter models, this eliminates the need for duplicate testing and test report preparation.

5. *Impact on small businesses*

The methods used to minimize the burdens on small businesses are described in the Final Regulatory Flexibility Analysis, 64 FR 71864, dated December 22, 1999.

6. *Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently*

The collection of information and reporting requirements apply only to specific occasions relating to each individual lighter model. Therefore, collecting information less frequently would either omit certain importers or lighter models, or supply insufficient information concerning particular models.

7. *Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days*

Except as necessary to comply with 15 U.S.C. § 2063, the reporting is not required more often than quarterly. Records are kept for 3 years after the events to which they relate. Thus, qualification test records and lighter specifications need to be kept until 3 years after the production of the model has ceased.

8. *Agency's Federal Register Notice and related information*

The Commission issued a notice of proposed rulemaking, 63 FR 52394, September 30, 1998 and solicited comments on elements of the proposal that, if issued, would constitute collection of information requirements under the Paperwork Reduction Act. On October 29, 1998, the staff sent a copy of the proposed safety standard, with a cover letter outlining the Commission's action, to importers and manufacturers that could be subject to the standard. The letter invited interested parties to submit comments during the comment period. On January 20, 1999, the Commission met so that interested parties could present oral comments. The final rule was published in 64 FR 71854, December 22, 1999. That notice included a discussion of comments received on the proposed standard and a discussion of the issues related to the Paperwork Reduction Act.

The first FR notice announcing CPSC's intent to request an extension of approval of information collection requirements was published on March 1, 2007. No comments were received.

9. *Decision to provide payment or gift*

No payments or gifts are made to any respondents.

10. *Assurance of confidentiality*

Any information required to be submitted that the manufacturer or importer claims to be confidential is subject to procedures for withholding confidential information from public disclosure set forth at 16 C.F.R. Part 1015, subpart B. See 16 C.F.R. § 1212.17(c).

11. *Questions of a sensitive nature*

Other than trade secret or other confidential business information, these requirements do not involve information of a sensitive nature.

12. *Estimate of hour burden to respondents*

Firms subject to Commission rules may incur costs associated with various kinds of activities, depending on the requirements of each rule. Firms may conduct tests, maintain and retrieve records, provide written reports or certificates, prepare correspondence in response to Commission inquiries, or perform other tasks in order to establish compliance. Varying proportions of professional and clerical time may be spent in the performance of these tasks. Costs attributable specifically to activities related only to Commission rules are difficult to identify, since many of the relevant activities, such as testing and recordkeeping, occur during firm's normal course of business. However, an average cost range can be applied to the estimated numbers of hours needed to complete the necessary tasks. This yields a very rough approximation of the dollar costs to industry (excluding such factors as destructive product testing and potential product-line diversion).

The cost of the rule's testing, reporting, recordkeeping, and other certification-related provisions is comprised of time spent by testing organizations on behalf of manufacturers and importers, and time spent by firms to prepare, maintain, and submit records to CPSC. There are currently an estimated 16 firms that import, distribute and/or sell multi-purpose lighters in the United States, which is a subset of the approximately 60 firms total that may import, distribute and/or sell these lighters in the future. With a few exceptions, most manufacturers and importers have more than one model, currently ranging from 1 to 15 models for each firm. Based on past experience, an estimate of two models per firm is a reasonable number to use for calculating burden. Each manufacturer would spend approximately 50 hours per model. Therefore, the total annual amount of time that will be required for complying with the testing, recordkeeping, and reporting requirements of the rule is approximately 1,600 hours. (16 firms x 2 models x 50 hours = 1,600 total hours requested.) The annualized cost to respondents for the hour burden for collection of information is \$71,712 based on a total of 1,600 hours at \$44.82/hr. (based on total compensation of all civilian workers in management and professional fields in the U.S., July 2006, Bureau of Labor Statistics).

13. *Estimate of total annual cost burden to respondents*

Not applicable.

14. *Estimate of annualized costs to Federal government*

The annual cost of the rule to the Government is comprised chiefly of the Commission's resources for compliance and enforcement activities. An estimated 2 full-time-equivalent (FTE) staff years of effort are required to administer the rule annually. The Commission's cost for these staff activities is approximately \$100,000 per FTE. Thus, the annual cost of enforcing the rule to the Government is estimated to be about \$200,000. This cost estimate includes the agency's enforcement and field staff costs.

15. *Program changes or adjustments*

The previous estimate of respondents has been revised from 100 firms to 16 based on recent staff experience.

16. *Plans for tabulation and publication*

Not applicable, there are no plans to tabulate or publish the information. Because CPSC does not plan to disseminate the data collected, the requirements of the OMB and the CPSC Information Quality Guidelines do not apply.

17. *Rationale for not displaying the expiration date for OMB approval*

Not applicable.

18. *Exception to the certification statement*

Not applicable.

B. Collection of information will not employ statistical methods.