

**Information Collection Request (ICR) Supporting Statement and Privacy Act  
Assessment  
Safety Standard for Bicycle Helmets**

A. Justification

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

On June 16, 1994, the Children's Bicycle Helmet Safety Act of 1994 became law. 15 U.S.C. 6001-6006 provided that bicycle helmets manufactured after March 16, 1995, conform to at least one of several specified interim safety standards. This Act directed the Consumer Product Safety Commission to begin a proceeding under the Administrative Procedure Act, 5 U.S.C. 553, to review the requirements of the interim standards and establish a final standard, include a provision to protect against the risk of helmets coming off the heads of bicycle riders and address the risk of injury to children.

The final standard, issued under the Consumer Product Safety Act, became effective March 10, 1999 as to products manufactured after that date. The final rule is codified at 16 CFR 1203. The standard requires manufacturers and importers of bicycle helmets to conduct a reasonable testing program to ensure their products comply with the standard. Manufacturers are required to affix durable labels to the helmets stating that the helmet complies with the applicable U.S. CPSC standard. These labels are the "certificates of compliance." Companies are required to keep records of their testing so that the Commission's staff can verify that the testing was conducted properly. This enables the staff to obtain information indicating that a company's helmets comply with the standard, without always having to test the helmets.

*2. Use and sharing of collected information*

Testing is performed and the required records are maintained to assure compliance with the standard. Records are maintained for a period of at least three years from the date of certification of the last bicycle helmet in each production lot. Manufacturers' records are made available to any designated CPSC officer during inspection to demonstrate that their bicycle helmets comply with the requirements of the standard. If the records are not available during inspection because they are maintained at a different location, the firm must provide them to the staff within 48 hours.

Based on a review of the proposed information collection activities, staff has found the Privacy Act does not apply because no electronic information system or records subject to the Privacy Act will be created.

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

The records required to be maintained by this standard may be in any appropriate form or format that clearly provides the required information. Certification test results may be

kept on paper, microfiche, computer disk, or other retrievable media. Where records are kept on computer disk or other retrievable media, the records shall be made available to the Commission on paper copies, or via electronic mail in the same format as paper copies, upon request.

#### *4. Efforts to identify duplication*

The Commission published in the Federal Register of August 15, 1994, a Notice of Intent to propose a certification rule and solicited comments from all interested persons. The Commission received 37 comments on that proposed bicycle helmet standard from 30 individuals and organizations. After considering these comments and other available information, the Commission proposed certain revisions to the originally proposed standard, in a Federal Register notice on December 6, 1995. In response to the second proposal, the Commission received 31 comments. These comments and additional data were discussed in a Federal Register notice on March 10, 1998. Any comments or information regarding duplication of effort would have been considered before finalizing the standard. However, no information or comments regarding duplication of effort were received.

#### *5. Impact on small businesses*

In the August 1994 Notice of Proposed Rulemaking, the Commission preliminarily concluded that the proposal would not have a significant impact on a substantial number of small entities. The Commission received no public comment on this conclusion. As a result of non-economic comments of a technical nature, the Commission proposed a revised standard in a Federal Register notice on December 6, 1995. In that notice, the Commission reiterated its assessment of the economic impact of the standard on small businesses. In the preamble to the 1995 proposal, the Commission again preliminarily certified that the proposed standard, if promulgated, would not have a significant economic effect on a substantial number of small entities. In the final rule, published in the Federal Register on March 10, 1998, the Commission addressed two comments received and once again concluded that the rule would not have a significant impact on a substantial number of small entities. Based on our experience to date, we believe this continues to be the case.

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

This approval to collect information enables the staff to obtain information indicating that a company's helmets comply with the standard, without having to test the helmets.

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

None.

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

The first FR notice announcing CPSC's intent to request an extension of approval of information collection requirements was published on February 12, 2007. No comments were received.

9. *Decision to provide payment or gift*

There is no payment or gift to respondents.

10. *Assurance of confidentiality*

Any information required to be maintained by the Commission's standard which 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.

11. *Questions of a sensitive nature*

There are no questions of a sensitive nature.

12. *Estimate of hour burden to respondents*

The Commission estimates that the industry consists of about 30 manufacturers and importers subject to the collection of information requirements. There are an estimated 200 different models of bicycle helmets currently marketed in the U.S. The estimated time required to comply with the collection of information requirements is approximately 100 to 150 hours per model per year. The total amount of time estimated for compliance with these requirements will be 20,000 to 30,000 hours per year (200 models x 100-150 hours/model = 20,000-30,000). The annualized cost to respondents for the hour burden for collection of information is \$896,000-\$1,345,000 based on 20,000-30,000 hours times \$44.82/hour (based on total compensation of all civilian workers in managerial and professional positions in the U.S., July 2006, Bureau of Labor Statistics).

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

Capital costs would be to new manufacturers entering the helmet industry although they may contract out the testing with a contract laboratory/facility. Cost estimates for the equipment required to test to the standard are approximately \$70,000 per new entrant.

14. *Estimate of annualized costs to the Federal government*

The estimated expenditure to the Federal government is approximately \$83,000 which includes 10 staff months and travel costs expended for examination of the information in records required to be maintained by the standard and implementing regulations.

15. *Program changes or adjustments*

Not applicable.

16. *Plans for tabulation and publication*

Not applicable, there are no plans for tabulation and/or publication. 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. Statistical Methods – Collection of information will not employ statistical methods.