

Information Collection Request (ICR)
Safety Standard for Bassinets and Cradles
Supporting Statement

A. Justification

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

Section 104(B) of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), Public Law 110-314, 122 Stat. 3016 (August 14, 2008), requires the Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be “substantially the same as” applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. Bassinets and cradles are specifically included as a durable infant or toddler products by section 104(f)(2) of the CPSIA. As directed by this statutory requirement, the Commission is proposing a safety standard for bassinets and cradles that incorporates by reference the voluntary standard for bassinets and cradles issued by ASTM International, ASTM F-2194-07a^{ε1}, with some modifications to further reduce the risk of injury associated with bassinets and cradles. The modifications to ASTM F-2194-07a^{ε1} that are being proposed by the Commission do not involve any collections of information.

Sections 8 and 9 of the voluntary standard ASTM F-2194-07a^{ε1}, which is being proposed by the Commission as a mandatory standard, contain requirements for marking and instructional literature that are disclosure requirements, thus falling within the definition of “collections of information” under the Paperwork Reduction Act. Section 8.1.1 of the voluntary standard requires that the name and “either the place of business (city, state, and mailing address, including zip code) or telephone number, or both” of the manufacturer, distributor, or seller be clearly and legibly marketed on “each product and its retail package.” Section 8.1.2 of the voluntary standard requires that “a code mark or other means that identifies the date (month and year as a minimum) of manufacture” be clearly and legibly marked on “each product and its retail package.” Section 9.1 of the voluntary standard requires instructions to be supplied with the product.

Authorizing Statute: Section 104 of the Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008) (“CPSIA”).

2. Use and sharing of collected information

Purchasers and owners of bassinets and cradles will be provided with essential safety information and will be able to determine how to contact the manufacturer of the bed should there be safety or quality issues. CPSC will use the information obtained from the marking, labeling and instructional literature to identify products if the firm or its product(s) fail to comply with the provisions of the standard.

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

Information technology will not be used in these requirements.

4. *Efforts to identify duplication*

To the extent that firms do not already comply with the voluntary standard, information provided by these requirements is not available through any other agency, organization, or individual.

5. *Impact on small businesses*

Marking and instructional literature activities associated with the standard for bassinets and cradles may include a number of small firms. Particularly since most manufacturers of durable infant and toddler products are small firms, the statute requiring this action does not contemplate exempting small firms. Further, previous experience has shown a higher level of noncompliance at small firms. However, the length of time required for a firm to respond to the requirements depends on (1) the number of models handled by the firm and the complexity of a firm's day-to-day operations. Consequently, less time will be expended by small firms.

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

Without the marking and instructional literature requirements, the level of noncompliance could significantly increase, resulting in an increase in the number of product-related deaths and injuries. The lack of marking could require an increase in Federal government efforts to locate and recall non complying products and result in an increase in the number of product-related deaths and injuries.

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

There may be special circumstances in which respondents will be requested to prepare a written response involving the collection of information within fewer than 30 days after receipt of the request. These circumstances

apply when the CPSC Compliance staff is trying to determine preliminarily whether a defect is present in a bassinet or cradle, and whether that defect rises to the level of a substantial product hazard under Section 15 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064. Firms are typically given 10 working days to respond to our request for information.

8. Agency's Federal Register Notice and related information

A Notice of Proposed Rulemaking was published in the Federal Register on (fill in date after NPR is published).

9. Decision to provide payment or gift

Not applicable.

10. Assurance of confidentiality

All records cited as being confidential remain confidential according to the Commission's procedures under the Freedom of Information Act. These procedures are provided in 15 U.S.C. 1015.

11. Questions of a sensitive nature

Not applicable. There are no questions of a sensitive nature.

12. Estimate of hour burden to respondents

There are 48 known firms supplying bassinets and cradles to the U.S. market. Eighteen of the 48 firms are known to already produce labels that comply with sections 8.1.1. and 8.1.2 of ASTM F 2194-07a^{e1}, so there therefore would be no additional burden on these firms from these requirements. The remaining 30 firms are assumed to already use labels on both their products and their packaging, but may need to make some modifications to their existing labels. The estimated time required to make these modifications is about 30 minutes per model. Assuming that each of these firms supplies an average of 7 different models of bassinets and cradles, the annual burden hours associated with the labels would be 30 minutes x 30 firms x 7 models per firm = 6,300 minutes or 105 hours annual hours.

Section 9.1 of ASTM F 2194-07a^{e1} requires instructions to be supplied with the product. Bassinets and cradles are products that generally require some installation and maintenance instructions, and products sold without such information would not be able to successfully compete with products that provide this information. This is a practice that is usual and customary with bassinets and cradles. Therefore, because the CPSC is unaware of bassinets and cradles that: (a) generally require some installation, but (b) lack any instructions to the

user about such installation, there are no burden hours associated with the instruction requirement in section 9.1 of ASTM F 2194-07a^{e1} because any burden associated with supplying instructions with a bassinet or cradle would be “usual and customary” and not within the definition of “burden” under OMB’s regulations.

13. Estimate of total annual cost burden to respondents

The CPSC staff estimates that the hourly compensation for the time required to create and update labels and modify instruction manuals is \$27.78 (Bureau of Labor Statistics, September 2009, all workers, goods-producing industries, Sales and office, Table 9). Therefore, the estimated annual cost associated with the proposed labeling requirements is approximately \$2,917. Based on this analysis, the Commission concludes that the requirements of the proposed bassinet and cradle rule would impose a PRA burden of not more than \$2,917 annually.

14. Estimate of annualized costs to the federal government

The estimated annual cost of the information collection requirements to the federal government is approximately \$4,907, which includes 60 staff hours to examine and evaluate the information as needed for Compliance activities. This is based on an GS-14 level employee. The average hourly wage rate for a mid-level GS-14 employee in the Washington, DC metropolitan area (effective as of January 2010) is \$57.33 (GS-14, step5). This represents 70.1 percent of total compensation (Bureau of Labor Statistics, September 2009, percentage wages and salaries for all civilian management, professional, and related employees, Table 1). Adding an additional 29.9 percent for benefits brings average hourly compensation for a mid-range GS-14 employee to \$81.78. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,907.

15. Program changes or adjustments

This is a new information collection request.

16. Plans for tabulation and publication

Not applicable.

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

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.