

## SUPPORTING STATEMENT

### BAN OF CERTAIN FULL-SIZE BABY CRIBS

#### 16 CFR 1500.18(a)(13) and Part 1508

##### A. Justification

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

The Consumer Product Safety Commission's ban of certain full-size baby cribs was promulgated by the Consumer Product Safety Commission under the Federal Hazardous Substances Act as amended by the Child Protection and Toy Safety Act of 1969. The ban became effective on February 1, 1974.

Full-size baby cribs are banned if, because of their design, they present hazards of strangulation, suffocation, pinching, bruising, laceration, crushing, amputation, hematomas, or fractures to any parts of the anatomy of young children. The regulation describes criteria for determining whether or not an item is banned, and requires certain labeling on the product and the package. The regulation also requires that records of the sale and distribution of full-size cribs subject to the requirement be made, kept, and maintained for 3 years after production or importation.

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

The records required by the regulation are maintained by the firm and made available to any designated CPSC officer who requests them for inspection and copying. These records will be used by CPSC staff to determine the identity and quantity of full-size cribs produced and to whom they were distributed.

If a full-size crib subject to the regulation is banned, and the hazard is serious enough to warrant recall, the records of sales and distribution will enable the manufacturer to contact customers who received the recalled cribs.

Distribution records also enable CPSC to conduct recall effectiveness checks to determine if the manufacturer's customers received notice of the recall and are carrying out their part of the recall to the consumer level.

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*

Records kept by manufacturers of sales and distribution for purposes of inventory control and future production planning generally fulfill the record keeping requirements of this regulation. Manufacturers also keep records of testing results to respond to consumer complaints and to defend against product liability suits. At the option of the firm, any technology, including electronic record keeping, to compile and maintain business records may be used to comply with the regulation. Complying with 16 C.F.R. Part 1508 by providing these records upon request incurs little extra burden to firms.

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

The staff believes that the information required is already maintained by the individual firms as part of their sales and distribution process. We are not aware of any other source for this information.

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

All manufacturers and importers of full-size baby cribs are subject to the requirements of this ban. There are approximately 75 firms that manufacture or import these products. Many firms are small, but regardless of their size, providing information that all firms are likely to keep presents little extra burden for any firm.

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

If the records required by the regulation were not available and a manufacturer or importer sold a banned crib presenting a substantial risk of injury to children, the Commission's ability to achieve corrective action through the distribution chain could be severely impaired.

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

Any firm subject to the requirements is responsible for maintaining its own records of sales and distribution. These records are to be made available to any designated official or employee of the CPSC during an inspection of the firm. Information is not normally submitted to CPSC unless specifically requested during compliance-related activities.

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

The record keeping requirements of 16 C.F.R. Part 1508 were processed through rulemaking and published in November 1973. Firms have not objected to the record keeping requirements of the standard, as the records support the firms' compliance with the standard. The first FR notice announcing CPSC's intent to request an extension of approval of information collection requirements was published on June 28, 2010. No comments were received. .

#### *9. Decision to provide payment or gift*

No gift or payment is permitted or given to firms fulfilling the requirements of a standard.

10. *Assurance of confidentiality*

Information required by the record keeping requirements, that the manufacturer or importer claims to be confidential, is subject to 16 C.F.R. Part 1015, subpart B, that ensures withholding information from public disclosure which concerns "trade secrets and commercial or financial information." Disclosure of trade secrets and certain other types of confidential information is also prohibited by 18 U.S.C.

11. *Questions of a sensitive nature*

The record keeping requirements of this regulation do not include questions of a sensitive nature.

12. *Estimate of hour burden to respondents*

Approximately 75 firms manufacture or import full-size baby cribs and are subject to the record keeping requirements. Based on general information, we estimate that the record keeping will take five hours per firm for obtaining the information from existing sales and distribution data. The annualized cost to respondents for the burden for collection of information is \$10,417.50 based on 375 hours (75 firms x 5 hours each) times \$27.78 hour (Bureau of Labor Statistics, Total Compensation, All workers, goods-producing industries, Sales and office, September 2009, Table 9).

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

See 12 above.

14. *Estimate of annualized costs to federal government*

Assuming that the employee reviewing the records will be a 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. This represents 70 percent of total compensation (Bureau of Labor Statistics, January 2010, percentage wages and salaries for all civilian management, professional, and related employees, Table 1). Adding an additional 30 percent for benefits brings average hourly compensation for a mid-range GS-14 employee to \$81.89. The cost to the government (wages and benefits) for 37.5 hours staff time would be \$3,071.

15. *Program changes or adjustments*

Not applicable.

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.