

**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.

The Commission uses the information compiled and maintained by manufacturers, importers, and private labelers of bicycle helmets subject to the standard to help protect the public from risks of injury or death associated with head injury associated with bicycle riding. More specifically, this information helps the Commission determine whether bicycle helmets subject to the standard comply with all applicable requirements. The Commission also uses this information to obtain corrective actions if bicycle helmets fail to comply with the standard in a manner that creates a substantial risk of injury to the public.

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 CPSC regulates the safety standard for bicycle helmets. The testing and recordkeeping requirements are not duplicated elsewhere.

5. Impact on small businesses

As discussed in the final rule published on March 10, 1998 (63 FR 11729) the impact on small businesses is not substantial.

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 May 18, 2010. One comment was received. The commenter did not address the collection of information burdens. Instead, the commenter states that the collection of information should not be approved because it would delay implementation of bicycle helmet safety.

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 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 United States. 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 for testing, including third-party testing for children's bicycle helmets, certification, and recordkeeping will be 20,000 to 30,000 hours per year (200 models x 100-150 hours/model = 20,000-30,000 hours). The annualized cost to respondents for the hour burden for collection of information is \$1,138,600-\$1,707,000 based on 20,000-30,000 hours times \$56.93/hour (based on total compensation of all management, professional, and related occupations in goods-producing industries in the U.S., September 2009, 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*

CPSC is seeking an extension of a previously approved collection and the information collection burden hasn't changed with the exception of the estimated costs due to changes in wages/salaries of personnel responsible for testing and recordkeeping. We used the rate of \$56.93 per hour (based on total compensation of all civilian workers in managerial

and professional positions in the United States, September 2009, Bureau of Labor Statistics).

16. *Plans for tabulation and publication*

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.