

INFORMATION COLLECTION REQUEST (ICR) SUPPORTING STATEMENT

Safety Standards for Full-Size Baby Cribs and Non-Full Size Baby Cribs

16 CFR Parts 1219, 1220 and 1500

RIN: 3041-AC57

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”) requires the United States Consumer Product Safety Commission (Commission) 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. The Commission is proposing safety standards for full-size and non-full-size baby cribs in response to the direction under section 104(b) of the CPSIA. Section 104(c) specifies that the crib standards will cover used as well as new cribs. The crib standards will apply to anyone who manufactures, distributes or contracts to sell a crib; to child care facilities, and others holding themselves out to be knowledgeable about cribs; to anyone who leases, sublets or otherwise places a crib in the stream of commerce; and to owners and operators of places of public accommodation affecting commerce. The standard would require manufacturers and importers of these products to maintain sales records for a period of six years after the manufacture or importation of the cribs and also contain requirements for marking and instructional literature.

2. Use and sharing of collected information

The records required by the regulation are to be 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 cribs produced and to whom they were distributed. 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.

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 test 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.

4. Efforts to identify duplication

The staff believes that firms already maintain these records 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 and non-full-size baby cribs are subject to the requirements of this standard. Many of the 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 non-complying 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

There are no special circumstances as described in specific instructions. 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. Records are to be maintained for six years.

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

The Commission published a Notice of Proposed Rulemaking, 16 CFR Parts 1219, 1220, and 1500 in the Federal Register July 23, 2010. The required Paperwork Reduction Act Notice appears in this published notice.

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 from public disclosure information 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

For full-size cribs, we estimate the recordkeeping required by the proposed standard would take 5 hours per firm for obtaining the information from existing sales and distribution data. The annualized cost for the burden collection of information is approximately \$9,401. This estimated cost to respondents is based on 340 hours (68 firms x 5 hours each) multiplied by a cost of \$27.65 per hour (Bureau of Labor Statistics, total compensation, all workers, goods-producing industries, sales and office, March 2010, Table 9). The proposed standard also contains requirements for marking and instructional literature. There are 68 known firms supplying full-size cribs to the United States market. Forty five of the 68 firms are known to already product labels that comply with these sections of the standard, so there would be no additional burden on these firms. The remaining 23 firms are assumed to already use labels on both their products and their packaging, but would need to make some modifications to their existing labels. The estimated time required to make these modifications is about 30 minutes per model. Each of these firms supplies an average of nine different models of full-size cribs, therefore, the estimated burden hours associated with labels is 30 minutes x 23 firms x 9 models per firm = 6,210 minutes or 103.5 annual hours.

For non-full size cribs, we estimate the recordkeeping required by the proposed standard would take 5 hours per firm for obtaining the information from existing sales and distribution data. The annualized cost for the burden collection of information is approximately \$2,350.25. This is based on 85 hours (17 firms x 5 hours each) multiplied by a cost of \$27.65 per hour (Bureau of Labor Statistics, total compensation, all workers, goods-producing industries, sales and office, March 2010, Table 9). The proposed standard also contains requirements for marking and instructional literature. There are 17 known firms supplying non-full-size cribs to the United States market. Seven of the 17 firms are known to already produce labels that comply with these sections of the standard, so there would be no additional burden on these firms. The remaining 10 firms are assumed to already use labels on both their products and their packaging, but would need to make some modifications to their existing labels. The estimated time required to make these modifications is 30 minutes per model. Each of these firms supplies an average of nine different models of cribs, therefore, the estimated burden hours

associated with the labels is 30 minutes x 10 firms x 9 models per firm = 2,700 minutes or 45 annual hours. The estimated annual cost associated with the Commission recommended labeling requirements is approximately \$1,244 (\$27.65 per hour x 45 hours - \$1,244.25)

13. Estimate of total annual cost burden to respondents

See 12 above.

14. Estimate of annualized costs to the Federal government

The cost to the government (wages and benefits) for 42.5 hours staff time to review the information is approximately \$3,480. Assuming that the employee reviewing the records will be by 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, March 2010, percentage wages and salaries for all civilian management, professional, and related employees, Table 1). Adding an additional 30 percent for benefits brings the average hourly compensation for a mid-range GS-14 employee to \$81.89. Thus, 42.5 hours multiplied against an hourly compensation figure of \$81.89 results in an estimated cost to the government of \$3,480.

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.