

ATTACHMENT

SUPPORTING STATEMENT FOR JUSTIFICATION OF COMPLIANCE LABELING OF MOTOR VEHICLE BRAKE FLUID CONTAINERS 49 CFR SECTION 571.116 OMB Control Number 2127-0521

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act (Act) of 1966 authorize the issuance of Federal Motor Vehicle Safety Standards (FMVSS).

The Secretary of the Department of Transportation (Secretary) is authorized to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle or equipment is purchased, in a printed manner placed in the vehicle or attached to or accompanying the equipment. The container labeling requirements in FMVSS No. 116, Motor Vehicle Brake Fluids, support the Department of Transportation's Strategic Goal in Safety, by aiding in the reduction in fatalities and injuries on the nation's highways caused by collisions.

The agency, in prescribing a FMVSS, is to consider available relevant motor vehicle safety data and to consult with appropriate agencies and obtain safety comments/suggestions from the responsible counties, States, agencies, safety commissions, public and other safety-related authorities. Further, the Act mandates that in issuing any FMVSS the agency consider whether the standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed, and whether such standards will contribute to carrying out the purpose of the Act. The Secretary is authorized to revoke such rules and regulations as he/she deems necessary to carry out this Act.

FMVSS No. 116 (49 CFR Part 571.116) specifies performance and design requirements for motor vehicle brake fluids and hydraulic system mineral oils. Section 5.2.2 specifies labeling requirements for manufacturers and packagers of brake fluids as well as packagers of hydraulic system mineral oils. The information on the label of a container of motor vehicle brake fluid or hydraulic system mineral oil is necessary to insure the following: the contents of the container are clearly stated; these fluids are used for their intended purpose only; and, the containers are properly disposed of when empty. Improper use or storage of these fluids could have dire consequences for the operators of vehicles or equipment in which they are used. To aid in the proper selection and use of brake fluids and hydraulic system mineral oils in motor vehicles and hydraulic equipment, the owners and operators of motor vehicles, vehicle service facilities, and hydraulic equipment operators use this labeling information. Additionally, the information on

the brake fluid and hydraulic mineral oil container labels may be used to identify potentially defective fluids.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information received from the current collection.

To aid in the proper selection and use of brake fluids and hydraulic system mineral oils in motor vehicles and hydraulic equipment, the owners and operators of motor vehicles, vehicle service facilities, and hydraulic equipment operators use this labeling information. The information required on the label of brake fluid and hydraulic mineral oil containers identifies performance capabilities of the fluid. The safety warnings required on brake fluid and hydraulic system mineral oil containers are provided to prevent improper use, storage, etc. which might result in motor vehicle brake failure and the failure of equipment utilizing hydraulic system mineral oil.

Properties of these fluids and their use necessitate the package labeling information specified in this standard. Brake fluid and hydraulic system mineral oil must be free of contaminants in order to perform as intended, therefore, the labeling instructions warn against storing in unsealed containers or mixing these fluids with other products. Also, avoiding the absorption of moisture is extremely important since moisture in a brake system degrades braking performance and safety by lowering brake fluid's boiling point, increasing the fluid's viscosity at low atmospheric temperatures and increasing the risk of brake system component corrosion. Lower boiling points increase the risk of brake system failure and increase the possibility of vaporization of some of the fluid. The safety warnings also alert users of brake fluids sold in containers with capacities less than five gallons that the containers should not be refilled or reused for other purposes.

If the container labeling requirements were not mandatory, the aim of the Act of improving safety on the nation's highways would be more difficult to accomplish. Proper vehicle brake performance is crucial to the safety of motor vehicle occupants and protection of property. The information on fluid containers is necessary to aid in reducing brake system failures resulting from the use of improper or contaminated fluid. The labeling on fluid containers also helps to ensure that only fluid that complies with FMVSS No. 116, *Motor vehicle brake systems*, (49 CFR Part 571.116) requirements is obtained by consumers and vehicle maintenance technicians. The required container label also facilitates NHTSA enforcement efforts by identifying the fluid packager or manufacturer as well as the date of manufacture.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

The brake fluid standard requires labeling of containers by the affected manufacturers and packagers of brake fluid and hydraulic system mineral oils. The standard does not require collection of information by the federal government. The standard does not specify the design techniques that are to be used to produce the required labels. The labels are primarily printed on paper or plastic film. When paper is used, the paper is coated after the required information is printed on the label. The labels are then glued to the containers. This process varies from one packager to another, but about 85% of the processes are automated and computer controlled.

The collection and storage of the labeling information by the manufacturers and packagers of brake fluid and hydraulic mineral oils is automated with computer techniques.

4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.

NHTSA is the only Federal agency requiring permanent labeling of motor vehicle brake fluid and hydraulic fluid containers. There are no other Federal, State, or local government agencies that require similar information to be affixed to brake fluid or mineral oil containers.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

It is estimated that few, if any, brake fluid manufacturers and packagers, and hydraulic system mineral oil packagers qualify as small businesses or small entities. It is estimated that the burden resulting from the labeling requirements of this standard is small compared to the total burden of producing the materials regulated by this standard. Therefore, small businesses will expend a similar percentage of their resources as larger businesses on fluid container labeling and there is no need to minimize the burden for small manufacturers.

6. Describe the consequence to Federal Program or policy activities if the collection is not collected or collected less frequently.

The labeling of motor vehicle brake fluid and hydraulic system mineral oil containers is a one-time process. In order for the labeling to fulfill its intended purpose, it is necessary that all such containers be labeled in accordance with these requirements. If motor vehicle brake fluid containers were not labeled as required by FMVSS No. 116, the Secretary's Strategic Goal in Safety would be more difficult to accomplish because it would be much more likely that brake fluid would not be stored, used, and disposed properly. Improper use and storage of brake fluid would likely result in brake system failure in some vehicles with increases in vehicle stopping distance, which would likely have a negative impact on motor vehicle safety through increased crashes resulting in injuries, fatalities, and property damage.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The procedures specified for this information collection are consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with

persons outside the agency to obtain their views.

The agency published a 60-day Notice Requesting Public Comment on Proposed Collection of Information on June 17, 2010 (Docket No. NHTSA-2010-0085, 75 FR 34521), soliciting public comments on the burden hours estimated for the FMVSS No. 116 brake fluid container labeling requirements. There were no written comments forwarded to the agency in response to the 60-Day Notice. A copy of the 60-day Federal Register Notice is attached.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The agency has provided no payment or gift to respondents associated with the labeling requirements of this standard.

10. Describe any assurance of confidentiality provided to respondents.

All information required on labels by this standard is public information and there is no need for confidentiality.

11. Provide additional justification for any questions on matters that are commonly considered private.

The information provided is not of a private nature; therefore, no justification is necessary.

12. Provide estimates of the hour burden of the collection of information on the respondents.

The annual burden hours required to collect the information for motor vehicle brake fluid and hydraulic system mineral oil container labels as specified in FMVSS No. 116 are estimated as follows:

(1) Estimated number of responses (labels).....	70,000,000
(2) Estimated hours per response.....	0.0001
(3) Estimated annual burden hours required to collect and record information on container labels.....	7,000

It is estimated that the annual hours required to collect and record the information on the container labels is 0.0001 hours per container, or 7,000 hours. At a cost of \$20.00 per hour, the annual cost of collecting and recording the information on the labels is estimated to be**\$140,000.**

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in Question 12 or 14.

The cost of manufacturing and affixing the labels will vary for various manufacturers. The majority of the labels will be manufactured and affixed in an automated fashion by major manufacturers involving low material and labor costs. However, for small manufacturers, the costs in terms of labor, and to a lesser extent, material will be somewhat greater. Labels are a standard part of fluid containers, even in the absence of a federal requirement for adding the safety information to the containers. Thus, the added information required by FMVSS No. 116 would be added to the label already existing on the container and the cost is an incremental cost for adding the required information. Typically, such labels are printed onto a label material, which is either plastic or paper. The safety information added to a label would be a small part of the total cost of the printing process used for the production of the label.

The cost estimate for the total annualized costs to the respondents for adding the safety information to the printing cost of an existing label may be derived as follows:

(1) Estimate of the number of respondents.....	200
(2) Estimate of the number of different types of labels per respondent.....	24
(3) Technical burden - hours required to design the layout of a label that includes the incrementally added information	8
(4) Number of hours of label design for all respondents... (#1x#2x#3).....	38,400
(5) Average annual label design hours assuming a 5 year label redesign cycle.....	7680
(6) Annual label design cost assuming \$38.00 hourly wage.....	\$291,840.00
(7) Annual cost of incrementally added ink for label production (printing) @ \$402.65 per respondent.....	\$80,530.00
(8) Total annual cost of added information on label (#6+#7).....	\$372,370.00

14. Provide estimates of annualized cost to the Federal Government.

There are no annualized costs to the Federal Government for the labeling required by this standard.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments reported for Items 13 or 14 of OMB Form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

This item is not applicable. The information is not published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information

collection, explain the reasons that display would be inappropriate.

Approval is not being sought to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This standard does not include the collection of statistical information.
