

Information Collection Request (ICR)
Safety Standard for Toddler Beds
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. Toddler beds are specifically included as a durable infant or toddler product by section 104(f)(2) of the CPSIA. As directed by this statutory requirement, the Commission is proposing a safety standard for convertible cribs or toddler beds that incorporates by reference the voluntary standard for toddler beds issued by ASTM International, ASTM 1821-09, with some modifications to further reduce the risk of injury associated with toddler beds. The modifications to ASTM 1821-09 that are being proposed by the Commission do not involve any collections of information.

Sections 8.1 and 9.1 of the voluntary standard ASTM F 1821-09, 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 of ASTM F 1821-09 requires each bed and its retail carton to be marked with: (1) the name and place of business of the manufacturer, importer, distributor, or seller (city, state, and mailing address, including zip code and telephone number); (2) a model number, stock number, catalog number, item number, or other symbol expressed numerically or otherwise, such that only articles of identical construction, composition, and dimensions shall bear identical markings; and (3) a code mark or other means that identifies the date of manufacture (at least the month and year) and permits future identification of any given model. Section 9.1 of ASTM F 1821-09 must, where applicable, include assembly, maintenance, cleaning, folding, and warning information. 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 toddler beds 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 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 convertible cribs or toddler beds may include a number of small firms. Most manufacturers of durable infant and toddler products are small firms, but the statute does not contain any exemption or other special provision for 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 the number of models handled by the firm and the complexity of a firm's day-to-day operations.

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*

Explanation: the information collection is that associated with the rule, not with potential compliance actions. So, if there's nothing in the standard that

requires disclosures more often or in less than 30 days – and I’m guessing that there isn’t – there are no special circumstances that apply here.

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

The Commission did not and will not provide any payment or gift to respondents.

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 73 known firms supplying convertible cribs or toddler beds to the United States market. Twenty-nine of the 73 firms are known to already produce labels that comply with sections 8.1.1., 8.1.2, and 8.1.3 of ASTM F 1821-09, and there would be no additional burden on these firms from these requirements. The remaining 44 firms probably 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 approximately 10 different models of convertible cribs or toddler beds, the annual burden hours associated with the labels would be 30 minutes x 44 firms x 10 models per firm = 13,200 minutes or 220 hours.

Section 9.1 of ASTM F 1821-09 requires instructions to be supplied with the product. This is also a practice that is customary with convertible cribs and toddler beds. These are products that generally require some installation and maintenance instructions, and any 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 convertible cribs or toddler beds. Therefore, because the CPSC is unaware of convertible cribs or toddler beds that: (a) generally require some installation, but (b) lack any instructions of the user about such installation, there are no burden hours associated with the

instruction requirement in section 9.1 because any burden associated with supplying instructions with a convertible crib or toddler bed 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 \$6,111.60. Based on this analysis, the Commission concludes that the requirements of the proposed toddler bed rule would impose a PRA burden of not more than \$6,111.60 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 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 (GS-14, step 5). 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.

