

Information Collection Request (ICR)  
Safety Standard for Play Yards (RIN 3041-AC92)  
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. As directed by this statutory requirement, the Commission is proposing a safety standard for play yards that incorporates by reference, with some modifications, the voluntary standard for play yards issued by ASTM International, ASTM F 406-11. The modifications to ASTM F 406-11 that the Commission is proposing do not involve any collections of information.

Sections 9 and 10 of ASTM F 406-11 contain requirements for marking, labeling, and instructional literature that are disclosure requirements, thus falling within the definition of “collections of information” at 5 C.F.R. § 1320.3(c). Section 9.1.1.1 of ASTM F 406-11 requires that the name and the place of business (city, state, mailing address, including zip code, or telephone number) of the manufacturer, distributor, or seller be clearly and legibly marked on each product and its retail package. Section 9.1.1.2 of ASTM F 406-11 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture. Section 10.1 of ASTM F 406-11 requires instructions to be supplied with the product.

**2. *Use and sharing of collected information***

Purchasers and owners of play yards will use the information contained on the label to determine how to contact the manufacturer of the play yard should there be safety or quality issues. Instructional literature will provide purchasers and owners of play yards with information on assembly and maintenance of the play yard.

The CPSC will use the information obtained from the marking and labeling requirements to identify products if the firm or its product(s) fail to comply with 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***

The costs of marking, labeling, and instructional literature associated with the standard for play yards may impact a number of small firms. However, the statute requiring this action does not contain an exemption for small firms.

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

Without the marking, labeling, and instructional literature requirements, the level of noncompliance and consumer misuse could increase significantly, resulting in an increase in the number of product-related deaths and injuries.

The lack of marking and labeling could complicate CPSC efforts to locate and recall noncomplying 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***

There are no special circumstances that will require respondents to produce labels or instructional material more often than quarterly or in fewer than 30 days.

**8. *Consultation Outside the Agency***

The CPSC consulted several manufacturers to obtain their views on the information collection burden associated with marking and labeling requirements. Additionally, the preamble to the proposed rule will discuss the information collection burden and invite public comment on the CPSC's estimates.

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

There was no payment or gift provided to respondents.

**10. Assurance of confidentiality**

The information in the mark, label, and instructional literature is not confidential.

**11. Questions of a sensitive nature**

There are no questions of a sensitive nature.

**12. Estimate of hour burden to respondents**

There are 23 known firms supplying play yards to the United States market. Fourteen of the 23 firms are known to already produce labels that comply with section 9 of the standard. For these 14 firms, any burden associated with producing labels for a play yard would be “usual and customary” and not within the definition of “burden” under OMB’s regulations.

The remaining nine 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 1 hour per model. Each of these firms supplies an average of three different models of play yards; therefore, the estimated burden hours associated with labels is 1 hour x 9 firms x 3 models per firm = 27 annual hours.

Section 10.1 of ASTM F 406-11 requires instructions to be supplied with the product. This is a practice that is customary with play yards. Play yards are products that generally require some installation and maintenance instructions, and any products sold without such information would not be able to compete successfully with products that provide this information. Therefore, because the CPSC is unaware of play yards that: (a) generally require some installation, but (b) lack any instructions to the user about such installation, there are no burden hours associated with the instruction requirement in section 10.1 because any burden associated with supplying instructions with play yards 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**

We estimate that hourly compensation for the time required to create and update labels is \$27.98 (Bureau of Labor Statistics, March 2011, all workers, goods-producing industries, sales and office, Table 9). Therefore, the estimated annual cost associated with the proposed requirements is \$755.46 (\$27.98 per hour x 27 hours = \$755.46).

**14. *Estimate of annualized costs to the federal government***

The estimated annual cost to the federal government is approximately \$4,913, which includes 60 staff hours to examine and evaluate the information, as needed, for compliance activities. This is based on a GS-14 level salaried employee. The average hourly wage rate for a mid-level salaried GS-14 employee in the Washington, D.C. metropolitan area (effective as of January 2011) is \$57.33 (GS-14, step 5). This represents 70 percent of total compensation (Bureau of Labor Statistics, March 2011, 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-level salaried GS-14 employee to \$81.89. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,913.

**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.