

Information Collection Request (ICR)
Ban of Certain Articles Known as Baby-Bouncers and Walker-Jumpers
16 CFR Section 1500.18(a)(6) and Section 1500.86(a)(4)
Supporting Statement

A. Justification

1. *Information to be collected and circumstances that make the collection of information necessary*

The Consumer Product Safety Commission's (CPSC) ban of certain baby-bouncers and walker-jumpers was promulgated by the Food and Drug Administration (FDA) under provisions of the Federal Hazardous Substances Act (FHSA) as amended by the Child Protection and Toy Safety Act of 1969. The ban became effective on December 16, 1971. When CPSC was formed in May of 1973 the jurisdiction over the FHSA was transferred from the FDA to CPSC.¹

Baby-bouncers and walker-jumpers are banned by 16 CFR Section 1500.18(a)(6) if they are designed in such a way that exposed parts present hazards of amputation, crushing, laceration, fracture, hematoma, bruise, or other injury to fingers, toes, or other parts of young children's bodies. A second regulation published at 16 CFR Section 1500.86(a)(4) sets forth the criteria for exemption of baby-bouncers and walker-jumpers from the banning rule with a code mark that allows for future identification by the manufacturer of any given model. Additionally, the exemption regulation requires that records must be compiled and maintained for three years relating to sale, distribution, and inspection and testing of products subject to the banning rule. The exemption regulation requires labeling on these products and their packaging to state the name and address of the manufacturer or distributor and to identify the model of the product. Additionally, the exemption regulation requires that records must be compiled and maintained for three years relating to the sale, distribution, and inspection and testing of products subject to the banning rule.

2. *Use and sharing of collected information, and impact on privacy*

The records required by the regulations are to be made available to any designated CPSC officer who requests them for inspection and copying. These records would be used by CPSC to determine the identity and quantity of baby-

¹ A similar product, infant walkers, previously had also been within the scope of the CPSC ban. However, under the requirements of Section 104(b) of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"), Public Law 110-314, 122 Stat. 3016 (August 14, 2008), the CPSC issued a safety standard for infant walkers (Safety Standard for Infant Walkers--16 CFR Part 1216) that incorporated by reference the voluntary standard for infant bath seats issued by ASTM International, ASTM F 977-07, with some modifications to further reduce the risk of injury associated with infant walkers.

bouncers and walker-jumpers produced, the results of testing of these products, and to whom they were distributed.

In the event that a product subject to the regulations violates the banning rule and the hazard was severe enough to warrant recall, the required records would be useful to both the manufacturer and CPSC. Records of testing might limit the products subject to recall by pinpointing specific models and/or production runs that are hazardous. Records of sales and distribution would enable the manufacturer to send notices of the recall to those customers who received the items being recalled.

The same distribution records would enable CPSC to conduct recall effectiveness checks of the manufacturer's customers to determine if they received notice of the recall and were carrying out their part of the recall.

Records kept for other purposes can fulfill the record-keeping requirement of this regulation. Most manufacturers and importers would keep records of sales and distribution for other purposes such as control of inventory and planning for future production. Records of testing may be kept for insurance and product liability purposes.

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. 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 recordkeeping requirements of other agencies for these products were reviewed for potential duplication by CPSC and no duplication was identified.

5. *Impact on small businesses*

Not applicable.

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

Record keeping is mandatory. There would be no verification of record keeping requirements if the collection is not conducted or is conducted less than occasionally.

7. *Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days*

Not applicable.

8. *Agency Federal Register Notice and related information*

An FR notice was published ## ##, 2012. ## comments were received [to be filled in after publication of FR notice].

9. *Decision to provide payment or gift*

Not applicable.

10. *Assurance of confidentiality*

Any information required to be maintained by the standards and enforcement rules which the manufacturer or importer claims to be confidential is subject to procedures for withholding confidential information from public disclosure set forth at 16 CFR Part 1015, subpart B.

11. *Questions of a sensitive nature*

The recordkeeping requirements of this regulation do not include questions of a sensitive nature.

12. *Estimate of hour burden to respondents*

The CPSC staff estimates that about 25 firms are subject to the testing and recordkeeping requirements of the regulations. Firms are expected to test on the average two new models per year per firm. The CPSC staff estimates further that the burden imposed by the regulations on each of these firms is approximately 1 hour per year on the recordkeeping requirements and 30 minutes or less per model on the label requirements. Thus, the annual burden imposed by the regulations on all manufacturers and importers is approximately 50 hours on recordkeeping (25 firms x 2 hours) and 25 hours on labeling (25 firms x 1 hour) for a total annual burden of 75 hours per year.

Based on previous information provided to the CPSC staff by a manufacturer, it is believed that the record keeping requirements do not impose a significant burden on manufacturers and importers because the records are kept for other purposes, and testing is conducted for other reasons in addition to complying with the regulation. Since no changes have been made to the requirements for baby bouncers and walker-jumpers, those circumstances likely apply today.

The CPSC staff estimates that the hourly wage for the time required to perform the required testing is about \$61.24 (Bureau of Labor Statistics: Total compensation rates for management, professional, and related occupations in private goods-producing industries, December 2011), and that the hourly wage for the time required to maintain the required records is about \$27.33 (Bureau of Labor Statistics: Total compensation rates for sales and office workers in private goods-producing industries, December 2011). Assuming that nearly all of the estimated two hours for record-keeping per firm are actually spent in product testing and that the label requirements can be performed by office staff, the annual total cost to the industry is approximately \$3,745.

13. *Estimate of other total annual cost burden to respondents or recordkeepers*

There are no costs to respondents beyond those presented in Section A.12. There are no operating, maintenance, or capital costs associated with the collection.

14. *Estimate of annualized costs to Federal government*

During a typical year, the CPSC will expend approximately two days (16 hours) of professional staff time reviewing records required by the regulations for baby-bouncers and walker-jumpers. The annual cost to the Federal government of the collection of information in these regulations is estimated to be about \$165. This is based on an average hourly wage rate of \$57.13 (the equivalent of a GS-14 Step 5 employee) with an additional 30.2 percent added for benefits (BLS, Percentage of total compensation comprised by benefits for all civilian management, professional, and related employees, December 2011), or \$82.56 x 2 hours.

15. *Program changes or adjustments*

As noted in footnote 1, baby walkers (infant walkers) are no longer within the scope of this program. These products are subject to a different safety rule issued in 2010 (Safety Standard for Infant Walkers--16 CFR Part 1216) and associated information collection under the Paperwork Reduction Act is administered under the separate authority granted by OMB (Number 3041-0141).

16. *Plans for tabulation and publication*

Not applicable.

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 Employing Statistical Methods**

Not applicable.