

Information Collection Request (ICR)  
Safety Standard for Infant Walkers (RIN 3041-AC59)  
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 issuing a safety standard for infant walkers that incorporates by reference the voluntary standard for infant walkers issued by ASTM International, ASTM F977-07, with some modifications to further reduce the risk of injury associated with infant walkers.

Sections 8.1 and 9.1 of the voluntary standard ASTM F977-07, which is being issued by the Commission as a mandatory standard, 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 8.1 of ASTM F977-07 requires:

- the name and the place of business (city, state, and mailing address, including zip code) and/or telephone number of the manufacturer, importer distributor, or seller; and
- a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

Section 9.1 of ASTM F977-07 requires infant walkers to be provided with easy to read instructions regarding assembly, maintenance, cleaning, and use. 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***

The information required in sections 8.1 and 9.1 of ASTM F977-07 is intended to address safety issues that might arise with the product. The information required in section 8.1 of ASTM F977-07 is intended to help the CPSC and the consumer identify the firm and the product, should a safety issue

arise. The instructional literature required by section 9.1 of ASTM F977-07 is meant to prevent safety problems by providing assembly and maintenance information to consumers.

### **3. *Use of information technology (IT) in information collection***

Information technology will not be used in these requirements. In the rule, manufacturers are required to provide marking, labeling, and instructional literature in accordance with ASTM F977-07. This disclosure will accompany the final product at the time of consumer purchase.

### **4. *Efforts to identify duplication***

Information being disclosed is manufacturer and product specific. 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 infant walkers may impact some small firms. However, the statute requiring this action does not contain an exemption for small firms.

As described in section (12) below, there are currently 16 known firms supplying infant walkers to the U.S. market. Based on the guidelines issued by the U.S. Small Business Administration, 12 of these firms are small: five domestic manufacturers and seven domestic importers. The remaining four firms are a large foreign retailer shipping directly to the United States, one large domestic manufacturer, and two large domestic importers.

In regard to the burden associated with section 8.1 of ASTM F977-07, four of the five small manufacturers already produce labels that comply with section 8.1. Three of the small importers already produces labels that comply with section 8.1 as well. However, these firms might need to make some modifications to their existing labels. It is assumed that the remaining five small importers and manufacturers may require modifications as well. The burden on these firms is described in section (12) below.

There are no burden hours associated with the instruction requirement in section 9.1 of ASTM F977-07 because any burden associated with supplying instructions with infant walkers would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations.

### **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. *Agency's Federal Register Notice and consultation outside the agency***

The CPSC consulted several manufacturers to obtain their views on the information collection burden associated with the marking and labeling requirements. A notice of proposed rulemaking was published in the Federal Register on September 3, 2009 (74 FR 45704) and a Final Rule was published in the Federal Register on June 21, 2010 (75 FR 35266). A separate notice of proposed information collection was also published in the Federal Register on June 21, 2010 (75 FR 35286). The public comment period closed on August 20, 2010. No comments were received.

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

There is no payment or gift provided to respondents.

**10. *Assurance of confidentiality***

There is no assurance of confidentiality. The information in the mark, label, and instructional literature is not confidential.

**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 16 known firms supplying infant walkers to the U.S. market. All 16 firms are assumed to already use labels on both their products and their packaging, but they might 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 four different models of infant walkers; therefore, the estimated burden hours associated with labels is 1 hour x 16 firms x 4 models per firm = 64 annual hours.

Section 9.1 of ASTM F977-07 requires instructions to be supplied with the product. This is a practice that is usual and customary with infant walkers. 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. Therefore, because the CPSC is unaware of infant walkers 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 9.1 because any burden associated with supplying instructions with infant walkers would be "usual and customary" and not within the definition of "burden" under OMB's regulations.

We estimate that hourly compensation for the time required to create and update labels is \$27.12 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2012, Table 9, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>). Therefore, the estimated annual cost associated with the proposed requirements is \$1,736 (\$27.12 per hour x 64 hours = \$1,736).

### **13. *Estimates 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 the federal government***

The estimated annual cost of the information collection requirements to the federal government is approximately \$3,522, which includes 60 staff hours to examine and evaluate the information as needed for Compliance activities. This is based on a GS-12 level salaried employee. The average hourly wage rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of January 2011) is \$40.80 (GS-12, step 5). This represents 69.5 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2012, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 30.5 percent for benefits brings average hourly compensation for a mid-level salaried GS-12 employee to \$58.70. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,522.

**15. *Program changes or adjustments***

Not applicable.

**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.