

INFORMATION COLLECTION REQUEST (ICR) SUPPORTING STATEMENT

Safety Standards for Full-Size Baby Cribs and Non-Full Size Baby Cribs “Verification of Compliance Form”

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”) requires the United States Consumer Product Safety Commission (“CPSC,” “Commission,” or “we”) 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.

On December 28, 2010, we issued a final rule establishing safety standards for full-size and non-full-size baby cribs in response to the direction under section 104(b) of the CPSIA (75 Fed. Reg. 81766). Section 104(c) of the CPSIA specifies that the crib standards will cover used as well as new cribs. The crib standards will apply to anyone who manufactures, distributes or contracts to sell a crib; to child care facilities, and others holding themselves out to be knowledgeable about cribs; to anyone who leases, sublets or otherwise places a crib in the stream of commerce; and to owners and operators of places of public accommodation affecting commerce. The standard requires manufacturers and importers of these products to maintain sales records for a period of six years after the manufacture or importation of the cribs and also contains requirements for marking and instructional literature.

The Commission intends to have State licensing officials (under contract with CPSC) visit child care centers to measure compliance with the crib safety standards. Information from those visits would be recorded on the form. A pilot program was conducted in 2012 that included visits to approximately 50 child care centers in six states. Results of the pilot program will be used to expand the program in 2013, although size of the expansion would be dependent on the availability of CPSC resources. The current estimate is to inspect 260 additional facilities.

2. Use and sharing of collected information

The Commission intends to use the information to measure compliance with the crib safety standards and to develop an enforcement strategy.

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

Those working on the CPSC’s behalf (such as State officials) would enter information on the form, based on their observations of child care facilities and interviews with staff at those facilities. CPSC did not develop electronic information collection techniques.

4. Efforts to identify duplication

The form provides for recording information pertaining to individual child care centers. The safety standards applicable to cribs at those child care centers are consumer product safety standards issued and maintained by the CPSC. Therefore, we are unaware of any other source of this information other than directly from the individual child care centers.

5. Impact on Small Businesses

According to SBA guidelines, service providers, such as child care centers, are considered small if they have \$7 million or less in annual receipts. Among child care service providers, approximately 98 percent have receipts of less than \$5 million, with an additional 0.9 percent having receipts between \$5 million and \$9.99 million. Therefore, it is likely that the collection of information associated with the form will affect a substantial number of child care centers. However, it is unlikely that the collection of information will have a significant adverse impact on many child care centers. There is no requirement that child care centers provide the information sought by CPSC staff on the form and we estimate that the amount of time child care centers would need to provide the requested information is minimal; thus, we believe that the impact on small businesses will be small. Moreover, one question associated with the form simply seeks to discover whether a child care center is aware of the compliance date and, if so, how it became aware. The first aspect of the question is a yes or no answer, and the second aspect would involve a six possible choices. Responding to this question is unlikely to present a significant economic impact on a small child care center.

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

Failure to provide the information sought in the form would impair the CPSC's ability to measure compliance with the safety standard for cribs and thus complicate the CPSC's effort to develop an enforcement program.

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's Federal Register Notice and related information.

The Commission published a final rule establishing safety standards for full-size and non-full-size cribs in the *Federal Register* on December 28, 2010 (75 Fed. Reg. 81766). OMB approved the collection of information associated with the rulemaking, and the OMB Control Number is 3041-0147.

With respect to the form, the Commission published a notice in the *Federal Register* on April 16, 2012 (77 Fed. Reg. 22564) which discussed the information collection burden and invited public comments. We received 23 comments in response to the notice. Most comments discussed the crib standards generally, but did not address issues related to this collection of information. Two

discussed the accuracy of our estimated or the burden of the proposed collection of information. Both of these commenters stated that 15 minutes may not be sufficient when identifying how long these inspections will take to perform. CPSC staff believes that, while some inspections may take longer than 15 minutes, some will also take less time to conduct. CPSC staff considers the 15 minutes an appropriate estimate of the average length of time for inspection for this program. One comment provided suggestions for the pilot program and its documentation. However, we believe that the form requests all the applicable information needed to gauge crib compliance.

9. Decision to provide payment or gift

The Commission does not intend to provide any gift or payment to any respondent.

10. Assurance of confidentiality

There is no assurance of confidentiality. The information recorded on the form would be subject to the Freedom of Information Act and its exemptions to public disclosure.

11. Questions of a sensitive nature

The information that would be recorded on the form does not include questions of a sensitive nature.

12. Estimate of hour burden to respondents

We estimate that it would take a quarter of an hour for a child care center to provide the information to a state designated employee who, in turn, would complete the form. The annualized cost for the burden collection of information is approximately \$1,447.55. This estimated cost to respondents is based on 65 hours (260 child care centers x a quarter of an hour each) multiplied by a cost of \$22.27 per hour (Bureau of Labor Statistics, total compensation for all workers, sales and office for service-producing industries, Employer Costs for Employee Compensation Table 9, December 2012).

13. Estimate of other total annual cost burden to respondents

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

14. Estimate of annualized costs to the Federal government

The cost to the government (wages and benefits) for 65 hours staff time to review the information is approximately \$2631.20. Assuming that the employee reviewing the records will be a GS-9 level employee, the average hourly wage rate for a GS-9 Step 5 employee in the Washington, DC metropolitan area, effective as of January 2012, is \$28.13. This represents 69.5 percent of total compensation (Bureau of Labor Statistics, December 2012, percentage wages and salaries for all civilian management, professional, and related employees, Table 1). Adding an additional 30.1 percent for benefits brings the average hourly compensation for a GS-9 Step 5

employee to \$40.48. Thus, 65 hours multiplied against an hourly compensation figure of \$40.48 results in an estimated cost to the government of \$2631.20.

15. Program changes or adjustments

The form would represent a new collection of information.

16. Plans for tabulation and publication

Not applicable. There are no plans to tabulate or publish the information. Because CPSC does not plan to disseminate the data collected, the requirements of the OMB and the CPSC Information Quality Guidelines do not apply.

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 will not employ statistical methods.