

Information Collection Request (ICR)  
Safety Standard for Infant Bath Seats (RIN 3041-AC60)  
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 issued a safety standard for infant bath seats that incorporated by reference the voluntary standard for infant bath seats issued by ASTM International, ASTM F1967-08a, with some modifications to further reduce the risk of injury associated with infant bath seats. On July 31, 2012, the Commission issued a new infant bath seats safety standard as a direct final rule. The new standard incorporates by reference ASTM F1967-11a without modification.

Sections 8.6 and 9 of the voluntary standard ASTM F1967-11a, which was 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 8.6 of ASTM F1967-11a requires:

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

Section 9 of ASTM F1967-11a requires infant bath seats to be provided with instructions regarding assembly, maintenance, cleaning, storage, and use, as well as a variety of warnings. 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 8.6 and 9 of ASTM F1967-11a is intended to address safety issues that might arise with the product. The information required in section 8.6 of ASTM F1967-11a 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 of ASTM F1967-11a is meant to prevent safety problems by providing assembly, maintenance, and use 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 F1967-11a. 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 bath seats 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 seven known firms supplying infant bath seats to the U.S. market. Based on the guidelines issued by the U.S. Small Business Administration, four of these firms are small; one domestic manufacturer and three domestic importers. The remaining three firms are two large domestic importers and one foreign manufacturer.

In regard to the burden associated with section 8.6 of ASTM F1967-11a, two of the four small importers already produce labels that comply with section 8.6. However, these firms might need to make some modifications to their existing labels. It is assumed that the remaining small importer and small manufacturer 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 of ASTM F1967-11a because any burden associated with supplying

instructions with infant bath seats 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 significantly increase, 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 related information***

The direct final rule that incorporates ASTM F1967-11a by reference was published in the Federal Register on July 31, 2012 (77 FR 45242). No comments were received.

The first FR notice announcing CPSC’s intent to request an extension of approval of information collection requirements was published on August 30, 2013 (78 FR 53734). 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 seven known firms supplying infant bath seats to the U.S. market. All seven 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 one hour per model. Each of these firms supplies approximately 2 different models of infant bath seats; therefore, the estimated burden hours associated with the labels is 1 hour x 7 firms x 2 models per firm = 14 annual hours.

Section 9 of ASTM F1967-11a requires instructions to be supplied with the product. This is a practice that is usual and customary with infant bath seats. 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 bath seats 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 because any burden associated with supplying instructions with infant bath seats 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 \$27.44 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2013, 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 \$384 (\$27.44 per hour x 14 hours = \$384).

## **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 the federal government**

The estimated annual cost of the information collection requirements to the federal government is approximately \$3,527, 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 69.4 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs

for Employee Compensation,” March 2013, 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-range salaried GS-12 employee to \$58.78. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,527.

**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.