Information Collection Request (ICR)
Safety Standard for Bedside Sleepers
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 bedside sleepers that incorporates by reference, with some modifications, the voluntary standard for bedside sleepers issued by ASTM International, ASTM F2906-13.

Sections 7.1, 8.1, and 8.2 of ASTM F2906-13 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 7.1 of ASTM F2906-13 requires that all bedside sleeper products meet with the marking and labeling instructions of ASTM F2194, *Standard Consumer Safety Specification for Bassinets and Cradles*. Section 8.1 of ASTM F2194-13 requires:

- the name and the place of business (city, state, and mailing address including zip code) 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 8.1 of ASTM F2906-13 requires that all bedside sleeper products comply with the instructional literature requirements of ASTM F2194, *Standard Consumer Safety Specification for Bassinets and Cradles*. Section 9.1 of ASTM F2194-13 requires all firms supplying bedside sleepers to provide easy-to-read and understand instructions regarding assembly, maintenance, cleaning, use, and adjustments, where applicable. Section 8.2 of ASTM F2906-13 also requires that the instructions cover correct assembly, attachment system, and conversion, as well as alert consumers that they should read all instructions and keep the instructions for future use.

2. Use and sharing of collected information

The information required in sections 7.1, 8.1, and 8.2 of ASTM F2906-13 is intended to address safety issues that might arise with the product. The information required in section 7.1 of ASTM F2906-13 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 sections 8.1 and 8.2 of ASTM F2906-13 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 final rule, manufacturers are required to provide labeling, marking, and instructional literature according to ASTM F2906-13. This disclosure is provided with the purchase of the product.

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 bedside sleepers 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 five firms known currently to be marketing bedside sleepers in the United States. Based on U.S. Small Business Administration guidelines, four manufacturers are small. The remaining firm is a foreign manufacturer.

In regard to the burden associated with section 7.1 of ASTM F2906-13, all four small manufacturers already produce labels on both their products and packaging. However, they might need to make some modifications to their existing labels. The burden on these firms is described in section 12 below.

There are no burden hours associated with the instruction requirement in sections 8.1 and 8.2 of ASTM F2906-13 because any burden associated with supplying instructions with bedside sleepers 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. Consultation outside the agency

The CPSC consulted several manufacturers to obtain their views on the information collection burden associated with the marking and label requirements. Additionally, the preamble to the proposed rule published on December 10, 2012 (77 FR 73345) discusses the information collection burden and invites public comment on the CPSC's estimates. The public comment period will close on February 25, 2013.

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

There are no questions of a sensitive nature.

12. Estimate of hour burden to respondents

There are five known firms supplying bedside sleepers to the U.S. market. All five 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 two different models of bedside sleepers; therefore, the estimated burden hours associated with labels is 1 hour x 5 firms x 2 models per firm = 10 annual hours.

Sections 8.1 and 8.2 of ASTM F2906-13 require instructions to be supplied with the product. This is a practice that is customary with bedside sleepers. Bedside sleepers 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 bedside sleepers 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 sections 8.1 and 8.2 because any burden associated with supplying instructions with bedside sleepers would be "usual and customary" and not within the definition of "burden" under the OMB's regulations.

We estimate that hourly compensation for the time required to create and update labels is $27.71 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 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 $277 ($27.71 per hour x 10 hours = $277.10).

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 $3,578, 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 hourly compensation rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of January 2014) is $59.63 GS-12, step 5). This represents 69.1 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 2013, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: http://www.bls.gov/ncs/), with an additional 30.9 percent for benefits. Assuming that approximately 60 hours will be required annually, this results in an annual cost of $3,578.

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.