

Information Collection Request (ICR)
Safety Standard for Soft Infant and Toddler Carriers
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 soft infant and toddler carriers incorporating by reference the voluntary standard for soft infant and toddler carriers issued by ASTM International, ASTM F2236-14.

Sections 8.1 and 9.1 of ASTM F2236-14 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 F2236-14 requires that all soft infant and toddler carriers display:

- Each product and the shipping container must have a permanent label or marking that identifies the name and address (city, state, and zip code) or phone number, or both, of the manufacturer, distributor, or seller.
- A permanent code mark or other product identification shall be provided on the carrier and its package or shipping container, if multiple packaging is used. The code will identify the date (month and year) of manufacture and permit future identification of any given model.

Section 9.1 of ASTM F2236-14 requires all firms supplying soft infant and toddler carriers to provide easy-to-read and understand instructions regarding assembly, maintenance, cleaning, use, and adjustments, where applicable.

2. *Use and sharing of collected information*

The information required in sections 8.1 and 9.1 of ASTM F2236-14 is intended to address safety issues that might arise with the product. The information required in section 8.1 of ASTM F2236-14 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 ASTM F2236-14 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 F2236-14. 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 soft infant and toddler carriers 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 54 firms known currently to be marketing soft infant and toddler carriers in the United States. Based on U.S. Small Business Administration guidelines, 32 are small, domestic suppliers.

In regard to the burden associated with sections 8.1 and 9.1 of ASTM F2236-14, for those already in compliance with the voluntary standard, there should be little to no modification of the labels, markings, and instructional literature necessary. If modification is necessary to meet the standard, the burden imposed by sections 8.1 and 9.1 should be minimal.

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 April 5, 2013 (78 FR 20511) discusses the information collection burden and invites public comment on the CPSC's estimates. The public comment period closed on June 19, 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*

Section 8 of ASTM F2236-14 requires that 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, to be marked clearly and legibly on each product and its retail package. It further requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

CPSC is aware of 54 firms that supply soft infant and toddler carriers in the U.S. market. All 54 firms are assumed to use labels on their products and on their packaging already, 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 soft infant and toddler carriers; therefore, the estimated burden hours associated with labels is 1 hour x 54 firms x 2 models per firm = 108 annual hours. We estimate the 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 to industry associated with the labeling requirements is \$2,993 (\$27.71 per hour x 108 hours = \$2,992.68). No operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F2236-14 requires that all soft infant and carrier products must provide instructions with the product that are easy to read and understand. Where applicable, instructions for assembly, use, maintenance and cleaning of the product, and warnings, must also be included. Soft infant and toddler carriers are products that do not generally require installation, but require instruction for proper use, fit, and adjustment on a caregiver's body. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources

necessary to comply with a collection of information that would be incurred by persons in the “normal course of their activities” are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are “usual and customary.” Therefore, because we are unaware of soft infant and toddler carriers that lack any instructions to the user about proper use, fit, and assembly, we estimate tentatively that there are no burden hours associated with section 9.1 of ASTM F 2236-14 because any burden associated with supplying instructions with soft infant and toddler carriers would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations.

Based on this analysis, the mandatory standard for soft infant and toddler carriers would impose a burden of 108 hours at a cost of \$2,992.68 annually.

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 wage 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, with benefit adding an additional 30.9 percent (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/>). 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.