

Information Collection Request (ICR)
Safety Standard for Toddler Beds
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 United States 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. Toddler beds are specifically included as a durable infant or toddler product by section 104(f)(2) of the CPSIA. As directed by this statutory requirement, the Commission issued a safety standard for convertible cribs or toddler beds that incorporated by reference the voluntary standard for toddler beds issued by ASTM International, ASTM F1821-09, with some modifications to further reduce the risk of injury associated with toddler beds. On December 6, 2013, the Commission issued a new toddler beds safety standard as a direct final rule. The new standard incorporates by reference ASTM F1821-13 without modification. The Commission may adopt by reference new versions of the ASTM standards for toddler beds as direct final rules in the future.

Sections 8 and 9 of the voluntary standard for toddler beds, ASTM F1821-13, 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 8.1 of ASTM F1821-13 requires toddler beds that convert from a full size crib to meet the marking and labeling requirements given in section 8 of ASTM F1169. Section 8.2 of ASTM F1821-13 requires stand-alone toddler beds (that do not convert from full size cribs) and their retail cartons to be clearly and legibly marked with:

- the name and place of business of the manufacturer, importer, distributor, or seller (city, state, and mailing address, including zip code and telephone number);
- a model number, stock number, catalog number, item number, or other symbol expressed numerically or otherwise, such that only articles of identical construction, composition, and dimensions shall bear identical markings; and

- a code mark or other means that identifies the date of manufacture (at least the month and year) and permits future identification of any given model.

Section 9 of ASTM F1821-13 requires that toddler beds that convert from a full size crib must meet the instructional literature requirements of ASTM F1169, while stand-alone toddler beds instructions must, where applicable, include assembly, maintenance, cleaning, folding, and warning information. 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 and 9 of ASTM F1821-13 is intended to address safety issues that might arise with the products. The information required in section 8 of ASTM F1821-13 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 section 9 of ASTM F1821-13 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 F1821-13. 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 toddler beds 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 78 known firms supplying toddler beds to the U.S. market. Based on the guidelines issued by the U.S. Small Business Administration, 54 of these firms are small; 40 domestic manufacturers and 14 domestic importers. The remaining 24 firms are 5 large

domestic importers, 5 large domestic manufacturers, 1 large retailer, 1 importer whose size could not be determined, and 12 foreign firms.

Given that the mandatory toddler beds standard has been effective since October 20, 2011, it is believed that all of these firms already produce labels that comply with section 8 of ASTM F1821-13. However, these firms might need to make some modifications to their existing labels in the future. The potential 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 F1821-13 because any burden associated with supplying instructions with toddler beds would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations, even if these firms were not already supplying compliant instructions.

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 CPSC issued a Federal Register notice on May 8, 2014. 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 78 known firms supplying toddler beds to the U.S. market. All firms are assumed to already use compliant labels on both their products and their packaging, but they might need to make some modifications to their existing labels in the future. The estimated time required to make these modifications is about one hour per model. Each of the relevant firms supplies approximately 10 different models of toddler beds; therefore, the estimated burden hours associated with the labels is $((1 \text{ hour} \times 78 \text{ firms} \times 10 \text{ models per firm}) = 780$ annual hours.

Section 9 of ASTM F1821-13 requires instructions to be supplied with the product. This is a practice that is usual and customary with toddler beds. 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 toddler beds 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 requirements 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 \$29.24 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 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 \$22,807 ($\$29.24 \text{ per hour} \times 780 \text{ hours} = \$22,807$).

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 \$3,561, 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 2014) is \$41.07 (GS-12, step 5). This represents 69.2 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2013, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees, <http://www.bls.gov/ncs/>). Adding an additional 30.8 percent for benefits brings average hourly compensation for a mid-range salaried GS-12 employee to \$59.35. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,561.

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.

18. *Exception to the certification statement*

Not applicable.

B. *Collection of Information Employing Statistical Methods*

Not applicable.