

**SUPPORTING STATEMENT
FOR
49 CFR SECTION 571.218, "MOTORCYCLE HELMETS"
OMB-2127-0518**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The National Traffic and Motor Vehicle Safety Statute at 49 U.S.C. Subchapter II Standards and Compliance, Sections 30111 and 30117, authorizes the issuance of Federal Motor Vehicle Safety Standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as deemed necessary. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle or equipment is purchased, in the form of printed matter placed in the vehicle or attached to the vehicle or motor vehicle equipment.

Using this authority, the National Highway Traffic Safety Administration (NHTSA) issued the initial FMVSS No. 218, Motorcycle helmets, in 1974. Motorcycle helmets are the devices used for protecting motorcyclists from head injury in motor vehicle crashes. FMVSS No. 218 S5.6 requires that each certified helmet shall be labeled permanently and legibly in a manner such that the label can be read easily without removing padding or any other permanent part of the helmet. The labeling requirement in the Standard also supports the Department of Transportation's strategic goal in safety, by ensuring that motorcycle helmets are manufactured and certified to the performance requirements of the Standard.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Each motorcycle helmet manufacturer must label every helmet it produces to indicate compliance with the requirements of the Standard. NHTSA requires labeling information to ensure that helmet owners receive important safety information. The label or labels, separate from the certification label, is labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part. The required labeling information includes manufacturer's name, discrete size, month and year of manufacture, and specific instructions to the purchaser. The certification label signifies the manufacturer's certification that the helmet meets all of the requirements in the Standard. The certification label consists of the symbol "DOT," the term "FMVSS No. 218," the word "CERTIFIED," the precise model designation, and the manufacturer's name and/or brand on the outer shell of the helmet towards the

posterior bottom edge. NHTSA uses this information for enforcement purposes to ensure that manufacturers certify compliance with the Standard.

3. Describe whether the collection of information involves the use of automated technological collection techniques or other forms of information technology.

Section 5.6 of FMVSS No. 218 requires labeling to be exhibited on each helmet, and the standard does not specify how to produce the label(s). Helmet manufacturers are free to use any automated technologies they deem appropriate.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used.

NHTSA is the only Federal agency requiring manufacturers to label motorcycle helmets. As such, there is no duplication.

5. If the labeling requirement involves small businesses or other small entities, describe any methods used to minimize burden.

This regulation applies to all motorcycle helmet manufacturers. Each helmet must be labeled with the necessary information to insure that it complies with the safety requirements.

Since the labeling requirement does not require information collection by the Federal government, the burden is already at a minimum. There is no possible way to further reduce the burden for small businesses or other small entities without sacrificing safety and/or consumer information.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted less frequently.

Failure to collect this information would make the compliance enforcement impossible. NHTSA would not be able to impose penalties against companies who fail to comply with the Standard. State and local law enforcement agencies would not be able to enforce helmet use laws.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The information collection is consistent with the guidelines set forth in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

The document was published on May 3, 2011 (76 FR 24957). NHTSA did not receive any comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable; the agency does not provide payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Not Applicable.

11. Provide additional justification for questions that are commonly considered private.

Not Applicable.

12. Provide estimates of the hour burden of the collection of information on the Respondents.

The total estimate of the burden of the collection of information for Standard No. 218 is 9,100 hours annually.

The 45 respondents (helmet manufacturers) produce a total annual response (helmets) of 3,250,000. The average number of helmets produced per manufacturer is the total annual response divided by the number of respondents [$3,250,000 \div 45 = 72,000$ (rounded)]. We clarified this matter in the Supporting Statement document as shown below:

Estimated number of respondents (helmet manufacturers)	45
Estimated number of helmets produced per manufacturer ($3,250,000 \div 45$ (rounded))	72,000
Total annual responses (number of helmet manufactured annually)	3,250,000
Hours per response	1/360 or 0.0028
Total labeling hours per year ($3,250,000 \times 0.028$)	9,100

13. Provide an estimate for the total annual cost burden to respondents or record keepers.

The total annual cost to the respondents is estimated as \$1,300,000

Annual Burden for Labeling (Total Cost)	
Estimated number of respondents	45
Estimated number per manufacturer	72,000
Total annual responses	3,250,000
Hours per response	1/360 or 0.0028

Labor per hour	
\$21.50	
Labor cost per helmet	\$0.05
Labels material cost	\$0.35
Total Labeling cost per helmet	\$0.40
Total Labeling cost per year	\$1,300,000

14. Provide estimates of annualized costs to the Federal government.

There is no cost to the Federal government for this requirement.

15. Explain the reasons for any program changes or adjustments.

There are no program changes or adjustments.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

The agency has no plans to publish information on labeling of motorcycle helmets.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency is not seeking for such approval.

18. Explain each exception to the certification statement.

There is no exception.