

Information Collection Request (ICR)  
Safety Standard for Play Yards (RIN 3041-AC92)  
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), also known as the “Danny Keysar Child Product Safety Notification Act” 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. Play yards 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 play yards that incorporated by reference the voluntary standard for play yards issued by ASTM International, ASTM F406-12a. On August 19, 2013, the Commission issued a new play yards safety standard that incorporated by reference ASTM F406-13 without modification. The updated standard addresses hazards associated with the misassembly of bassinet accessories. The Commission may adopt by reference new versions of the ASTM standards for play yards as direct final rules in the future.

Sections 9 and 10 of ASTM F406-13 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 8 of ASTM F406-13 requires that:

- Each product and its retail package must have a permanent label or marking that identifies the name of the manufacturer, distributor, or seller and either the place of business (city, state, and mailing address, including zip code), the telephone number, or both.
- A permanent code mark or other product identification shall be provided on the play yard and its retail package. The code will identify the date (month and year at minimum) of manufacture.

Section 10 of ASTM F406-13 requires all firms supplying play yards to provide easy-to-read and understandable instructions regarding assembly, maintenance, cleaning, use, and warnings, where applicable.

## **2. *Use and sharing of collected information***

The information required in sections 9 and 10 of ASTM F406-13 is intended to address safety issues that might arise with the product. The information required in section 9 of ASTM F406-13 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 10 of ASTM F406-13 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. Manufacturers are required to provide labeling, marking, and instructional literature in accordance with ASTM F406-13. 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 play yards 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 31 firms known currently to be supplying play yards in the United States. Based on U.S. Small Business Administration guidelines, 17 are small.

In regard to the burden associated with sections 9 and 10 of ASTM F406-13, for those already in compliance with the voluntary standard, there should be little to no modification of the labels, markings, and instructional literature necessary. For those firms not currently in compliance with the voluntary standard, it may be necessary to develop new labeling, marking, and instructional literature, which does not typically impose a large time requirement.

## **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 issued a Federal Register notice on June 25, 2015. 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***

There are no questions of a sensitive nature.

**12. *Estimate of hour burden to respondents***

Section 9 of ASTM F406-13 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 also requires a code mark or other means that identifies the date (month and year, at a minimum) of manufacture. Furthermore, these markings must be permanent.

There are 31 known entities supplying play yards to the U.S. market. All 31 firms are assumed to use labels already 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 entity supplies an average of four different models of play yards; therefore, the estimated burden associated with labels is 1 hour per model x 31 entities x 4 models per entity = 124 hours. We estimate the hourly compensation for the time required to create and update labels is \$30.09 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2014, 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 \$3,731.16 (\$30.09 per hour x 124 hours = \$3,731.16).

Section 10 of ASTM F406-13 requires instructions to be supplied with the product. Play yards are products that generally require installation or assembly, and products sold without such information would not be able to compete successfully with products supplying this information. 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 play yards that generally require installation or some assembly but lack any instructions to the user about such installation or assembly, we estimate tentatively that there are no burden hours associated with section 10 of ASTM F406-13 because any burden associated with supplying instructions with play yards would be "usual and customary" and not within the definition of "burden" under the OMB's regulations.

Based on this analysis, the standard for play yards would impose a burden to industry of 124 hours at a cost of \$3,731.16 annually.

### **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 \$3,661, 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 2015) is \$41.48 (GS-12, step 5). This represents 68.2 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 2014, Table 1, percentage of wages

and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 31.8 percent for benefits brings average hourly compensation for a mid-level salaried GS-12 employee to \$61.02. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,661.

**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.