

Information Collection Request (ICR)
Safety Standard for Infant Bath Tubs
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 infant bath tubs incorporating by reference the voluntary standard for infant bath tubs issued by ASTM International, ASTM F2670-13, with modifications to strengthen the standard.

Sections 8 and 9 of ASTM F2670-13 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 8.1.1 of ASTM F2670-13 requires that the name and mailing address (including city, state, and zip code) or phone number (or both) of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail carton. Section 8.1.2 of ASTM F2670-13 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

Section 9 of ASTM F2670-13 requires easy-to-read and understandable instructions to be supplied with the product. The instructions should deal with assembly, maintenance, cleaning, use, and warning statements, where applicable.

2. *Use and sharing of collected information*

The information required in sections 8 and 9 of ASTM F2670-13 is intended to address safety issues that might arise with the product. The information required in section 8 of ASTM F2670-13 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 F2670-13 is meant to prevent safety problems by providing assembly, maintenance, cleaning, 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 proposed rule, manufacturers are required to provide labeling, marking, and instructional literature according to ASTM F2670-13. 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*

As described in section 12 below, there are 26 firms known currently to be supplying infant bath tubs in the United States. Based on U.S. Small Business Administration guidelines, 17 are small, domestic firms.

In regard to the burden associated with sections 8 and 9 of ASTM F2670-13, 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 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 August 14, 2015 (80 FR 48769) discusses the information collection burden and invites public comment on the CPSC's estimates. The public

comment period closed on October 28, 2015. One comment related to the information collection burden was 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 8.1.1 of ASTM F2670-13 requires that the name and mailing address (including city, state, and zip code) or telephone number (or both) of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail carton. Section 8.1.2 of ASTM F2670-13 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

There are 26 known entities supplying infant bath tubs to the U.S. market. All firms are assumed to use labels on their products and packaging, but they may need to make some modifications to their existing labels. We estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each entity supplies an average of three models of infant bath tubs; therefore, the estimated burden associated with labels is 1 hour per model \times 26 entities \times 3 model per entity = 78 hours. We estimate the hourly compensation for the time required to create and update labels is \$30.19 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2015, 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 \$2,354.82 ($\30.19 per hour \times 78 hours = \$2,354.82). No other operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F2670-13 requires instructions to be supplied with the product. Infant bath tubs are products that generally require use and assembly instructions. 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." We are unaware of infant bath tubs that generally require use instructions but lack such instructions. Therefore, we tentatively estimate that no burden hours are associated with section 9.1 of ASTM F2670-13, because any burden associated with supplying instructions with infant bath tubs

would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations.

Based on this analysis, the proposed standard for hook-on chairs would impose a burden to industry of 78 hours at a cost of \$2,354.82 annually.

13. *Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers*

There are no costs to respondents beyond those presented in Section A.12. There are no other 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 \$3,646, 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 wage rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of June 2015) is \$86,564 (GS-12, step 5). This represents 68.5 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” June 2015, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/nsc/>). Adding an additional 31.5 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to \$126,371 or \$60.76 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,646.

15. *Program changes or adjustments*

This is a new information 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.