

Information Collection Request (ICR)
Safety Standard for Infant Swings (RIN 3041-AC90)
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 issued a safety standard for infant swings that incorporated by reference the voluntary standard for infant swings issued by ASTM International, ASTM F2088-12a. On June 24, 2013, the Commission issued a new infant swings safety standard as a direct final rule. The new standard incorporates by reference ASTM F2088-13 without modification.

Sections 8.1 and 9.1 of ASTM F2088-13 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 of ASTM F2088-13 requires:

- the name and the place of business (city, state, and zip code) or telephone number of the manufacturer, importer distributor, or seller;
- 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 bear identical markings; and
- a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

Section 9.1 of ASTM F2088-13 requires all firms supplying swings to provide written, easy-to-read instructions regarding assembly, maintenance, cleaning, and use.

2. *Use and sharing of collected information*

The information required in sections 8.1 and 9.1 of ASTM F2088-13 is intended to address safety issues that might arise with the product. The information required in section 8.1 of ASTM F2088-13 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 9.1 of ASTM F2088-13 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 rule, manufacturers are required to provide labeling, marking, and instructional literature in accordance with ASTM F2088-13. 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 infant swings 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 9 known firms supplying infant swings to the U.S. market. Based on the guidelines issued by the U.S. Small Business Administration, 5 of these firms are small domestic manufacturers and 2 are small domestic importers. The remaining 2 firms are large domestic manufacturers.

In regard to the burden associated with section 8.1 of ASTM F2088-13, it is anticipated that all seven small firms already produce labels that comply with section 8.1. However, these requirements may be modified in the future. Therefore, the burden is described in section (12) below.

There are no burden hours associated with the instruction requirement in section 9.1 of ASTM F2088-13 because any burden associated with supplying instructions with infant swings would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations.

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 Commission published an FR notice to renew the clearance on October 8, 2015 (80 FR 60885), to discuss the information collection burden, and invite public comment on the CPSC's estimates. The public comment period closed on December 7, 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*

There are 9 known firms supplying infant swings to the U.S. market. All 9 firms are assumed to already use labels 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 of these firms supplies an average of 5 different models of infant swings; therefore, the estimated burden hours associated with labels is 1 hour x 9 firms x 5 models per firm = 45 annual hours.

Section 9.1 of ASTM F2088-13 requires instructions to be supplied with the product. This is a practice that is customary with infant swings. Infant swings are products that generally require some installation and maintenance instructions, and any products sold without such information would not be able to compete successfully with products that provide this information. Therefore, because the CPSC is unaware of infant swings 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 requirement in section 9.1 because any burden associated with supplying instructions with infant swings would be "usual and customary" and not within the definition of "burden" under the OMB's regulations.

We estimate that 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 associated with the requirements is \$1,359 (\$30.19 per hour x 45 hours = \$1,359).

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 to the federal government is approximately \$3,656, 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, D.C. metropolitan area (effective as of January 2015) is \$86,564 (GS-12, step 5). This represents 68.3 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2015, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees). Adding an additional 31.7 percent for benefits brings the average compensation for a mid-level salaried GS-12 employee to \$126,741 or \$60.93 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,656.

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.