

## DEPARTMENT OF TRANSPORTATION

### 1 INFORMATION COLLECTION SUPPORTING STATEMENT COMPLIANCE LABELING OF MOTOR VEHICLE BRAKE FLUID CONTAINERS 49 CFR 571.116 2127-0521

#### INTRODUCTION

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "49 CFR 571.116, Motor Vehicle Brake Fluids."

#### **Part A. Justification**

**1. Circumstances that make the collection of information necessary. 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.**

49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act (Act) of 1966 authorize the issuance of Federal Motor Vehicle Safety Standards (FMVSS).

The Secretary of the Department of Transportation (Secretary) is 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 a printed manner placed in the vehicle or attached to or accompanying the equipment. The container labeling requirements in FMVSS No. 116, Motor Vehicle Brake Fluids, support the Department of Transportation's Strategic Goal in Safety, by aiding in the reduction in fatalities and injuries on the nation's highways caused by collisions.

The agency, in prescribing a FMVSS, is to consider available relevant motor vehicle safety data and to consult with appropriate agencies and obtain safety comments/suggestions from the responsible counties, States, agencies, safety commissions, public and other safety-related authorities. Further, the Act mandates that in issuing any FMVSS the agency consider whether the standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed, and whether such standards will contribute to carrying out the purpose of the Act. The Secretary is authorized to revoke such rules and regulations as he/she deems necessary to carry out this Act.

FMVSS No. 116 (49 CFR 571.116) specifies performance and design requirements for motor vehicle brake fluids and hydraulic system mineral oils. Section 5.2.2 specifies labeling requirements for manufacturers and packagers of brake fluids as well as packagers of hydraulic

system mineral oils. The information on the label of a container of motor vehicle brake fluid or hydraulic system mineral oil is necessary to insure the following: the contents of the container are clearly stated; these fluids are used for their intended purpose only; and, the containers are properly disposed of when empty. Improper use or storage of these fluids could have dire consequences for the operators of vehicles or equipment in which they are used. To aid in the proper selection and use of brake fluids and hydraulic system mineral oils in motor vehicles and hydraulic equipment, the owners and operators of motor vehicles, vehicle service facilities, and hydraulic equipment operators use this labeling information. Additionally, the information on the brake fluid and hydraulic mineral oil container labels may be used to identify potentially defective fluids.

**2. How, by whom, and for what purpose is the information to be used. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE IS 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.**

In order to aid in the proper selection and use of brake fluids and hydraulic system mineral oils in motor vehicles and hydraulic equipment, the owners and operators of motor vehicles, vehicle service facilities, and hydraulic equipment operators use this labeling information. The information required on the label of brake fluid and hydraulic mineral oil containers identifies performance capabilities of the fluid. The safety warnings required on brake fluid and hydraulic system mineral oil containers are provided to prevent improper use, storage, etc. which might result in motor vehicle brake failure and the failure of equipment utilizing hydraulic system mineral oil.

Properties of these fluids and their use necessitate the package labeling information specified in this standard. Brake fluid and hydraulic system mineral oil must be free of contaminants in order to perform as intended, therefore, the labeling instructions warn against storing in unsealed containers or mixing these fluids with other products. Also, avoiding the absorption of moisture is extremely important since moisture in a brake system degrades braking performance and safety by lowering brake fluid's boiling point, increasing the fluid's viscosity at low atmospheric temperatures and increasing the risk of brake system component corrosion. Lower boiling points increase the risk of brake system failure and increase the possibility of vaporization of some of the fluid. The safety warnings also alert users of brake fluids sold in containers with capacities less than five gallons that the containers should not be refilled or reused for other purposes.

If the container labeling requirements were not mandatory, the aim of the Act of improving safety on the nation's highways would be more difficult to accomplish. Proper vehicle brake performance is crucial to the safety of motor vehicle occupants and protection of property. The information on fluid containers is necessary to aid in reducing brake system failures resulting from the use of improper or contaminated fluid. The labeling on fluid containers also helps to ensure that only fluid that complies with FMVSS No. 116, *Motor vehicle brake systems*, (49 CFR 571.116) requirements is obtained by consumers and vehicle maintenance technicians. The required container label also facilitates NHTSA enforcement efforts by identifying the fluid packager or manufacturer as well as the date of manufacture.

**3. Extent of automated information collection. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.**

The brake fluid standard requires labeling of containers by the affected manufacturers and packagers of brake fluid and hydraulic system mineral oils. The standard does not require collection of information by the federal government. The standard does not specify the design techniques that are to be used to produce the required labels. The labels are primarily printed on paper or plastic film. When paper is used, the paper is coated after the required information is printed on the label. The labels are then glued to the containers. This process varies from one packager to another, but about 85% of the processes are automated and computer controlled.

The collection and storage of the labeling information by the manufacturers and packagers of brake fluid and hydraulic mineral oils is automated with computer techniques.

**4. Describe efforts to identify duplication. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSES DESCRIBED IN ITEM 2 ABOVE.**

NHTSA is the only Federal agency requiring permanent labeling of motor vehicle brake fluid and hydraulic fluid containers. There are no other Federal, State, or local government agencies that require similar information to be affixed to brake fluid or mineral oil containers.

**5. Efforts to minimize the burden on small businesses. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES, DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.**

It is estimated that few, if any, brake fluid manufacturers and packagers, and hydraulic system mineral oil packagers qualify as small businesses or small entities. It is estimated that the burden resulting from the labeling requirements of this standard is small compared to the total burden of producing the materials regulated by this standard. Therefore, small businesses will expend a similar percentage of their resources as larger businesses on fluid container labeling and there is no need to minimize the burden for small manufacturers.

**6. Impact of less frequent collection of information. DESCRIBE THE CONSEQUENCE**

**TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.**

The labeling of motor vehicle brake fluid and hydraulic system mineral oil containers is a one-time process. In order for the labeling to fulfill its intended purpose, it is necessary that all such containers be labeled in accordance with these requirements. If motor vehicle brake fluid containers were not labeled as required by FMVSS No. 116, the Secretary's Strategic Goal in Safety would be more difficult to accomplish because it would be much more likely that brake fluid would not be stored, used, and disposed properly. Improper use and storage of brake fluid would likely result in brake system failure in some vehicles with increases in vehicle stopping distance, which would likely have a negative impact on motor vehicle safety through increased crashes resulting in injuries, fatalities, and property damage.

**7. Special Circumstances. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:**

- REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**
- REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;**
- IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**
- REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUTE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR**

**- REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

None of the previous considerations apply.

**8. Compliance with 5 CFR 1320.8(d). 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. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THOSE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

**DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.**

**CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS--EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.**

The agency published a 60-day Notice Requesting Public Comment on Proposed Collection of Information on March 2, 2016 (Docket No. NHTSA-2016-0007, 81 FR 10952), soliciting public comments on the burden hours estimated for the FMVSS No. 116 brake fluid container labeling requirements. There were no written comments forwarded to the agency in response to the 60-Day Notice.

**9. Payment or gifts to respondents. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEEES.**

The agency has provided no payment or gift to respondents associated with the labeling requirements of this standard.

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**10. Assurance of confidentiality. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.**

All information required on labels by this standard is public information and there is no need for confidentiality.

**11. Justification for collection of sensitive information. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.**

The information provided is not of a private nature; therefore, no justification is necessary.

**12. Estimate of burden hours for information requested. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:**

- INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.
- IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS.
- PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

The annual burden hours required to collect the information for motor vehicle brake fluid and hydraulic system mineral oil container labels as specified in FMVSS No. 116 are estimated as follows:

- (1) Estimated number of responses (labels).....70,000,000
- (2) Estimated hours per response.....0.0001
- (3) **Estimated annual burden hours required to collect and record information on container labels.....7,000**

It is estimated that the annual hours required to collect and record the information on the container labels is 0.0001 hours per container, or 7,000 hours. At a cost of \$20.00 per hour, the annual cost of collecting and recording the information on the labels is estimated to be .....\$140,000.

**13. Estimate of the total annual costs burden. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION.**

**-THE COST ESTIMATES SHOULD BE SPLIT INTO TWO COMPONENTS: (A) A TOTAL CAPITAL AND START-UP COST COMPONENT (ANNUALIZED OVER ITS EXPECTED USEFUL LIFE); AND (B) A TOTAL OPERATION AND MAINTENANCE AND PURCHASE OF SERVICES COMPONENT. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COSTS FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.**

**-IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**

**-GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEP RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

The cost of manufacturing and affixing the labels will vary for various manufacturers. The majority of the labels will be manufactured and affixed in an automated fashion by major manufacturers involving low material and labor costs. However, for small manufacturers, the costs in terms of labor, and to a lesser extent, material will be somewhat greater. Labels are a standard part of fluid containers, even in the absence of a federal requirement for adding the safety information to the containers. Thus, the added information required by FMVSS No. 116 would be added to the label already existing on the container and the cost is an incremental cost for adding the required information. Typically, such labels are printed onto a label material, which is either plastic or paper. The safety information added to a label would be a small part of the total cost of the printing process used for the production of the label.

The cost estimate for the total annualized costs to the respondents for adding the safety information to the printing cost of an existing label may be derived as follows:

(1) Estimate of the number of respondents.....	200
(2) Estimate of the number of different types of labels per respondent.....	24
(3) Technical burden - hours required to design the layout of a label that includes the incrementally added information .....	8
(4) Number of hours of label design for all respondents... (#1x#2x#3).....	38,400
<b>(5) Average annual label design hours assuming a 5 year label redesign cycle.....</b>	<b>7680</b>
(6) Annual label design cost assuming \$38.00 hourly wage.....	\$291,840.00
(7) Annual cost of incrementally added ink for label production (printing) @ \$402.65 per respondent.....	\$80,530.00
<b>(8) Total annual cost of added information on label (#6+#7).....</b>	<b>\$372,370.00</b>

**14. Estimates of costs to the Federal Government. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COSTS, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONAL EXPENSES SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF, AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION.**

There are no annualized costs to the Federal Government for the labeling required by this standard.



**15. Explanation of the program change or adjustments. EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN QUESTIONS 12 OR 13.**

The only adjustment to report is in the annual cost. The previous submission the cost was accidentally rounded up to the nearest thousand, whereas in this submission the cost is not rounded up.

**16. Publication of results of data collection. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.**

This item is not applicable. The information is not published for statistical use.

**17. Approval for not displaying the expiration date of OMB approval. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.**

Approval is not being sought to not display the expiration date for OMB approval of the information collection.

**18. Exceptions to the certification statement. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS."**

There are no exceptions.