

Information Collection Request (ICR)  
Safety Standard for Infant Inclined Sleep Products  
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 inclined sleep products incorporating by reference the voluntary standard for infant inclined sleep products issued by ASTM International, ASTM F3118-17, with one modification to change the definition of the word ‘accessory.’

Sections 8 and 9 of ASTM F3118-17 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 F3118-17 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 of ASTM F3118-17 further requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

Section 9 of ASTM F3118-17 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 F3118-17 is intended to address safety issues that might arise with the product. The information required in section 8 of ASTM F3118-17 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 F3118-17 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 F3118-17. 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 25 firms known currently to be supplying infant inclined sleep products in the United States. Based on U.S. Small Business Administration guidelines, 14 are small, domestic firms.

In regard to the burden associated with sections 8 and 9 of ASTM F3118-17, 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, for which the hourly burden is estimated in section 12.

**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 April 7, 2017 (82 FR 16963) discusses the information collection burden and invites public comment on the CPSC's estimates. The public comment period closes on June 21, 2017.

**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 of ASTM F3118-17 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 of ASTM F3118-17 further requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

There are 25 known entities supplying infant inclined sleep products 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 two models of infant inclined sleep products; therefore, the estimated burden associated with labels is 1 hour per model  $\times$  25 entities  $\times$  2 model per entity = 50 hours. We estimate the hourly compensation for the time required to create and update labels is \$33.30 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2016, 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 \$1,665 ( $\$33.30$  per hour  $\times$  50 hours = \$1,665). No other operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F3118–17 requires instructions to be supplied with the product. 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 inclined sleep products that generally require use instructions but lack such instructions. However, it is possible that some firms selling homemade infant hammocks on a very small scale may not supply instruction manuals as part of their “normal course of activities.” Based on information collected for the infant slings rulemaking, staff tentatively estimates that each small entity supplying homemade infant hammocks might require 50 hours to develop an instruction manual to accompany their products. It is uncertain how many homemade infant hammock suppliers are

in operation at any point in time, but based on staff's review of the marketplace, 50 firms seems like a reasonable outside bound. These firms typically supply only one infant hammock model. Therefore, the costs of designing an instruction manual for these firms could be as high as \$83,250 (50 hours per model × 50 entities × 1 models per entity = 2,500 hours × \$33.02 per hour = \$83,250). Not all firms would incur these costs every year, but new firms that enter the market would and this is a highly fluctuating market. Other firms are estimated to have no burden hours associated with section 9.1 of ASTM F3118–17 because any burden associated with supplying instructions with inclined sleep products 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 infant inclined sleep products would impose a burden to industry of 2,550 hours at a cost of \$84,915 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 \$3,799, 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 January 2017) is \$90,350 (GS-12, step 5). This represents 68.6 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2016, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 31.4 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to \$131,706 or \$63.32 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,799.

**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.