

Information Collection Request (ICR)
Safety Standard for Children’s Folding Chairs and Stools (3041-AD38)
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. While children’s folding chairs and stools were not included in the list of products specified by the act, children’s folding chairs and stools meet the act’s definition of a durable product infant or toddler product. As directed by this statutory requirement, the Commission approved a safety standard for children’s folding chairs and stools incorporating by reference the voluntary standard issued by ASTM International, ASTM F2613-17a, with no modifications other than a narrower scope.

Section 7 of ASTM F2613-17a contains requirements for marking and labeling that are disclosure requirements, thus falling within the definition of “collections of information” at 5 C.F.R. § 1320.3(c). Section 7.1.1 of ASTM F2613-17a requires that the name and mailing address (including city, state, and zip code) and phone number of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail carton. Section 7.1.2 of ASTM F2613-17a requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

2. *Use and sharing of collected information*

The information required in section 7 of ASTM F2613-17a is intended to address safety issues that might arise with the product. The information required in section 7 of ASTM F2613-17a is also intended to help the CPSC and the consumer identify the firm and the product, should a safety issue arise.

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 and marking according to ASTM F2613-17a. 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 13 firms known currently to be supplying children's folding chairs and stools in the United States. Based on U.S. Small Business Administration guidelines, 10 are small, domestic firms.

In regard to the burden associated with section 7 of ASTM F2613-17a, for those already in compliance with the voluntary standard, there should be no changes necessary to the labels and markings, as CPSC made no label or marking changes to ASTM F2613-17a. For those firms not currently in compliance with the voluntary standard, it may be necessary to develop new labeling and marking, 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 and labeling requirements, the level of consumer misuse could increase significantly. It could also complicate CPSC efforts to locate and recall noncomplying products, resulting in an increase in the number of product-related 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 October 19, 2015 (80 FR 63155) discusses the information collection burden and invites public comment on the CPSC's estimates. The public comment period closed on January 4, 2016. No comments related to the information collection burden 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 marking and labeling 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 7.1.1 of ASTM F2613-17a requires that the name and mailing address (including city, state, and zip code) and telephone number of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail carton. Section 7.1.2 of ASTM F2613-17a requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

There are 13 known entities supplying children's folding chairs and stools to the U.S. market. All firms are assumed to use labels on their products and packaging, but they will likely need to make some modifications to their existing labels, either now or at some future point. 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 1.5 models of children's folding chairs and stools; therefore, the estimated burden associated with labels is 1 hour per model \times 13 entities \times 1.5 model per entity = 19.5 hours. We estimate the hourly compensation for the time required to create and update labels is \$33.58 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2017, 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 \$655 (\$33.58 per hour \times 19.5 hours = \$654.81). No other operating, maintenance, or capital costs are associated with the collection.

Based on this analysis, the proposed standard for children's folding chairs and stools would impose a burden to industry of 19.5 hours at a cost of \$655 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 \$3,850, 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 2017) is \$90,350 (GS-12, step 5). This represents 67.7 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2017, Table 1, percentage of wages and salaries for all civilian

management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 32.3 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to \$133,465 or \$64.16 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$3,850.

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.