Information Collection Request (ICR)
Safety Standard for Booster Seats
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. Booster seats (referred to as "booster chairs") were specifically mentioned as a durable infant or toddler product in section 104(f)(2). As directed by this statutory requirement, the Commission approved a safety standard for booster seats incorporating by reference the voluntary standard for booster seats issued by ASTM International, ASTM F2640-18, with no modifications.

Sections 8 and 9 of ASTM F2640-18 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 F2640-18 requires that the name, place of business (city, state, and mailing address, including zip code), and telephone number of the manufacturer, distributor, or seller appear on each booster seat and its retail package. Section 8.1.2 of ASTM F2640-18 requires a code mark or other means on each product and retail package that indicates the date (month and year as a minimum) of manufacture.

Section 9.1 of ASTM F2640-18 requires easy-to-read and understandable instructions to be supplied with booster seats. The instructions should deal with assembly, maintenance, cleaning, and use.

### *2. Use and sharing of collected information*

The information required in sections 8 and 9 of ASTM F2640-18 is intended to address safety issues that might arise with the product. The information required in section 8 of ASTM F2640-18 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 F2640-18 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 F2640-18. 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*

The costs of marking, labeling, and instructional literature associated with the standard for booster seats are expected to impact small firms. However, the statute requiring this action does not contain an exemption for small firms.

As described in section 12 below, there are 46 firms known currently to be marketing booster seats in the United States. Based on U.S. Small Business Administration guidelines, 29 are small (19 small, domestic manufacturers, 9 small, domestic importers, and 1 small, domestic firm with an unknown supply source).

In regard to the burden associated with sections 8 and 9 of ASTM F2640-18, for those firms already in compliance with the voluntary standard (10 small firms), there should be minimal changes to their labels, markings, and instructional literature required, as no modifications were made by the Commission, although it is possible that changes might be required as the standard is updated. For those firms not currently in compliance with the voluntary standard (19 small firms), 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, 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 May 19, 2017 (82 FR 22925) discussed the information collection burden and invited public comment on the CPSC's estimates. The public comment period closed on June 19, 2017. 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, labeling, 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 F2640-18 requires that the name, place of business (city, state, and mailing address, including zip code), and telephone number of the manufacturer, distributor, or seller appear on each booster seat and its retail package. Section 8.1.2 of ASTM F2640-18 requires a code mark or other product identification on each product and retail package that indicates the date (month and year as a minimum) of manufacture.

Forty-six known entities supply booster seats to the U.S. market and may need to modify their existing labels to comply with ASTM F2640-18. CPSC estimates 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 3 models of booster seats.

Therefore, the estimated burden associated with labels is 1 hour per model × 46 entities × 3 models per entity = 138 hours. CPSC estimates the hourly compensation for the time required to create and update labels is $32.47 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' Dec. 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 associated with the proposed labeling requirements is $4,481 ($32.47 per hour × 138 hours = $4,481). No operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F2640-18 requires instructions to be supplied with booster seats. Booster seats generally require use and assembly instructions. As such, products sold without use and assembly instructions would not compete successfully with those that supply this information. Under OMB's regulations, the time, effort, and financial resources necessary to comply with a collection of information incurred by parties in the ''normal course of their activities'' are excluded from a burden estimate when an agency demonstrates that the disclosure activities required are ''usual and customary.'' 5 CFR 1320.3(b)(2). CPSC is unaware of booster seats that generally require use or assembly instructions but lack such instructions. Therefore, CPSC estimates that no burden hours are associated with section 9.1 of ASTM F2640-18 because any burden associated with supplying instructions with booster seats would be ''usual and customary,'' and thus, excluded from ''burden'' estimates under OMB's regulations. Based on this analysis, the proposed standard for booster seats would impose a burden to industry of 138 hours at a cost of $4,481 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 further 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 $3,904, 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 2018) is $92,421 (GS-12, step 5). This represents 68.3 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," Dec. 2017, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: http://www.bls.gov/ncs/). Adding an additional 31.7 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to $135,316 or $65.06 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of $3,904.

### *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.