

Information Collection Request (ICR)
Safety Standard for Walk-Behind Lawn Mowers
Supporting Statement

A. Justification

1. Information to be collected and circumstances that make the collection of information necessary

The Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR 1205) was issued on February 15, 1979. The labeling requirements of the Standard became effective on December 31, 1979, while the performance requirements became effective on June 30, 1982. The Standard was issued under the authority of Sections 7 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056 and 2058).

The Standard is intended to reduce the risk of injury to consumers caused by contact, primarily of the hand and foot, with the rotating blade of the mower. To comply with the Standard, manufacturers must assure that each mower model meets specified performance criteria listed under the Standard. In addition to the Standard, a Certification Rule which requires the maintenance of records, was issued under Section 14(a) of the CPSA [15 U.S.C. 2063(a)]. Under Section 14(a), manufacturers must issue certificates that the product complies with the Standard and base that certificate on a test of each product or on a "reasonable testing program." The certification rule requires manufacturers (including importers) to also establish and maintain written records which show that the certificates of compliance issued are based on a test of each mower or on a reasonable testing program. The records are to be maintained for a period of at least three years from the date of certification of each mower or each production lot. The certification rule (See 1205.35(a, b) also requires that the certificates be in the form of a label on the product stating (1) "Meets CPSC blade safety requirements"; (2) an identification of the production lot; (3) the name of the person or firm issuing the certificate; (4) the location where the product was principally assembled; and (5) the month and year the product was manufactured.

2. Use and sharing of collected information

The required recordkeeping is used to assure compliance with the standard. The records are maintained by the firm or the firm's resident agent and made available to a designated officer or employee of the Commission at his or her request. The lack of written test records would require an increase in Federal Government inspections and sample collections for testing to determine the industry's compliance with the Standard.

3. Use of information technology (IT) in information collection

None.

4. Efforts to identify duplication

No other U.S. agency has similar requirements for lawn mowers. No similar information regarding the compliance status of individual lawn mower models is available.

5. Impact on small businesses

Based on current knowledge of the industry, smaller firms will have a lesser burden of testing and recordkeeping due to the lower number of lawn mower models and/or production lots manufactured.

6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently

The rule does not require any particular frequency of records, only that records be kept of the tests required by 15 U.S.C. 2063. If these records were not kept, the purpose explained in Item (2) above would not be achieved.

7. Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days

None.

8. Agency's Federal Register Notice and related information

The Standard and Certification Rules were issued in accordance with the procedures specified by Sections 7, 9, and 14(a) of the Consumer Product Safety Act [15 U.S.C. 2056, 2058, and 2063(a)], as they were in effect in 1979. Written comments regarding the Standard and Certification Rules were invited and reviewed by agency officials prior to issuing the final Standard and Certification Rules. Names and affiliations of people with whom the Standard and Certification Rule were discussed can be retrieved from the Commission's archives, if necessary. There have been no discussions of the requirements to collect this data with persons outside the agency in the last three years.

A Federal Register Notice announcing the agency's proposed request for an extension of approval was published March 14, 2019. No comments were received.

9. Decision to provide payment or gift

Not applicable.

10. Assurance of confidentiality

Records cited as being confidential remain confidential in accordance with

procedures issued under the Freedom of Information Act (5 U.S.C. 522). 16 C.F.R. Subpart B.

11. Questions of a sensitive nature.

Not applicable.

12. Estimate of hour burden to respondents

The potential respondent universe consists of approximately 25 manufacturers and importers. Based on knowledge developed by CPSC from previous compliance inspections conducted for lawn mowers subject to the standard, it is estimated that one individual per establishment expends three hours daily engaged in conducting a reasonable testing program used to certify an entire production lot of lawn mowers. This involves testing approximately five to six lawn mowers per day, including recording of results in some form of a retrievable record system. The testing is performed over 130 estimated yearly production days, based on a highly seasonal production period. Thus total hour burden to respondents is estimated to be 390 hours per firm (3 x 130), and total hour burden for the industry is estimated to be 9,750 hours (25 firms x 390 hours).

The rule also requires that information be included on permanent labels attached to the lawn mowers. This label serves as a certificate of compliance with the rule. The label must include identification of the production lot; the name of the person or firm issuing the certificate; the location where the product was principally assembled, and; the month and year the product was manufactured. Because this information is information that the manufacturer would be expected to develop during the design, testing, and manufacturing process, the information should be readily available and it could take a manufacturer an additional hour per production day to collect the information and place it on the label. Therefore, an additional 130 hours per firm have been added to the total burden. For the 25 firms involved, total estimated additional burden related to labeling is 3,250 hours. Aggregate burden hours related to testing, recordkeeping, and labeling are estimated to be 520 hours per firm and 13,000 hours for the industry.

Annual testing, reporting and recordkeeping costs burden is estimated to be \$678,600 based on 9,750 hours x \$69.60 (total compensation for management, professional, and related workers in goods-producing industries) and annual cost burden related to labeling is estimated to be \$105,755 based on 3,250 hours x \$32.54 (total compensation for all sales and office workers in goods-producing industries).¹ Aggregate burden costs related to testing, recordkeeping, and labeling are estimated to be \$784,355 for the industry.

¹ U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2018, Table 9, <https://www.bls.gov/news.release/ecec.t09.htm>.

13. Estimates of other total cost burden to respondents or recordkeepers

There are no costs to respondents beyond those presented in A.12. There are no operating, maintenance, or capital costs associated with the collection.

14. Estimate of annualized costs to the federal government

During a typical year, the Commission will expend approximately one half of a staff month of professional staff time reviewing records required to be maintained by the certification regulations for walk-behind power mowers. Estimated cost to the federal government is based on performance of the work by employees paid at a GS-12 Step 5 pay rate of \$92,421 per year.² According to the most recent Employer Costs for Employee Compensation, this represents approximately 67.7 percent of total compensation for management, professional and related occupational groups.³ Therefore, total compensation for an employee at the GS-12 Step 5 pay rate will have a value of \$136,513 and the hourly compensation rate would be \$65.63. The annual cost to the federal government of the collection of information is therefore estimated to be about \$5,250 (\$65.63 x 80 hours).

15. Program changes or adjustments

No change has been made to the collection of information in the Safety Standard for Walk-Behind Lawn Mowers since it was last approved by OMB.

16. Plans for tabulation and publication

Not applicable.

17. Rationale for not displaying the expiration date for OMB approval

Not applicable.

18. Exception to the certification statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.

² 2018 General Schedule (GS) Locality Pay Tables for Washington-Baltimore-Northern Virginia, <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/general-schedule/>.

³ U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2018, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees.