

INFORMATION COLLECTION REQUEST (ICR)
Consumer Product Safety Improvement Act
Consumer Product Conformity Assessment Body Registration Form
SUPPORTING STATEMENT

A. Justification

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

On August 14, 2008, the Consumer Product Safety Improvement Act (CPSIA) (Pub. L. 110-314) was signed into law. Section 102 of the Act mandates that third party testing be conducted for any children's product, that is subject to a children's product safety rule, before importing for consumption or warehousing or distributing in commerce. Every manufacturer of such children's product (and the private labeler of such children's product if such product bears a private label) must submit samples to a third party conformity assessment body accredited under requirements established by the Commission to be tested for compliance with such children's product safety rule. Based on the assessment by the third party conformity assessment body, the manufacturer or private labeler must then issue a certificate that certifies that such children's product complies with the children's product safety rule.

The CPSIA defines a third party conformity assessment body as one that is not owned, managed or controlled by the manufacturer or private labeler of a product assessed by such conformity assessment body. A conformity assessment body that is owned, managed, or controlled by a manufacturer or private labeler may, in certain specified circumstances, be accredited as a third party conformity assessment body. (The CPSIA also refers to such entities as "firewalled conformity assessment bodies.") The CPSIA also specifies that a third party conformity assessment body may include a government owned or government controlled entity under certain conditions.

The Act provides that accreditation of third party conformity assessment bodies may be conducted either by the Commission or by an independent accreditation organization designated by the Commission, and requires that the Commission maintain on its web site an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules.

In order to assess a third party conformity assessment body's status as either independent third party, government third party, or firewalled, and its qualifications for recognition by CPSC to test for compliance to specified children's product safety rules, information related to location, accreditation, and

ownership must be collected from third party conformity assessment bodies voluntarily seeking recognition by CPSC. The collection of this information is required: 1) upon initial application by the third party conformity assessment body for recognition by CPSC; 2) whenever there is a change to accreditation or ownership information; and 3) at least every 2 years as part of a regular audit process.

2. Use and sharing of collected information

The CPSC will use the information to identify third party conformity assessment bodies that meet the requirements, as published by the Commission, to test for compliance to specified children's product safety rules. Those third party conformity assessment bodies found to meet the requirements will be listed on the CPSC web site.

3. Use of Information Technology (IT) in information collection

The collection of information would occur through a form on the CPSC web site.

4. Efforts to Identify Duplication

Section 14(a)(3) and (d)(1) of the Consumer Product Safety Act expressly require the Commission to establish notices of requirements for the accreditation of third party conformity assessment bodies and to establish periodic audit requirements. While some of these third party conformity assessment bodies may perform testing for products outside the Commission's jurisdiction, the statutory framework in the CPSA makes it unlikely that duplication of data exists.

5. Impact on small business

The Small Business Administration considers a testing laboratory to be a small business if its annual revenue is less than \$15.0 million. No exceptions to the rules governing third party conformity assessment bodies exist for small businesses.

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

Failure to provide the information sought by the questionnaire would impair the CPSC's ability to identify third party conformity assessment bodies qualified to conduct the required children's product testing. Additionally, because section 14(a)(2) of the CPSA requires third party testing of children's products, an inability to list accredited third party conformity assessment bodies would impair the ability of manufacturers and private labelers to identify entities that could test

their products and impair their ability to certify, as required under the CPSIA, that the product complies with all applicable children's product safety rules.

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

Not applicable.

8. Agency's Federal Register Notice and related information

An FR notice was published September 6, 2019. No comments were received.

9. Decision to provide payment or gift

The CPSC will not provide any payment or gifts to third party conformity assessment body owners in connection with the information collection.

10. Assurance of confidentiality

The information recorded in response to the questions on the form would be subject to the Freedom of Information Act and its exemptions to public disclosure.

11. Questions of a sensitive nature

Questions regarding ownership and business relationships and third party conformity assessment body personnel may be considered sensitive.

12. Estimate of hour burden to respondents

The estimated total reporting burden is 332.5hours. We estimate the burden of this collection of information as follows:

Table 1 - Estimated Annual Reporting Burden

Activity	Number of Respondents	Frequency of Responses	Total Annual Responses	Hours per Response	Total Hours
Initial Registration	40	1	40	1	40
Re-Registration	291	1	291	1	291
Changes in Information	6	1	6	0.25	1.5
Total					332.5

Our estimates are based on the following information:

- Based on applications received from FY 2013 to date, we estimate that about 40 new applications from third party conformity assessment bodies will be submitted each year for the next few years
- Under the final rule, third party conformity assessment bodies are required to resubmit CPSC Form 223 every two years. As all third party conformity assessment bodies have not submitted their first CPSC Form 223s at the same time, only about half would be expected to resubmit a CPSC Form 223 in any one year. As of August 2019, 581 third party conformity assessment bodies have registered with CPSC. Approximately half (291) of these firms would be required to re-register with CPSC each year.
- Under the final rule issued by the Commission, third party conformity assessment bodies are required to ensure that the information submitted on CPSC Form 223 is current and to submit a new CPSC Form 223 whenever the information changes. Based on current experience with third party conformity assessment bodies, we estimate that 2 third party conformity assessment bodies will make revisions per year to update their information. A change in information is a change which does not require review of laboratory accreditation documents, such as scope or test methods. Examples of revised information include changes in the website URL, name of the laboratory, and name of point of contact.

The total burden, therefore, is 332.5 hours, which we will round up to 333 hours.

We estimate that hourly compensation for the time required for recordkeeping is \$34.61 per hour (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation (ECE)", Table 9: total compensation for sales, office, and related workers in goods-producing industries, March 2019, public database url: <https://www.bls.gov/ect/data.htm>). The total cost burden to the respondents is

approximately \$11,525 ($\$34.61 \times 333 \text{ hours} \approx \$11,525$).

13. Estimate of other total annual cost burden to respondents or recordkeepers

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

14. Estimate of annualized cost to the federal government

Each of the 291 annual submissions will require review by a CPSC staff member in addition to a review of updated information from the three laboratories. The review of the application includes a thorough review of the accreditation certificate and scope documents provided by the laboratory to ensure among other things that the accreditations are current, are to the ISO 17025:2005 standard, and include the appropriate test methods. In most cases, the updated information involves changes in phone numbers or contact person. Altogether, the estimated time to review the laboratory accreditation certificate and scope documents and updated laboratory information is two hours. This estimate uses an hourly compensation rate of \$66.53 per hour (the equivalent of a GS-12 Step 5 employee) that includes 31.7 percent added for benefits (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation, Table 1: percentage of wages and salaries for all civilian management, professional, and related employees", Effective January 2019). Therefore, the annualized cost to the federal government is estimated at \$38,720.46 (291 submissions x 2 hours x \$66.53).

15. Program Changes or Adjustments

There are no program changes or adjustments

16. Plans for tabulation and publication

Information collected under this requirement will not be published.

17. Exemption for Display of Expiration Date

The agency does not seek an exemption from displaying the expiration date.

18. Exemption to Certification Statement

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable.