

Information Collection Request (ICR)
Safety Standard for Crib Bumpers and Liners
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 crib bumpers/liners that incorporates by reference, with some modifications, the voluntary standard for crib bumpers issued by ASTM International, ASTM F1917-12.

Section 8 of ASTM F1917-12 contains requirements for marking and labeling. Proposed section 9 contains requirements for instructional literature thus falling within the definition of “collections of information” at 5 C.F.R. § 1320.3(c). Section 8.1 of ASTM F1917-12 requires that the name of the manufacturer, distributor, or seller and either the place of business (city, state, and mailing address, including zip code) or telephone number, or both, be marked clearly and legibly on each product and its retail package. Section 8.2 of ASTM F1917-12 requires a code mark or other means that identifies the date (month and year, at a minimum) of manufacture be placed in the following places wherever applicable: 8.2.1 Crib Headboard/Bumper Set or Bumper; 8.2.2 Fabric Wall Hanging; 8.2.3 Mattress Covers (both Flat and Fitted); 8.2.4 Pillows; 8.2.5 Diaper Stacker; 8.2.6 Fitted Sheet and Fitted Sheet Packaging.

Section 9.1 of ASTM F1917-12, as proposed in “Safety Standard for Crib Bumpers/Liners,” 85 FR 18878 (April 3, 2020) requires all firms supplying crib bumpers to provide easy-to-read and understand instructions regarding assembly, maintenance, cleaning, use, and adjustments, where applicable.

2. Use and sharing of collected information

The information required in sections 8.1.1 and 8.1.2 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 9.1 of ASTM F1917-12, as proposed in “Safety Standard for Crib Bumpers/Liners,” 85 FR 18878 (April 3, 2020), is meant to prevent safety problems by providing assembly and maintenance 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. 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 crib bumpers may impact some small firms. However, the statute requiring this action does not contain an exemption for small firms. There are a total of 220 firms subject to the rule, of which 207 would be considered small businesses according to SBA guidelines. Excluding small handcrafters selling products on electronic commerce websites, staff identified 46 manufacturers, distributors and importers. A large number of producers supply crib bumpers to the U.S. market via electronic commerce websites such as Etsy. CPSC staff has identified 174 of these firms and considers all of these firms as small manufacturers/importers because they are primarily one-person firms providing handcrafted nursery products with large varieties in materials and designs.

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 April 3, 2020 (85 FR 18878), discusses the information collection burden and invites public comment on the CPSC's estimates. The public comment period closes on June 17, 2020.

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*

The proposed rule would require crib bumpers/liners to comply with ASTM F1917-12, *Standard Consumer Safety Performance Specification for Infant Bedding and Related Accessories*, with several modifications, including modifications to their existing labels and new requirements for the provision of instructional literature. Section 8 of ASTM F1917-12 contains requirements for marking and labeling. The proposed section 9 contains requirements for instructional literature. These requirements fall within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3).

Table 1 – Estimated Annual Reporting Burden

Burden Type	Number of Respondents	Frequency of Responses	Total Annual Responses	Hours per Response	Total Burden Hours
Labeling	220	2	440	1	440
Instructional literature	220	2	8,800	20	8,800
TOTAL BURDEN					9,240

Persons who manufacture or import crib bumpers/liners must respond to the information collection request. There are 220 known entities supplying crib bumpers/liners to the U.S. market. All 220 firms are assumed to use labels already on both their products and their packaging, but the firms might need to make some modifications to their existing labels. The estimated time required to make these modifications is about 1 hour per model. Each entity supplies an average of two different models of crib bumper/liner; therefore, the estimated burden associated with labels is 1 hour per model × 220 entities × 2 models per entity = 440 hours. We estimate the hourly compensation for the time required to create and update labels is \$34.61 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2019, total compensation for all sales and office workers in goods-producing private industries, series id CMU201G000200000D: <http://www.bls.gov/ncs/>). Therefore, the estimated annual cost to industry associated with the labeling requirements is approximately \$15,228 (\$34.61 per hour × 440 hours ≈ \$15,228).

The proposed rule would require 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.” Crib bumpers/liners require installation on an existing crib, which implies instructions for proper use, fit, position on a crib, and cleaning are necessary. Many of the firms already provide some instructional material, but

some modifications to existing material may be necessary, and other firms supply little to no instructional information. Therefore, we have assumed that there will be a burden to all firms of modifying/creating instructional literature in this case. Each entity supplies an average of two different models of crib bumper/liner; therefore, the estimated burden associated with instructional literature is 20 hour per model \times 220 entities \times 2 models per entity = 8,800 hours. We estimate the hourly compensation for the time required to create and update instructional material is \$34.61 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2019, total compensation for all sales and office workers in goods-producing private industries, series id CMU201G000200000D: <http://www.bls.gov/ncs/>). Therefore, the estimated annual cost to industry associated with the instructional material requirements is \$304,568 (\$34.61 per hour \times 8,800 hours = \$304,568). There are no operating, maintenance, or capital costs associated with the collection. Not all firms would incur these costs every year, but new firms that enter the market would and the market may be highly fluctuating, particularly for small handcrafters.

Based on this analysis, the proposed standard for crib bumpers/liners would impose a burden to industry of 9,240 hours (8,800 hours + 440 hours) at an estimated cost of \$319,796.40 (\$304,568 + \$15,228) annually.

13. Estimates 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 no 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 \$4,956, which includes 60 staff hours to examine and evaluate the information as needed for Compliance activities. This is based on a GS-14 level salaried employee. The average hourly wage rate for a mid-level salaried GS-14 employee in the Washington, DC metropolitan area (effective as of January 2011) is \$57.33 (GS-14, step 5). This represents 69.4 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2013, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 30.6 percent for benefits brings average hourly compensation for a mid-level salaried GS-14 employee to \$82.60. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,956.

15. Program changes or adjustments

This is a new information collection 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.