

Supporting Statement

Information Collection Request (ICR)

Safety Standard for Crib Mattresses

OMB Control Number 3041-0185

A. Justification

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

The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be “substantially the same as” the applicable voluntary standard, or more stringent than the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. As directed by this statutory requirement, the Commission is finalizing a safety standard for full-size and non-full-size crib mattresses, as well as after-market mattresses for play yards and non-full size cribs. The Commission is also amending CPSC’s consumer registration requirements in 16 CFR part 1130 to identify crib mattresses within the scope of the rule as durable infant or toddler products, and amending CPSC’s list of notice of requirements (NORs) in 16 CFR part 1112 to include such crib mattresses. The Safety Standard for Crib Mattresses requires each crib mattress within the scope of the rule to comply with ASTM International, F2933-21, *Standard Consumer Safety Specification for Crib Mattresses*, with some modifications. The safety standard modifies section 7 of ASTM F2933-21 regarding marking and labeling of crib mattresses, and adds a new section 8 requiring instructional literature. Accordingly, the rule contains requirements which OMB considers to be a collection of information under the PRA, 44 U.S.C. §§ 3501-3520.

In addition to improved warning format and content, section 7 of ASTM F2933-21 requires that the name and the place of business (city, state, and mailing address, including zip code) or telephone number of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail package, and also requires a code mark or other means that identifies the date (month and year, as minimum) of manufacture. The marking and labeling on the product must be permanent.

The new section 8 requires instructions to be supplied with the crib mattress, however any burden associated with supplying instructions with crib mattresses would be “usual and customary”.

2. *Use and sharing of collected information*

Updates to the warnings format is intended to clarify warning messages for consumers. The information required in section 7 is intended to help the CPSC and the consumer identify the firm and the product, should a safety issue arise. The instructional literature as finalized in “Safety Standard for Crib Mattresses,” 87 FR 8640 (February 15, 2022), is meant to prevent safety problems by providing adequate 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 final 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*

CPSC staff has worked extensively with ASTM in the development of the Safety Standard for Crib Mattresses. ASTM members include small firms to which the final rule would apply, and who took part in discussions and engaged in product testing during the development of the standard. Feedback from these entities was considered by ASTM and CPSC in developing the adopted voluntary standard and the Safety Standard for Crib Mattresses, respectively.

The costs of marking and labeling associated with the standards for crib mattresses may impact some small firms. CPSC staff estimates that of the 32 firms that manufacture or import full-size and non-full-size crib mattresses, or after-market play yard mattresses that are subject to the proposed rule, 27 would be considered small businesses according to SBA guidelines. The statute requiring this action does not contain an exemption for small firms, however CPSC has made efforts to minimize the burden imposed by the collection on small entities by requesting public comments from small firms, delaying the effective date of the final rule, and consulting with an industry association with small firm membership.

CPSC provides a variety of resources to help both new and experienced small businesses learn about safety requirements that apply to consumer products, including the CPSC Regulatory Robot, small business education videos, and the Small Business Ombudsman. Many of these resources can be accessed online at: <https://www.cpsc.gov/Business--Manufacturing/Small->

Business-Resources. Small firms can reach the Small Business Ombudsman by calling (888) 531-9070.

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

Stakeholders, consumers, and the government rely on product marking, labeling, and instructions to inform about assembly of products marking, labeling, and instructions to inform about safe use and assembly of products and to identify products for recall.

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

No special circumstances will require respondents to produce labels or instructional material more often than quarterly or in fewer than 30 days.

8. *Consultation and public comments*

Part A: PUBLIC NOTICE

The CPSC has requested comments on the proposal to incorporate by reference the ASTM voluntary standard, with modifications, and improve warnings and instructions, in the Federal Register, published October 26, 2020 (85 FR 67906). The notice discussed the information collection burden and invited public comment on the CPSC's estimates. The public comment period closed on January 11, 2021. The Commission received 13 comments on the NPR before the comment period closed on January 11, 2021, and two late-filed comments, in July and September 2021. Comments can be accessed by searching for docket number CPSC-2020-0023 at <https://www.regulations.gov>. None of the comments received related to proposed warnings and instructions or the estimated information collection burden.

The final rule published in the *Federal Register* on Tuesday, February 15, 2022 (87 FR 8640).

Part B: CONSULTATION

CPSC has worked extensively with ASTM in the continued development and improvement of the voluntary safety standard for crib mattresses referenced in the final rule. Members of ASTM include domestic manufacturers and importers of products to which the final rule would apply. Feedback from these entities was considered by ASTM and CPSC in development the Safety Standard for Crib Mattresses.

9. *Decision to provide payment or gift*

CPSC will not provide payment or gift to respondents.

10. Assurance of confidentiality

No assurance of confidentiality exists for the required information. The information in the product’s marking, labeling, and instructional literature is not confidential.

11. Questions of a sensitive nature

None of the required information is of a sensitive nature.

12. Estimate of hour burden to respondents

The proposed rule would require crib mattresses to comply with ASTM F2933-21, *Standard Consumer Safety Performance Specification for Crib Mattresses*, with several modifications, including modifications to existing labels and new requirements for the provision of instructional literature. Proposed modifications to section 7 contain requirements for marking and labeling. These requirements fall within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3).

Under the OMB’s regulations (5 CFR 1320.3(b)(2)), the time effort, and financial resources necessary to comply with the 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.”

Based on CPSC staff’s review of product information online, approximately 76 percent of firms that supply crib mattresses to the crib mattress market already provide instructional literature to consumers for products intended for use by children. All of the firms which supply crib mattresses already provide customer support for use of their children’s products. Therefore, we estimate that no burden hours are associated with the proposed section 8 of ASTM F2933-21 in the final rule, because any burden associated with supplying instructions with crib mattresses are “usual and customary” and not within the definition of “burden” under OMB’s regulations.

We estimate the burden of this collection as follows:

Table 1 – Estimated Annual Reporting Burden

16 CFR section	Number of Respondents	Frequency of Responses	Total Annual Responses	Hours per Response	Total Burden Hours
1241.2 (a), (b)	38	10	380	1	380
TOTAL BURDEN					380

Thirty-eight known entities supply crib mattresses to the U.S. market and these entities may need to make some modifications to existing product labels. 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 10 models of crib mattresses; therefore the estimated burden associated with labels is 1 hour per model x 38 entities x 10 models per entity = 380 hours.

We estimate the hourly compensation for the time required to create and update labels is \$33.78 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2021, 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 \$12,836 (\$33.78 per hour x 380 hours = \$12,836.40).

13. *Estimates of Other Total Annual Cost Burden to Respondents or Recordkeepers*

Respondents bear no costs beyond those presented in Section A.12. No operating, maintenance, or capital costs are 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 \$4,124, 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 hourly wage rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of January 2020) is \$46.88 (GS-12, step 5). This represents 68.2 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” June 2020, percentage of wages and salaries for all civilian management, professional, and related employees: <http://www.bls.gov/ncs/>). Adding an additional 31.8 percent for benefits brings average hourly compensation for a mid-level salaried GS-12 employee to \$68.74. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,124.40.

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.