

Information Collection Request (ICR) Support Statement: Part A
Motorcycle Helmets (Labeling)
OMB Control No. 2127-0518

Abstract:¹

This information collection request (ICR) is a request for reinstatement without modification of the information collection for NHTSA's motorcycling labeling requirements. Motorcycle helmets are devices used for protecting motorcyclists from head injury in motor vehicle crashes. Each motorcycle helmet manufacturer is required to label every helmet it produces to indicate compliance with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 218, "Motorcycle helmets." Manufacturers are also required to label every helmet to provide helmet owners with important safety information including the manufacturer's name, discrete size of the helmet, month and year of manufacture, and specific instructions. Failure to provide (collect) this information would put motorcyclists at risk because the helmet might not be labeled with the information needed to properly fit the purchaser and with the safety warnings and information specified in the standard. State and local law enforcement agencies could also find it more difficult to enforce State laws requiring the use of a helmet certified to FMVSS No. 218, if helmets were not required to bear a certification label. The labeling requirement in the standard also supports the Department of Transportation's strategic goal in safety, by ensuring that motorcycle helmets are manufactured and certified to the performance requirements of the standard. NHTSA estimates the total burden of this collection is 9,100 hours and \$1,137,500.

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The National Traffic and Motor Vehicle Safety Act authorizes the Secretary of Transportation (NHTSA by delegation), at 49 U.S.C. 30111, to issue Federal Motor Vehicle Safety Standards (FMVSS) that set performance standards for motor vehicles and items of motor vehicle equipment. Further, the Secretary (NHTSA by delegation) is authorized, at 49 U.S.C. 30117, to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle or equipment is purchased, in the form of printed matter placed in the vehicle or attached to the vehicle or motor vehicle equipment.

Using this authority, NHTSA issued FMVSS No. 218, "Motorcycle helmets."
Motorcycle helmets are devices used for protecting motorcyclists from head injury in

¹ The Abstract must include the following information: (1) whether responding to the collection is mandatory, voluntary, or required to obtain or retain a benefit; (2) a description of the entities who must respond; (3) whether the collection is reporting (indicate if a survey), recordkeeping, and/or disclosure; (4) the frequency of the collection (e.g., bi-annual, annual, monthly, weekly, as needed); (5) a description of the information that would be reported, maintained in records, or disclosed; (6) a description of who would receive the information; (7) the purpose of the collection; and (8) if a revision, a description of the revision and the change in burden.

motor vehicle crashes. FMVSS No. 218, S5.6 requires that each certified helmet shall be labeled permanently and legibly in a manner such that the label can be read easily without removing padding or any other permanent part of the helmet. The labeling requirement in the standard also supports the Department of Transportation's strategic goal in safety, by ensuring that motorcycle helmets are manufactured and certified to the performance requirements of the standard.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Each motorcycle helmet manufacturer must label every helmet it produces to indicate compliance with the requirements of Standard No. 218. This label (certification label) signifies the manufacturer's certification that the helmet meets all of the requirements in the standard. The certification label consists of the symbol "DOT," the term "FMVSS No. 218," the word "CERTIFIED," the precise model designation, and the manufacturer's name and/or brand on the outer shell of the helmet towards the posterior bottom edge. NHTSA uses this information for enforcement purposes to ensure that manufacturers certify compliance with the standard. State and local law enforcement use this information to enforce helmet-use laws.

NHTSA also requires labeling information to ensure that helmet owners receive important safety information. Each helmet must be labeled permanently and legibly on a label or labels, separate from the certification label, in a manner such that the label(s) can be read easily without removing padding or any other permanent part. The required labeling information includes the manufacturer's name, discrete size, month and year of manufacture, and specific safety-related instructions for the purchaser. Consumers use this information in their purchase, use, and maintenance of the helmet.

3. **Describe whether the collection of information involves the use of automated technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

Section 5.6 of FMVSS No. 218 requires labeling to be exhibited on each helmet, but the standard does not specify how to produce the label(s). Helmet manufacturers are free to use any automated technologies they deem appropriate.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

NHTSA is the only Federal agency requiring manufacturers to label motorcycle helmets. As such, there is no duplication.

5. If the labeling requirement involves small businesses or other small entities, describe any methods used to minimize burden.

This regulation applies to all motorcycle helmet manufacturers. Some of these manufacturers are expected to be small manufacturers. However, NHTSA believes the burden associated with labeling to be minimal. Further, NHTSA does not believe burdens can be reduced without sacrificing the benefit of the safety provided by helmets and by the consumer information that is required to be labeled on each helmet.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure to collect this information would be contrary to the Vehicle Safety Act, which requires each item of equipment to be certified as meeting the FMVSSs applying to the product. Further, failure to require the “DOT” to be labeled on helmets would significantly inhibit compliance enforcement by NHTSA. NHTSA would not be able to impose penalties against companies who fail to certify to the standard. Moreover, State and local law enforcement agencies would not be able to enforce State laws requiring the use of a helmet certified to FMVSS No. 218 if certified helmets were not required to bear a certification label. Failure to collect this information would put motorcyclists at risk because the helmet might not be labeled with the safety warnings and information specified in the standard (*e.g.*, “Helmet can be seriously damaged by some common substances without damage being visible to the user”).

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a. **requiring respondents to report information to the agency more often than quarterly;**
- b. **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- c. **requiring respondents to submit more than an original and two copies of any document;**
- d. **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- e. **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- f. **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- g. **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- h. **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has**

instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would cause this collection to be collected in a manner inconsistent with 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views.**

The 60-Day Notice was published in the Federal Register on May 12, 2021 (86 FR 26136). The closing date for comments was July 12, 2021. The agency received no comments. The 30-Day Notice appeared in the Federal Register on January 12, 2022 (87FR1829) with a deadline for comments on March 14, 2022.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

The agency does not provide payment or gifts to respondents in connection with this information collection.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

This collection does not involve any assurances of confidentiality because it involves a public disclosure requirement. This collection does not require a SORN or PIA.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

This information collection does not involve any questions of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information on the Respondents and estimates of the annualized labor cost to respondents associated with that hour burden.**

NHTSA estimates the total burden hours of the collection of information for Standard No. 218 is 9,100 (rounded) hours annually.

NHTSA estimates that there are approximately 45 manufacturers that produce motorcycle helmets for sale in the United States. NHTSA estimates that the 45 helmet manufacturers will produce approximately 3,250,000 helmets in each of the next three years, or 72,000 (rounded) helmets per respondent ($3,250,000 \div 45 = 72,000$) (rounded). NHTSA estimates that it takes approximately 10 seconds to affix the labels to each helmet. Therefore, NHTSA estimates the total annual burden hours associated with affixing labels to be 200 hours per manufacturer, for a total of 9,100 (rounded) hours per year ($10 \text{ seconds} \times 3,250,000 \text{ helmets}$).

To estimate the labor cost associated with affixing labels to helmets, NHTSA uses the average wage of \$22.59 per hour for “Assemblers and Fabricators” (occupational code 51-2000) published by the Bureau of Labor Statistics (BLS)². BLS estimates that wages represent approximately 70.2% of total compensation for private industry workers.³ Therefore, NHTSA estimates the labor cost associated with Assemblers and Fabricators to be \$32.18 per hour ($\$22.59 \div 0.702$). Multiplying that hourly rate by the estimated 9,100 labor hours needed to affix labels yields an estimated total annual labor cost of \$292,838. The total estimated burden hours and associated labor costs are detailed in the table below:

Number of Respondents (Helmet Manufacturers)	Number of Helmets Produced Annually (Per Respondent)	Time to Affix Label per Helmet	Estimated Total Annual Burden Hours (Per Respondent)	Total Labor Cost per Hour	Labor Cost (Per Respondent)	Estimated Total Annual Burden Hours	Estimated Total Annual Labor Cost
45	72,000 (Rounded)	10 seconds	200 hours (Rounded)	\$32.18	\$6,500.00	9,100 hours (Rounded)	\$292,838

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any hour burden already reflected in the response provided in question 12.

The total annual cost to the respondents is estimated to be \$1,137,500. NHTSA estimates that the printing and material cost per helmet is \$0.35. The total annual cost to respondents is calculated by multiplying the printing and material cost (\$0.35) by the estimated 3,250,000 responses (helmets produced) per year.

Number of Respondents	Number of Helmets	Printing and Material Cost	Annual Printing and Material	Total No. of Helmets	Estimated Total Annual
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² May 2019 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100 - Motor Vehicle Manufacturing, https://www.bls.gov/oes/current/naics4_336100.htm#51-0000.

³ Table 1. Employer Costs for Employee Compensation by ownership, September 2020, <https://www.bls.gov/news.release/ecec.t01.htm>.

(Helmet Manufacturers)	Produced Annually (Per Respondent)	per Helmet	Cost per Manufacturer	Produced Annually	Printing and Material Costs
45	72,000 (rounded)	\$0.35	\$25,200 (rounded)	3,250,000	\$1,137,500

14. Provide estimates of annualized costs to the Federal government. Provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

There is no cost to the Federal government associated with this information collection request as it is a labeling requirement for manufacturers to disclose information.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet. If this is a new collection, the program change will be entire burden cost and number of burden hours reported in response to questions 12 and 13. If this is a renewal or reinstatement, the change is the difference between the new burden estimates and the burden estimates from the last OMB approval.

This ICR is for a reinstatement and increases the total burden by 9,100 hours and \$1,137,500. The burden hours did not change from the last ICR for this collection, but the cost decreased by \$162,500 because NHTSA included labor costs in response to question 13 when it last sought approval for this information collection.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions as applicable.

The agency has no plans to publish information on labeling of motorcycle helmets.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency is seeking approval to not display the expiration date for OMB approval. This information collection is entirely contained within a regulation and, therefore, rulemaking would be required to update the expiration date.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions." The required certifications can be found at 5 CFR 1320.9.

There are no exceptions.