

SUPPORTING STATEMENT - PART A

Substantial Product Hazard: Window Covering Cords

OMB Control Number

1. Need for the Information Collection

Window coverings are “consumer products” within the jurisdiction of the CPSC, and subject to regulation under the authority of the CPSA, because consumers use and enjoy window coverings in or around a permanent or temporary household or residence, and in schools. (See 15 U.S.C. 2052(a)(5)). The purpose of the proposed rule is to address the risk of strangulation to children 8 years old and younger associated with hazardous operating and inner cords on stock and custom window coverings. The proposed rule would define “stock window covering” and “custom window covering” consistent with the definitions set forth in the existing voluntary standard ANSI/WCMA A100.1-2018, American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA – 2018). The proposed rule lists substantial product hazards (SPHs) associated with stock and custom window coverings, identifying the readily observable characteristics of each product, and the sections of the voluntary standards that address each hazard.

The Commission is proposing to deem a “substantial product hazard” (SPH) the following characteristics, which have been addressed by ANSI/WCMA-2018:

- (1) The presence of hazardous operating cords on stock window coverings;
- (2) The presence of hazardous inner cords on stock and custom window coverings; or
- (3) The absence of a required manufacturer label.

This collection of information is solely related to manufacturer labels on stock and custom window coverings. The manufacturer label must contain:

- The name, city, and state of the manufacturer / importer / fabricator
- Month and year of manufacture
- Designation of window covering as “Custom” or “Stock”

Industry, staff, and consumers use the manufacturer label to effectively distinguish between stock and custom window coverings, and to help expedite timely and effective recalls, by requiring identification of the manufacturer name and manufacture date on the product.

2. Use of the Information

This proposed rule to amend the substantial product hazard list in 16 C.F.R. part 1120 to include hazardous window covering cords contains information collection requirements. The Commission proposes to deem the absence of a manufacturer label, required on both stock and custom window coverings, as set forth in section 5.3 of ANSI/WCMA – 2018, an SPH. Section 5.3 of the voluntary standard requires: “There shall be a permanent label(s) or marking on all finished window covering products.”

The required label must be on the headrail or on the roller tube of every window covering. The label must contain: The name, city, and state of the manufacturer, importer, or fabricator; the month and year of manufacture; and the designation of the window covering as either “Stock” or “Custom”. Industry, staff, and consumers will use the manufacturer label to effectively distinguish between stock and custom window coverings, and to help expedite timely and effective recalls, by requiring identification of the manufacturer name and manufacture date on the product. Any non-compliant window covering, meaning those without a label or those without all required information on the label, is subject to repair, replacement, or recall under section 15 of the CPSA.

3. Use of Information Technology

The required labeling must be on the product and therefore cannot be electronic. However, the use of an electronic code, such as a QR code or barcode is not prohibited on the label, and may be used to provide the required information in an electronic format, as long as the required information is also printed on the label.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

The proposed rule designating stock and custom window covering products that do not conform to the specified readily observable characteristics of ANSI/WCMA A100.1 – 2018 as an SPH will not likely have a significant impact on a substantial number of small businesses or other small entities.

While this information collection does not impose a significant economic impact on a substantial number of small businesses or entities, CPSC provides a variety of resources to help both new and experienced small businesses learn about safety requirements that apply to consumer products. These resources include 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/Business-Education>. Small firms can reach the Small Business Ombudsman directly by calling (888) 531-9070.

6. Less Frequent Collection

Window coverings that conform to ANSI/WCMA – 2018 regarding the identified characteristics have been effective in reducing the risk of injury from strangulation associated with operating cords on stock window coverings, and inner cords on stock and custom window coverings. The voluntary standard already requires the manufacturer label, regardless of CPSC's requirements. Additionally, the absence of the manufacturer label would make it difficult for staff, manufacturers, and consumers to identify the product and class of products subject to a recall.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineate in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A Federal Register Notice (FRN) for the collection published on Friday, January 7, 2022. The FRN citation is 87 FRN 891. In the public notice, we request comments on the potential estimate of no burden.

Part B: CONSULTATION

CPSC staff began working with the Window Covering Manufacturers Association (WCMA) in 1995 on an American National Standards Institute (ANSI) voluntary standard to address the strangulation hazard to young children from accessible cords on window coverings.

Since 1995, CPSC staff has participated in WCMA steering committee meetings, including participating in the stock/custom window covering definitions and warning labeling task groups.

In November 2010, CPSC held a public meeting regarding window coverings, and WCMA announced that it would establish a steering committee to oversee the activities of six task groups, including one intended for operating pull cords and another for continuous loops.

ANSI published a revision to the window coverings standard, ANSI/WCMA A100.1-2018, on January 8, 2018. WCMA updated the 2018 version of the standard in May 2018, and the standard went into effect on December 15, 2018.

This notice of proposed rulemaking (NPR) is based on ANSI/WCMA-2018, revised standard.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is not required for this collection because we are not requesting individuals to furnish personal information for a system of records.

11. Sensitive Questions

This collection does not include questions that could be considered sensitive.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

Respondents are persons who manufacture or import stock or custom window coverings. We estimate the maximum burden of this collection of information as follows:

Table – Estimated (maximum) Annual Reporting Burden

16 CFR Section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1120.3 (e)(3) & 1120.3 (f)(2)	391	11	4,301	1	4,301

The Commission proposes in the NPR to deem the absence of a manufacturer label, required on both stock and custom window coverings, as set forth in section 5.3 of ANSI/WCMA – 2018, an SPH. Section 5.3 of the voluntary standard requires: “There shall be a permanent label(s) or marking on all finished window covering products.” The required label must be on the headrail or the roller tube of every window covering. The label must contain: The name, city, and state of the manufacturer, importer, or fabricator; the month and year of manufacture; and the designation of the window covering as either “Stock” or “Custom.”

Three hundred ninety-one (391) known entities supply window coverings to the U.S. market. If modifications to existing product labels are required, 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 of the 391 entities supplies an average of 11 models of window coverings. Therefore, the estimated burden associated with labels is 1 hour per model × 391 entities × 11 models per entity = 4,301 hours, if every known entity that supplies window coverings to the U.S. market makes modification to existing product labels.

This burden estimate is the largest possible, assuming that every manufacturer had to modify the on-product label. However, based on staff's review of stock and custom window products, window coverings already substantially comply with the on-products manufacturer label requirement in section 5.3 of ANSI/WCMA – 2018. Accordingly, product modification and any associated burden is unlikely.

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." Staff estimates a high degree of compliance with the voluntary standard, more than 90 percent of stock products and a substantial number of the custom products, such that window coverings already comply with the on-product manufacture label requirement in the voluntary standard. Therefore, CPSC could estimate that no burden hours are associated with the proposed rule, because any burden associated with the on-product manufacturer label would be "usual and customary" and not within the definition of "burden" under the OMB's regulations. CPSC has requested comments on this potential estimate of no burden.

Part B: LABOR COST OF RESPONDENT BURDEN

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 (maximum) estimated annual cost to industry associated with the labeling requirements is \$145,288 ($\$33.78 \text{ per hour} \times 4,301 \text{ hours} = \$145,288$).

No operating, maintenance, or capital costs are associated with the collection. This estimate of the labor cost of respondent burden is the largest possible, and assumes that every manufacturer had to modify the on-product label. CPSC has requested comments on the analysis demonstrating that the largest possible burden estimate for the proposed standard to required the manufacturer label in section 5.3 of ANSI/WCMA – 2018 on stock and custom window coverings to be 4,301 hours at a cost of \$145,288 annually.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents to complete this collection other than the labor burden costs estimated in Section 12 of this document.

14. Cost to the Federal Government

The estimated costs to the federal government for this collection is \$88,498. This estimate uses a federal employee annual wage of \$121,065 (the equivalent of a salaried GS-13, Step5

employee, in the D.C. area, 2022) which comprises 68.4 percent of the costs of compensation, with the remaining 31.6 percent added for benefits (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 2021, percentage of wages and salaries for all civilian management, professional, and related employees) for total compensation \$176,996 FTE. Therefore, the estimated 6 months of staff work on this collection will cost \$88, 498 (\$176,996 per year, for half a year).

There are no operational and maintenance costs to the federal government associated with the collection.

15. Reasons for Change in Burden

This is a new collection with a new associated burden.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions" (1 sentence)

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.