

SUPPORTING STATEMENT - PART A

Safety Standard for Nursing Pillows

OMB Control Number

1. Need for the Information Collection

The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the U.S. Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. The Commission is proposing a safety standard for nursing pillows.

This proposed rule for nursing pillows contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501–3521).

The proposed rule would require each nursing pillow within the scope of the rule to meet the rule's new performance and labeling requirements. It would require suppliers to conduct third party testing to demonstrate compliance and provide the specified warning label and instructions. These requirements fall within the definition of a "collection of information," as defined in 44 U.S.C. 3502(3).

2. Use of the Information

For this information collection the respondents are persons who manufacture or import nursing pillows. The proposed rule would require each nursing pillow within the scope of the rule to meet the rule's new performance and labeling requirements. It would require suppliers to conduct third party testing to demonstrate compliance and provide the specified warning label and instructions.

While some products currently have labels, all products would have to meet the specific labeling requirements and instructions specified in the proposed rule, which provides the text and graphics for the required labels and instructions. Specialized expertise in graphics design would not be required to develop the warnings and instructions. Most reporting and recordkeeping requirements in this proposed rule would be new for all suppliers.

The Commission is issuing this proposed rule to establish mandatory performance and labeling requirements for nursing pillows to address established risks of death and injury associated with infant suffocations, entrapments, and falls.

3. Use of Information Technology

To address the hazard posed by nursing pillows, the proposed rule requires warnings and labeling. Required warnings on packaging are not electronic, however CPSC staff utilizes appropriate forms of information technology, such as electronic communication, when appropriate to reduce unnecessary burden.

4. Non-duplication

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

5. Burden on Small Businesses

Commission staff has identified 22 small U.S. manufacturers, 6 small U.S. importers, and more than 500 U.S. non-employer businesses that would be impacted by the proposed rule in the United States. The majority of nursing pillow suppliers to the U.S. market are small U.S. manufacturers, importers, or non-employee businesses.

To reduce the impact of the final rule on small firms, 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. Less Frequent Collection

If the Commission collects the information required less frequently, deaths and injuries from the use of nursing pillows would likely continue to occur at similar or lower rates as those observed during the 2010–2022 time period.

7. Paperwork Reduction Act Guidelines

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

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Tuesday, September 26, 2023. The 60-Day FRN citation is 88 FRN 65865.

Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission invites comments on:

- whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- the estimated burden hours associated with label modification, including any alternative estimates.

Part B: CONSULTATION

As required by section 104(b)(1)(A) of the CPSIA, CPSC consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and the public to develop this rule, including through participation in the juvenile products subcommittee meetings of ASTM International standards organization.

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.

A System of Record Notice (SORN) is not required for this collection because records are not retrievable by PII.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

11. Sensitive Questions (1 paragraph)

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

CPSC estimates there are 844 entities that would respond to this collection annually. Although Commission staff estimate the total number of nursing pillow suppliers to the United States to be more than 1,000, staff anticipates that only a portion of those suppliers will respond to the collection each year based on when they introduce new product models or redesign previous models.

We estimate that the time required to create and modify labeling and instructions is about 2 hours per response. Therefore, the estimated burden associated with this collection is 844 responses × 1 response per year × 2 hours per response = 1,688 hours annually. (See table 1.)

Table 1: Estimated Annual Reporting Burden

Burden Type	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Total Burden Hours
Labeling and instructions	844	1	844	2	1,688

We estimate the hourly compensation for the time required to respond to the collection is \$37.41 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2023, Table 4, total compensation for all sales and office workers in goods-producing private industries: https://www.bls.gov/news.release/archives/ecec_06162023.pdf). Therefore, the estimated annual labor cost of the collection is \$63,148 (\$37.41 per hour × 1,688 hours = \$63,148.08).

Based on this analysis, the proposed standard for nursing pillows would impose an estimated burden to industry of 1,688 hours at a cost of \$63,148.

13. Respondent Costs Other Than Burden Hour Costs

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

14. Cost to the Federal Government

The estimated annual cost of the information collection requirements to the federal government is approximately \$4,513, 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 2023) is \$51.15 (GS-12, step 5). This represents 68.0 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2023, percentage of wages and salaries for all civilian management, professional, and related employees: https://www.bls.gov/news.release/archives/ecec_06162023.pdf). Adding an additional 32.0 percent for benefits brings average hourly compensation for a mid-level salaried GS-12 employee to \$75.22. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,513.20.

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”

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