

SUPPORTING STATEMENT - PART A

Safety Standard for Infant and Infant/Toddler Rockers

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. These standards are to be substantially the same as applicable voluntary standards, or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for Infant and Infant/Toddler Rockers (rockers).

This proposed rule for rockers 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 rocker within the scope of the rule to comply with ASTM International's (ASTM) F3084– 22, Standard Consumer Safety Specification for Infant and Infant/ Toddler Rockers, with modification. Sections 8 and 9 of ASTM F3084–22 contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of “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 rockers. The Commission is issuing this proposed rule to establish mandatory performance and labeling requirements for rockers to reduce injuries and deaths from the known hazards posed by rockers.

ASTM F3084–22 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. It also requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture. The proposed rule would also require suppliers to conduct third party testing to demonstrate compliance.

3. Use of Information Technology

To address the hazard posed by rockers, 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, 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

Of the 13 U.S. manufacturers and importers of rockers that currently supply the U.S. market, four are small U.S. manufacturers and five are small U.S. importers based on Small Business Administration (SBA) size standards, for a total of nine small U.S. entities to which the proposed rule would apply.

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

The substantial record of deaths and injuries with rockers is summarized in the proposed rule. If the information collection is conducted less frequently this could reduce the effectiveness of the proposed rule.

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 Thursday, October 27, 2023. The 60-Day FRN citation is 88 FRN 73551.

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 CPSC's functions, including whether the information will have practical utility;
- the accuracy of 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

The Commission considered proposing to incorporate by reference ASTM F3084-22, without any modifications. However, ASTM F3084-22 does not adequately address the suffocation and fall hazards rockers present.

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

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

An estimated 13 U.S. firms supply rockers to the domestic market, as well as seven foreign manufacturers and about 30 foreign direct shippers, for a total of about 50 suppliers.

Approximately 80 models of rockers were available for sale on the U.S. market as of March 2023. Therefore, each supplier is estimated to respond 1.6 times (80 models/50 suppliers = 1.6 responses). We estimate the time required to respond to the collection is about one

hour per model. The estimated annual burden associated with the collection is 50 respondents × 1.6 responses × 1 hour per response = 80 hours.

Table 1: Estimated Annual Reporting Burden

16 CFR section	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Total Burden Hours
1240	50	1.6	80	1	80

CPSC estimates that 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, total compensation for all sales and office workers in goodsproducing private industries: https://www.bls.gov/news.release/archives/ecec_06162023.pdf). The estimated annual cost to industry associated with the collection accordingly is \$2,993 (\$37.41 per hour × 80 hours = \$2,992.80).

The notice of proposed rulemaking (NPR) requires instructions to be supplied with rockers. 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.” Firms that supply rockers to the U.S. market typically provide instructional literature to consumers. Therefore, we tentatively estimate that no burden hours are associated with supplying instructional literature because any burden associated with supplying instructions would be “usual and customary” and not within the definition of “burden” under the OMB’s regulations.

Based on this analysis, the proposed standard for rockers would impose a burden to industry of 80 hours at a cost of \$2,993 annually.

13. Respondent Costs Other Than Burden Hour Costs

No operating, maintenance, or capital costs are associated with the 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.