

SUPPORTING STATEMENT - PART A

Mandatory Toy Safety Standards:

Requirements for Neck Floats

OMB Control Number

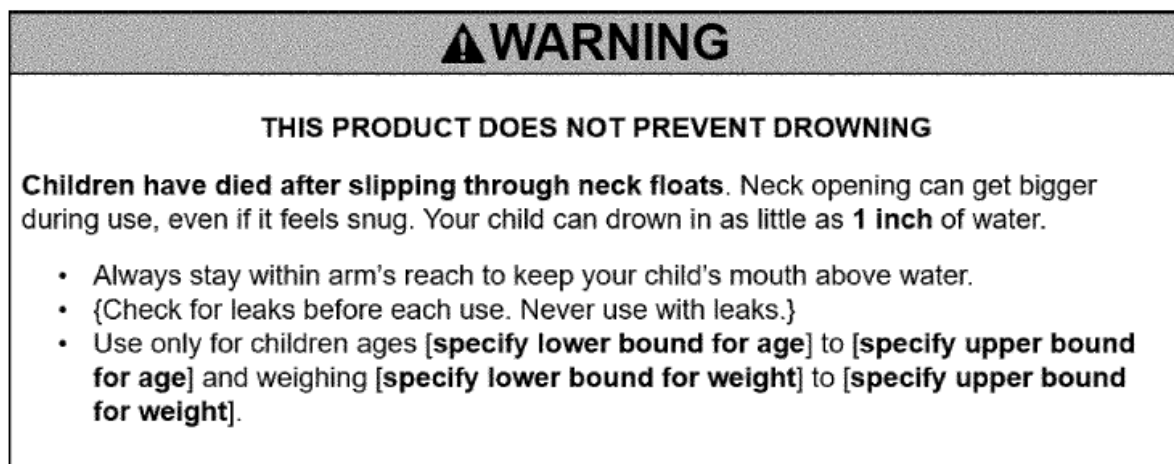
1. Need for the Information Collection

The Consumer Product Safety Improvement Act of 2008 (CPSIA) mandates that ASTM F963 shall be a mandatory toy safety standard. This toy safety standard sets forth only minimal labeling requirements for aquatic toys such as neck floats. The U.S. Consumer Product Safety Commission (CPSC or Commission) proposes to establish new performance and revised labeling requirements to address potentially deadly hazards associated with neck floats. The Commission is also amending CPSC's list of notice of requirements (NORs) to include neck floats. This proposed rule 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).

2. Use of the Information

As described in section 1, above, the rule requires new labeling and instructions for neck float toys. Neck floats must meet the requirements of § 1250.5. Section 5 of ASTM F963–23 contains requirements for marking, labeling, and instructional literature of children's toys in general. These requirements fall within the definition of "collection of information," as defined in 44 U.S.C. 3502(3). CPSC will request an OMB control number for the proposed collection.

Figure 1: Warning for Child Neck Floats. Image not to scale.



The Commission proposes requiring marking, labeling, and instructional literature requirements for all products within scope of the rule and seeks comment on format, location, and content requirements of proposed warnings. (See Figure 1.)

3. Use of Information Technology

To address the hazard posed, the proposed rule requires warnings and labeling requirements for neck floats and packaging of neck float products. On-product warnings are not digital in nature; 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

This information collection would have a significant impact on a substantial number of small entities, primarily from labeling and literature updates and certification costs.

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, and small business education videos. Many of these resources can be accessed online at:

<https://www.cpsc.gov/Business--Manufacturing/Small-Business-Resources>.

6. Less Frequent Collection

From January 2019 through January 2024, CPSC staff identified 115 incidents in the Consumer Product Safety Risk Management System (CPSRMS) associated with the use of neck floats. Two of these incidents resulted in fatality, two incidents led to hospitalization, five incidents led to emergency department treatment, and one incident led to care by a medical professional. The remaining 105 incidents identified in CPSRMS noted home care. In many of the non-fatal incidents, drowning appears to have been averted only due to quick action by a caregiver to rescue the infant. Of the reported incidents that indicate a child's age, children's ages range from 17 days to 12 months old.

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 the 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 Wednesday, November 20, 2024. The 60-Day FRN citation is 89 FRN 91586.

Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission invited 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

Building on staff's continued collaboration with ASTM, CPSC staff has worked with the ASTM F15.22 subcommittee task group since 2009 to update the toy standard. In addition, since August 2021, CPSC staff has been corresponding with the relevant ASTM Subcommittee and task group to discuss hazards associated with neck floats, including sharing incident data associated with neck floats as well as staff's recommendation to develop performance requirements to address the hazards identified in the incident data.

Since publication of the notice of proposed rulemaking (NPR) in November 2024, ASTM designated a new subcommittee F15.07 to develop a draft standard for Buoyancy Aids for Children. On December 2, 2024 ASTM held an exploratory call to determine whether there was interest from its members to designate a subcommittee dedicated to drafting the proposed voluntary standard. On January 13, 2025 ASTM held an organizational call to discuss the scope of the prospective standard and proposed definitions for products falling within that scope. On February 27, 2025 CPSC staff were alerted that ASTM Committee F15 established a new subcommittee, F15.07, on buoyancy aids for children. The F15.07 subcommittee had its first meeting on March 27, 2025 and created two task groups that focus on drafting performance requirements warnings/labels, respectively, which have met on a monthly basis since. CPSC staff have participated in all subcommittee and task group meetings since the exploratory call and will continue to do so for the foreseeable future.

Neck floats are subject to the requirements in the mandatory toy standard, ASTM F9632-13, including labeling requirements in section 5.4 for aquatic toys.

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

We estimate the burden of this collection of information as follows: (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	20	1	20	2	40

This estimate is based on the following: CPSC estimates there are 20 suppliers that would respond to this collection annually, and that the majority of these entities would be considered small businesses. CPSC assumes that on average each respondent that reports annually would respond once, as product models for neck floats are brought to market and new labeling and instruction materials are created, for a total of 20 responses annually (20 respondents \times 1 response per year). CPSC assumes that on average it will take 1 hour for each respondent to create the required label and one hour for them to create the required instructions, for an average response burden of 2 hours per response. Therefore, the total burden hours for the collection are estimated to be 40 hours annually (20 responses \times 2 hours per response = 40 total burden hours).

CPSC estimates the hourly compensation for the time required to create and update labeling and instructions is \$41.76.¹ Therefore, the estimated annual cost of the burden requirements is \$1,670 (\$41.76 per hour \times 40 hours = \$1,670.40).

¹ U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2024, Table 4, total compensation for all sales and office workers in goods-producing private industries: https://www.bls.gov/news.release/archives/ecec_06182024.pdf.

Based on this analysis, the proposed information collection would impose a burden to industry of 40 hours at a cost of \$1,670 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 \$4,774, which includes 60 staff hours to examine and evaluate the information, as needed, for CPSC's compliance activities. This is based on a GS-12, step 5 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 2024) is \$53.87 (GS-12, step 5). This represents 67.7 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2024, Table 2., percentage of wages and salaries for all civilian management, professional, and related employees: https://www.bls.gov/news.release/archives/ecec_09102024.pdf). Adding an additional 32.3 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to \$79.57 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,774 ($\$79.57 \text{ per hour} \times 60 \text{ hours} = \$4,774.20$).

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.