

## SUPPORTING STATEMENT - PART A

Mandatory Toy Safety Standards:

Requirements for Neck Floats

OMB Control Number 3041-0211

### 1. Need for the Information Collection

The U.S. Consumer Product Safety Commission (CPSC or Commission) has promulgated a final rule that sets forth requirements for neck floats. 90 FR 58096 (Dec. 15, 2025). This 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). The Commission is authorized to issue this final rule pursuant to both section 106(c) and (d) of the Consumer Product Safety Improvement Act of 2008 (CPSIA). 15 U.S.C. 2056b(c) and (d).

The Commission currently mandates that toys comply with the requirements of ASTM F963, which includes performance requirements and test methods for toys, as well as requirements for warning labels and instructional literature, to reduce or prevent injury to children or death of children from mechanical, chemical, and other hazards associated with toy use. Toys must comply with this standard pursuant to 16 CFR part 1250.

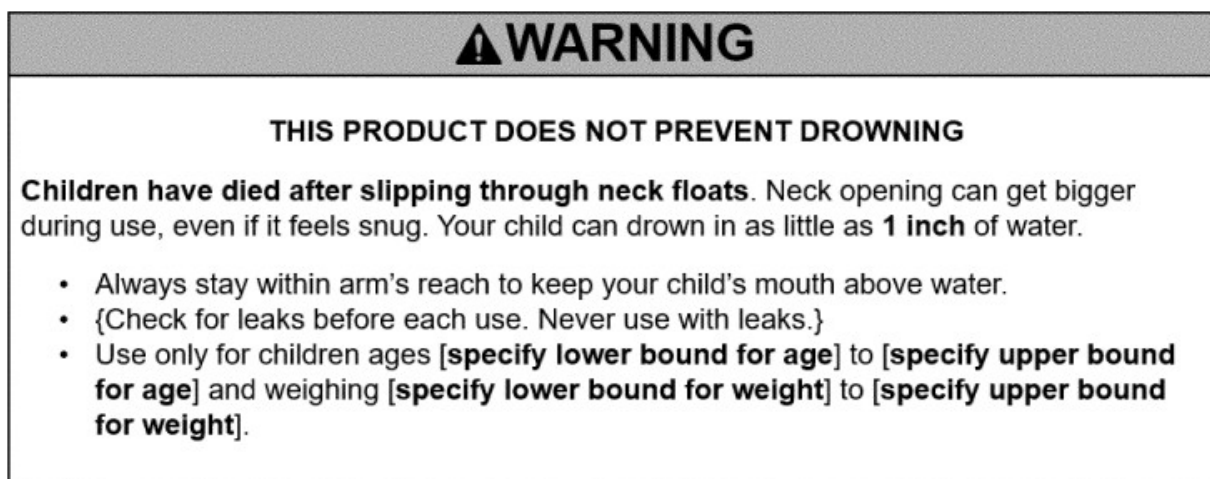
The Commission identified 115 incidents in the Consumer Product Safety Risk Management System (CPSRMS) associated with the use of neck floats between January 2019 and January 2024. The Commission is aware of four hazard patterns associated with the risk of drowning: (1) slip-through not associated with inflation; (2) slip-through associated with inflation; (3) slip-through associated with restraint system failure; and (4) submersion without slip-through. The Commission is aware of 52 reported incidents which involved an infant slipping through the product despite the neck float showing no signs of deflation, underinflation, or any other reported product issues. The Commission is aware of 54 incidents where children slipped through or had the potential to slip through the neck opening because the neck floats were more pliable or compressible at lower pressure levels or deflated during use. The Commission is aware of one incident involving a 7-month-old infant, who slipped out of a neck float due to a latch/restraint failure. The Commission is aware of at least three incidents where children, ranging in age from 3 months to 6 months old, either tilted, rotated, and/or flipped such that their faces contacted the water while wearing neck floats without slipping through the neck float and without having a fastening or restraint system failure, putting them at risk of drowning. The incident data and hazard patterns cited support the information collection requirements of the final rule.

CPSC is issuing the final rule establishing additional performance requirements specifically for neck floats and revised labeling requirements for neck floats to address fatal hazards associated with neck floats.

## 2. Use of the Information

The final rule includes marking, labeling, and instructional literature requirements. The marking, labeling, and instructional literature requirements increase the likelihood of caregivers being informed about the hazards and how to avoid the hazards. (See Figure 1.)

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



## 3. Use of Information Technology

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

Small entities subject to this rule include small businesses that supply neck floats to the U.S. market, which includes manufacturers and importers. These small entities may be impacted by information collection burden.

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

If the information collection is conducted less frequently this could reduce the effectiveness of the 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

The preamble to the Notice of Proposed Rulemaking (NPR) discussed the information collection burden of the rule and specifically requested comments on the accuracy of CPSC's estimates. 89 FR 91586 (November 20, 2024). The NPR described the provisions of the rule and provided an estimate of the annual reporting burden for the rule under the PRA. The estimated burden of this collection of information is unchanged from the NPR.

CPSC did not receive any comments regarding the information collection burden. OMB has assigned control number 3041-0211 for this collection of information. The final rule published to the Federal Register on Monday, December 15, 2025. 90 FR 58096.

Part B: CONSULTATION

Consistent with the consultation requirement in section 106(d)(1) of the CPSIA, staff have worked with the ASTM F15.22 subcommittee task group since 2009 to update the toy standard. In August 2021, CPSC staff corresponded with the ASTM Subcommittee and task group to discuss hazards associated with neck floats, including sharing incident data associated with neck floats and staff's recommendation to develop performance requirements to address the hazards identified in the incident data.

For aquatic toys such as neck floats, ASTM F963-23 only specifies minimal labeling requirements and does not establish specific performance requirements for aquatic toys, including neck floats, beyond the general performance requirements all toys must comply with, as applicable. In the past, ASTM attempted to develop additional requirements for aquatic toys and CPSC staff participated in these efforts.

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 Personally Identifiable Information (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.<sup>1</sup> Therefore, the estimated annual cost of the burden requirements is \$1,670 (\$41.76 per hour  $\times$  40 hours = \$1,670.40).

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<sup>1</sup> 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](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.

Recordkeeping burden for certification and testing is accounted for under OMB Control Number 3041-0159, Third Party Testing of Children's Products.

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](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 per hour × 60 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.