



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
4330 East West Highway  
Bethesda, MD 20814

**BALLOT VOTE SHEET**

**DATE:** July 10, 2012

**TO:** The Commission  
Todd Stevenson, Secretary

**THROUGH:** Cheryl A. Falvey, General Counsel  
Kenneth R. Hinson, Executive Director

**FROM:** Patricia M. Pollitzer, Attorney, OGC

**SUBJECT:** Agency Information Collection: Safety Standards for Full-Size and Non-Full Size Cribs; Verification of Compliance Form

**BALLOT VOTE DUE:** July 16, 2012

Attached for Commission consideration is the draft *second Federal Register* notice requesting approval to conduct information collection activities related to a pilot program for CPSC staff to visit child care centers and measure compliance with the CPSC's crib standards. The information that may be collected under this program is subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995. Under the PRA, the first step in obtaining OMB approval is publication of a *Federal Register* notice providing the opportunity for public comment on the proposed collection of information.<sup>1</sup> The *Federal Register* notice was published on April 16, 2012 (77 FR 22564). The comments we received are discussed in the preamble to the draft notice.

Please indicate your vote on the following options:

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<sup>1</sup> This collection of information does not fall within the scope of the authority delegated to the Office of the General Counsel under Order No. 0315.8, which is limited solely to *Federal Register* notices required by the PRA, where such notices involve obtaining information of facts or opinions by imposing reporting or recordkeeping requirements on 10 or more persons, other than employees of the United States; or collections of information associated with procurement of goods or services; or collections of information undertaken as "Follow-up activities for product-related injuries."

I. Approve publication of the draft notice in the *Federal Register*.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

II. Approve publication of the draft notice in the *Federal Register*, with changes.  
(Please specify.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

III. Do not approve publication of the draft notice in the *Federal Register*.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

IV. Take other action. (Please specify.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**CONSUMER PRODUCT SAFETY COMMISSION**

**Submission for OMB Review; Comment Request—Safety Standards for Full-Size Baby Cribs and Non-Full-Size Baby Cribs; Compliance Form**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) announces that it has submitted to the Office of Management and Budget (OMB) a proposed collection of information for review and clearance under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). This collection of information relates to a form that will be used to measure child care centers' compliance with the recent CPSC safety standards for full-size and non-full-size cribs.

**DATES:** Fax written comments on the collection of information by **[INSERT DATE WHICH IS 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202-395-6974, or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). All comments should be identified by Docket No. CPSC-2012-0019. In addition, written comments should be submitted to <http://www.regulations.gov>, under Docket No. CPSC-2010-0088, or by mail/hand delivery/courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923. For access to the

docket to read background documents or comments received, go to:

<http://www.regulations.gov>. A copy of the draft survey is available at:

<http://www.regulations.gov>, under Docket No. CPSC-2012-0019, Supporting and Related Materials.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information call or write Mary James, Office of Information and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7213, or by e-mail to: [mjames@cpsc.gov](mailto:mjames@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

In compliance with 44 U.S.C 3507, the CPSC has submitted a proposed collection of information to OMB for review and clearance of a form that CPSC staff intends to use when visiting child care centers to gauge compliance with the CPSC's crib safety standards. On December 28, 2010, we issued a final rule establishing safety standards for full-size and non-full-size baby cribs in response to the direction under section 104(b) of the Consumer Product Safety Improvement Act (CPSIA) (75 FR 81766). Section 104(c) of the CPSIA specifies that the crib standards apply to anyone who manufactures, distributes, or contracts to sell a crib; to child care facilities, and others holding themselves out to be knowledgeable about cribs; to anyone who leases, sublets, or otherwise places a crib in the stream of commerce; and to owners and operators of places of public accommodation affecting commerce.

The CPSC is seeking OMB approval of a "Verification of Compliance Form" that CPSC staff intends to use when visiting child care centers to measure compliance with the crib safety standards. CPSC investigators or designated state or local

government officials will use the form, which will be filled out entirely at the site during the normal course of the visit. The Commission intends to use the information to measure compliance with the crib safety standards and to develop an enforcement strategy. We intend to begin with a pilot program in 2012, which would involve conducting visits to approximately 70 child care centers in seven states. Depending on the results of the pilot program, we would expand the program in 2013, although expansion of the program's size would depend upon the availability of CPSC resources.

In the *Federal Register* of April 16, 2012 (77 FR 22564), we published a notice announcing the CPSC's intention to seek approval of a collection of information related to the CPSC's safety standards for cribs. We received 23 comments in response to the notice. Most comments discussed the crib standards generally, but did not address issues related to this collection of information. Two discussed the accuracy of our estimates or the burden of the proposed collection of information. Both of these commenters stated that 15 minutes may not be sufficient when identifying how long these inspections will take to perform. CPSC staff believes that, while some inspections may take longer than 15 minutes, some will also take less time to conduct. CPSC staff considers the 15 minutes an appropriate estimate of the average length of time for inspection under this program. One comment provided suggestions for the pilot program and its documentation. However, we believe that the form requests all of the applicable information needed to gauge crib compliance.

We estimate the burden of this collection of information as follows: The CPSC estimates that there may be approximately 70 inspections during the pilot program in 2012. Because the investigators will be talking to the child care facility staff at the time

of the inspection and asking questions to help complete the form, CPSC staff estimates that the burden hours for child care facility staff to respond to the questions will be approximately a quarter of an hour, per inspection. Thus, the estimated total annual burden hours for respondents are approximately 17.5 hours (70 inspections x a quarter of an hour per inspection). CPSC staff estimates that the annualized cost to all respondents is approximately \$383.43, based on an hourly wage of \$21.91 per hour ( $\$21.91 \times 17.5$ ). (Bureau of Labor Statistics (BLS), total compensation for all workers, sales and office for service-producing industries, Employer Costs for Employee Compensation Table 9, September 2011).

CPSC staff estimates that it will take an average of a quarter of an hour to review the information collected. The annual cost to the federal government of the collection of information in these regulations is estimated to be \$704.26. This is based on an average wage rate of \$28.13 (the equivalent of a GS-9 Step 5 employee). This represents 69.9 percent of total compensation (Bureau of Labor Statistics, September 2011, percentage wages and salaries for all civilian management, professional, and related employees, Table 1). Adding an additional 30.1 percent for benefits brings the average hourly compensation for a GS-9 Step 5 employee to \$40.24. Thus, 35 hours for conducting and reviewing (17.5 hours plus 17.5 hours) the information multiplied against an hourly compensation figure of \$40.24 results in an estimated cost to the government of \$1,408.40.

Dated: \_\_\_\_\_

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Todd A. Stevenson  
*Secretary,*  
*Consumer Product Safety Commission.*