

estimated number of respondents is 3 (300 third party conformity assessment bodies  $\times 0.01 = 3$  information changes per year). Because information changes in most cases will likely only involve updating a phone number or contact person, the estimated reporting burden is 15 minutes per update, for a total reporting burden of 45 minutes per year (3 information changes  $\times 0.25$  hours = 0.75 hours per year).

**Estimated Total Cost Burden on Respondents**—Assuming that CPSC Form 223 will be submitted by someone at the level of a general or operations manager at each third party conformity assessment body, at a median compensation (wages and benefits) of \$68 per hour, the total cost burden to the respondents is estimated to be \$30,668 ( $\$68 \times 451$  hours).

**Estimated Annualized Cost Burden to the Federal Government**—The Commission estimates 150 re-registrations per year. Re-registrations will require review by a CPSC staff member with an average rate of pay of \$67/hour (the approximate hourly compensation (wages and benefits) of a GS-13 step 5 employee). Re-registration review involves a thorough review of the accreditation certificate and scope documents provided by the third party conformity assessment body to ensure, among other things, that the accreditations are current, are to the ISO Standard ISO/IEC 17025:2005, "General Requirements for the Competence of Testing and Calibration Laboratories," and include the appropriate test methods. The review is estimated to take an average of 1.75 hours per submission. Thus, the annualized cost to the Federal government is estimated to be approximately \$17,588 (150 re-registrations  $\times 1.75$  hours  $\times \$67 = \$17,587.50$  per year).

Additional costs to the Federal government associated with information changes submitted on CPSC Form 223 will be negligible. The Commission estimates that 15 minutes will be spent reviewing each update. The annualized cost to the federal government is estimated to be approximately \$50 (3 information changes  $\times 0.25$  hours  $\times \$67 = \$50.25$  per year).

### C. Request for Comments

The Commission invites written comments from all interested persons about the proposed collection of information. The Commission specifically invites information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including

whether the information would have practical utility;

- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: October 23, 2009.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Proposed Extension of Approval of Information Collection; Comment Request; Clothing Textiles, Vinyl Plastic Film

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (Commission) requests comments on a proposed request for extension of approval of a collection of information from manufacturers and importers of clothing, and textiles and related materials intended for use in clothing. This collection of information is required in regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). These regulations establish requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties for products subject to the flammability standards for clothing textiles and vinyl plastic film. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (OMB).

**DATES:** Written comments must be received by the Office of the Secretary not later than December 28, 2009.

**ADDRESSES:** Written comments should be captioned "Clothing Textiles and Film, Collection of Information" and e-mailed to the Office of the Secretary at

[cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or mailed to the Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information call or write Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West-Highway, Bethesda, MD 20814; telephone: (301) 504-7671 or by e-mail to [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

### SUPPLEMENTARY INFORMATION:

#### A. Background

Clothing and fabrics intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610). Clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). These standards prescribe a test to assure that articles of wearing apparel, and fabrics and film intended for use in wearing apparel, are not dangerously flammable because of rapid and intense burning. (Children's sleepwear and fabrics and related materials intended for use in children's sleepwear in sizes 0 through 14 are subject to other, more stringent flammability standards, codified at 16 CFR Parts 1615 and 1616.) The flammability standards for clothing textiles and vinyl plastic film were made mandatory by the Flammable Fabrics Act of 1953 (FFA) (Pub. L. 83-88, 67 Stat. 111; June 30, 1953).

Section 8 of the FFA (15 U.S.C. 1197) provides that a person who receives a guaranty in good faith that a product complies with an applicable flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. Section 8 of the FFA requires that a guaranty must be based on "reasonable and representative tests." The Commission estimates that about 1,000 manufacturers and importers of clothing, and of textiles and vinyl film intended for use in clothing, issue guaranties that the products they produce or import comply with the applicable standard.

#### B. Testing and Recordkeeping

Regulations implementing the flammability standards for clothing

textiles and vinyl plastic film prescribe requirements for testing and recordkeeping by firms that issue guaranties. See 16 CFR Part 1610, Subpart B, and 16 CFR Part 1611, Subpart B.

The Commission uses the information compiled and maintained by firms that issue these guaranties to help protect the public from risks of injury or death associated with clothing and fabrics and vinyl film intended for use in clothing. More specifically, the information helps the Commission arrange corrective actions if any products covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. The Commission also uses this information to determine whether the requisite testing was performed to support the guaranties.

OMB approved the collection of information in the enforcement regulations implementing the standards for clothing textiles and vinyl plastic film under control number 3041-0024. OMB's most recent extension of approval will expire on December 31, 2009. The Commission proposes to request an extension of approval for the collection of information in those regulations.

### C. Estimated Burden

The Commission staff estimates that about 1,000 firms that manufacture or import products subject to the flammability standards for clothing textiles and vinyl plastic film issue guaranties that the products they produce or import comply with the applicable standard. The Commission staff estimates that these standards and implementing regulations will impose an average annual burden of about 101.6 hours on each of those firms. That burden will result from conducting the testing and maintaining records required by the implementing regulations. The total annual burden imposed by the standards and regulations on all manufacturers and importers of clothing textiles and vinyl plastic film will be about 101,600 hours.

The hourly wage for the testing and recordkeeping required by the standards and regulations is estimated to be \$57.22 (for management, professional, and related occupations in goods-producing industries, Bureau of Labor Statistics, June 2009), for an estimated annual cost to the industry of nearly \$5.8 million (101,600 × \$57.22).

The Commission staff will expend approximately 80 hours of professional time reviewing and evaluating the records maintained by manufacturers and importers of garments, textiles, and

related materials. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$6,400.

### D. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: October 23, 2009.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## CONSUMER PRODUCT SAFETY COMMISSION

### Notice of Availability of a Statement of Policy: Testing and Certification of Lead Content in Children's Products

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Consumer Product Safety Commission (Commission) is announcing the availability of a document titled, "Statement of Policy: Testing and Certification of Lead Content in Children's Products." The document provides guidance on complying with the Consumer Product Safety Improvement Act (CPSIA).

**ADDRESSES:** The Statement of Policy is available from the Commission's Web site at: <http://www.cpsc.gov/about/cpsia/leadpolicy.pdf>. Copies may also be obtained from the Consumer Product Safety Commission, Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; 301-504-7923.

**FOR FURTHER INFORMATION CONTACT:** Hyun Sun Kim, Office of the General

Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7632; [hkim@cpsc.gov](mailto:hkim@cpsc.gov).

### SUPPLEMENTARY INFORMATION:

The CPSIA was enacted on August 14, 2008 (Pub. L. 110-314). Section 101(a) of CPSIA provides that products designed or intended primarily for children 12 years old and younger that contain more than 600 ppm of lead (as of February 10, 2009), 300 ppm of lead (as of August 14, 2009); or 100 ppm after three years (as of August 14, 2011), unless the Commission determines that it is not technologically feasible to have this lower limit, are considered to be banned hazardous substances under the Federal Hazardous Substances Act (FHSA). Unless granted a specific exclusion or determination, products and materials used to make children's products are subject to the lead limits and also to the testing and certification requirements of section 14(a) of the Consumer Product Safety Act (CPSA), as amended by section 102(a) of the CPSIA.

The Commission has prepared a document titled, "Statement of Policy: Testing and Certification of Lead Content in Children's Products." The document provides guidance on the testing and certification of children's products for compliance with the CPSIA. The Statement of Policy is available on the Commission's Web site at <http://www.cpsc.gov/about/cpsia/leadpolicy.pdf> and from the Commission's Office of the Secretary at the location listed in the **ADDRESSES** section of this notice.

Dated: October 23, 2009.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. CPSC-2009-0090]

### Third Party Testing for Certain Children's Products; Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies to Assess Conformity with the Limits on Total Lead in Children's Products

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of Requirements.

**SUMMARY:** The Consumer Product Safety Commission ("CPSC" or "Commission")