



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

DATE: August 28, 2019

BALLOT VOTE SHEET

TO: The Commission
Alberta E. Mills, Secretary

THROUGH: Patricia M. Hanz, General Counsel
Mary T. Boyle, Acting Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel
Mary A. House, Attorney, OGC

SUBJECT: Final Rule: Amendment to Requirements for Consumer Registration of Durable Infant or Toddler Products

BALLOT VOTE DUE Wednesday, September 4, 2019

Staff is forwarding to the Commission a briefing package recommending that the Commission publish in the *Federal Register* the attached draft final rule to amend the existing rule, codified at 16 CFR part 1130, *Requirements for Consumer Registration of Durable Infant or Toddler Products*. Pursuant to section 104(d) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), the draft final rule updates the definition of “durable infant or toddler products” to:

- State the full statutory definition of “durable infant or toddler product”;
- Specify that the listed product categories are further defined in the applicable mandatory standards;
- List “sling carriers,” “soft infant and toddler carriers,” “handheld infant carriers,” and “frame child carriers” as a subset of infant carriers;
- Clarify that “bedside sleepers” are a subset of bassinets; and
- Revise the term “changing tables” to “baby changing products.”

The Office of the General Counsel is providing the attached draft final rule for the Commission’s consideration.

Consumer Hotline and General Information: 1-800-638-2772 ★ CPSC's Web Site: <http://www.cpsc.gov>

Please indicate your vote on the following options:

- I. Approve publication of the attached document in the *Federal Register*, as drafted.

(Signature)

(Date)

- II. Approve publication of the attached document in the *Federal Register*, with the specified changes:

(Signature)

(Date)

- III. Do not approve publication of the attached document in the *Federal Register*.

(Signature)

(Date)

- IV. Take other action specified below:

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice: Final Rule to Amend Requirements for Consumer Registration of Durable Infant or Toddler Products

DRAFT

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1130

[Docket No. CPSC-2018-0018]

Amendment to Requirements for Consumer Registration of Durable Infant or Toddler Products

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In 2009, the Consumer Product Safety Commission (CPSC) fulfilled a statutory requirement in the Consumer Product Safety Improvement Act of 2008 (CPSIA) to issue a rule requiring manufacturers of durable infant or toddler products to establish a consumer registration program. The Commission is now finalizing an amendment to the definition of “durable infant or toddler product” in the rule to include the full statutory definition; clarify that the scope of each listed product category is further defined in the applicable mandatory standard; clarify listed product categories using the product name in the applicable mandatory standard; and clarify the scope of the infant carriers and bassinets and cradles product categories.

DATES: *Effective Date:* The rule will become effective on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Compliance Date for Contoured Changing Pads: Contoured changing pads, a subcategory of baby changing products in section 1130.2(a)(14), must comply with this rule starting on [INSERT DATE THAT IS 12 MONTHS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Keysha L. Walker, Compliance Officer, Office of Compliance & Field Operations, Regulatory Enforcement Division, Consumer Product

DRAFT

Safety Commission, 4330 East West Highway, Bethesda, MD 20814; 301-504-6820, E-mail: kwalker@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

Section 104 of the CPSIA is the Danny Keysar Child Product Safety Notification Act. Section 104 of the CPSIA requires that for “durable infant or toddler products,” the CPSC must (1) issue a mandatory rule for each product based on the applicable voluntary standard, and (2) issue a rule requiring consumer registration for such products. 15 U.S.C. 2056a(b) and (d).¹ In 2009, the Commission issued a regulation to implement the second requirement, *i.e.*, that manufacturers provide a means for consumers to register “durable infant or toddler products” so that consumers can receive direct notification in the event of a product recall. The rule is codified at 16 CFR part 1130, Requirements for Consumer Registration of Durable Infant or Toddler Products (part 1130, or the consumer registration rule).

The two aspects of section 104, consumer registration and product standards, are both based on the definition of “durable infant or toddler product” set forth in section 104(f) of the CPSIA: “durable products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.” The statute lists 12 product categories included within the definition, such as cribs, toddler beds, high chairs, strollers, and swings. In a 2009 rulemaking, the Commission explained that the list of products in section 104(f), and codified in the Commission’s consumer registration rule in 16 CFR 1130.2, is not static. At that time, the

¹ Since 2009, the Commission has issued final rules for 23 durable infant or toddler products. Mandatory standards for durable infant or toddler products are codified in 16 CFR parts 1215 through 1235, and parts 1237 and 1238. Currently, part 1236 is reserved for Inclined Infant Sleep Products, a proposed rule that has not been finalized.

DRAFT

Commission added six product categories to the 12 listed in the CPSIA. 74 FR 68668, 68669 (Dec. 29, 2009).

On October 9, 2018, the Commission issued a notice of proposed rulemaking (NPR), proposing to make the following changes to part 1130 to clarify the scope of products covered by the rule:

- State the full statutory definition of “durable infant or toddler product” in section 104(f)(1);
- Specify that the listed product categories are further defined in the applicable mandatory standards;
- List “sling carriers,” “soft infant and toddler carriers,” “handheld infant carriers,” and “frame child carriers” as a subset of infant carriers, to avoid confusion regarding whether these products are subject to the consumer registration rule, and to reflect each product category using the name of the applicable mandatory standard;
- Clarify that “bedside sleepers” are a subset of bassinets, to avoid confusion regarding whether bedside sleepers are subject to the consumer registration rule, and to reflect the product name used in the mandatory standard; and
- Revise the term “changing tables” to “baby changing products,” to reflect the product name used in the mandatory standard.

83 FR 50542. After reviewing the comments, the Commission is finalizing this rule, without modification.

II. Response to Comments

CPSC received seven comments on the NPR. Only one comment addressed a substantive issue, while all of the remaining comments generally support the concept of the consumer registration rule, and support amending the definition of “durable infant or toddler product” to

DRAFT

clarify the scope of products subject to the rule. The Commission is not making any changes in the final rule based on the comments received. Below we summarize and respond to the substantive comment on the proposed rule.

Comment – One commenter disagreed with the proposed 1-year effective date for contoured changing pads, stating that many of the manufacturers make other durable infant or toddler products and have registration programs in place. The commenter opines that because of technological advances, product registration programs should take no longer than 6 months to implement, even if no program is in place. The commenter recommended an effective date for contoured changing pads that is 6 months after publication of the final rule.

Response – The Commission agrees that many manufacturers of contoured changing pads make other products subject to the consumer registration rule, and therefore, these manufacturers are likely to have an established consumer registration program. However, the final rule for baby changing products identified 25 firms that supply only contoured changing pads and no other changing products. At least 13 of these 25 firms are not otherwise in the durable infant and toddler product market and are unlikely to have an existing consumer registration program. The commenter provided no information, and we have none, to demonstrate that these 13 firms have established a consumer registration program since issuance of the rule for changing products. Additionally, the baby changing products rule (16 CFR part 1235) went into effect on June 26, 2018, a year after publication of the final rule. For these reasons, the rule provides a 12-month effective date for a consumer registration program for contoured changing pads, consistent with previous effective periods for new products subject to the consumer registration requirement in part 1130.

DRAFT

III. Description of the Final Rule

A. *Definition*

The final rule updates the definition of “durable infant or toddler product” in 16 CFR 1130.2(a) to state the full statutory definition of “durable infant or toddler product” and to clarify that the scope of the product categories listed can be found in the applicable mandatory standard.

B. *Product Categories*

The final rule updates the description of product categories subject to the rule by listing the name of each product category that aligns with the name of the product category used in the applicable voluntary or mandatory standard.² Furthermore, to provide information on the scope of the products covered by a product category, the final rule states that the scope of each product category is further defined in the applicable mandatory standard.

1. Infant Carriers

Section 104(f)(H) of the CPSIA lists “infant carriers” as a product category included in the term “durable infant or toddler products.” ASTM international has four separate voluntary standards for infant carriers, and the Commission has now issued four separate mandatory standards, one for each subtype of infant carrier:

- 16 CFR part 1225, Hand-Held Infant Carriers
- 16 CFR part 1226, Soft Infant and Toddler Carriers
- 16 CFR part 1228, Sling Carriers
- 16 CFR part 1230, Frame Child Carriers.

² Some products may be listed in part 1130 before the Commission issues the corresponding mandatory standard. In those cases, the Commission will list the product category as defined in the current voluntary standard, which typically provides specificity about the scope of the product category.

DRAFT

Although the Commission added “Infant Slings” to the list of products in 16 CFR § 1130.2(a) when finalizing the 2009 consumer registration rule, the registration rule does not list the other sub-categories of infant carriers. To clarify that all four types of infant carriers are subject to the consumer registration requirement, the final rule amends § 1130.2(a)(8) to state: “Infant carriers, including soft infant and toddler carriers, hand-held infant carriers, sling carriers, and frame child carriers.” The final rule removes “infant slings” as a separate product category in 16 CFR 1130.2(a)(18), and changes the product name from “infant slings” to “sling carriers,” to align with the name of the mandatory rule in part 1228.

2. Bedside Sleepers

Currently, the product “bedside sleepers”³ is not listed in part 1130. However, when the Commission issued a mandatory standard pursuant to section 104(b) of the CPSIA for bedside sleepers (codified at 16 CFR part 1222), the Commission considered bedside sleepers to be a subset of “bassinets and cradles.” 79 FR 2581, 2583 (Jan. 15, 2014). To resolve any confusion about whether bedside sleepers are subject to part 1130, the final rule revises § 1130.2(a)(12) to state: “Bassinets and cradles, including bedside sleepers.”

3. Changing Tables

Currently, “changing tables” is listed as a durable infant or toddler product in 16 CFR 1130.2(14). However, the Commission’s standard for these products is called “Safety Standard for Baby Changing Products,” codified at 16 CFR part 1235.⁴ CPSC’s standard covers products that are included in the scope of the voluntary standard on which it is based, ASTM F2388 – 18,

³ A bedside sleeper is a bassinet-type product, intended to provide a sleeping environment for an infant up to approximately 5 months of age, or when a child begins to push up on his or her hands and knees, whichever comes first. These products are designed to be secured to an adult bed, for the purpose of having a baby sleep in close proximity to an adult.

⁴ The final rule for baby changing products was published on June 26, 2018, and will become effective on June 26, 2019.

DRAFT

Standard Consumer Safety Specification for Baby Changing Products for Domestic Use.

Accordingly, CPSC's standard includes changing tables, changing table accessories, contoured changing pads, and add-on changing units. The final rule revises § 1130.2(a)(14) to use the term "baby changing products" to be consistent with the Commission's mandatory standard.

III. Effective Date and Compliance Date

The Administrative Procedure Act generally requires that the effective date of a rule be at least 30 days after publication of the final rule. The final rule takes effect 30 days after publication, but has a different compliance date for contoured changing pads, as follows.

A. Thirty-Day Effective Date

Most of the changes in the final rule are clarifications to the definition of "durable infant or toddler product" to state the full statutory definition, and to identify more clearly product categories that already are subject to the consumer registration rule (*i.e.*, the statutory definition, infant carrier list, and bedside sleepers). Because these revisions clarify the text of the rule and do not impose new burden on any manufacturer, the final rule has a 30-day effective date for the addition of the statutory language in § 1130.2(a), and for the clarifications to product categories in sections 1130.2(a)(8), (a)(11), and (a)(12).

B. Twelve-Month Compliance Date for Contoured Changing Pads

For the reasons stated in the NPR and section II of this preamble, the final rule has a 12-month compliance date for contoured changing pads. The other types of "baby changing products" (changing tables, changing table accessories, and add-on changing units) have all been required to be in compliance with part 1130 since December 29, 2010, under the previously listed category "changing tables." 74 FR at 68669. Therefore, the 12-month compliance date applies only to contoured changing pads.

DRAFT

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612, requires that agencies review a proposed rule and a final rule for the rule's potential economic impact on small entities, including small businesses. Section 604 of the RFA generally requires that agencies prepare a final regulatory flexibility analysis (FRFA) when promulgating final rules, unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Pursuant to section 104(d)(1) of the CPSIA, however, the provision that establishes the requirement for a consumer registration rule, the RFA does not apply when promulgating a rule under this provision. Consequently, the Commission has not prepared an FRFA and no certification is necessary. We note that the amendment mostly provides clarifications that would not have any economic impact. Providing a longer (12 month) compliance date for the one product that has not been subject to the registration rule, contoured changing pads, should reduce the economic impact on manufacturers of those products.

V. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have "little or no potential for affecting the human environment," and therefore, they do not require an environmental assessment or an environmental impact statement. 16 CFR 1021.5. This final rule falls within the categorical exclusion to prepare an environmental impact statement.

VI. Paperwork Reduction Act

Section 104(d)(1) of the CPSIA excludes this rulemaking from the requirements of the Paperwork Reduction Act, 44 U.S.C. sections 3501 through 3520. Consequently, no Paperwork Reduction Act analysis is necessary.

DRAFT

VII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is identical to the federal standard. The Commission's authority to issue this consumer registration rule is section 16(b) of the CPSA, 15 U.S.C. 2065(b). Accordingly, this rule is not a consumer product safety standard, and the preemption provision of section 26(a) of the CPSA does not apply to the Commission's final rule.

VIII. Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801-808) states that, before a rule may take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The submission must indicate whether the rule is a "major rule." The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a "major rule."

Pursuant to the CRA, OIRA designated this rule as not a "major rule," as defined in 5 U.S.C. 804(2). Additionally, to comply with the CRA, the Office of the General Counsel will submit the required information to each House of Congress and the Comptroller General.

DRAFT

List of Subjects

16 CFR Part 1130

Administrative practice and procedure, Business and industry, Consumer protection, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission amends Part 1130 of Title 16 of the Code of Federal Regulations as follows:

PART 1130 – REQUIREMENTS FOR CONSUMER REGISTRATION OF DURABLE INFANT OR TODDLER PRODUCTS

1. The authority citation for part 1130 continues to read as follows:

Authority: 15 U.S.C. 2056a, 2065(b).

2. Amend § 1130.1 by removing the last sentence in paragraph (c)(1) and adding in its place the following:

§ 1130.1 Purpose, scope, and effective date.

* * * * *

(c) * * * Compliance with this part 1130 shall be required on [insert date that is 12 months after publication of the final rule in the *Federal Register*] for contoured changing pads (a type of baby changing product). The rule shall apply to durable infant or toddler products, as defined in § 1130.2(a), that are manufactured on or after those dates.

3. Amend § 1130.2 by:

a. Revising paragraphs (a) introductory text and (a)(8), (a)(11), (a)(12), (a)(14), and (a)(17); and

b. Removing paragraph (a)(18).

The revision reads as follows:

DRAFT

(a) *Definition of Durable Infant or Toddler Product* means the following products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years. The listed product categories are further defined in the applicable standards that the Commission issues under section 104(b) of the Consumer Product Safety Improvement Act of 2008, and include products that are combinations of the following product categories:

* * * * *

(8) Infant carrier, including soft infant and toddler carriers, hand-held infant carriers, sling carriers, and frame child carriers;

* * * * *

(11) Swings;

(12) Bassinets and cradles, including bedside sleepers;

* * * * *

(14) Baby changing products;

* * * * *

(17) Bed rails.

Dated: _____

Alberta E. Mills
Secretary, Consumer Product Safety Commission



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

Memorandum

Date: August 28, 2019

TO: The Commission
Alberta E. Mills, Secretary

THROUGH: Patricia M. Hanz, General Counsel
Mary T. Boyle, Executive Director
DeWane Ray, Deputy Executive Director for Safety Operations

FROM: Duane E. Boniface, Acting Assistant Executive Director
Office of Hazard Identification and Reduction

Hope E. J. Nesteruk, Children's Program Manager
General Engineer, Directorate for Engineering Sciences

SUBJECT: Draft Final Rule: Updates to 16 CFR part 1130, Consumer Registration of Durable Infant or Toddler Products.

I. INTRODUCTION

The Danny Keysar Child Product Safety Notification Act, *i.e.*, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the U.S. Consumer Product Safety Commission (CPSC) to: (1) issue a mandatory rule for “durable infant or toddler products,” based on the applicable voluntary standard,¹ and (2) issue a rule requiring consumer registration for such products. Section 104(f) of the CPSIA defines “durable infant or toddler products” as “durable products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years,” and lists product categories included within the definition. In 2010, the Commission issued the required consumer registration rule (16 CFR part 1130).

The Commission issued a notice of proposed rulemaking (NPR) on October 9, 2018,² proposing amendments to 16 CFR part 1130 to clarify that: the scope of each listed product category is further defined in the applicable mandatory standard; the listed product categories use the product name in the applicable mandatory standard; and the scope of the infant carriers and bassinets and cradles product categories include the listed sub-categories of such products. After considering comments on the NPR, this briefing package includes staff's response to comments and our recommendation for a final rule.

¹ With regard to rulemaking for each product, section 104(b) of the CPSIA requires the Commission to: (1) examine and assess voluntary safety standards for certain durable infant or toddler products, and (2) promulgate mandatory consumer product safety standards that are substantially the same as the voluntary standards or more stringent than the voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with these products.

² 83 *Fed. Reg.* 50,542.

II. BACKGROUND

The Commission's regulation implementing consumer registration is codified at 16 CFR part 1130, *Requirements for Consumer Registration of Durable Infant or Toddler Products* (part 1130, or the consumer registration rule). Part 1130 includes a list of the statutorily defined "durable infant or toddler products," as well as additional products the Commission determined previously are "durable infant or toddler products" that are subject to the consumer registration requirement and are, or will be, subject to a mandatory rule under Section 104 of the CPSIA.

After reviewing part 1130 and receiving several external stakeholder questions seeking clarity regarding product categories that are subject to part 1130, the Commission proposed to amend the rule to clarify which durable infant or toddler products are within the scope of the rule. The NPR proposed listing products in part 1130 based on the name of the product used in the applicable voluntary standard or mandatory standard that covers such product. Additionally, the NPR proposed to update the rule to state that each product category is further defined in the applicable mandatory standard. Specifically, the NPR proposed to:

- State the full statutory definition of "durable infant or toddler product" in section 104(f)(1);
- Specify that the listed product categories are further defined in the applicable mandatory standards;
- List "sling carriers," "soft infant and toddler carriers," "handheld infant carriers," and "frame child carriers" as a subset of infant carriers, to avoid confusion regarding whether they are subject to the consumer registration rule and to reflect each product category using the name of the applicable mandatory standard;
- Clarify that "bedside sleepers" are a subset of bassinets, to avoid confusion regarding whether they are subject to the consumer registration rule, and to reflect the product name used in the mandatory standard; and
- Revise the term "changing tables" to "baby changing products," to reflect the product name used in the mandatory standard.

CPSC received seven comments during the comment period generally supportive of the NPR. One commenter disagreed with the proposed 1-year effective date for contoured changing pads. This comment is addressed in section III regarding the effective date.

III. EFFECTIVE DATE AND COMPLIANCE DATE

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. The NPR proposed two effective dates: (a) a 30-day effective date for clarifications to the definition of "durable infant or toddler product" to state the full statutory definition, and to identify more clearly product categories that already are subject to the consumer registration rule (*i.e.*, the statutory definition, infant carrier list, and bedside sleepers); and (b) a 12-month effective date (also referred to as a compliance date) for baby changing products, which effectively applies only to contoured changing

pads, because the remaining products within the scope of the baby changing products rule have been subject to the consumer registration requirement since 2009.³

CPSC received one comment on the effective date, urging the Commission to adopt a 6-month effective date for contoured changing pads. Staff agrees that many manufacturers of contoured changing pads make other products subject to the consumer registration rule, and therefore, are likely to have an established consumer registration program already. However, the final rule for baby changing products identified 25 firms that supply only contoured changing pads and no other changing products to the market. At least 13 of these 25 firms are not otherwise in the durable infant and toddler product market and are unlikely to have an existing consumer registration program. The commenter provided no evidence, and we have no evidence, to demonstrate that these 13 firms have established a consumer registration program since issuance of the rule for changing products. In addition, the baby changing products rule (16 CFR part 1235) went into effect on June 26, 2018, a year after the publication of the final rule. Staff continues to recommend a 12-month compliance date for a consumer registration program for contoured changing pads, consistent with the period of time provided products that have not previously been subject to the consumer registration requirement.

For the forgoing reasons, the draft final rule provides a 30-day effective date for the final rule, and maintains a 12-month compliance date for contoured changing pads.

IV. COMMISSION OPTIONS

A. Issue the draft final rule

The Commission could issue the staff-recommended draft final rule to amend the definition of “durable infant or toddler product” in the consumer registration rule to clarify which products are subject to the consumer registration requirement and provide a 12 month compliance date for baby changing products.

B. Issue a final rule with a 6-month compliance date for baby changing products

Because we received one comment suggesting a shorter effective date for contoured changing pads, the Commission could issue the final rule with a 6-month compliance date for contoured changing pads. As stated, staff does not recommend this option because the 13 identified manufacturers that do not make other durable infant and toddler products will be required to start a registration program in half the time previously allowed for other firms. Although new technology and existing expertise in the industry may now result in faster development of a consumer registration program, staff cannot quantify any efficiencies that may exist, and the commenter provided no specific information or details to support reducing the proposed 12-month effective date.

C. Do not issue the draft final rule

The Commission could decline to issue the draft final rule. Staff does not recommend this option because manufacturers would continue to have confusion regarding which products must comply with the consumer registration rule.

³ The other types of “baby changing products,” (changing tables, changing table accessories, and add-on changing units) have all been required to be in compliance with part 1130 since December 29, 2010, under the previously listed category “changing tables.” 74 FR at 68669.

V. STAFF RECOMMENDATION

Staff recommends the Commission issue the draft final rule to amend the definition of “durable infant or toddler product” in the consumer registration rule, as described in section II above. The draft final rule imposes a 30-day effective date for the addition of the statutory language in §1130.2(a), as well as the clarifications to product categories in §§1130.2(a)(8), (a)(12), and (a)(14). The draft final rule includes a 12-month compliance date for the expansion of the baby changing products category in § 1130.2 (a)(14) to include contoured changing pads. The 12-month compliance date for baby changing products in the draft final rule is applicable only to contoured changing pads, and is not applicable to changing tables, changing table accessories, or add-on changing units, all of which have been required to be in compliance with part 1130 since December 29, 2010, by virtue of being “changing tables.” 74 *Fed. Reg.* 68,668, 68,669 (Dec. 29, 2009).