

Supporting Statement
Standard for the Flammability of Mattresses and Mattress Pads (16 CFR Part 1632)

A. Justification

1. *Information to be collected and circumstances that make the collection of information necessary*

The Standard for the Flammability of Mattresses and Mattress Pads (16 CFR Part 1632) was issued in 1972 and amended in 1984. The standard was issued and amended under section 4 of the Flammable Fabrics Act (FFA) 15 U.S.C. 1193 to reduce the unreasonable risk of burn injuries and deaths from fires associated with mattresses and mattress pads.

2. *Use and sharing of collected information and impact on privacy*

The standard prescribes a test to assure that a mattress or mattress pad will resist ignition from a smoldering cigarette. To comply with the mattress flammability standard, a manufacturer or importer of mattresses must test each combination of materials and construction methods used in the production of mattresses or mattress pads. Regulations implementing the standard require the manufacturer or importer to maintain records of testing conducted in accordance with the standard for as long as a particular prototype is in production and for a period of three years thereafter. The records must be retained by the manufacturer or importer and made available to a designated officer or employee of the Commission at her or his request. Such requests are generally made during an on-site inspection to assure compliance with the standard. If the records required by the implementing regulations are not maintained, the Commission would be unable to determine whether manufacturers and importers of mattresses and mattress pads have complied with the standard.

An additional mattress standard (16 CFR Part 1633) has been promulgated under Section 4 of the FFA with an effective date of manufacture of July 1, 2007. The Standard prescribes a test method that assures that mattress sets will generate a smaller size fire when ignited by open flame sources. Detailed prototype records, test records and component records must be kept by the mattress industry. This test requirement does not replace 16 CFR § 1632, however, an interim enforcement policy was written for Part 1632. It allows manufacturers the benefit of using a reduced testing plan. Manufacturers that avail themselves of the reduced testing program will have to maintain records on the cigarette test performed but they will be testing only two surfaces rather than the required six surfaces. The Interim Enforcement Plan became effective May 1, 2006. The staff does not know how many manufacturers will use the reduced testing plan.

Based on a review of the proposed information collection activities, staff has found that the Privacy Act does not apply because no system of records subject to the Privacy Act will be created.

3. *Use of information technology (IT) in information collection*

The collection of information does not involve electronic submission of responses. Information maintained by the manufacturer or importer must be made available to a designated officer or employee of the Commission during an onsite inspection.

4. Efforts to identify duplication

In 1984, when the standard and implementing regulations were amended, the record keeping requirements were reviewed for potential duplication by the Commission, by members of the affected industry, and by other interested parties. These records were not kept before being required under the Flammable Fabrics Act.

5. Impact on small businesses

The standard and implementing regulations affect many small firms, because most mattress and mattress pad manufacturers are small firms. As stated above, the standard and implementing regulations were amended in 1984 to eliminate requirements for periodic production testing of mattresses and for maintenance of records of production tests. In issuing the amendment, the Commission concluded that the amendment would reduce the costs of testing and recordkeeping for all manufacturers (including small firms) without decreasing protection to the public from the risk of fires associated with ignition of mattresses and mattress pads from smoldering cigarettes.

6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently

The standard, as amended, requires manufacturers to conduct prototype tests of all new mattress and mattress pad designs prior to production. This is the minimum amount of testing needed to demonstrate that a mattress and mattress pad will resist cigarette ignition. Any further reduction in the amount of testing and record keeping required by the standard and regulations could significantly alter the protection afforded by the standard.

7. Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days

Not applicable.

8. Agency's Federal Register Notice and related information

The first FR notice announcing CPSC's intent to request an extension of approval of information collection requirements was published on March 1, 2007. No comments were received.

9. Decision to provide payment or gift

Not applicable.

10. *Assurance of Confidentiality*

Any information required to be maintained by the standard and implementing regulations which the manufacturer or importer claims to be confidential is subject to procedures for withholding confidential information from public disclosure set forth at 16 CFR Part 1015, subpart B.

11. *Questions of a sensitive nature*

There are no questions of a sensitive nature.

12. *Estimate of hour burden to respondents*

The staff estimates that there are 751 respondents (639 establishments producing mattresses, 12 additional firms producing mattress pads, and perhaps 100 firms producing futons and other types of products that could be considered mattresses). It is estimated that each respondent will spend 26 hours for testing and record keeping annually for a total of 19,526 hours (751 firms x 26 hours = 19,526 total hours requested). The annualized cost to respondents would be \$875,000 based on 19,526 hours times \$44.82/hour (based on total compensation of all civilian workers in managerial and professional positions in the U.S., July 2006, Bureau of Labor Statistics).

13. *Estimate of total annual cost burden to respondents*

Not applicable.

14. *Estimate of annualized costs to Federal government*

The estimated annual cost of the information collection requirements to the Federal government is approximately \$83,000. This sum includes 10 staff months and travel costs expended for examination of the information in records required to be maintained by the standard and enforcement rule.

15. *Program changes or adjustments*

Not applicable.

16. *Plans for tabulation and publication*

Not applicable; there are no plans to tabulate or publish the information. Because CPSC does not plan to disseminate the data collected, the requirements of the OMB and the CPSC Information Quality Guidelines do not apply.

17. *Rationale for not displaying the expiration date for OMB approval*

Not applicable.

18. *Exception to the certification statement*

Not applicable.

B. Collection of information does not employ statistical methods.