

Supporting Statement  
Notification Requirements for Coal and Wood Burning Appliances

A. Justification

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

On May 16, 1983, the Consumer Product Safety Commission issued 16 C.F.R. Part 1406 under Section 27(e) of the Consumer Product Safety Act, 15 U.S.C. 2076(e). That rule requires that certain performance and technical data be supplied on labeling attached to or accompanying each model of coal and wood burning stoves, free standing fireplaces, similar appliances, and instruction manuals provided with the appliances, in order that consumers will be aware of important safety information concerning the installation, operation, and maintenance of these appliances. In addition, catalogs and other point-of-sale literature are required to contain appropriate clearances and other information. The labeling and instructions requirements became effective October 17, 1983. A copy of the rule is attached.

The rule also contains a one-time requirement that manufacturers provide to the Commission copies of the notice (label) and the directions (owner's manual) as well as an explanation of how the appropriate clearance distances were determined for each stove model manufactured. This information must also be supplied when there is any change in the required data, or when a new model is introduced.

The purpose of the rule is to reduce the number of deaths and injuries from fires associated with the improper use and installation of these products.

All known manufacturers have already complied with the requirements for providing information in labels, manuals, catalogs, and point-of-sale literature and have met the one-time requirements for submitting all labels and owner's manuals. For the known manufacturers, there should be no additional burden associated with the requirements of 16 CFR part 1406, except in cases where existing models are changed or new models are introduced. We anticipate that there will be no more than 5 submissions as a result of new stove models coming into the market or new firms entering the market.

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

The submission of required labeling and other information will be used to assure compliance with the rule. The Commission's Compliance Directorate will review manufacturers' labeling and other information.

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

Not applicable.

4. *Efforts to identify duplication.*

There is no duplication involved in the submission of labeling to the Commission. The requirements of the rule were reviewed for potential duplication by the Commission staff, industry, and others before and after the rule was first proposed. If a manufacturer has already tested for clearance to walls, or otherwise determined adequate clearances, retesting will not be necessary.

5. *Impact on small businesses.*

The requirements of this rule apply to all manufacturers, many of whom are small. The Commission has kept the requirements as simple as possible by requiring only labeling, rather than performance standards requiring extensive testing. When the rule went into effect, manufacturers modified previous labels, instructions, and point-of-sale literature and submitted labeling and installation instructions to the Commission. No additional submissions are required, except when a new model or stove is introduced by a manufacturer or the previously submitted data are changed.

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

The purpose of the rule is to reduce the number of deaths and injuries from fires associated with the improper use and installation of these products. Failure to comply with the rule could allow dangerous products to be sold to consumers.

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 Federal Register Notice and related information.*

FR notices were published on July 3, 2008 and September 24, 2008. No comments have been received concerning these notices.

9. *Decision to provide payment or gift.*

Not applicable.

10. *Assurance of confidentiality.*

Any information required to be maintained by the Commission's rule that 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 burden to manufacturers would be very small for the submission of labeling, instructions, point of sale literature, and a description of the method used for determining clearance distance from stove to wall. All known manufacturers have already complied with the requirement for the one-time submission. There will be no additional burden for these manufacturers except in those cases where existing models are changed or new models are introduced.

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

We anticipate that existing manufacturers may introduce up to about 15 new models (or about 5 new models per year). No new manufacturers are expected to begin marketing in the U.S. The Commission anticipates 5 respondents annually, at three hours per submission, for a total burden of 15 hours.

The information that the wood and coal burning appliance rule requires to be disclosed on the label is information that the manufacturer would normally develop in designing, testing and manufacturing a wood or coal stove. It includes such things as minimum clearances that should be maintained between the stove and unprotected combustibles, walls, ceilings; instructions for properly installing the stove and connecting it to a flue or chimney; and instructions and cautions about the proper operation and maintenance of the stove.

The rule requires that this information be included on permanent labels attached to the stove. Information that pertains to the installation of the stove must be in a place that is conspicuous before the stove is installed. Information that pertains to the operation of the stove must be in a location that is readily visible during normal use of the stove.

No specific label design is required, but examples of acceptable label formats are provided in the rule. It is assumed that each manufacturer will use the same general label format for all stove models it produces. Therefore, when a manufacturer introduces a new stove model, the only changes that will be required are to insert the specific information that pertain to the new model. Because this information is information that the manufacturer would be expected to develop during the design, testing, and manufacturing process, the information should be readily available and it should take a manufacturer 30 minutes or less per model to collect the information and place it on the label. Therefore, an additional 2.5 hours have been added to the total burden (30 minutes x 5 models per year,) for a total burden of 17.5 hours.

The estimated annualized respondent cost is approximately \$451 for each new model introduced based on a mean hourly wage of \$25.78 for a first line office manager within NAICS 33520 Household Appliance Manufacturing. (BLS, May 2007)

Experience indicates that there will be little if any testing done because of the Commission's rule. Even if the Commission's rule did not exist, most manufacturers would have their stoves tested and listed by a private laboratory because they distribute in areas that require testing and listing and also use the listing for sales promotion. Most stoves were tested prior to the Commission's standard. Manufacturers that do not have their stoves tested use maximum clearances from national or local codes for their clearance from stove to wall.

14. *Estimate of annualized costs to federal government.*

The estimated annual cost of the information collection requirements to the Federal government is approximately \$1,773, which includes 30 staff hours (30 x \$59.09 per hour) to examine and evaluate the reported information.

15. *Program changes or adjustments.*

Not applicable.

16. *Plans for tabulation and publication.*

Not applicable.

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

Not applicable.

18. *Exception to the certification statement.*

Not applicable.

B. Collections of Information Employing Statistical Methods – Collection of information will not employ statistical methods.