

Information Collection Request (ICR)  
Standard for the Surface Flammability of Carpets and Rugs  
Supporting Statement for Paperwork Reduction Act Submission

**A. Justification**

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

The Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), 16 CFR Part 1630, and the Standard for the Surface Flammability of Small Carpets and Rugs (FF 2-70), 16 CFR Part 1631, were issued under section 4 of the Flammable Fabrics Act (FFA) (15 U.S.C. 1193) in 1970. The standards cover any type of finished product made in whole or in part of fabric or related material and intended for use as a floor covering in homes, offices, or other places of assembly or accommodation. The standards establish an acceptable level of flammability performance. Items must meet the requirements of the standards prior to distribution in commerce, but are not required to be tested unless the manufacturer or importer elects to issue a guaranty of compliance with the standard.

In addition to the standards, certain enforcement rules (16 CFR Part 1630.31 and 16 CFR Part 1631.31-32) have been issued under section 5 of the FFA (15 U.S.C. 1194) to address reasonable and representative tests and the recordkeeping requirement. These rules specify the frequency of testing necessary to support the issuance of a guaranty of compliance under the Act and the kinds of records that must be maintained to document this activity.

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

The required recordkeeping is used to assure compliance with provisions of the regulations that relate to the issuance of a guaranty of compliance. The records are retained by the responsible firm and made available to a designated officer or employee of the Commission upon his or her request. Such requests are generally made during an on-site inspection to assure compliance with the regulation.

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

At the option of the firm, any technology, including electronic recordkeeping, to compile and maintain business records may be used to comply with the regulation. Information is not normally submitted to CPSC unless specifically requested during compliance related activities.

**4. *Efforts to identify duplication***

The recordkeeping requirements were reviewed for potential duplication by the issuing agency (Federal Trade Commission), by members of the affected industry, and other interested parties during the proceedings to promulgate the regulations. No duplication was identified.

**5. *Impact on small businesses*** - Not applicable.

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

In the past, the Commission has looked for ways to reduce the burden without reducing the protection to consumers. In 1989, in accordance with section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610), the Commission reviewed all the standards issued under the FFA, including the carpet and rug standards. The Commission concluded that no further action was warranted under the provisions of the RFA. A copy of the report accompanied the renewal request submitted in 1989.

The staff is currently uncertain as to the consequence of reducing the testing and recordkeeping burden under these standards. Although only required if a firm elects to issue a guaranty of compliance, product testing is the only way to assure that a new carpet or rug meets the requirements of the standards and subsequent periodic testing is the only way to assure continued compliance. A variance in pile density and/or chemical composition of the carpet backing may cause an inadvertent failure in a carpet style previously found to comply with the standards. Due to the relatively unsophisticated equipment and methods of construction used in the carpet industry, variances are not uncommon.

**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***

An FR notice was published on April 16, 2009. 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 standards and enforcement rules 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 Commission estimates that 120 firms are subject to the information collection requirements of the enforcement rules because the firms have elected to issue a guaranty of compliance with the FFA. The number of tests that a firm issuing a guaranty of compliance would be required to perform each year varies depending upon the number of carpet styles and the annual volume of production. The staff estimates that the average firm issuing a continuing guarantee under the FFA is required to conduct a maximum of 200 tests per year. The actual number of tests required by a given firm may vary from one to 200, depending upon the number of carpet styles and the annual production volume. For example, if a firm manufactures 100,000 linear yards of carpet each year, and has obtained consistently passing test results, only one test per year is required. For purposes of estimating burden, we have used the midpoint, 100 tests per year. The time required to conduct each test is estimated to be 2-1/2 hours plus the time required to establish and maintain the test record. We estimate the total annualized cost/burden to respondents could be as high as 12,000 tests per year at 2.5 hours per test or 30,000 hours.

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

The annualized costs to respondents for the hour burden for collection of information is estimated as high as \$1,646,400 using a mean hourly employer cost per hour worked of \$54.88 (Bureau of Labor Statistics: total compensation rates for management, professional, and related occupations in private goods-producing industries, September 2008) (30,000 hours x \$54.88.)

**14. Estimate of annualized costs to the Federal government**

The estimated annual cost of the information and collection requirements to the Federal government is approximately \$41,516.80. This sum includes three staff months expended for examination of the information in records required to be maintained by the enforcement rules. This estimate uses an average wage rate of \$55.97 per hour (the equivalent of a GS-14 Step 5 employee) with an additional 29.9 percent added for benefits (BLS, September 2008, percentage of total benefits for all civilian management, professional, and related employees) or \$79.84 per hour x 520 hours.

**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 certifications statement* -** Not applicable.

**B. Statistical Methods** – The reporting requirements do not employ statistical methods.