

INFORMATION COLLECTION REQUEST (ICR)  
Testing and Recordkeeping Requirements under the Standard for the  
Flammability (Open Flame) of Mattresses  
SUPPORTING STATEMENT

**A. Justification**

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

The Consumer Product Safety Commission issued in 2007 a flammability standard under the authority of the Flammable Fabrics Act that addresses open flame ignition of mattresses and foundations labeled by the manufacturer for sale together (“mattress sets”), or a mattress labeled by the manufacturer for sale alone. The rule became effective on July 1, 2007 and applies to mattresses and mattress sets manufactured, imported, or renovated on or after that date. The standard sets performance requirements that each mattress set must meet before being introduced into commerce. Mattress sets that comply with the requirements will limit the spread and intensity of a fire, thus reducing the possibility of flashover occurring. These improved mattresses should result in significant reductions in deaths and injuries associated with mattress fires.

The Standard requires manufacturers to maintain certain records to document compliance with the standard. This includes records concerning prototype testing, pooling and confirmation testing, and quality assurance procedures and any associated testing. The required records must be maintained for as long as mattress sets based on the prototype are in production and must be retained for three years thereafter.

**2. *Use and sharing of collected information***

The purpose of these recordkeeping requirements is to enable manufacturers to keep track of materials, construction methods and testing. Thus, if a manufacturer produced a mattress set that failed to meet the test criteria, he/she should be able to use the records to determine the prototype on which the failing mattress was based, as well as the components and method of construction that were used and the number of units in the production cycle affected. This information would help the manufacturer correct the problem that caused the mattress to fail the test criteria. (See 16 CFR §1633.11, 16 CFR §1632.31(c)).

### **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 CPSC, by members of the affected industry, and other interested parties during the proceedings to promulgate the regulations. No duplication was identified. The staff will review the existing mattress flammability standard that primarily addresses cigarette ignition to consider the possibility of merging some of the recordkeeping requirements.

### **5. *Impact on small businesses***

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed rules for their potential economic impact on small entities, including small businesses. Section 603 of the RFA calls for agencies to prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities and identifying impact-reducing alternatives. The staff prepared such an analysis for the proposed rule which the Commission issued on January 13, 2005, 70 FR 2479-2488. For the final rule, the staff prepared a final regulatory flexibility analysis. We estimate that there are 571 establishments (plants) producing conventional mattresses and 100 establishments producing non-conventional mattresses in the U.S., thus a total of 671 firms are affected by this standard. Almost all mattress firms would be considered small businesses using the Small Business Administration definition. This analysis found that the cost of testing, information collection and recordkeeping and quality control/quality assurance programs may be disproportionately higher per mattress set for small businesses. To reduce the impact on small businesses, the Commission eliminated the requirement of keeping physical samples, included in the proposed standard. This reduced the average recordkeeping cost per establishment. The final standard allows two or more establishments (plants within the same firm) or independent firms to "pool" prototypes. This reduces the cost of testing because only one of the pooling firms is required to test three sets with all remaining firms testing one set.

Targeted efforts were made to relay and explain information to small businesses. The CPSC Mattress Flammability webpage (<https://www.cpsc.gov/BUSINFO/mattress.aspx>) was created as a portal to convey information to interested entities. A listserv sends periodic updates to those who sign up. In addition, CPSC staff hosted informational seminars which were free of charge and were offered on both the East and West coasts. Links to presentations are also available via CPSC's Mattress Flammability webpage.

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

Without the paperwork requirements, manufacturers would be unable to track information about mattress manufacturing that would enable them to determine why a mattress was failing, how to correct the problem, and how to limit the scope of a recall if that became necessary.

**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**

An FR notice was published January 4, 2013. No comments were received.

**9. Decision to provide payment or gift**

There is no payment or gift associated with this collection effort.

**10. Assurance of confidentiality**

Any information required to be maintained by the Commission's rule which the manufacturer or importer claims to be confidential is subject to procedures for withholding confidential information from public disclosure set forth at 16 C.F.R. 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 standard requires detailed documentation of prototype identification and testing records, model and prototype specifications, inputs used, name and location of suppliers, and confirmation test records, if establishments choose to pool a prototype. This documentation is in addition to documentation already conducted by mattress manufacturers in their efforts to meet the cigarette standard. Based on staff estimates, the recordkeeping requirements are expected to require about 4 hours and 44 minutes per establishment, per qualified prototype. Although some larger manufacturers reportedly are producing mattresses based on more than 100 prototypes, most mattress manufacturers probably base their complying production on 15 to 20 prototypes, according to an industry representative contacted by the staff. Assuming that

establishments qualify their production with an average of 20 different qualified prototypes, recordkeeping time is about 94.7 hours (4.73 hours x 20 prototypes) per establishment per year. (Note that pooling among establishments or using a prototype qualification for longer than one year will reduce this estimate.) This translates to an annual recordkeeping time cost to all mattress producers of 63,521 hours (94.7 hours x 671 establishments.)

The hourly compensation for the time required for record keeping is \$27.64 (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," June 2012, Table 9, total compensation for all sales and office workers in goods-producing, private industries: <http://www.bls.gov/ncs>). Total estimated costs for recordkeeping are about \$1.7 million (63,521 hours x \$27.64).

**13. *Estimates of other total annual cost burden to respondents or recordkeepers***

There are no costs to respondents beyond those presented in Section A.12. There are no operating, maintenance, or capital costs associated with the collection.

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

The estimated annual cost of information collection requirements to the federal government is approximately \$717,954. This represents 50 FTE staff hours. Record review will be performed during compliance inspections conducted to follow-up on consumer complaints and reports of injury which indicate possible violations of the regulations. This estimate uses an annual wage of \$119,238 (the equivalent of a GS-14 Step 5 employee) with an additional 30.8 percent added for benefits (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 2012, Table 1, percentage of wages and salaries for all civilian management, professional, and related employees) for total annual compensation \$172,309 per FTE.

**15. *Program changes or adjustments***

Recordkeeping burden has been included in this estimate for the burden on respondents.

**16. *Plans for tabulation and publication***

There are no plans for tabulation and publication.

**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**

Not applicable.