

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.

In addition to the standards, certain enforcement rules (16 CFR § 1630.31 and 16 CFR §§ 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 types 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 ensure 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 request. Such requests are generally made during an inspection to ensure 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 the 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, 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 of the information collection 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 of 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.

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

Respondents generally will not have to report information more often than quarterly or to prepare responses in fewer than 30 days. However, if during the course of an investigation, CPSC staff requires information to assess compliance, a firm may be asked to respond more quickly and to provide information more frequently.

8. *Agency Federal Register Notice and related information*

A *Federal Register* notice was published on August 29, 2018 with comments due October 16, 2018. No substantive 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 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 Commission estimates that out of 215 domestic manufacturers, approximately half or 108 manufacturers, 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. Additionally, of the approximately 6,000 firms that import carpets and rugs, we estimate that about 1,500 have elected to issue guaranties of compliance. This sums to 1,608 firms that are subject to FFA's testing and record keeping requirements. Staff estimates that the average firm issuing a continuing guarantee under the FFA is required to conduct at most 200 tests per year, though 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 purposes of estimating burden, we have used the midpoint, 100 tests per year. The time required to conduct each test is estimated to be 2.5 hours, including the time required to establish and maintain the test records. We estimate the total annualized cost/burden to respondents could be as high as 160,800 tests per year (1,608 firms x 100 tests), at 2.5 hours per test, or 402,000 hours.

The total annualized costs to all respondents for the hour burden for collection of information is estimated to be as high as \$27,830,460, using a mean hourly employer cost-per-hour-worked of \$69.23 (Bureau of Labor Statistics: Total compensation rates for management, professional, and related occupations in private goods-producing industries, March 2018) (402,000 hours x \$69.23).

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

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 the information and collection requirements to the Federal government is approximately \$45,222. This sum includes 4 staff months (688 hours) expended for examination of the information in records required to be maintained by the enforcement rules. This estimate uses an average wage rate of \$65.73 per hour (the equivalent of a GS-12 Step 5 employee) with an additional 32.4 percent for benefits, or \$65.73 per hour x 688 hours (BLS, Percentage of total compensation comprised by benefits for all civilian management, professional, and related employees, March 2018).

15. *Program changes or adjustments*

Burden estimates were updated to include importers of Carpets and Rugs, which were not included in the previous estimate. An estimated 1,500 importers issue guaranties of compliance and so are subject to the record keeping requirements. This update reflects that increase in burden.

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.