

Information Collection Request (ICR)
Notification Requirements for Coal and Wood Burning Appliances
Control Number: 3041-0040

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 CFR 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, freestanding fireplaces, similar appliances, and in 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 instruction requirements became effective on October 17, 1983.

The rule also contains a requirement that manufacturers provide to the Commission copies of the notice (label) and the directions (instruction manual), as well as an explanation of how the appropriate clearance distances were determined for each stove model manufactured. This information also must 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 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 five 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.*

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

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

Less than 75 percent of the received is submitted to CPSC electronically. While the manufacturer must provide hard copies of the required information to CPSC, the manufacturer can email examples of the notice and provide a description of how it will be displayed.

4. *Efforts to identify duplication.*

Information obtained through this collection is unique and is not already available for use or adaptation from another cleared source. There is no duplication involved in the submission of labeling to the Commission. The requirements of the rule were reviewed for potential duplication by 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. From information readily available, staff estimates approximately 80 percent of firms supplying the U.S. market for coal and woodburning appliances would be considered small, according to Small Business Administration guidelines.¹

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.

CPSC provides a variety of resources to help both new and experienced small businesses learn about safety requirements that apply to consumer products, including the CPSC Regulatory Robot, small business education videos, and the Small Business Ombudsman. Many of these resources can be accessed online at: <https://www.cpsc.gov/Business--Manufacturing/Small-Business-Resources>. Small firms can reach the Small Business Ombudsman by calling (888) 531-9070.

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 result in the improper installation or use of these products, which could result in death and injuries from house fires.

¹ <https://www.sba.gov/document/support--table-size-standards>

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.*

Part A: PUBLIC NOTICE

A 60-Day Federal Register (FR) notice for the collection was published on December 10, 2021 (86 FR 70475). We did not receive any comments on the 60-Day notice.

A 30-Day Federal Register (FR) notice for the collection was published on February 17, 2022 (87 FR 8807).

Part B: CONSULTATION

CPSC provides a number of ways for importers, manufacturers, and small business to provide comments on and ask questions about the information collected by the agency. CPSC provides a variety of resources to firms about safety requirements that apply to consumer products, including the CPSC Regulatory Robot, small business education videos, and the Small Business Ombudsman. In addition, for importers of coal and wood burning appliances, CPSC's Office of Import Surveillance (EXIS) works to educate importers and manufacturers on CPSC's standards and procedures, and EXIS has a dedicated email address to help answer any questions firms have: importteam@cpsc.gov.

9. *Decision to provide payment or gift.*

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

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 cases where existing models are changed or new models are introduced.

Based on recent experience, the Commission anticipates no more than five respondents annually, at three hours per submission, for a total annual 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 information such as minimum clearances that should be maintained between the stove and unprotected combustibles, walls, and 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 pertains to the new model.

Additionally, manufacturers are to provide the Commission with copies of the information required to be disclosed on the label. Because this information should be readily available, it should take a manufacturer 30 minutes or less per model to collect the information and mail it to the Commission. Therefore, an additional 2.5 hours have been added to the total burden (30 minutes x 5 models per year) for a total annual burden of 17.5 hours.

The total estimated annualized respondent cost is approximately \$1,238, based on an average total hourly employee compensation rate of \$70.73 for management, professional, and related occupations in goods producing industries (17.5 hours x \$70.73 = \$1,237.78) (U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 4, March, 2021).

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.

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 federal government.*

The estimated annual cost of the information collection requirements to the federal government is approximately \$2,065, which includes 30 staff hours to examine and evaluate the reported information. This estimate uses an average wage rate of \$47.35 per hour (the equivalent of a GS-12, Step 5 employee in the D.C. metro area, 2021) with an additional 31.2 percent for benefits, according to data for all civilian workers, provided by the U.S. Bureau of Labor Statistics, March 2021 Employer Costs for Employee Compensation, table 1. Therefore, wages plus benefits are \$68.82, hourly ($\$47.35 + \21.47), and the estimated annual cost to the federal government is \$2,064.60 ($\68.82×30 hours).

15. *Reason for the change in burden*

There has been no change in burden since the last approval.

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.