

SUPPORTING STATEMENT - PART A

Safety Standard for Residential Gas Furnaces and Boilers

OMB Control Number

1. Need for the Information Collection

The U.S. Consumer Product Safety Commission (Commission or CPSC) has determined preliminarily that there is an unreasonable risk of injury and death associated with residential gas fired central furnaces, boilers, wall furnaces, and floor furnaces (gas furnaces and boilers). To address this risk, the Commission proposes a rule to detect and prevent dangerous levels of carbon monoxide (CO) production and leakage from residential gas furnaces and boilers.

This rulemaking falls under the authority of the CPSA, (Consumer Product Safety Act) 15 U.S.C. 2051–2089. Section 7(a) of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling requirements for a consumer product, if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. 15 U.S.C. 2056(a).

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). 44 U.S.C. 3501–3520.

2. Use of the Information

The proposed rule would require each gas furnace and boiler to comply with performance requirements under which the appliance shuts off or modulates when CO levels reach specified amounts for a certain time duration. Burden, as defined under the PRA, would be imposed on persons who manufacture or import gas furnaces and boilers.

Information collected will be used to ensure the effectiveness of the proposed rule, including the time for gathering certificate data and creating General Certificates of Conformity (GCC), the keeping and maintaining of records associated with the GCCs, and the disclosure of GCCs to distributors and retailers.

3. Use of Information Technology

CPSC invites comment on ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another source.

5. Burden on Small Businesses

The proposed rule would apply to all manufacturers and importers of gas furnaces and gas boilers. Using Small Business Administration¹ guidelines, staff identified two small manufacturers of gas furnaces, three small manufactures of residential gas boilers, and one importer of gas furnaces that may fall within the scope the rule.

While this information collection does not impose a significant economic impact on a substantial number of small businesses or entities, 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. Less Frequent Collection

Between 2017 to 2019 (the most recent period for which data are complete), there were annually an estimated 21 CO deaths associated with residential gas furnaces and boilers. Less frequent collection of information could reduce the effectiveness of the proposed rule to reduce the risk of death and injury associated with CO production and leakage from residential gas furnaces and boilers.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

As required under the PRA (44 U.S.C. 3507(d)), CPSC has submitted the information collection requirements of this proposed rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by December 26, 2023. CPSC particularly invites comments on: (1) whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the

¹ [Table of size standards | U.S. Small Business Administration \(sba.gov\)](https://www.sba.gov)

information will have practical utility; (2) the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and (5) estimated burden hours associated with label modification, including any alternative estimates.

A Federal Register Notice (FRN) for the collection published on Wednesday, October 25, 2023. The FRN citation is 88 FRN 73272.

Part B: CONSULTATION

For information on CPSC's participation in voluntary standards activities to address carbon monoxide (CO) hazards associated with gas furnaces and boilers visit:

<https://www.cpsc.gov/Regulations-Laws--Standards/Voluntary-Standards/Gas-Appliances-CO-Sensors>.

9. Gifts or Payment

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

10. Confidentiality

A Privacy Act Statement is not required for this collection because we are not requesting individuals to furnish personal information for a system of records.

A System of Record Notice (SORN) is not required for this collection because records are not retrievable by PII.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

As required under the PRA (44 U.S.C. 3507(d)), CPSC has submitted the information collection requirements of this proposed rule to the OMB for review.

Staff estimates the burden of this collection of information in the following table:

Burden Type	Number of respondents	Frequency of response	Total Annual Responses	Minutes per response	Total burden hours	Annual cost
GCC Creation	20	500	10,000	5	833	\$63,525
Recordkeeping	20	500	10,000	1.25	208	\$7,005
Third Party Disclosure	20	500	10,000	15	2,500	\$84,200

Section 14(a)(1) of the CPSA, 15 U.S.C. 2063(a)(1), would require manufacturers to certify that their products conform to the proposed rule and issue a GCC. There are 20 known corporate entities supplying gas furnaces and boilers to the U.S. market.

On average, each entity may issue 500 certificates for complying gas furnaces or boilers in the market. Each manufacturer or importer may issue 500 certificates for a total of 10,000 certificates (20 firms × 500 certificates per firm = 10,000 certificates). The estimated time required to issue a GCC² is estimated at about five minutes (although it often could be less). Therefore, the estimated burden associated with issuance of GCCs is 833 hours (10,000 responses × 5 minutes per response = 50,000 minutes or 833 hours).

Staff estimates the hourly compensation for the time required to issue GCCs is \$76.26 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2023, Table 4, management, business, and financial occupations: <https://www.bls.gov/news.release/pdf/ecec.pdf>). Therefore, the estimated annual cost to industry associated with issuance of a GCC is \$63,525 (\$76.26 per hour × 833 hours).

We estimate for the purpose of this burden analysis that records supporting GCC creation, including testing records, would be maintained for a five-year period. Staff estimates another 10,000 recordkeeping responses, each one of which requires 1.25 minutes per year in routine recordkeeping. This adds up to 12,500 minutes or 208 hours.

Staff estimates the hourly compensation for the time required for maintenance is \$33.68 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2023, Table 4, office and administrative support occupations: <https://www.bls.gov/news.release/pdf/ecec.pdf>). Therefore, the estimated annual cost to industry associated with maintenance recordkeeping of GCCs is \$7,005 (\$33.68 per hour × 208 hours).

Section 14(g)(3) of the CPSA also requires that GCCs be disclosed to third party retailers and distributors. Staff estimates another 10,000 third party disclosure responses, each one

² To comply with the CPSA, gas furnace and boiler manufacturers covered by the rule must subject their products to a reasonable testing program. Quality control and testing is usual and customary for gas furnace and boiler manufacturers, however creation (i.e., recording of test results) may not be. Staff estimates that each firm may spend five minutes per certificate issued recording the results of a reasonable testing program. This would include the time taken to read the test results, create the testing record, and issue a certificate.

of which requires 15 minutes per year. This adds up to 150,000 minutes (10,000 responses × 15 minutes per response) or 2,500 hours.

Staff uses an hourly compensation for the time required to disclose certificates to third parties of \$33.68 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2023, Table 4, office and administrative support occupations: <https://www.bls.gov/news.release/pdf/ecec.pdf>). Therefore, the estimated annual cost to industry associated with third party disclosure of GCCs is \$84,200 (\$33.68 per hour × 2,500 hours).

Based on this analysis, the proposed standard for gas furnaces and boilers would impose a total paperwork burden to industry of 3,541 hours (833 hours + 208 hours + 2,500 hours), at an estimated cost of \$154,730 annually (\$63,525 + \$7,005 + \$84,200).

Existing gas furnace and boiler manufactures would incur these costs in the first year following the proposed rule’s effective date. In subsequent years, costs could be less, depending on the number of new GCCs issued for gas furnaces and boilers.

13. Respondent Costs Other Than Burden Hour Costs

There are no operating, maintenance, or capital costs associated with the collection.

14. Cost to the Federal Government

The estimated annual cost of the information collection requirements to the Federal Government is approximately \$4,507, which includes 60 staff hours to examine and evaluate the information, as needed, for CPSC’s compliance activities. This is based on a GS-12, step 5 level salaried employee. The average hourly wage rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of January 2023) is \$51.15 (GS-12, step 5). This represents 68.1 percent of total compensation (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” June 2023, Table 2., percentage of wages and salaries for all civilian management, professional, and related employees: https://www.bls.gov/news.release/archives/ecec_09122023.pdf). Adding an additional 31.9 percent for benefits brings average annual compensation for a mid-level salaried GS-12 employee to \$75.11 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,507 (\$75.11 per hour × 60 hours = \$ 4,506.60).

15. Reasons for Change in Burden

This is a new collection with a new associated burden.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.