

Supporting Statement A

Standard for the Flammability of Carpets and Rugs (FF-1-70), 16 CFR 1630 and
Standard for the Flammability of Small Carpets and Rugs (FF 2-70), 16 CFR 1631
OMB Control Number 3041-0017

A. Justification

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

Federal law requires that carpets and rugs comply with flammability standards under the Flammable Fabrics Act (FFA) and with additional requirements, including those of the Consumer Product Safety Improvement Act of 2008 (CPSIA). 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 and reduce the risk of death, personal injury, and property damage associated with fires that result from the ignition of carpets and rugs.

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.

Manufacturers and importers of carpets and rugs intended for general use must certify in a General Certificate of Conformity (GCC) that the carpets and rugs comply with the applicable standard based on testing or a reasonable testing program to ensure compliance with the standard. Manufacturers and importers of children’s carpets and rugs must certify in a Children’s Product Certificate (CPC) that the carpet or rug complies with all applicable requirements based on testing by a CPSC-accepted third-party conformity assessment body.

2. *Use of the information*

The required recordkeeping is used to ensure compliance with provisions of the regulations. 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. GCCs and CPCs are required to accompany each shipment at import and to be provided to distributors and retailers.

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. Information submitted to CPSC is typically electronic. Over 75 percent of the information received is submitted electronically.

Currently, CPSC requests certificates of compliance (certificates or COCs) from individual importers and manufacturers and does not maintain COC information in a searchable database. Electronic filing of COCs before importation, and collecting this information in a database, will allow CPSC to use algorithms to search across COC data for imported regulated consumer products, to speed the release of compliant products, and help target unsafe and violative consumer products for examination at the ports.

The 7 required data elements from a COC are:

1. Identification of the finished product (may provide a GTIN);
2. Each consumer product safety rule to which the finished product has been certified;
3. Date when the finished product was manufactured;
4. Place where the finished product was manufactured, produced, or assembled, including the identity and address of the manufacturing party;
5. Parties on whose testing a certificate depends (name and contact information of the testing entity); and
6. Date when the finished product was tested;
7. An attestation that the finished product(s) covered by the certificate comply with applicable rules, bans, standards, and regulations, and that the information on the certificate is true and accurate.

Except for the attestation in data element seven, all of these data points are already required by statute to either appear on a COC; no additional record keeping is associated with the use of information technology.

4. *Efforts to identify duplication*

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

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.

Importers are already required to maintain the COCs with the data elements described above. Currently, CPSC requires electronic filing of the COC data, called e-Filing, but CPSC is not requesting duplication of the information.

5. *Impact on small businesses*

The majority of firms supplying the U.S. market for carpets and rugs may be small firms, more specifically small domestic importers of carpets and rugs.

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 or emailing sbo@cpsc.gov.

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

Collection of information from suppliers of carpets and rugs provide the CPSC with information regarding compliance with the flammability requirements which are intended to reduce the risk of death, personal injury, and property damage associated with fires that result from the ignition of carpets and rugs. If the information were collected less frequently, CPSC would be unable to determine whether carpets and rugs are compliant.

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, during the course of an investigation, CPSC staff will require testing and certificate information to assess compliance, and a firm may be asked to respond within 5 business days. At ports firms are requested to provide the information within 24 hours.

8. *Consultation and Public Comments*

Part A: PUBLIC NOTICE

A 60-Day Federal Register (FR) notice for the collection was published on Tuesday, December 10, 2024 (89 FR 99231). We did not receive any comments on the notice.

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 carpets and rugs, 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. *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*

According to CPSC staff, the majority of rug compliance cases are imports with foreign manufacturers. The Commission estimates that 120 firms are subject to the information collection requirements of the enforcement rules, however this may be an overestimation. The majority of firms importing carpets issue a GCC under the CPSIA. Domestic manufacturers elect to issue a guaranty of compliance with the FFA. In practice, CPSC compliance officers recently have not been receiving guarantees.

Table 1. Estimated Annual Reporting Burden

Burden Type	Number of Respondents	Frequency of Responses	Total Annual Responses	Hours per Response	Total Burden Hours
GCC and CPC	100	100	10,000	2	20,000
FFA guarantee	20	100	2,000	2.5	5,000
TOTAL BURDEN					25,000

The number of tests that a firm issuing a GCC, CPC or guaranty of compliance would be required to perform each year varies, depending upon the number of carpet styles and the annual volume of production. Staff estimates that the average firm issuing a GCC, CPC or continuing guarantee under the FFA is required to conduct is 100 tests per year. For a GCC and CPC, the time required to conduct each test is estimated to be 2 hours, including the time required to establish and maintain the test records. For a continuing guarantee, 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.

Therefore, we estimate the total annualized hourly burden to respondents to be 25,000 hours (20,000 hours for firms that issue a GCC/CPC + 5,000 hours for firms that issue a continuing guarantee).

The total annualized costs to all respondents for the hour burden for the collection of information is estimated to be as high as \$1,840,250, using a mean hourly employer cost-per-hour-worked of \$73.61 (Bureau of Labor Statistics: Total compensation rates for private industry workers in management, professional, and related occupations, Table 4, June 2024, https://www.bls.gov/news.release/archives/ecec_09102024.pdf) (25,000 hours × \$73.61).

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 collection requirements to the Federal government is approximately \$41,376. This sum includes 3 staff months (520 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 \$53.87 per hour (the equivalent of a GS-12 Step 5 employee, in the D.C. area according to the 2024 pay scale) with an additional 32.3 percent for benefits (BLS, Percentage of total compensation comprised by benefits for all civilian management, professional, and related employees, Table 2, June 2024, https://www.bls.gov/news.release/archives/ecec_09102024.pdf) or \$79.57 per hour × 520 hours = \$41,376.40.

15. *Reason for change in burden*

The hourly burden estimates for the collection of information remain unchanged.

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*

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

B. Statistical Methods

The reporting requirements do not employ statistical methods.