

INFORMATION COLLECTION REQUEST (ICR): SUPPORTING STATEMENT

Standard for the Flammability of Clothing Textiles, 16 CFR Part 1610;
Standard for the Flammability of Vinyl Plastic Film, 16 CFR Part 1611

OMB Control Number 3041-0024

A. Justification

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

Pursuant to the Flammable Fabrics Act (FFA), CPSC regulates the manufacture of highly flammable clothing under several safety standards. Clothing and fabrics intended for use in clothing (except children's sleepwear in sizes 0 through 14)¹ are subject to the Standard for the Flammability of Clothing Textiles, codified in 16 C.F.R. part 1610. The Standard for the Flammability of Clothing Textiles addresses the danger of injury and loss of life by prohibiting dangerously flammable textiles and textile products for clothing use from being distributed in United States commerce. The standard includes methods of testing the flammability of clothing and textiles intended to be used for clothing, establishes three classes of flammability, sets forth the requirements which textiles shall meet to be classified, and warns against the use of those textiles which have burning characteristics unsuitable for clothing.

Clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing (except children's sleepwear in sizes 0 through 14) is subject to the Standard for the Flammability of Vinyl Plastic Film, codified in 16 C.F.R part 1611. The Standard for the Flammability of Vinyl Plastic Film provides a minimum standard for the flammability of vinyl plastic film for use in wearing apparel. The material covered by the standard is nonrigid, unsupported, vinyl plastic film, including transparent, translucent, and opaque material that is plain, embossed, molded, or otherwise surface treated. Common examples of garments which are constructed with vinyl plastic film include disposable diapers and raincoats. This standard prescribes a test to ensure that articles of wearing apparel, and fabrics and film intended for use in wearing apparel, are not dangerously flammable because of rapid and intense burning.

Section 8 of the Flammable Fabrics Act (FFA), 15 U.S.C. § 1197, provides that a person who receives a guaranty in good faith that a product complies with an applicable

¹ Children's sleepwear and fabrics and related materials intended for use in children's sleepwear in sizes 0 through 14 are subject to other, more stringent flammability standards codified at 16 C.F.R. parts 1615 and 1616.

flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. CPSC uses the information compiled and maintained by firms that issue these guaranties to help protect the public from risks of injury or death associated with flammable clothing and fabrics and vinyl film intended for use in clothing. In addition, the information helps CPSC arrange corrective actions if any products covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. Section 8 of the FFA requires that a guaranty must be based on “reasonable and representative tests.” For both standards, the testing and recordkeeping requirements for firms that issue guaranties include maintaining records of tests to support the guaranties and records of received guaranties for three years, as set forth in 16 C.F.R. § 1610.38 and 16 C.F.R. § 1611.38.

Both standards also include a documentation requirement for shipment of wearing apparel or textile fabrics for the purpose of treatment to reduce their flammability in accordance with the applicable standards. In addition, importers of such shipments must maintain proof of treatment, provide affidavits to U.S. Customs and Border Protection, and, if required, furnish a performance bond to ensure compliance. To file a continuing guaranty with the Commission, firms may submit a CPSC form with the Office of the Secretary at CPSC to any applicable product, fabric, or related material.²

2. Use and sharing of collected information

The Commission uses the information compiled and maintained by firms issuing guaranties with the flammability standards for clothing textiles and vinyl plastic film to help protect the public from risks of injury or death from fires involving wearing apparel. More specifically, the information helps the Commission arrange corrective actions if any garments, fabrics, or related materials covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. The Commission also uses this information to determine whether the required testing supports the guaranties of compliance with the flammability standards for clothing textiles and vinyl plastic film.

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

The enforcement regulations require firms to maintain records of testing for three years. Firms may elect to use automated, mechanical, or electronic technology to compile and maintain the information required by the enforcement regulations.

² <https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Flammable-Fabrics-Act/Frequently-Asked-Questions-for-Continuing-Guaranties-under-the-Flammable-Fabrics-Act-and-Filed-with-the-Commission>

4. Efforts to identify duplication

The information contained in the records of testing required by both flammability standards is not available from any source other than the individual firms.

5. Impact on small business

The Table of Small Business Size Standards published by the U.S. Small Business Administration (SBA) lists small business size standards matched to industries described in the North American Industry Classification System (NAICS), as modified by the Office of Management and Budget.³ A list of industries that are impacted by the collection of information are listed in the table below according to NAICS Code. In the size standards set forth by SBA, the majority of firms in these industry sectors would be considered small.

NAICS Codes	NAICS Industry Description	Size standards in number of employees
313310	Textile and Fabric Finishing Mills	1,000
315210	Cut and Sew Apparel Contractors	750
315250	Cut and Sew Apparel Manufacturing (except contractors)	750
458110	Clothing and Clothing Accessories Retailers	100
424350	Clothing and Clothing Accessories Merchant Wholesalers	150

Source: U.S. Small Business Administration, effective January 1, 2022.

To mitigate burden on small businesses, CPSC provides a variety of resources to help both new and experienced small businesses learn about safety requirements that apply to consumer products. These resources include the CPSC Regulatory Robot and small business education videos. Many of these resources can be accessed online at: <https://www.cpsc.gov/Business--Manufacturing/Business-Education>. Specifically, a CPSC Business Education video on the Flammability of Clothing Textiles is available on YouTube: <https://youtu.be/HwX5y8bjf8?si=-Jb4luh8oHtLDRCY>.

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

Section 8(a) of the FFA (15 U.S.C. Part 1197(a)) requires that a guaranty of compliance with a flammability standard must be supported by “reasonable and representative” tests in accordance with the applicable standard. If the testing to support

³ [https://www.sba.gov/sites/default/files/2023-06/Table%20of%20Size%20Standards Effective%20March%2017%2C%202023%20%282%29.pdf](https://www.sba.gov/sites/default/files/2023-06/Table%20of%20Size%20Standards%20Effective%20March%2017%2C%202023%20%282%29.pdf)

guaranties with the flammability standards for clothing textiles and vinyl plastic film were performed less frequently than specified in the enforcement regulations, that testing would no longer be “representative” of the products covered by the guaranty.

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

The collection of information in the flammability standards for clothing textiles and vinyl plastic film is not conducted in a manner that would:

- Require respondents to report information to the agency more often than quarterly;
- Require respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- Require respondents to submit more than an original and two copies of any document;
- Require respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- Require the use of a statistical data classification that has not been reviewed and approved by OMB;
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- Require respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information’s confidentiality to the extent permitted by law.

8. Consultation and Public Comments

The American Association of Textile Chemists and Colorists (AATCC) is a nonprofit organization serving the global textile industry and its professionals since 1921. AATCC has both individual and corporate members and provides textile resources, standard test methods, quality control materials, education, and professional development for a global audience. CPSC has a long-standing working relationship with AATCC.

A notice soliciting comments on the Commission’s intent to request an extension of a previously approved collection of data was published in the *Federal Register* (FR) on Thursday, June 25, 2026 (91 FR 38406). No public comments were received.

9. *Decision to provide payment or gift*

No gifts or payments are made to persons or firms subject to the flammability standards for clothing textiles and vinyl plastic film.

10. *Assurance of privacy and confidentiality*

If a firm believes that any of the information required to be maintained by the standards is a trade secret or confidential, the firm may identify that information before submitting it to the Commission. That information then becomes subject to the Commission’s procedures for withholding confidential information from public disclosure. Those procedures are codified at 16 C.F.R. part 1015, Subpart B. If such information is requested from the Commission under provisions of the Freedom of Information Act, the firm is notified and given the opportunity to respond prior to the Commission’s release of the information.

This collection of information does not require a system of records notice (SORN) or privacy impact assessment (PIA).

11. *Questions of a sensitive nature*

The flammability standards for clothing textiles and vinyl plastic film do not require firms to compile or maintain records containing any information of a sensitive nature.

12. *Estimate of hour burden to respondents*

Based on data available from the U.S. Census Bureau, there are thousands of establishments that might respond to this collection of information.⁴ (See table below.) However, not all textile and fabric suppliers would be expected to respond to this collection every year.

According to data available from staff, CPSC estimates between 200 and 300 suppliers must disclose records to comply with 16 C.F.R. parts 1610 and 1611, annually, based on regular CPSC compliance investigations.

NAICS	NAICS Industry Description	Estimated
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⁴ data.census.gov/table/CBP2023.CB2300CBP?codeset=naics~313310:314999:315210:315250

Codes		Number of Firms
313310	Textile and Fabric Finishing Mills	501
315210	Cut and Sew Apparel Contractors	2,106
315250	Cut and Sew Apparel Manufacturing (except contractors)	1,678
458110	Clothing and Clothing Accessories Retailers	41,966
424350	Clothing and Clothing Accessories Merchant Wholesalers	9,208

Source: U.S. Census Bureau, Economic Census, 2022.

<https://data.census.gov/table/ABSNESED2023.AB00MYNESD01A?codeset=naics~313310:314999:315210:315250&nkd=SEX~001&colSort=FIRMNOPD~deschhttps://data.census.gov/table/CBP2023.CB2300CBP?codeset=naics~313310:314999:315210:315250>

Recordkeeping provisions are required in the standards for guarantees in 16 C.F.R. parts 1610 and 1611. These records include which tests were performed and the results of the tests. The burden associated with this recordkeeping includes the time spent on creating and saving the results to support a guaranty and to be referenced later and reviewed when needed.⁵

Occasionally, firms will submit to CPSC a guarantee voluntarily, declaring that products conform to an applicable flammability standard. The firm may use the form provided by the Commission which is typically filled out in duplicate⁶ and describes the guarantor's business organization. While the filing of the guaranty is optional, if completed, the guarantor must maintain written records which show the guaranteed products have been tested and conform to reasonable and representative tests as specified in the regulations.

With respect to 16 C.F.R. §§ 1610.39 and 1611.39, staff assumes that fewer than 10 shipments of textiles are received for fabric treatment per year because the majority of fabric treatments are conducted outside of the United States. Therefore the estimated burden for shipping textiles into the United States for treatment is zero.

Table: Annual Burden Estimates

	Number of respondents	Frequency of response	Total Responses	Duration of Response (hours)	Total Burden (hours)
Recordkeeping	10,000	10	100,000	1	100,000
Voluntary	160	10	1,600	1	1,600

⁵ Note that many firms no longer test because their products are exempt by virtue of weight or fiber content under 16 CFR 1610.1(d), or because the firms' experience indicates that the fabrics already comply.

⁶ <https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Flammable-Fabrics-Act/Frequently-Asked-Questions-for-Continuing-Guaranties-under-the-Flammable-Fabrics-Act-and-Filed-with-the-Commission>

Guarantee Submission Form					
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Recordkeeping. CPSC estimates that 10,000 firms will respond to the collection annually, and that on average each firm will conduct recordkeeping for 10 types of textile fabric. Of course, some firms will conduct more recordkeeping for more types of fabric and others will conduct recordkeeping for fewer types, depending on their size and business. Therefore, CPSC assumes that there will be 100,000 recordkeeping responses annually (10,000 firms $\times$ 10 fabrics per firm = 100,000 records). CPSC assumes that each record will take 1 hour to create and maintain, therefore the total burden for the collection is approximately 100,000 hours, annually.

Guarantee Submission Form. CPSC estimates that 160 firms will respond to the collection annually, and that on average each firm will issue forms for 10 types of products. Of course, some firms will issue more voluntary submissions and others will issue fewer, depending on their size and business. Therefore, CPSC assumes that there will be 1,600 form submissions annually (160 respondents $\times$ 10 forms per firm = 1,600 responses). CPSC assumes that each form will take one hour to create and submit, therefore the total burden for the collection is approximately 1,600 hours, annually.

16 CFR §§ 1610.39 and 1611.39. With respect to shipments under section 11(c) of the FFA, CPSC assumes that fewer than 10 shipments for the purpose of finishing or processing are received to the United States annually because finishing treatments are typically conducted abroad. Therefore, there is no burden estimate for such shipments.

Based on this analysis, the Commission estimates that the flammability standards for clothing textiles and vinyl plastic film impose an annual burden of about 101,600 hours on industry (100,000 recordkeeping hours + 1,600 voluntary guarantee submission hours).

At an average hourly wage rate of \$80.04 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” December 2025, Table 4, Total compensation of all management, professional, and related occupations in goods-producing industries: https://www.bls.gov/news.release/archives/ecec_03202026.htm), the total cost for the collection of information is approximately \$8.1 million, annually (101,600 hours $\times$ \$80.04 per hour = \$8,132,064).

13. Estimate of total annual cost burden to respondents

The only costs to firms subject to the flammability standards for clothing textiles and vinyl plastic film are those described in item 12, above.

14. Estimate of annualized costs to the Federal government

The estimated annual cost of information collection requirements to the federal government is approximately \$6,582. This represents 80 staff hours to examine and evaluate the information as needed for Compliance activities, by a GS-12 level salaried employee. As of January 2026, the average hourly wage rate for a mid-level salaried GS-12, step 5, employee in the Washington, DC metropolitan area is \$55.62. This represents 67.6 percent of total compensation costs (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” December 2025, Table 2, percentage of wages and salaries for all civilian management, professional, and related employees: https://www.bls.gov/news.release/archives/ecec_03202026.htm). Adding the remaining 32.4 percent for total benefits brings total hourly compensation costs for a mid-level salaried GS-12 employee to \$82.28. Assuming that approximately 80 hours will be required annually, the annual cost to the Federal government is estimated at \$6,582 ($\$82.28 \times 80 \text{ hours} = \$6,582.40$).

15. Program changes or adjustments

Since it was last approved by OMB, the estimated annual hourly burden is unchanged. However, staff have improved the estimate to exclude testing burden, previously captured as PRA burden incorrectly, and better capture the true number of firms impacted. Accordingly, the estimated number of annual responses is increased from 21,000 to 101,600.

16. Plans for tabulation and publication

The Commission does not publish any of the information required to be compiled or maintained by firms subject to the flammability standards for clothing textiles and vinyl plastic film.

17. Rationale for not displaying the expiration date for OMB approval

The Commission does not request permission to avoid display of the expiration date of OMB approval of this collection of information.

18. Exception to the certification statement

No exception is made to the certification statement in item 19 of OMB Form 83-I. CPSC certifies that:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;

- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3) about:
 - Why the information is being collected;
 - Use of information;
 - Burden estimate;
 - Nature of response (voluntary, required for a benefit, or mandatory);
 - Nature and extent of confidentiality; and
 - Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected;
- (i) If applicable, it uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

B. Collections of information employing statistical methods

Not applicable.