

Supporting Statement

Standard for the Flammability of Mattresses and Mattress Pads (16 CFR Part 1632)
And Standard for the Flammability (Open Flame) of Mattresses (16 CFR Part 1633)
OMB Control Number 3041-0014

A. Justification

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

The Standard for the Flammability of Mattresses and Mattress Pads (16 C.F.R. part 1632) was issued in 1972 and amended in 1984. The standard was issued and amended under section 4 of the Flammable Fabrics Act (FFA) 15 U.S.C. § 1193 to reduce the unreasonable risk of burn injuries and deaths from fires associated with mattresses and mattress pads.

In 2006, the Consumer Product Safety Commission (CPSC or the Commission) issued a flammability standard (16 C.F.R. part 1633) under the authority of the FFA that addresses open flame ignition of mattresses and foundations labeled by the manufacturer for sale together (“mattress sets”), or a mattress labeled by the manufacturer for sale alone. The rule became effective on July 1, 2007 and applies to mattresses and mattress sets manufactured, imported, or renovated on or after that date. The standard sets performance requirements that each mattress set must meet before being introduced into commerce. Mattress sets that comply with the requirements will limit the spread and intensity of a fire, thus possibly reducing the occurrence of flashover.¹ These improved mattresses are intended to reduce deaths and injuries associated with mattress fires.

16 C.F.R. part 1632 prescribes a test to assure that a mattress or mattress pad will resist ignition from a smoldering cigarette. To comply with the mattress flammability standard, a manufacturer or importer of mattresses must test each combination of materials and construction methods used in the production of mattresses or mattress pads. Regulations implementing the standard require the manufacturer or importer to maintain records of testing conducted in accordance with the standard for as long as a particular prototype is in production and for a period of three years thereafter. The records must be retained by the manufacturer or importer and made available to a designated officer or employee of the Commission at her or his request. Such requests are generally made during an on-site or import inspection to ensure compliance with the standard. If the records required by the implementing regulations are not maintained, the Commission would be unable to determine whether manufacturers and importers of mattresses and mattress pads have complied with the standard.

Under 16 C.F.R. part 1632, each mattress or mattress pad must be permanently labeled with the month and year of manufacture and the location of the manufacturer (the

¹ A flashover is a deadly, near-simultaneous ignition of essentially all directly exposed combustible materials in an enclosed space.

individual plant or factory at which the products are produced or assembled). Mattress pads treated with a chemical flame retardant must be labeled prominently with the letter “T” and instructions on how to protect the pads from agents or treatments that can cause deterioration of their flame resistance. Specifics on the labeling requirement can be found at 16 C.F.R. § 1632.31(b).

16 C.F.R. part 1632 requires manufacturers and importers to maintain the following records: (1) manufacturing specifications for each prototype; (2) certified test results, including the prototype identification number, date of test, test room conditions, results of each cigarette tested, name and signature of the tester, and ticking classification, if known; (3) well identified photographs of each surface tested (with sheeting removed) clearly showing each cigarette burn location; (4) records establishing that any substituted core or interior materials do not influence the ignition resistance of the prototype; (5) the test results and details of all ticking classifications (or a certification from a ticking supplier) including the classification (A, B, or C); and (6) certified test results, photographs, and details of all tape edge substitution tests. The records are required to be maintained for as long as the prototype is in production, and then for an additional three years thereafter, 16 C.F.R. § 1632.31(c)(12).

16 C.F.R. part 1633 prescribes a test method that assures that mattress sets will generate a smaller size fire when ignited by open flame sources. Detailed prototype records, test records and component records must be kept by the mattress manufacturer or importer. Under 16 C.F.R. part 1633 each mattress set shall bear a permanent, conspicuous, and legible label containing the following information in English: (1) name of the manufacturer, or for imported mattress sets, the name of the foreign manufacturer and importer; (2) for mattress sets produced in the US, the complete physical address of the manufacturer, and for imported mattress sets, the complete address of the foreign manufacturer, including country, and complete physical address of the importer or the US location where the required records are maintained if different from the importer; (3) month and year of manufacture; (4) model identification; (5) prototype identification number for the mattress set; (6) a certification that the mattress complies with this standard; and (7) a statement identifying whether the manufacturer intends the mattress to be sold alone or with a foundation. Specifics on the labeling requirement can be found at 16 C.F.R. § 1633.12.

Under 16 C.F.R. part 1633, manufacturers and importers shall maintain the following types of records: (1) test and manufacturing records, (2) prototype records, (3) pooling confirmation test records, and (4) quality assurance records. Required records must be maintained by the manufacturer or domestic importer for as long as mattress sets based on the prototype are being produced, and three years thereafter. Detailed information on these specific types of records can be found in 16 C.F.R. § 1633.11.

The required records must be maintained for as long as mattress sets based on the prototype are in production and must be retained for three years thereafter.

2. Use of the information

The purpose of these recordkeeping requirements is to enable manufacturers to keep track of materials, construction methods and testing in the production of safe consumer mattresses. Thus, if a manufacturer produced a mattress set that failed to meet the test criteria, he/she should be able to use the records to determine the prototype on which the failing mattress was based, as well as the components and method of construction that were used and the number of units in the production cycle affected. This information would help the manufacturer correct the problem that caused the mattress to fail the test criteria and make a safer mattress before distributing it into commerce, and to recall those unsafe mattresses that fail. (See 16 C.F.R. §1633.11, 16 C.F.R. §1632.31(c)).

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

16 CFR Part 1632: Information maintained by the manufacturer or importer must be made available to a designated officer or employee of the Commission to support compliance activities. There is no requirement that the records be kept electronically.

16 CFR Part 1633: 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 CPSC unless specifically requested during compliance related activities.

4. Efforts to identify duplication

In 1984, when the standard (16 C.F.R. part 1632) and implementing regulations were amended, the recordkeeping requirements were reviewed for potential duplication by the Commission, by members of the affected industry, and by other interested parties. These records were not maintained before the FFA required them.

5. Impact on small businesses

The standards and implementing regulations affect many small businesses because most mattress and mattress pad manufacturers are considered small businesses. Therefore, CPSC assumes the information collection will impact small businesses.

Prototype pooling is a mechanism in 16 C.F.R. § 1633.5 that allows mattress manufacturers (often small businesses) to share a qualified prototype instead of each firm individually conducting full-scale open-flame testing. This can significantly reduce burden and many small businesses take advantage of this mechanism to reduce their initial testing burden.

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 and small business education videos. Many of these resources can be accessed online at: <https://www.cpsc.gov/Business--Manufacturing/Small-Business->

[Resources](https://www.cpsc.gov/FAQ/Mattresses-Mattress-Pads-Mattress-Sets). Helpful information specific to mattresses, mattress pads, and mattress sets is available at <https://www.cpsc.gov/FAQ/Mattresses-Mattress-Pads-Mattress-Sets>.

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

The standards require manufacturers to conduct prototype tests of all new mattress and mattress pad designs prior to production. This is the minimum amount of testing needed to demonstrate that a mattress and mattress pad will comply with performance requirements of both standards. Any further reduction in the amount of testing and record keeping required by the standard and regulations could significantly alter the protection afforded by the standards.

Without the recordkeeping requirements, manufacturers would be unable to track information about mattress manufacturing that would enable them to determine why a mattress was failing, how to correct the problem, and how to limit the scope of a recall if that became necessary.

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's Federal Register Notice and related information

CPSC's 60-Day Notice of intent to request an extension of approval of information collection requirements was published on Thursday, June 18, 2026 (91 FR 36811). CPSC received four public comments on the information collection. Two comments were out of scope. One commenter, a manufacturer and supplier of bedding goods, commented in support of the collection. Another individual commenter also expressed support for the collection but provided suggestions to improve the burden estimates and suggestions to encourage secure electronic recordkeeping. The comments are included in the submission to OMB for review and responses to the comments are also included here:

Comment CPSC-2010-0055-0012 – Recommends we ban fossil fuel products in all mattresses.

Comment CPSC-2010-005-0015 – Recommends CPSC continue to enforce this rule.

Comment CPSC-2010-0055-0013 – Supports the collection of information indicating CPSC should renew OMB Control No. 3041-0014 because the collection is necessary, useful, and closely tied to enforcement of important fire-safety standards. At the same time, the commenter indicates that CPSC should refine its burden analysis with current industry data, issue clearer compliance guidance, and promote voluntary electronic recordkeeping tools in order to better satisfy the PRA's goals of obtaining useful information while minimizing unnecessary paperwork burden.

Specifically, the commenter states that the requested records and labels are necessary to document whether manufacturers and importers have tested qualifying prototypes, maintained quality-assurance procedures, and identified products in commerce. Under part 1632, prototype-test records and labels help establish compliance with cigarette-ignition resistance requirements. Under part 1633, records concerning prototype testing, pooling, confirmation testing, and quality assurance help demonstrate compliance with the open-flame standard. Permanent labels also support traceability during inspections, corrective actions, recalls, and consumer inquiries. According to the commenter, these functions have direct practical utility and justify renewal under the PRA.

Nonetheless, the commenter indicates the burden estimates should be re-examined. CPSC estimates 33,440 annual burden hours and approximately \$2.7 million in annual respondent costs, using five hours per prototype for labeling and recordkeeping and an hourly compensation rate of \$80.04. According to the commenter, the arithmetic is internally consistent, but the underlying assumptions warrant further validation. The five-hour estimate may not capture time spent maintaining electronic systems, training personnel, coordinating with laboratories and suppliers, reviewing material or design changes, responding to audits, or translating records for imported products. Conversely, firms with mature digital compliance systems may need less time for routine records. Before submitting its request to OMB, CPSC should seek data from small, medium, and large manufacturers and importers on actual time by activity and prototype type.

Further, the commenter indicates CPSC should improve clarity and reduce unnecessary compliance costs in four ways. First, CPSC should publish a plain-language electronic recordkeeping guide identifying required records, retention periods, acceptable formats, and examples of compliant labels. Second, CPSC should expressly confirm that secure electronic records, electronic signatures where legally permissible, and searchable digital files are acceptable. Third, CPSC should provide a voluntary standardized template for prototype records, pooling documentation, confirmation testing, and quality-assurance logs. Fourth, CPSC should clarify how firms may organize records when one product design is sold under multiple brands or through multiple import channels. These measures would improve consistency, reduce duplicative work, and make inspections more efficient without weakening the substantive standards.

Finally, the commenter makes recommendations for small-entity considerations. They indicate that the PRA notice identifies manufacturers and importers as affected parties but does not separately explain how the burden falls on smaller entities. Small businesses may have fewer compliance staff and less ability to absorb testing, documentation, and record-retention costs. CPSC should solicit targeted small-entity feedback and make optional templates and guidance readily available at no cost. Any modernization should remain technology-neutral so that firms may use either digital systems or reliable paper-based processes.

Comment CPSC-2010-0055-0014 – The commenter is a self-identified diversified manufacturer and a leading supplier of bedding components. They support the continued collection of flammability testing information and the ongoing enforcement of mattress flammability standards. The commenter indicates that the collection of information under 16 C.F.R. §§ 1632-1633 is necessary for the proper performance of the Commission's functions. The commenter says they have identified several instances in which imported mattresses failed to satisfy the flammability standards established by these regulations, and have communicated with the Commission regarding these concerns and have appreciated our attention and response to these issues.

The commenter indicates that the continued collection of flammability testing information and robust enforcement of applicable standards plays an important role in protecting U.S. consumers. The commenters says that if the Commission were to discontinue these activities, noncompliant products could become more prevalent in the U.S. market, potentially increasing safety risks for consumers.

Response to Comments:

CPSC agrees that the information collection is necessary and has direct practical utility. Prototype testing, records and permanent labels are integral to reducing deaths and injuries associated with mattress safety and justify renewal under the PRA. CPSC's current estimate of 33,440 annual burden hours reflects these required functions. CPSC acknowledges the commenter's point that the actual time may vary based on firms' digital maturity, staff training, coordination with lab/suppliers, audits, translations, and product changes. In the June 2026 *Federal Register* 60-day notice, CPSC requested public comments on the estimated burden of the proposed collection of information. 91 FR 36811. In response, CPSC did not receive any suggested revisions to the burden estimates.

CPSC recognizes that small businesses may have fewer dedicated compliance staff and less ability to absorb testing and documentation costs. CPSC provides compliance guidance that is available to the public at CPSC's Regulatory Robot: <https://www.cpsc.gov/Business--Manufacturing/Regulatory-Robot/Safer-Products-Start-Here>. In addition, exemplar labels are included in 16 C.F.R. § 1633 Figures 12-17. CPSC also provides helpful information on suggested record keeping formats at <https://cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Mattresses/Suggested-Recordkeeping-Forms-for-16-CFR-1633>. All of these online resources and guides are provided at no cost. Small businesses can also receive guidance concerning CPSC regulations, including mattress flammability, to help them bring their products into compliance and resolve procedural issues. For more information, contact the Small Business Ombudsman (SBO) team at <https://www.cpsc.gov/About-CPSC/Contact-Information/Contact-Specific-Offices-and-Public-Information/Small-Business-Ombudsman>.

Moreover, consistent with long-standing practices, firms may use any technology, including electronic recordkeeping, to compile and maintain required business records for

both parts 1632 and 1633. CPSC does not prescribe how firms maintain their internal recordkeeping systems.

9. *Decision to provide payment or gift*

Not applicable.

10. *Assurance of Confidentiality*

Based on a review of the proposed information collection activities, staff has found that the Privacy Act does not apply because no system of records subject to the Privacy Act will be created.

Any information required to be maintained by the standards and implementing regulations which the manufacturer or importer claims to be confidential is subject to procedures for withholding confidential information from public disclosure set forth at 16 C.F.R. 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*

Staff estimates the annual burden as follows:

Table. Burden Estimate

	Number of Respondents	Frequency of Response	Number of Responses	Duration of Response (hrs.)	Estimated Annual Burden (hrs.)
16 C.F.R. § 1632 (mattress pads)	80	3	240	5	1,200
16 C.F.R. § 1632 (mattresses)	403	8	3,224	5	16,120
16 C.F.R. § 1633	403	8	3,224	5	16,120
Total	886	—	6,688	—	33,440

16 C.F.R. § 1632: For a mattress pad that is subject to part 1632, only minimal information is required in the label. For a mattress, the label required by part 1633 fully meets the labeling requirement for both standards.

Staff estimates there are 80 respondents annually to 1632 for mattress pads and 403 respondents for mattresses. On average, each mattress pad producer will respond for three prototypes annually and each mattress producer will respond for eight prototypes annually. Staff estimates that each respondent will spend five hours for labeling and recordkeeping per prototype, annually. Therefore, the estimated annual burden for 1632 mattress pads is 1,200 hours (80 respondents $\times$ 3 responses per year $\times$ 5 hours per response = 1,200 hours per year), and the estimated annual burden for 1632 mattresses is 16,120 hours (403 respondents $\times$ 8 responses per year $\times$ 5 hours per response = 16,120).

16 C.F.R. § 1633: The standard requires detailed documentation of prototype identification and testing records, model and prototype specifications, inputs used, name and location of suppliers, and confirmation test records, if establishments choose to pool a prototype. This documentation is in addition to documentation already conducted by mattress manufacturers in their efforts to meet the smoldering ignition standard in 16 C.F.R. § 1632. Based on staff estimates, the recordkeeping requirements are expected to require about five hours per respondent, per qualified prototype. Most mattress manufacturers probably base their complying production on eight prototypes, according to staff. However, this is an average and larger suppliers would have more and smaller suppliers would have fewer.

Assuming that establishments qualify their production with an average of eight different qualified prototypes, total recordkeeping time is about 16,120 hours annually (403 respondents $\times$ 8 responses annually $\times$ 5 hours per response = 16,120 hours).

The hourly compensation for the time required for record keeping and labeling for 1632 and 1633 is estimated at \$80.04 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” December 2025, Total compensation of all management, professional, and related occupations in goods-producing industries: https://www.bls.gov/news.release/archives/eccec_03202026.htm). At this rate, the annualized cost to the respondents would be \$2,676,538 (33,440 hours $\times$ \$80.04 = \$2,676,537.60). Therefore, CPSC estimates the total cost of the information collection burden to respondents, for 16 C.F.R. § 1632 and 16 C.F.R. § 1633, is approximately \$2.7 million, annually.

13. Estimate of total annual cost burden to respondents

Not applicable.

14. Estimate of annualized costs to Federal government

Total cost to the federal government of the collection is estimated at \$147,200, annually (\$143,085.55 + \$4,114 = \$147,199.55).

16 C.F.R. § 1632: The estimated annual cost of information collection requirements to the federal government is approximately \$4,114. This represents 50 staff hours. Record review will be performed during compliance inspections conducted to follow-up on consumer complaints and reports of injury which indicate possible violations of the regulations. This estimate uses an average hourly wage of \$55.62 (the equivalent of a GS-12 Step 5 employee, in the D.C. area) which represents 67.6 percent of the total costs of compensation. The remaining 32.4 percent are added to account for benefits (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) for a total hourly compensation of \$82.28.

16 C.F.R. § 1633: The estimated annual cost of the information collection requirements to the Federal government is \$143,085.55. This amount is the total compensation for 10 staff months expended for examination of the information in records required to be maintained by the standard and enforcement rule. This estimate uses an annual salary of \$116,071 (the equivalent of a GS-12 Step 5 employee, in the D.C. area) which represents 67.6 percent of the costs of wages and salary. The remaining 32.4 percent are added to it to account for benefits. The average annual total compensation (salary + benefits) is \$171,702.66 (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).

15. Program changes or adjustments

The hourly burden decreased from our previous estimate of 48,602 hours due to an adjustment in agency estimates, reflecting improved estimates of the average number of mattress prototypes per respondent.

16. Plans for tabulation and publication

Not applicable; there are no plans to tabulate or publish the information. Because CPSC does not plan to disseminate the data collected, the requirements of the OMB and the CPSC Information Quality Guidelines do not apply.

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

Not applicable.

18. Exception to the certification statement

These activities comply with the following requirements in 5 C.F.R. § 1320.9. As part of CPSC’s submission to OMB of the proposed collection of information, through the head

of the agency, Senior Official, or their designee, we certify that the collection of information—

- 1) Is necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility;
- 2) Is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;
- 3) Reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. § 601(6)), the use of such techniques as:
 - a) Establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;
 - b) The clarification, consolidation, or simplification of compliance and reporting requirements; or
 - c) An exemption from coverage of the collection of information, or any part thereof;
- 4) Is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;
- 5) Is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;
- 6) Indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;
- 7) Informs potential respondents of the information called for under 5 C.F.R. § 1320.8(b)(3);
- 8) Has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;
- 9) Uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and
- 10) To the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

B. Collection of information does not employ statistical methods.