

Information Collection Request (ICR)
Standard for the Surface Flammability of Carpets and Rugs
Supporting Statement for Paperwork Reduction Act Submission

A. Justification

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

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.

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.

2. *Use and sharing of collected information and impact on privacy*

The required recordkeeping is used to ensure compliance with provisions of the regulations that relate to the issuance of a guaranty of compliance. 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.

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.

4. *Efforts to identify duplication*

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.

5. *Impact on small businesses*

Not applicable.

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

In the past, the Commission has looked for ways to reduce the burden of the information collection without reducing the protection to consumers. In 1989, in accordance with section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610), the Commission reviewed all of the standards issued under the FFA, including the carpet and rug standards. The Commission concluded that no further action was warranted under the provisions of the RFA. A copy of the report accompanied the renewal request submitted in 1989.

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, if during the course of an investigation, CPSC staff requires information to assess compliance, a firm may be asked to respond more quickly and to provide information more frequently.

8. *Agency Federal Register Notice and related information*

A *Federal Register* notice was published on July 30, 2015 with comments due September 28, 2015. No comments were received.

9. *Decision to provide payment or gift*

Not applicable.

10. *Assurance of 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*

The Commission estimates that 120 firms are subject to the information collection requirements of the enforcement rules because the firms have elected to issue a guaranty of compliance with the FFA. The number of tests that a firm issuing a 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 continuing guarantee under the FFA is required to conduct at most 200 tests per year, though the actual number of tests required by a given firm may vary from one to 200, depending upon the number of carpet styles and the annual production volume. For purposes of estimating burden, we have used the midpoint, 100 tests per year. 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. We estimate the total annualized cost/burden to respondents could be as high as 12,000 tests per year (120 firms x 100 tests), at 2.5 hours per test, or 30,000 hours.

The total annualized costs to all respondents for the hour burden for collection of information is estimated to be as high as \$1,996,500, using a mean hourly employer cost-per-hour-worked of \$66.55 (Bureau of Labor Statistics: Total compensation rates for management, professional, and related occupations in private goods-producing industries, June 2015) (30,000 hours x \$66.55).

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 and collection requirements to the Federal government is approximately \$31,730. 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 \$41.62 per hour (the equivalent of a GS-12 Step 5 employee) with an additional 31.8 percent for benefits (BLS, Percentage of total compensation comprised by benefits for all civilian management, professional, and related employees, June 2015) or \$61.02 per hour x 520 hours.

15. *Program changes or adjustments*

The CPSIA added testing and recordkeeping requirements to this standard.

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*

Not applicable.

B. Statistical Methods

The reporting requirements do not employ statistical methods.