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United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE : November 19, 2002
TO : EXPE
Through: Todd A. Stevenson, Secretary *AS*
FROM : Martha Kosh
SUBJECT: Proposed Collection of Information; Testing and
Recordkeeping Requirements for Carpets and Rugs

ATTACHED ARE COMMENTS ON THE CH 03-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CH03-1-1	11/15/02	Carroll Turner Tech. Services Manager	The Carpet and Rug Institute 310 Holiday Avenue P.O. Box 2048 Dalton, GA 30722
CH03-1-2	11/15/02	Carey Mitchell Director	Shaw Industries, Inc 616 East Walnut Ave. P.O. Drawer 2128 Dalton, GA 30722

1 Flame
Comment

The Carpet and Rug Institute

310 Holiday Avenue, P.O. Box 2048, Dalton, Georgia 30722
Phone (706) 278-3176 FAX (706) 278-8835

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

November 15, 2002

Re: Carpets and Rugs; Paperwork Reduction Act

With further reference to the Federal Register notice of September 16, 2002 (Volume 67, Number 179), the Carpet and Rug Institute, a national trade association representing over 90% of all carpet and rug manufacturers in the US, submits the following comments:

- The provisions contained in the regulations under 16 CFR 1630 and 1631 for the surface flammability of carpets and rugs affords adequate and needed protection for the consumer from small scale ignition sources. Historically, textile floor coverings have not been identified as a factor which significantly affects the spread of fire in buildings; however, since their implementation in the early 1970's, the requirements of 1630 and 1631 have been very effective of reducing the incidences of flame propagation from small ignition sources.
- In section 1630.4(ii) reference is made to a washing requirement for those carpets that have had a fire retardant treatment application whereby 10 washings are required using the American Association of Textile Chemists and Colorists Method 124-1967 as a basis for the testing. Method 124 is a test designed to assess the appearance of apparel fabrics after repeated home launderings in a home washing machine. This test method is not an acceptable method for cleaning carpet materials for a number of reasons; the most obvious is that it is not like any cleaning method used for textile floor coverings. In 1987 the AATCC published a testing method for carpet which is typical of actual cleaning operations that are used for on-site cleaning of carpets. Published under the designation and title, *AATCC Test Method 171-2000, Carpets: Cleaning of; Hot Water Extraction Method*, we submit that this is the appropriate method for the durability of treatment requirement currently contained in section 1630.4(ii), and subsequent references to that section, instead of reference to AATCC Test Method 124. Flame retardant treatments are seldom, if ever, applied to carpets by the manufacturer and to reference Method 171 will afford a more realistic option for sample preparation prior to testing for the rare situation where FR treatments might be appropriate.
- Currently, compliance for testing and recordkeeping is not a significant burden for the industry when measured against the benefits in the way of consumer protection and product liability. Moreover, we encourage appropriate simplification measures for testing and recordkeeping, yet we believe it is





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~~important in the interest of consumers and manufacturers to continue the
protections afforded in the current requirements of 16 CFR 1630 and 1631.~~

The Carpet and Rug Institute is very appreciative for the opportunity to comment on this important regulation, and for consideration of the above comments supporting the *continuance of the regulation in basic current form.*

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Carroll Turner', is written over a horizontal line.

R. Carroll Turner
Technical Services Manager
Carpet and Rug Institute





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*Flammability
accepted
comment* 2

15 November 2002

Office of the Secretary
US Consumer Product Safety Commission
Washington DC 20207

Via FAX and e-mail

Dear Mr. Secretary:

This is in response to the Request for Comments, Testing and Record Keeping Requirements for Carpets and Rugs as published in the Federal Record of 09/13/02.

Shaw Industries, Inc. is the world's largest manufacturer of carpets and rugs, and accounts for almost 40% of all carpet sold in the US. As a leader, we take the responsibility of providing safe products to consumers seriously.

Since the implementation of the flammability standards for carpets and rugs in 1970, carpets have not been implicated in building fires. We can reasonably infer that the standards have done their jobs in protecting the public.

We do not consider the costs associated with the paperwork and testing to be significant or burdensome, and Shaw Industries certainly does more testing than any other manufacturer. Several things have occurred on the past three decades that have impacted these costs. The carpet industry has undergone tremendous consolidation, currently the top three manufacturers account for over 70% of the market. The result is that most carpets are now produced in quantities that allow for testing at the maximum test intervals, reducing the cost significantly. Second, record keeping by computer is inherently cheaper than by hand. Those companies utilizing independent labs for testing find that the cost of tests have not risen in concert with inflation.

We believe that the benefit of keeping the requirements in place far exceed the cost of compliance. In fact, if the standards were discontinued, our opinion is that we would continue to conduct testing and record keeping as a matter of corporate citizenship and as a defense against potential legal action. Having the standards in place insures that we and the other responsible manufacturers are not placed at a competitive disadvantage by those who might reduce their vigilance. Further, the standards guard against unsafe imports.

One suggestion is that that section 1630.4(ii) be changed to reference the American Association of Textile Chemists and Colorists Method 124 to replace the washing

machine procedure for dealing with topically applied flame retardants. This is more typical of how carpets are maintained today.

One issue of concern is that the methenamine tablets specified as the source of ignition have been recently discontinued by the manufacturer, Eli Lilly Pharmaceuticals, Inc. Several alternative sources are available, but we have some concerns that these may not yield exactly the same performance as the Lilly product for this purpose. I will be meeting with Ms. Margaret Ncily of your staff within the next few weeks to present the results of our work on this subject. I have also volunteered to supply some test carpet for the evaluations proposed by CPSC staff.

Obviously Shaw Industries supports the standards and urges that they be continued. Before closing, I would also like to express our appreciation for the cooperative spirit we have always found in the CPSC staff over the years; it has been a fine example of business and government working together for the good of the consumer. Feel free to have staff contact me for any assistance we can offer in this or other matters.

Sincerely,



Carey R. Mitchell
Director, Technical Services