

with the most current version of NFSI standard B101.5.

The NFSI standards that the petitioner requests that the Commission mandate provide test methods for assessing the coefficient of friction (COF) of the listed products along with graphics to label the products as having low, moderate, or high traction, based on the COF test results.¹ As such, the petitioner's request is not that any level of slip resistance be mandated, but rather that the listed products be tested for their COF and then labeled with the resulting information. The petitioner asserts that requiring manufacturers to provide this slip-resistance information to consumers at the point of sale would enable consumers to make informed buying decisions, and thereby address the risk of injury associated with slips and falls, primarily involving the elderly.

The petitioner previously submitted similar requests for rulemaking. In 2015, the petitioner requested that the Commission initiate a rulemaking to require manufacturers of floor coverings to test and label their products in accordance with NFSI B101.5–2014, *Standard Guide for Uniform Labeling Method for Identifying the Wet Static and Wet Dynamic Coefficient of Friction (Traction) of Floor Coverings, Floor Coverings with Coatings, and Treated Floor Coverings*. That request was docketed as petition CP 16–1.² The Commission denied that petition because there was insufficient information to demonstrate that the requested rule would assist consumers in assessing the comparative safety of floor coverings or reduce slip and fall incidents. Specifically, the Commission concluded that the petition did not establish an association between slip and fall incidents and particular types of flooring; there was a lack of consistency and accuracy in test methods used; there was insufficient information in the petition to indicate that a high COF decreased the risk of slips and falls; and a labeling requirement would be insufficient to address the hazard because a COF is likely only one of several factors involved in slips and falls.³

¹ During the comment period for this notice, read-only copies of the NFSI standards referenced in the petition are available for viewing at <https://nfsi.org/nfsi-standards-portal/>.

² The docketing notice for CP 16–1 is available at 80 FR 75,639 (Dec. 3, 2015).

³ Staff's briefing package recommending that the Commission deny petition CP 16–1 is available at: <https://www.cpsc.gov/s3fs-public/Petition%20CP%2016-1%20-%20Labeling%20Requirements%20Regarding%20Slip-Resistance%20of%20Floor%20Coverings%20-%20December%207%202016.pdf>. The Record of

In 2018, the petitioner submitted a similar request that the Commission initiate rulemaking to require manufacturers of floor coverings and coatings to test their products in accordance with NFSI B101.3–2012, *Test Method for Measuring Wet DCOF of Common Hard-Surface Floor Materials (Including Action and Limit Thresholds for the Suitable Assessment of the Measured Values)*, label their products according to NFSI B101.5–2014, and require flooring retailers to provide point-of-sale information regarding the label to assist with purchasing decisions. That request was docketed as petition CP 18–2.⁴ The Commission denied that petition because the request had not adequately addressed the concerns cited in the previous denial.⁵

The Commission seeks comments concerning the present petition.

The major factors the Commission considers in deciding whether to grant or deny a petition (in pertinent part) include the following:

- whether the product presents an unreasonable risk of injury;
- whether a rule is reasonably necessary to eliminate or reduce the risk of injury; and
- whether failure of the Commission to initiate the rulemaking proceeding

Commission Action directing staff to prepare a denial letter is available at: <https://www.cpsc.gov/s3fs-public/RCA%20-%20Petition%20CP%2016-1%20Labeling%20Requirements%20Regarding%20Slip-Resistance%20of%20Floor%20Coverings%20121316.pdf>. The draft denial letter is available at: <https://www.cpsc.gov/s3fs-public/Draft%20Letter%20to%20Petitioner%20Regarding%20Denial%20of%20Petition%20CP-16-1%20Floor%20Coverings.pdf>. The Record of Commission Action approving the issuance of the draft denial letter is available at: https://www.cpsc.gov/s3fs-public/RCA%20-%20Draft%20Letter%20to%20Petitioner%20Regarding%20Denial%20of%20Petition%20CP-16-1%20Floor%20Coverings%200011817_0.pdf.

⁴ The docketing notice for CP 18–2 is available at 83 FR 26228 (June 6, 2018).

⁵ Staff's briefing package recommending that the Commission deny petition CP 18–2 is available at: <https://www.cpsc.gov/s3fs-public/Petition%20CP%2018-2%20-%20Labeling%20Requirements%20Regarding%20Slip-Resistance%20of%20Fl....pdf>. The Record of Commission Action directing staff to prepare a draft denial letter is available at: <https://www.cpsc.gov/s3fs-public/RCA%20-%20Petition%20CP%2018-2%20Labeling%20Requirements%20Regarding%20Slip-Resistance%20of%20Floor%20Coverings.pdf>. The draft denial letter is available at: <https://www.cpsc.gov/s3fs-public/2018%20Denial%20Letter%20for%20Petition%20CP%2018-2%20-%20Seeking%20Labeling%20Requirements%20for%20Slip-Resistance%20of%20Floor%20Coverings%20-%200080719.pdf>. The Record of Commission Action approving the issuance of the draft denial letter is available at: <https://www.cpsc.gov/s3fs-public/RCA-Denial%20Letter%20-%20CP%2018-2%20Seeking%20Labeling%20Requirements%20for%20Slip-Resistance%20of%20Floor%20Coverings.pdf>.

requested would unreasonably expose the petitioner or other consumers to the risk of injury which the petitioner alleges is presented by the product.

16 CFR 1051.9(a). In considering these factors, the Commission will treat as an important component of each one the relative priority of the risk of injury associated with the product about which the petition has been filed and the Commission's resources available for rulemaking activities with respect to that risk of injury. 16 CFR 1051.9(b); *see also* 16 CFR 1009.8 (stating criteria upon which the Commission priorities are based).

The petition is available at: <http://www.regulations.gov>, under Docket No. CPSC–2024–0003, Supporting and Related Materials. Alternatively, interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

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CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, January 24, 2024—10:00 a.m.

PLACE: Virtual.

STATUS: Commission Meeting—Closed to the Public.

MATTERS TO BE CONSIDERED:

Meeting Matter: Briefing Matters.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301–504–7479 (Office) or 240–863–8938 (Cell).

Dated: January 17, 2024.

Alberta Mills,
Commission Secretary.

[FR Doc. 2024–01212 Filed 1–18–24; 11:15 am]

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