



THE ADVOCACY DIVISION OF CONSUMER REPORTS

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Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 820
Bethesda, MD 20814

Submitted via www.regulations.gov

**Comments of Consumers Union to the Consumer Product Safety Commission on the Resubmission of Petition to Mandate a Uniform Labeling Method for Traction of Floor Coverings, Floor Coverings With Coatings, and Treated Floor Coverings; Request for Comments
Docket No. CPSC-2018-0014**

Consumers Union, the advocacy division of Consumer Reports,¹ welcomes the opportunity to comment on the resubmitted petition from the National Floor Safety Institute (NFSI) requesting that the Consumer Product Safety Commission (CPSC) require manufacturers of floor coverings and coatings to label their products and provide point of purchase information regarding slip resistance using the American National Standards Institute's ANSI/NFSI B101.5-2014 uniform labeling standard for identifying traction, as tested per the ANSI/NFSI B101.3-2012 standard.² We support the petition, while recognizing that the toll of slip-and-fall injuries on consumers and the country may warrant additional measures to ensure that consumers—including those who do not directly purchase flooring from a retailer—are better protected from injury and have greater awareness of slip resistance as a key safety-related attribute of flooring.

Consumer Reports has regularly evaluated a variety of flooring types,³ including prefinished solid wood, engineered wood, laminate, vinyl, linoleum, and ceramic/porcelain tile.

¹ Consumer Reports is an independent, nonprofit member organization that works side by side with consumers for truth, transparency, and fairness in the marketplace. Founded in 1936, Consumer Reports has the largest nonprofit educational and consumer product testing center in the world, and uses its dozens of labs, auto test center, and survey research center to rate thousands of products and services annually. CR's premier magazine Consumer Reports has more than 3.6 million subscribers, and the award-winning CR.org has 2.9 million paying members and more than 15 million unique visitors monthly, on average.

² See National Floor Safety Institute via CPSC, "Petition to Mandate the Use of the ANSI/NFSIB101.5 Standard Guide for Uniform Labeling Method for Identifying the Wet Dynamic Coefficient of Friction (Traction) of Floor Coverings, Floor Coverings with Coatings, and Treated Floor Coverings" (Apr. 19, 2018) (online at www.cpsc.gov/s3fs-public/CP%2018-2%20Petition%20Floor%20Coverings%20-%20Resubmission%20-%20National%20Floor%20Safety%20Institute.pdf?11RKWVMMc4OLwuxYojFM9MDQC1fH9gTC).

³ Consumer Reports, "Flooring" (Sept. 2016) (online at www.consumerreports.org/cro/flooring.htm).

We have assessed these products for various attributes, including slip resistance.⁴ Additionally, as part of an “Aging in Place” package in the September 2015 issue of *Consumer Reports* magazine, we recommended that consumers seeking to make their home welcoming to people of all ages and abilities consider installing slip-resistant floors in bathrooms.⁵ We consider wet dynamic coefficient of friction (DCOF) and the test method proposed under the petition to be reliable for measuring traction, and think that it could be useful as a predictor of the risk of a slip-and-fall incident.

Consumer Reports encourages consumers to account for traction as best as they can in their choice of flooring, because slip-and-fall incidents and injuries are disturbingly common, particularly among older Americans. CPSC staff found in the 2008-2010 time frame that injuries related to stairs, ramps, landings, and floors, resulting largely from slips and falls, accounted for an average of almost 2.7 million emergency department-treated injuries per year.⁶ In 2015, according to the Centers for Disease Control and Prevention (CDC), there were 33,381 deaths from unintentional falls both in and out of the home.⁷ Additionally, according to research cited by the CDC, more than one out of four people age 65 and older falls each year, and in 2015, the total medical costs for falls totaled more than \$50 billion.⁸ A CPSC analysis specific to the subject of the petition would, in all likelihood, find the number and severity of slip-and-fall injuries associated with flooring—and the number of incidents potentially addressable by the proposed labeling—to be substantial.⁹

Furthermore, flooring products with a low wet DCOF (i.e., those with lower traction, or those that are comparatively slippery) present an unreasonable risk of injury to consumers, and especially to older Americans. Flooring products are ubiquitous and consumers today have broad exposure to the risk of a slip-and-fall causing serious injury or death. However, consumers generally lack the kind of clear and empirical information that would help them know prior to purchase whether a product is comparatively slippery. This is despite the fact that there are flooring products in the marketplace that provide significantly greater traction than others and

⁴ See, e.g., Consumer Reports, “The Right Type of Flooring for Every Room in Your Home” (June 29, 2017) (online at www.consumerreports.org/flooring/right-type-of-flooring-for-every-room); Consumer Reports, “Kitchen floors that stand up to foot traffic” (May 30, 2014) (online at www.consumerreports.org/cro/news/2014/05/kitchen-floors-that-stand-up-to-foot-traffic/index.htm); Consumer Reports, “Got Kids? Find the best flooring for your family” (May 2012) (online at www.consumerreports.org/cro/2012/05/got-kids-find-the-best-flooring-for-your-family/index.htm).

⁵ Consumer Reports, “Create a beautiful bathroom for the ages: Attractive upgrades that make the bathroom a safer place” (July 30, 2015) (online at www.consumerreports.org/cro/magazine/2015/07/create-a-beautiful-bathroom-for-the-ages/index.htm).

⁶ “Consumer Product-Related Injuries and Deaths in the United States: Estimated Injuries Occurring in 2010 and Estimated Deaths Occurring in 2008,” CPSC staff analysis prepared by Tom Schroeder, Directorate for Epidemiology, Division of Hazard and Injury Data Systems (Feb. 2012) (online at www.cpsc.gov/PageFiles/134720/2010injury.pdf) at 4.

⁷ “Accidents or Unintentional Injuries,” CDC (Mar. 17, 2017) (online at www.cdc.gov/nchs/fastats/accidental-injury.htm).

⁸ “Important Facts About Falls,” CDC (Feb. 10, 2017) (online at www.cdc.gov/homeandrecreationsafety/falls/adultfalls.html).

⁹ Such an analysis would be an appropriate part of the CPSC’s rulemaking process, and it is not necessary for such an analysis to occur as a prerequisite for granting the petition.

which, in our assessment, would help reduce slip-and-fall incidents in the home. Right now, ultimately, consumers are in the dark at the point of sale. While slip-and-fall incidents can have many contributing factors, and it is not feasible to completely eliminate the risk of injury, providing consumers the information they need to make a more informed buying decision is critical for reducing the risk of injury and improving safety.

At the same time, as we have held previously, any mandatory slip resistance labeling for flooring should be meaningful for consumers and consistent across all product types. Through our evaluation of the resubmitted NFSI petition and its supporting evidence, and on the basis of our experience testing the slip resistance of flooring products, we find that:

- The proposed single, uniform method for determining wet DCOF would be accurate and repeatable on all the surfaces covered by the proposed standard;
- The proposed labeling requirements would help buyers of the products better understand, on a comparative basis, the traction provided by flooring;
- The proposed labeling would help generate competition that, overall, would meaningfully incentivize flooring manufacturers to make products with a higher wet DCOF; and
- If flooring, across the market, were to have a higher wet DCOF, then it is likely the number of slip-and-fall injuries would be lower than if flooring, across the market, were to have a lower wet DCOF.

The disclosure of flooring products' coefficient of friction is a necessary part of the equation in reducing slip-and-fall injuries, particularly in the absence of strong, mandatory performance requirements for the traction provided by flooring. We are not aware of a reliable alternative means of helping buyers become more informed about how flooring products compare to each other in terms of slip resistance. Therefore, the CPSC should grant the petition and treat its proposed requirements as reasonably necessary to reduce the unreasonable risk of injury associated with lower-traction flooring products.

We also urge the Commission to recognize that additional measures may be warranted to ensure that all consumers are better protected from a slip-and-fall injury. While we support the NFSI petition as a necessary means for reducing the risk of injury—specifically, through improved awareness of the slip resistance of flooring and by promoting more informed consumer choice in the marketplace—there is much more that could be done. Even in a flooring market with required disclosure of slip resistance, we expect that numerous consumers would not be in a position to know about the traction provided by their flooring before it is purchased or installed. This includes many of those consumers who move into a home where flooring is already installed or who hire a builder or contractor. As an initial matter, concerted educational efforts would be appropriate to help raise awareness of slip resistance as a key safety-related attribute. We at Consumer Reports would do our part to help educate consumers about slip resistance and give them useful comparative information, while also using our testing and ratings to help move the marketplace.

However, for these and all consumers, it is broader changes in flooring design and production—stimulated and overseen in part by the CPSC—that would be the most influential in improving safety. In the words of the National Commission on Product Safety, this is a clear case where “the greatest promise for reducing risks resides in energizing the manufacturer’s ingenuity” through government action, and that “while continuing to educate and seeking even better ways, there seems little choice but to concentrate on reducing unreasonable hazards by encouraging additional care in the design and manufacture of products.”¹⁰

Thank you for your consideration of our comments.

Respectfully submitted,

William Wallace
Senior Policy Analyst
Consumers Union

Joan Muratore
Test Program Leader, Flooring
Consumer Reports

Don Huber
Director, Product Safety
Consumer Reports

¹⁰ Final Report of the National Commission on Product Safety (June 1970) via CPSC, *Handbook for Manufacturing Safer Consumer Products* (July 2006) (online at www.cpsc.gov/s3fs-public/pdfs/blk_pdf_handbookenglishaug05.pdf) at 5-6.