



International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

June 29, 2018

Docket No. CPSC-2018-0014, Resubmission of Petition To Mandate a Uniform Labeling Method for Traction of Floor Coverings, Floor Coverings With Coatings, and Treated Floor Coverings

COMMENTS OF:

THE INTERNATIONAL CODE COUNCIL, INC. (ICC)

500 New Jersey Ave, NW

Washington, DC 20001

Contact:

David Karmol, dkarmol@iccsafe.org

The International Code Council, Inc. (ICC) offers the following comments on Docket No. CPSC-2018-0014, Resubmission of Petition To Mandate a Uniform Labeling Method for Traction of Floor Coverings, Floor Coverings With Coatings, and Treated Floor Coverings, published in the Federal Register on June 6, 2018.

Background

The International Code Council, Inc. (ICC) is a non-profit membership association dedicated to building safety, fire prevention, and energy efficiency. The International Codes, or I-Codes, published by ICC, provide minimum safeguards for people at home, at school and in the workplace. Building codes benefit public safety and support the industry's need for one set of codes without regional limitations. Fifty states and the District of Columbia have adopted the I-Codes at the state or other jurisdictional levels. Federal agencies including the Architect of the Capitol, General Services Administration, National Park Service, Department of State, U.S. Forest Service and the Veterans Administration also use the I-Codes for the facilities that they own or manage. The Department of Defense references the International Building Code for constructing military facilities, including those that house U.S. troops, domestically and abroad. Puerto Rico and the U.S. Virgin Islands enforce one or more of the I-Codes.

The International Code Council, Inc. (ICC) was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes that could be used nationwide. The founders of the ICC were the Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these non-profit organizations developed three separate sets of model codes used throughout the United States. Although originally regional code development was effective and responsive to our country's needs, the time came for a single

set of codes. The nation's three model code groups responded by creating the International Code Council, Inc. (ICC) and by developing codes without regional limitations: the International Codes.

ICC's members are the code officials who adopt and enforce building, fire and energy codes, and the architects, engineers, builders and contractors who build and maintain structures in the built environment. Over 50,000 code officials are active members of ICC. www.iccsafe.org

Petition To Mandate a Uniform Labeling Method for Traction of Floor Coverings, Floor Coverings With Coatings, and Treated Floor Coverings

This petition is a re-submission of a previous submission, with minor modifications, by the National Floor Safety Institute, a developer of standards and an organization that certifies certain products to standards it develops and/or publishes.

ICC believes that the petition seeks to have CPSC develop a mandatory rule for a product category where the private sector is currently using and evaluating a number of different voluntary standards in the area of slip resistance, and where there is currently a lack of consensus among producers, distributors, users and safety advocates on which standard or standards are most effective, most likely to be complied with, and most likely to be noticed and used by consumers and product users.

While the petition lists one standard that exists for the evaluation of slip-resistance on hard surfaces, and recommends one test method, the fact is that there are numerous standards and test methods, many in existence for many years and far more widely used and adopted than the standard and test method proposed to be used by the petition.

Among others, there are a UL standard (UL 410-2006), several ASTM standards and tests (ASTM D2047, and ASTM E303-93) and several ANSI standards (A326.3, A137.1, B101.3, B101.1) all addressing slip resistance of surfaces in a variety of ways. Slip resistance is also addressed in the International Building Code (IBC) at Sec.1003.4, and is the subject of a current code revision proposal to add a new Sec. 1003.4.1, to define slip resistance in the context of means of egress from buildings.

In addition to the current lack of consensus on the appropriate standard to use to measure and/or label slip resistance, there are also numerous other factors involved in slip and fall incidents which are unrelated to slip resistance, yet have a significant impact on the slip and fall incidents, the individuals who suffer such falls, and the environment and locations of such incidents. The numerous suggestions in the petition that measuring and labeling slip resistance of hard surfaces will have a significant impact on the number and severity of slip and fall incidents is primarily speculation, lacking any causation evidence in the petition. Further, the petition offers no evidence that labeling of the products addressed in the petition would have any measurable impact on such incidents.

As an example of the paucity of evidence presented in the petition, the petition provides the analogy of the labeling of food products and their nutrition values as analogous to slip resistance labeling on floor products. While both are labels, the comparison is almost absurd. Food products are almost always selected, handled, prepared and consumed by the ultimate consumer, and generally within a brief period of time. Flooring products are rarely selected by the ultimate consumer, are almost

never installed by the ultimate consumer—with the exception of dedicated do-it-yourself homeowners. In addition, flooring may be selected and installed by builders or previous owners years- even decades- before a user encounters the surface of the flooring. In the case of food, it is quite likely the consumer will see the label on the food container or product. In the case of flooring, it is highly unlikely that the user of the floor will see the packaging that the floor product was shipped in, before being installed as a floor system. It would be instructive to have any statistics on how many consumers who walk on floors, have ever seen the packaging of any floor products, in their home, or in commercial settings. We would suspect that the percentage is infinitesimally small.

At recent ICC code hearings on a proposed labeling requirement for slip resistance, proponents and opponents argued about whether code inspectors would be able to find labels, with producers contending that the market is accustomed to the labeling to ANSI A326.3, and that it would not be difficult for code officials to determine whether tile and similar materials complied with that standard; while opponents argued that once the tile is installed, finding the label on packaging would require “dumpster-diving” by inspectors. This debate itself points out the nature of the problem, in that most hard flooring is installed before the consumer sees or uses the floor, and any packaging with labeling is long gone by the time the floor is in use, in most cases. If it is not clear that code officials will be able to locate floor slip-resistance labeling, how much more unlikely is it that consumers will see and respond to such labels? (video recording of the testimony related to this issue can be found here: <https://icc-hearingvideos-public.s3.amazonaws.com/2018/GroupA/CAH/Track1/E2-18.mp4>)

In addition to these practical problems, there is also the continuing concern with the conflict of interest posed by the petitioners, who are in the business of testing, certifying and labelling floor products, and whose business would greatly benefit by a mandatory requirement for testing, certifying and labelling hard floor products. The limited resources of the CPSC should not be used for the gain of one organization, where the benefit in reducing injuries is unproven and tenuous, at best.

ICC believes that the model code development process used to develop national voluntary consensus codes is the best venue for determining whether, and what type of, labeling should be required on hard floor products. The ICC Code Development Process allows all users, affected manufacturers, distributors and installers, consumers, and regulators to examine the various standards and test methods in the light of research, current practices, costs and benefits, as well as the many other construction, design and human factors that affect the number and severity of injuries from falls on hard surface floors. Only such a comprehensive approach, examining all the factors and elements affecting building safety, can achieve real results in reducing injuries in all types of building environments.