

D. Other Testing Requirements

1. Accreditation of Testing Laboratories

The ANPR solicited comments on whether the Rule should require accreditation of testing laboratories that are used to substantiate R-value and related claims. 64 FR at 48035–36. The Commission received no comments in support of such a change, and the Commission has decided not to propose any amendments to the Rule regarding this issue.

2. Test Temperature Requirements

a. Mean Temperature

The ANPR asked whether the Rule should require a mean test temperature of other than 75° F for R-value tests. One commenter suggested that all products be tested with the cold side at 25° and the hot side at 75°. ⁶³ Five other commenters, however, opposed any change to the Rule's mean temperature requirement. ⁶⁴ NAIMA stated that the current requirement reflects the most appropriate mean temperature for comparison purposes. As explained in the ANPR, the 75° F mean temperature requirement is an appropriate uniform standard. 64 FR at 48036–37. The Commission believes that there is no compelling need to change the current requirement, and is not proposing any amendments to the Rule regarding this issue.

b. Temperature Differential

Background

The current Rule does not require the use of a specific temperature differential (*i.e.*, the difference in temperature between the hot and cold surface during testing) in conducting the test procedures dictated by section 460.5(a). The ANPR indicated that if evidence demonstrates that different test temperature differentials affect R-value results, then it may be appropriate to consider specifying a test temperature differential in the Rule to ensure the comparability of R-value claims for competing home insulation products. The Commission, therefore, solicited comments on whether, to what extent, and for what types and forms of insulation variations in the test temperature differential affect R-value results; and what specific test temperature differential(s) the Commission should impose for tests conducted according to each of the R-value test procedures cited in the Rule. 64 FR at 48037.

Comments

PIMA, FPSA, and NAIMA supported the adoption of a differential of 50° F plus or minus 10 degrees for tests at a mean temperature of 75° for all products, as specified in ASTM C 1058. ⁶⁵ The Commission did not receive any comments opposing such a change.

Discussion

The Commission proposes to amend the Rule at section 460.5(a) to require that tests be conducted with a temperature differential of 50° F plus or minus 10° F. The Rule would continue to require a mean temperature of 75° F. The Commission believes that this amendment will help to ensure comparability of R-value claims for competing home insulations. The thermal properties of a specimen may change both with mean temperature and with the temperature difference across the test specimen. Data and information at standard temperatures are important for valid comparison of thermal properties. The Commission solicits comment on this proposal, including whether the proposed amendment generally is consistent with current industry practice.

3. Tolerance

Background

In the ANPR, the Commission proposed to clarify that the 10% tolerance provision in section 460.8 applies primarily to claims made by manufacturers and not to other sellers or installers who rely on R-value data provided by the manufacturer. The tolerance provision states that the actual R-value of any insulation sold to consumers cannot be more than 10 percent below the R-value shown on a label, fact sheet, ad, or other promotional material for the product. The Commission solicited comments on whether and how it should propose amending the tolerance provision, and the benefits and burdens such an amendment would confer on consumers and insulation sellers. In addition, the Commission sought comments on whether manufacturers currently use sampling procedures that do not result in the selection of test specimens that are representative of ongoing production; on which specific procedures are available for use in sampling from continuing production (or how sampling procedures designed for specific lots could be used to select samples from continuing production); and on whether the Commission should

require the use of specific sampling procedures. 64 FR at 48037–38.

Comments

NAIMA supported amending the tolerance provision of the Rule to clarify that manufacturers are the only parties responsible for complying with the Rule's 10% tolerance provision. ⁶⁶ PIMA indicated that the tolerance provision is well understood and that altering it could cause confusion. ⁶⁷ T-Foil urged that the Commission eliminate the tolerance provision entirely because it misleads consumers. ⁶⁸

Other commenters, however, supported changes to the Rule to provide greater specificity for determining compliance with the 10% tolerance limit. Celotex, for example, suggested a requirement that manufacturers design products to meet 100% of claimed R-value for each thickness marketed. ⁶⁹ NAIMA contended that the suggested wording in the ANPR offers clarity, ⁷⁰ and would be likely to prevent misinterpretation of the 10% tolerance. NAIMA recommended adopting language that captures the following concepts: "The product must always be produced to the label R-value. The R-value for any four randomly selected samples shall not be more than 5 percent below the listed R-value nor shall any single specimen be more than 10 percent below the listed R-value." ⁷¹ According to NAIMA, this clarification would be consistent with ASTM C 665 and C 764, and would benefit consumers because there would be no room for misinterpretation of the 10% tolerance. In NAIMA's view, this approach also presents a greater probability that the product would be produced to the labeled R-value, and it would impose no burden on consumers or sellers.

On the issue of sampling procedures, most commenters did not support amending the Rule. PIMA argued that current manufacturer sampling and quality control procedures are sufficient and that changes to the Rule are unnecessary because manufacturers continuously test new and existing products for R-value because it is the

⁶⁶ PIMA (3), p. 12. and NAIMA (9), p. 20.

⁶⁷ PIMA (3), p. 12.

⁶⁸ T-Foil (1), p. 1.

⁶⁹ Celotex (7), p. 3.

⁷⁰ We assume that NAIMA refers to language suggested by DOW and quoted in the ANPR (64 FR at 48037): "The mean R-value of sampled specimens of a production lot must meet or exceed the R-value shown in a label, fact sheet, ad or other promotional material. No individual specimen can have an R-value more than 10% below the claimed R-value."

⁷¹ NAIMA (9), p. 20.

⁶³ Troutman/T-Foil (1).

⁶⁴ PIMA (3), p.11; FPSA (8), p.7; Elastizell (10), pp. 3–4; Tenneco (16), p.2; and NAIMA (9), p.19.

⁶⁵ PIMA (3), pp. 11–12, FPSA (8), p. 7, and NAIMA (9), pp. 19–20.