

benefits to industry members and consumers of each of the proposals, as well as the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

The written comments submitted will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Federal Trade Commission, 600 Pennsylvania Ave., N.W., Room 130, Washington, D.C. 20580, (202) 326-2222.

Questions

The Commission seeks comments on all proposed changes to the Rule indicated at the end of this document and listed in the section-by-section description at part IV of this document (above). The Commission has sought comments on a variety of issues discussed elsewhere in this document. In addition, the Commission seeks input on the following specific questions:

(1) Should the Commission amend section 460.5(a)(1) of the Rule to require the use of ASTM C 1303-95 for homogeneous, unfaced, rigid closed cell polyurethane, polyisocyanurate, and extruded polystyrene insulations? What market share do unfaced products hold relative to other rigid cellular insulations (such as faced products)? Does C 1303 adequately account for variations in the thickness of the insulations covered? What would be the cost of applying ASTM C 1303 as proposed by the Commission?

(2) Should the Commission require the use of ASTM C 1149 for determining the settled density of self-supported, spray applied cellulose insulation?

(3) Should the Commission amend sections 460.12(a)(2) and (3) to require the same coverage charts for all types of loose-fill insulation at R-values of 11, 13, 19, 22, 24, 32, and 40? Are there any additional, significant compliance costs associated with the proposed change?

(4) Should the Commission amend the testing and labeling provisions of the Rule to require the use of ASTM C-1374 for determining the initial installed thickness of loose-fill insulation (see section V.E.1.c.ii. for additional questions on this subject)?

(5) Are there additional changes to the Rule that have not been addressed that would help to ensure that installers apply the proper amount of insulation, particularly loose-fill?

(6) General Questions: To maximize the benefits and minimize the costs for

consumers and sellers (including specifically small businesses), the Commission seeks views and data on the following general questions for all the proposed changes described in this document:

(a) What benefits would the proposed requirements confer, and on whom?

(b) What paperwork burdens would the proposed requirements impose, and on whom?

(c) What other costs or burdens would the proposed requirements impose, and on whom?

(d) What regulatory alternatives to the proposed requirements are available that would reduce the burdens of the proposed requirements, while providing the same benefits?

(e) What impact, either positive or negative, would the proposed requirements likely have on the environment?

List of Subjects in 16 CFR Part 460

Advertising, Insulation, Labeling, Reporting and recordkeeping requirements, Trade practices.

XII. Proposed Rule Language

For the reasons set out in the preamble, the Commission proposes to amend 16 CFR part 460 as follows:

PART 460—LABELING AND ADVERTISING OF HOME INSULATION

1. The authority citation for Part 460 continues to read as follows:

Authority: Authority: 38 Stat. 717, as amended (15 U.S.C. 41 *et seq.*).

2. Revise § 460.1 to read as follows:

§ 460.1 What this regulation does.

This regulation deals with home insulation labels, fact sheets, ads, and other promotional materials in or affecting commerce, as “commerce” is defined in the Federal Trade Commission Act. If you are covered by this regulation, breaking any of its rules is an unfair and deceptive act or practice or an unfair method of competition under section 5 of that Act. You can be fined heavily (up to \$11,000 plus an adjustment for inflation, under § 1.98 of this chapter) each time you break a rule.

3. Revise § 460.5 to read as follows:

§ 460.5 R-value tests.

R-value measures resistance to heat flow. R-values given in labels, fact sheets, ads, or other promotional materials must be based on tests done under the methods listed below. They were designed by the American Society of Testing and Materials (ASTM). The test methods are:

(a) All types of insulation except aluminum foil must be tested with ASTM C 177-97, “Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus;” ASTM C 518-98, “Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus;” ASTM C 1363-97, “Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus” or ASTM C 1114-98, “Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Thin-Heater Apparatus.” The tests must be done at a mean temperature of 75 degrees Fahrenheit and with a temperature differential of 50 degrees Fahrenheit plus or minus 10 degrees Fahrenheit. The tests must be done on the insulation material alone (excluding any airspace). R-values (“thermal resistance”) based upon heat flux measurements according to ASTM C 177-97 or ASTM C 518-98 must be reported only in accordance with the requirements and restrictions of ASTM C 1045-97, “Standard Practice for Calculating Thermal Transmission Properties from Steady-State Heat Flux Measurements.”

(1) For polyurethane, polyisocyanurate, and extruded polystyrene, the tests must be done on samples that fully reflect the effect of aging on the product’s R-value. To age a sample of polyurethane, polyisocyanurate, or extruded polystyrene insulation, follow, where applicable, ASTM C 578-95, “Standard Specification for Rigid, Cellular Polystyrene Thermal Insulation,” ASTM C 1029-96, “Standard Specification for Spray-Applied Rigid Cellular Polyurethane Thermal Insulation,” and ASTM C 591-94, “Standard Specification for Unfaced Preformed Rigid Cellular Polyisocyanurate Thermal Insulation.” If these tests are not applicable to your product, you must follow the procedure in paragraph 4.6.4 of GSA Specification HH-I-530A or another reliable procedure.

(2) For loose-fill cellulose, the tests must be done at the settled density determined under paragraph 8 of ASTM C 739-97, “Standard Specification for Cellulosic Fiber (Wood-Base) Loose-Fill Thermal Insulation.”

(3) For loose-fill mineral wool, self-supported, spray-applied cellulose, and stabilized cellulose, the tests must be done on samples that fully reflect the effect of settling on the product’s R-value.