

April 22, 2024

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

Submitted via www.regulations.gov

**Comments of Consumer Reports and the Consumer Federation of America to the Consumer Product Safety Commission on the Petition Requesting Rulemaking to Mandate Testing and Labeling Regarding Slip Resistance of Flooring, Floor Coatings and Treatments, Floor Cleaning Agents, and Footwear; Request for Comments
Docket No. CPSC-2024-0003**

Consumer Reports (CR)¹ and the Consumer Federation of America² welcome the opportunity to comment on the petition from the National Floor Safety Institute (NFSI) requesting that the Consumer Product Safety Commission (CPSC) require manufacturers of floor coverings and coatings to test the slip resistance of their products in accordance with the most current version of NFSI standard B101.3, *Test Method for Measuring the Wet Dynamic Coefficient of Friction (DCOF) of Hard Surface Walkways*, and label their products in accordance with the most current version of NFSI standard B101.5, *Standard Guide for Uniform Labeling Method for Identifying the Wet Dynamic Coefficient of Friction (Traction) of Floor Coverings, Floor Coatings, Treatments, Commercial and Residential Floor Chemical Agents, and Consumer Footwear*. The NFSI petition also requests rulemaking to mandate testing and labeling requirements for manufacturers of commercial and residential grade chemical floor cleaners and manufacturers of footwear; we do not address those requests in these comments.

In general, we support the petition's requests for rulemaking regarding floor coverings and coatings, 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 Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the United States.

² The Consumer Federation of America is an association of more than 250 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.

³ Consumer Reports, "Flooring" (online at www.consumerreports.org/cro/flooring.htm) (accessed Apr. 19, 2024).

CR assesses these products for various attributes, including slip resistance, and considers wet dynamic coefficient of friction (DCOF) and the test method proposed under the petition to be reliable for measuring traction and a significant 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 2018-2020 time frame that injuries related to stairs, ramps, landings, and floors, resulting largely from slips and falls, accounted for an average of more than 2.6 million emergency department-treated injuries per year.⁴ In 2021, according to the Centers for Disease Control and Prevention (CDC), there were 44,686 deaths from unintentional falls both in and out of the home.⁵ 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.⁶

Furthermore, flooring products with a low wet DCOF (i.e., those with lower traction, or those that are comparatively slippery) could 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 which, in our assessment, would help prevent 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, any mandatory slip resistance labeling for flooring should be meaningful for consumers and consistent across all product types. Through our evaluation of the NFSI petition, and on the basis of CR's experience testing the slip resistance of flooring products, we consider it likely that the labeling requested by the petition for floor coverings and coatings would achieve these goals. In particular, we consider it likely that:

- 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

⁴“Consumer Product-Related Injuries and Deaths in the United States: Estimated Injuries Occurring in 2020 and Estimated Deaths Occurring in 2019,” CPSC staff analysis prepared by Tom Schroeder, Directorate for Epidemiology, Division of Hazard and Injury Data Systems (Sept. 2021) (online at www.cpsc.gov/s3fs-public/ConsumerProductRelatedInjuriesandDeathsInTheUnitedStates.pdf) at 1.

⁵“Accidents or Unintentional Injuries,” CDC (Nov. 5, 2023) (online at www.cdc.gov/nchs/fastats/accidental-injury.htm).

⁶“Facts About Falls,” CDC (May 12, 2023) (online at www.cdc.gov/falls/facts.html).

- 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 for floor coverings and coatings as reasonably necessary to reduce the 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's requests related to floor coverings and coatings 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. As consumer advocates, we would do our part to help educate consumers about slip resistance and give them useful comparative information, while also leveraging CR's testing and ratings to help improve the marketplace.

Of course, it is broader changes in flooring—incentivized 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 while consumer education is important, “there seems little choice but to concentrate on reducing unreasonable hazards by encouraging additional care in the design and manufacture of products.”⁷

Thank you for your consideration of our comments.

Respectfully submitted,

William Wallace
Associate Director, Safety Policy
Consumer Reports

Courtney Griffin
Director of Consumer Product Safety
Consumer Federation of America

⁷ Rept. of the Natl. Comm. 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.