



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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Small Business Ombudsman

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November 17, 2006

Thomas M. Sullivan, Chief Counsel Advocacy
Linwood R. Rayford, III, Assistant Counsel for Food, Drug and Health Affairs
U.S. Small Business Administration
409 3rd Street, SW, MC 3114
Washington, DC 20416

Dear Mr. Sullivan and Mr. Rayford:

This is in response to your letter dated November 2, 2006 to Ms. Page Faulk, CPSC's General Counsel, concerning the Standard for the Flammability (Open Flame) of Mattress Sets, 71 Fed. Reg. 13472, issued by the U.S. Consumer Product Safety Commission ("the Commission").¹ In your letter you noted small business's concerns with the economic impact that the Mattress Standard could have on industry, especially small businesses. You inquired about the Commission's publication of a compliance guide related to the Mattress Standard.

As you recognized in your letter, the Commission prepared both an Initial Regulatory Flexibility Analysis and a Final Regulatory Flexibility Analysis to assess the potential effect the Mattress Standard could have on small businesses. The Commission recognizes that a large segment of the mattress industry is comprised of small businesses. The Commission Compliance staff has been, and continues to be, involved in educating mattress manufacturers about their obligations under the new Mattress Standard. The Commission staff has made presentations at six workshop seminars sponsored by the mattress industry trade association, the International Sleep Products Association ("ISPA"), explaining the standard. The presentation is available on the CPSC website at www.cpsc.gov. The staff has also developed recordkeeping forms to aid manufacturers with the recordkeeping requirements of the new rule.

The Commission staff is responding to inquiries from individual manufacturers, many of them small businesses, about their specific questions regarding compliance with the Standard.

¹ The views expressed here are those of CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

The Commission staff is also presently preparing a question and answer document that will be posted on the Commission's website which will respond to many of the most commonly asked questions about the Mattress Standard. The staff plans to share this document with ISPA for posting on ISPA's website. Drawing from all of these efforts, the Commission staff will be putting out a Compliance Guide. In the meantime, Ms. Mary Toro of our Office of Compliance, (301) 506-7586, e-mail mtoro@cpsc.gov is available to provide assistance on a one-on-one basis.

Sincerely,

Ann DeTemple

CC: Ms. Page C. Faulk, General Counsel, CPSC
Mr. Nicholas N. Owens, National Ombudsman