Appendix A
PART 460—LABELING AND ADVERTISING OF HOME INSULATION

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APPENDIX TO PART 460—EXEMPTIONS


§ 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 the rules is unfair to consumers, and deceptive and unfair practice or practice to 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.

§ 460.2 What is home insulation.
Insulation is any material materially used to slow down heat flow. It may be released or organic, fibrous, cellular, or reflective (aluminum foil). It may be in rigid, semirigid, flexible, or loose-fill form. Home insulation is for use in old or new buildings, additional structures, apartment, modular homes, or mobile homes. It does not include pipe insulation, and it does not include any kind of duct insulation except for dust wrap.

§ 460.3 Who is covered.
You are covered by this regulation if you are a member of the home insulation industry. The term includes manufacturers, distributors, installers, retailers, utility companies, and trade associations. Advertisers and advertising agencies are also covered. So are those doing tests for industry members. If you sell new homes to consumers, you are covered.

§ 460.4 When the rules apply.
You must follow these rules each time you import, manufacture, distribute, sell, install, promote, or label home insulation. You must follow them each time you prepare, approve, place, or pay for home insulation labels, fact sheets, ads, or other promotional materials for consumer use. You must also follow them each time you supply anyone covered by this regulation with written information that is to be used in labels, fact sheets, ads, or other promotional materials for consumer use. You must also follow them each time you supply anyone covered by this regulation with written information that is to be used in labels, fact sheets, ads, or other promotional materials for consumer use. The rules apply only if the industry members tell them, in writing, that labels, fact sheets, ads, or other promotional materials for home insulation will not be based on the test results.

§ 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 developed by the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE). The test methods are:

For loose-fill cellulose, the tests must be done on samples that fully reflect the effect of settlement on the product's R-value. To get these results, use the tables in the most recent edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers' (ASHRAE) Fundamentals Handbook, if the product is intended for applications that do not meet the conditions specified in the tables. You must use the R-value shown for 50- or 70-degree Fahrenheit, with a temperature difference of 30 degrees Fahrenheit.

For insulation materials with full headers, you must test the R-value of the material alone (excluding any air space). Under the methods listed in section 8 of this section, you can also determine the R-value of the material in combination with an air space. This requires one of two methods to do so:

1. **You can test the system with the air space, under ASTM C 1224-97.**
(e) The standards listed above are incorporated by reference into this section. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Federal Trade Commission, Consumer Response Center, Room 265, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Copies of materials and standards incorporated by reference may be obtained from the issuing organizations listed in this section.

(i) The American Society of Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.


(vii) ASTM C 1224-03, "Standard Specifications for Reflective Insulation for Building Applications."


[11] [Reserved]

480.8 "Representative thickness" testing.

All tests except aluminum foil tests must be done at a representative thickness for every thickness shown in a label, fact sheet, ad, or promotional material. "Representative thickness" means a thickness at which the R-value per unit will vary no more than plus or minus 2% with increases in thickness. However, if the thickness shown in your label, fact sheet, ad, or promotional material is less than the representative thickness, then you can test the insulation at the thickness shown.

480.8 Which test version to use. Use the version of the ASTM test method that was in effect when this regulation was promulgated. If ASTM changes a test method, the new version will automatically replace the old one in three years after ASTM first publishes the change. However, the Commission's staff or a person affected...
§ 460.8 R-value tolerances.
If you are a manufacturer of home insulation, an individual specimen of the insulation you sell can have an R-value more than 5% below the R-value shown in a label, fact sheet, ad, or any other promotional material for that insulation. If you are not a manufacturer, you can rely on the R-value data given to you by the manufacturer. The data must be accurate, and if the data is false or not based on the proper test.

[15 FR 2925, May 15, 1959]
§ 460.9 What test records you must keep.
Manufacturers and testing labs must keep records of each item of information for the “Report” section of the ASTM test method that is used for a test. They must also keep the following records:
(a) The name and address of the testing lab that did each test.
(b) For manufacturers, the date each test was made. For labs, the date each test report was sent to a manufacturer.
(c) For extruded polystyrene, polycyanoate, and polyester, the age (in days) of the specimen that was tested.
(d) For aluminum foil, the emissivity level that was found in the test.
Manufacturers who own their own testing labs must keep records of each item of information for any additional R-values you list on the chart. Labels for these products must state the minimum net weight of the insulation in the package. You must also provide information about the blowing machine and materials that were used to manufacture the initial installed thickness information.

§ 460.10 How statements must be made.
All statements made for this regulation must be made clearly and conspicuously. A manufacturer must provide information about the blowing machine and materials that were used to manufacture the initial installed thickness information.

§ 460.11 Rounding off R-values.
R-values shown in labels, fact sheets, ads, or any other promotional materials must be rounded to the nearest tenth. If a manufacturer, the R-value of 25 or more may be rounded to the nearest whole number.

§ 460.12 Labels.
If you are a manufacturer, you must label all packages of your insulation. The label must contain:
(a) The type of insulation.
(b) A chart showing these items:
1. For isocyanurate, polyurethane, and polycyanoate, the average R-value for the insulation, the R-value for the horizontal, the R-value for the vertical, and the R-value for the diagonal, for any one of the three years the manufacturer ships.
2. For aluminum foil, the emissivity level that was found in the test.
3. For boardstock, the R-value, length, width, and thickness of the boards in the package, and the square footage of insulation in the package.
4. For aluminum foil, the number of full sheets, the number and thickness of the air spaces and the R-value provided by the system when the direction of heat flow is up, down, and both, for any one direction of heat flow if you do not provide the proper label.
5. For insulation materials with foil facing, you must follow the rule that applies to the material itself. For example, if you manufacture boardstock...
§ 460.13 Fact sheets.

(a) The name and address of the manufacturer. It can also include a logo or other symbol that the manufacturer uses.

(b) A heading: "This insulation must be installed properly. Follow the instructions on the chart and any statement dealing with the specific type of insulation. ALL fact sheets must carry this heading, in 10-point type:

Save These Instructions

When you should know about R-values

The chart shows the R-value of this insulation. It means resistance to heat flow. The higher the R-value, the greater the insulating power. Compare insulations R-values before you buy.

You must show the R-value of your product at 3 1/2 inches. You must clearly show R-values at other thicknesses.

(c) The following statement: "If you do it yourself, follow the instructions carefully." Instructions do not come with this package.

(d) The chart must be followed by this statement:

The R-value of this insulation varies depending on how much it is compressed during installation.

(8) The chart and any statement dealing with the specific type of insulation, ALL fact sheets must carry this statement, bold, in 10-point type:

Save These Instructions for You

When you should know about R-values

The chart shows the R-value of this insulation. It means resistance to heat flow. The higher the R-value, the greater the insulating power. Compare insulation R-values before you buy.

You must show the R-value of your product at 3 1/2 inches. You must clearly show R-values at other thicknesses.

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(f) A fact sheet must contain these items:

(a) The name and address of the manufacturer. It can also include a logo or other symbol that the manufacturer uses.

(b) A heading: "This insulation must be installed properly. Follow the instructions on the chart and any statement dealing with the specific type of insulation. ALL fact sheets must carry this heading, in 10-point type:

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You must show the R-value of your product at 3 1/2 inches. You must clearly show R-values at other thicknesses.

(f) A fact sheet must contain these items:

(a) The name and address of the manufacturer. It can also include a logo or other symbol that the manufacturer uses.
§460.15 How installers must handle fact sheets.

If you are an installer, you must have fact sheets available for each type of insulation you install. You must give the buyer a receipt stating that this information is available. You must give the buyer a receipt containing the following information:

(a) The affirmative disclosure required in §460.10.

(b) If your ad gives the price of a specific thickness, the statement explaining R-values in paragraph (a) of this section.

(c) If your ad compares one type of insulation to another, the comparison must be based on the same coverage areas. You must give the R-value at that thickness and the statement explaining R-values in paragraph (a) of this section.

(d) The statement explaining R-values in paragraph (n) of §460.10.

§460.16 What new home sellers must do.

If you are a new home seller, you must put the following information in every sales contract:

(a) The type, thickness, and R-value of the insulation that will be installed in each part of the house. There is an exception to this rule. If the buyer signs a sales contract before any insulation is installed, the information may be put in the contract, or if there is a change in the contract, you may give the buyer a receipt stating this information as soon as you find out.

(b) The affirmative disclosure required in §460.10.

§460.17 What installers must tell their customers.

If you are an installer, you must give your customers a contract or receipt for the insulation you install. For all insulation except loose-fill and aluminum foil, the receipt must show the type, thickness, and R-value of the insulation you installed. The receipt must be signed and dated by the installer. To figure out the R-value of the insulation, use the data that the manufacturer gave you. If you put insulation in more than one part of the house, you must put a receipt in the house for each part of the house, put the data for each part on the receipt. You can do this on one receipt, as long as you do not add up the coverage areas or R-values for different parts of the house. Do not multiply the R-value for one inch by the number of inches in the thickness. The receipt must show the coverage areas, initial installed thickness, minimum settled thickness, R-value, and the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and the R-value.

§460.18 Insulation ads.

(a) If your ad gives an R-value, you must give the type of insulation and the thickness needed to get that R-value. Also, add this statement explaining R-values: "The higher the R-value, the greater the insulating power. Ask your seller for the fact sheet on R-values."

(b) If your ad gives the price, you must give the type of insulation, the R-value at a specific thickness, the statement explaining R-values in paragraph (a) of this section.

(c) If your ad gives the thickness of your insulation, you must give its R-value at that thickness and the statement explaining R-values in paragraph (a) of this section.

(d) If your ad compares one type of insulation to another, the comparison must be based on the same coverage areas. You must give the R-value at that thickness and the statement explaining R-values in paragraph (a) of this section.

(e) The affirmative disclosure required in §460.10 do not apply to ads on television or radio.

§460.19 Notice to consumers. Take copies of the fact sheets that you have. You can keep them in a binder at a counter or service desk, and have a sign telling other customers where the fact sheets are. You need not make the fact sheets available to customers if you display insulation packaging on the sales floor where your insulation customers are likely to notice them and each individual insulation package offered for sale contains all package label and fact sheet disclose required by §§ 460.12 and 460.13.
If you say or imply in your ads, labels, or other promotional materials that insulation can cut fuel bills or fuel use, you must have a reasonable basis for the claim. For example, if you say that insulation can "slash," or "lower" fuel bills, or that insulation "saves money," you must have a reasonable basis for the claim. Also, if you say that insulation can "cut fuel use in half," or "lower fuel bills by 50%," you must have a reasonable basis for the claim.

(b) If you say or imply in your ads, labels, or other promotional materials that insulation can cut fuel bills or fuel use, you must make this statement about savings: "savings vary. Find out why in the seller's fact sheet on R-values. Higher R-values mean greater insulation power."

(c) If you say or imply that a combination of products can cut fuel bills or use, you must have a reasonable basis for the claim. You must make the statement about savings in paragraph (b) or this section. Also, you must list the combination of products used. They may be two or more types of insulation; one or more types of insulation and one or more other insulating products, like storm windows or siding; or insulation for two or more parts of the house, like the roof and walls. You must say how much of the savings came from each product or location. If you cannot give exact or approximate figures, you must give a range. For instance, if your ad says that insulation and storm doors combined to cut fuel use by 50%, you must say which one saved more.

(d) If your ad or other promotional material is covered by §460.18 (a), (b), (c), or (d), and also makes a savings claim, you must follow the rules in §§460.18 and 460.19. However, you need not make the statement explaining R-value in §460.18(a).

(2) Manufacturers are liable if they do not have a reasonable basis for their savings claims before the claim is made. If you are a manufacturer and you are liable if you know or should know that the manufacturer does not have a reasonable basis for the claim.
may petition the Commission, or good between R-value and density or weight per product that have an inventory relationship. R&G.

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All other requirements limited to SPCs. This section

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APPENDIX TO PART 460—EXEMPTIONS

Section 460 of the Trade Commission Act. 15 U.S.C. 45, mandates the Commission to exempt a person or class of persons from all or part of a rule regulated by the Commission. The Commission is to exempt these persons if the Commission finds that exempting these persons from complying with the rule will frustrate the purposes of the rule. The Commission may also exempt persons if it finds that exempting these persons from complying with the rule is necessary to prevent undue burden on competition or unduly restrain trade. The exemptions are subject to the rule's Section 460.24 stay or invalid rule stays in force.

(a) Manufacturers of consumer products that have no inventory relationship between R-value and density or weight per square foot, for R-values listed on labels and fact sheets.

(b) Manufacturers of rigid, foil-faced insulating products used in flat, built-up roof systems. R-value declarations on the labels and Fact sheets shall be the R-values of the individual insulation sheets and not the R-values of the insulation, when built into a roof system. Section 460.24 stay or invalid rule stays in force.

(c) Manufacturers of rigid, foil-faced insulating products used in flat, built-up roof systems. R-value declaractions on the labels and Fact sheets shall be the R-values of the individual insulation sheets and not the R-values of the insulation, when built into a roof system. Section 460.24 stay or invalid rule stays in force.

(d) Manufacturers or service insulation products that have no inventory relationship between R-value and density or weight per square foot, for R-values listed on labels and fact sheets.