

109:4-3-14 Insulation.

(A) Definitions

(1) "Insulation" means, for purposes of this rule, any material used primarily to retard or to resist heat flow, whether mineral or organic, fibrous, cellular or reflective, or in rigid, semi-rigid, flexible or loose-fill form.

(2) "Manufacturer" means any supplier who processes any materials for the purpose of making insulation.

(3) "Installer" means any supplier who places or affixes, or contracts to place or affix, insulation by any means in connection with a consumer transaction.

(4) "R-value" means resistance to heat flow and is the reciprocal of thermal conductance.

(5) "ASTM" is the "American Society for Testing and Materials".

(6) "Label" means any information provided by a manufacturer either on or attached to a package of insulation.

(7) "Package" means a bag, drum, box, wrapping, or any container in which a manufacturer provides insulation.

(8) "Vapor barrier" means any material used to retard the migration of moisture vapor into building sections.

(B) It shall be an unfair or deceptive act or practice in connection with a consumer transaction involving insulation for any supplier to make a representation:

(1) Concerning R-value at any thickness for any type of insulation unless such representation is based upon the results of testing of the supplier's insulation, conducted in accordance with the latest existing ASTM testing standards, or comparable standards. Said testing shall have been performed not more than sixty days prior to the making of any such representation, provided, however, that such testing may be performed on an annual basis so long as the supplier utilizes a quality control procedure which is sufficient to insure that the insulation has an R-value which is identical, within tolerances permitted by testing standards authorized by this rule, to that of the insulation which was tested for R-value. The R-value represented must equal the R-value of the insulation at the settled density or cured state;

(2) Concerning fire retardancy of any type of insulation unless such representation is based upon the results of testing of the supplier's insulation, conducted in accordance with the latest existing ASTM standards, or comparable standards for fire retardancy. Said testing shall have been performed not more than sixty days prior to the making of any such representation, provided, however, that such testing may be performed on an

annual basis so long as the supplier utilizes a quality control procedure which is sufficient to insure that the insulation is fire retardant to the same extent as that insulation which was tested for fire retardancy;

(3) Concerning non-corrosiveness of any type of insulation unless such representation is based upon the results of testing of the supplier's insulation, conducted in accordance with the latest existing ASTM testing standards, or comparable standards, for corrosiveness. Said testing shall have been performed not more than sixty days prior to the making of any such representation, provided, however, that such testing may be performed on an annual basis so long as the supplier utilizes a quality control procedure which is sufficient to insure that the insulation is non-corrosive to the same extent as that insulation which was tested for noncorrosiveness;

(4) That any type of insulation is "fireproof";

(5) That specific amounts or percentages, including ranges of amounts or percentages, of money or fuel have been or may be saved as a result of the installation of insulation unless the supplier has a reasonable basis for making the representation at the time it is made. Such reasonable basis shall consist of information within the supplier's actual knowledge which is based upon scientific or engineering data of such reliability and validity which would cause a reasonable and prudent supplier to believe that the representation is truthful, complete and applicable to the insulation about which the representation is made. Whenever such a representation is made, it shall be accompanied by a statement in the following language: "DON'T EXPECT TO IMMEDIATELY SAVE AS MUCH MONEY AS IT COSTS TO INSULATE. EXACT AMOUNTS OF SAVINGS CANNOT BE GUARANTEED. YOUR HEATING SYSTEM, THERMOSTAT SETTING, WEATHERPROOFING, LIVING HABITS AND OTHER UNPREDICTABLE FACTORS WILL AFFECT YOUR FUEL USAGE.";

(6) That tax benefits are available to a consumer who purchases insulation unless such benefits have been legally enacted, are in effect, and the consumer to whom the representation is made is eligible to receive the benefits.

(C) It shall be an unfair or deceptive act or practice in connection with a consumer transaction involving insulation for any manufacturer of insulation to:

(1) Fail to label each package of insulation with the following information:

(a) The name and address of the manufacturer and the brand name and type of insulation contained in the package;

(b) For batts, blankets or boardstock, the R-value, the thickness in inches necessary to obtain the stated R-value, and except for boardstock, the square footage covered by each package and the dimensions of the insulation;

(c) For all loose-fill insulation, the R-value, the thickness and weight per square foot necessary to obtain the stated R-value and the square feet covered by each package;

(d) For aluminum foil, the number of foil sheets, the number and thickness of the air spaces, and the R-value provided when the direction of heat flow is up, down and horizontal;

(e) For sprayed-in-place foam, the R-value, the thickness in inches necessary to obtain the stated R-value and the pounds per cubic foot at the stated R-value.

(2) Except for sales to installers, fail to provide the following statements clearly and conspicuously on the label of each package of insulation:

(a) "ASK FOR THE MANUFACTURER'S INSULATION FACT SHEET.";

(b) If installation instructions are included with the package, "THIS INSULATION MUST BE INSTALLED PROPERLY TO GET THE MARKED R-VALUE. IF YOU INSTALL IT YOURSELF, FOLLOW INSTRUCTIONS CAREFULLY.";

(c) If no instructions are included with the package, "THIS INSULATION MUST BE INSTALLED PROPERLY TO GET THE MARKED R-VALUE. IF YOU INSTALL IT YOURSELF, GET INSTRUCTIONS AND FOLLOW THEM CAREFULLY. INSTRUCTIONS DO NOT COME WITH THE PACKAGE.";

(d) If a full warranty under the Magnuson-Moss Warranty Federal Trade Commission Improvements Act, 88 Stat. 2183, 15 U.S.C.A. 2301 et seq., is given, "THE MANUFACTURER WARRANTS THIS PRODUCT FULLY.";

(e) If a limited warranty under the Magnuson-Moss Warranty Federal Trade Commission Improvements Act, 88 Stat. 2183, 15 U.S.C.A. 2301 et seq., is given, "THIS PRODUCT HAS A LIMITED WARRANTY. THE MANUFACTURER WARRANTS THIS PRODUCT SUBJECT TO CERTAIN CONDITIONS AND EXCEPTIONS. ASK THE SELLER FOR A COPY OF THE WARRANTY.".

(3) Fail to provide to any supplier in sufficient quantity to insure distribution to each ultimate consumer who purchases the manufacturer's insulation a form designated "MANUFACTURER'S INSULATION FACT SHEET" which clearly and conspicuously provides the following information:

(a) The name and address of the manufacturer and the brand name and type of insulation contained in the package;

(b) In twelve-point type, the statement, "THIS FACT SHEET CONTAINS IMPORTANT DETAILS ABOUT \_\_\_\_\_ INSULATION. READ IT

CAREFULLY." (Fill in the blank with the type of insulation covered by the fact sheet [for example, "loose-fill cellulose," "urea-formaldehyde foam"]);

(c) For batts, blankets or boardstock, a chart showing the R-value of the insulation, the thickness in inches necessary to obtain the stated R-value, and except for boardstock, the square footage covered by each package, and the dimensions of the insulation;

(d) For all loose-fill insulation, a chart showing the R-value, the thickness and weight per square foot necessary to obtain the stated R-value and the square feet covered by each package;

(e) For aluminum foil, a chart showing the number of foil sheets, the number and thickness of the air spaces, and the R-value provided when the direction of heat flow is up, down and horizontal;

(f) For sprayed-in-place foam, a chart showing the R-value, the thickness in inches necessary to obtain the stated R-value and the pounds per cubic foot at the stated R-value;

(g) For batts, blankets, loose-fill mineral wool, cellulose or any other insulation the R-value of which is reduced by moisture build-up, after the charts required by paragraphs (C)(3)(c) or (C)(3)(d) of this rule, the statement, "THIS INSULATION MUST BE INSTALLED PROPERLY TO GET THE MARKED R-VALUE. READ AND FOLLOW INSTALLATION INSTRUCTIONS CAREFULLY IF YOU PLAN TO INSTALL THE INSULATION YOURSELF. FOLLOW THE CHART ON THIS FACT SHEET TO OBTAIN THE RIGHT THICKNESS FOR THE MARKED R-VALUE, THEN FOLLOW INSTALLATION INSTRUCTIONS CAREFULLY. MOISTURE BUILD-UP IN THIS PRODUCT WILL REDUCE THE MARKED R-VALUE. YOU MAY NEED A VAPOR BARRIER TO PREVENT MOISTURE BUILD-UP.";

(h) For aluminum foil or boardstock, after the charts required by paragraphs (C)(3)(c) or (C)(3)(e) of this rule, the statement, "THIS INSULATION MUST BE INSTALLED PROPERLY TO GET THE MARKED R-VALUE. OBTAIN AND FOLLOW INSTALLATION INSTRUCTIONS CAREFULLY IF YOU PLAN TO INSTALL THE INSULATION YOURSELF.";

(i) For sprayed-in-place foam, after the chart required by paragraph (C)(3)(f) of this rule, the statement, "THIS INSULATION MUST BE INSTALLED PROPERLY. BOTH CHEMICAL MIX AND APPLICATION SHOULD BE DONE BY A TRAINED, QUALIFIED INSTALLER. PROPER VENTILATION IS NECESSARY TO REDUCE FUMES AND ODORS WHICH MAY RESULT FROM INSTALLATION. THIS INSULATION SHRINKS AFTER INSTALLATION. EXCESS SHRINKAGE WILL RESULT IN A LOWER R-VALUE THAN SHOWN ON THE CHART ABOVE. TEMPERATURE,

HUMIDITY AND OTHER FACTORS AT THE TIME OF INSTALLATION ARE IMPORTANT IN THE PREVENTION OF SHRINKAGE. THIS INSULATION IS NOT RECOMMENDED FOR INSTALLATION IN ANY ATTIC OR ANY OTHER OPEN AREA.";

(j) After the statements required by paragraphs (C)(3)(g) to (C)(3)(i) of this rule, the statement, "READ THIS CAREFULLY BEFORE BUYING. THE CHART ON THIS FACT SHEET SHOWS THE R-VALUE OF THIS INSULATION. A HIGHER R-VALUE NUMBER MEANS A GREATER RESISTANCE TO HEAT FLOW. THE AMOUNT OF INSULATION YOU NEED DEPENDS UPON THE CLIMATE IN WHICH YOU LIVE, YOUR LIVING HABITS, YOUR HEATING SYSTEM, YOUR THERMOSTAT SETTING, HOW WELL YOUR HOUSE IS WEATHERPROOFED, AND OTHER FACTORS. INSULATION PLACED TOO NEAR ELECTRICAL HEAT SOURCES MAY CAUSE FIRE. FOLLOW INSTALLATION INSTRUCTIONS CAREFULLY. TO AVOID EXCESS MOISTURE BUILD-UP, PROPER VENTILATION OF A HOME IS IMPORTANT FOLLOWING INSTALLATION OF THIS PRODUCT".

(k) After the information required by paragraphs (C)(3)(a) to (C)(3)(j) of this rule, the following information:

(i) If a full warranty under the Magnuson-Moss Warranty Federal Trade Commission Improvements Act, 88 Stat. 2183, 15 U.S.C.A., 2301 et seq., is given, "THE MANUFACTURER WARRANTS THIS PRODUCT FULLY.";

(ii) If a limited warranty under the Magnuson-Moss Warranty Federal Trade Commission Improvements Act, 88 Stat. 2183, 15 U.S.C.A., 2301 et seq., is given, the statement, "THIS PRODUCT HAS A LIMITED WARRANTY. THE MANUFACTURER WARRANTS THIS PRODUCT SUBJECT TO CERTAIN CONDITIONS AND EXCEPTIONS. READ THE WARRANTY CAREFULLY.";

(l) After the information required by paragraphs (C)(3)(a) to (C)(3)(k) of this rule, the full text of any warranty provided by the manufacturer.

(4) Fail to provide to any supplier in sufficient quantity to insure distribution to each ultimate consumer who purchases the manufacturer's insulation, a form designated "CONSUMER INFORMATION CARD" for completion and placement by installers of the manufacturer's insulation as required by paragraph (E)(3)(b) of this rule.

(D) It shall be an unfair or deceptive act or practice in connection with a consumer transaction involving insulation for any supplier to:

(1) Fail to provide to another supplier who obtains insulation from him, any materials provided by a manufacturer pursuant to the requirements of paragraphs (C)(3) and (C)(4) of this rule;

(2) Fail to provide to a consumer, prior to the consumer's purchase of insulation, the "MANUFACTURER'S INSULATION FACT SHEET" required by paragraph (C)(3) of this rule;

(3) Without the permission of the manufacturer, supply a consumer with any package of insulation the contents of which have been removed or altered.

(E) It shall be an unfair or deceptive act or practice in connection with a consumer transaction involving insulation for an installer of insulation to:

(1) Prior to the time of contracting, fail to provide the consumer with a written list containing the following information:

(a) All warranties given by the installer, including any limitations thereon;

(b) That subcontractors will be used by the installer if such is the case;

(c) Whether the installer is insured under appropriate workers' compensation laws and against liability for damages;

(d) Whether the installer has met all applicable licensing and/or bonding requirements pursuant to law.

(2) At the time of contracting, fail to provide the consumer with a written contract containing the following information:

(a) The installer's business name, address and telephone number;

(b) The anticipated completion date of the contract;

(c) The type and brand name of insulation to be installed;

(d) The total number of square feet to be covered and the overall R-value after installation, the thickness in inches, and the number of packages to be used for each type of insulation to be installed;

(e) The total contract price;

(f) In twelve-point type, the statement, "YOU HAVE SPECIFIC RIGHTS UNDER OHIO MECHANIC'S LIEN STATUTES. IF YOU HAVE ANY QUESTIONS CONCERNING THESE RIGHTS BEFORE, DURING OR

AFTER INSTALLATION UNDER THIS CONTRACT, YOU ARE ADVISED TO CONSULT YOUR LAWYER.";

(g) The specific method of installation which will be used by the installer, including specific information about the work to be performed, materials to be used, and any alteration of the consumer's property necessitated by installation;

(h) The information required by paragraph (E)(1) of this rule.

(3) At the time of completion of installation, fail to:

(a) To the extent that the supplier has affected the consumer's property, return the consumer's property to substantially the same condition in which it was found prior to installation;

(b) Provide the consumer with the "CONSUMER INFORMATION CARD" required by paragraph (C)(4) of this rule, to be placed by the installer conspicuously on or adjacent to the consumer's electric service panel, or in another location in the consumer's residence if required by federal law, with notice of such placement to the consumer, stating the brand name and type of insulation installed, the parts of the house insulated, the R-value of insulation installed, the date of installation, and the following information:

(i) For sprayed-in-place foam, the weight in pounds per cubic foot at which the foam was installed and the outside temperature at the time of installation;

(ii) For aluminum foil, the number and thickness of air spaces and the direction of heat flow;

(iii) For batts, blankets, and loose-fill insulation, the number of packages used;

(4) At any time, sell or provide to a consumer for any purpose other than installation by the installer any package of insulation not labeled according to the requirements of paragraph (C)(2) of this rule.

(F) Where testing under this rule requires the use of ASTM or comparable standards and testing methods, the standards and testing methods to be used shall be the latest generally accepted testing methods in the industry at the time that any such tests are conducted. Any applicable standard adopted by an agency of the federal government shall be deemed for the purposes of this rule to be a comparable standard. In the event that a supplier elects to use any standard other than an ASTM standard, or an adopted federal standard, the supplier shall retain all data which tend to show that said standard is the latest generally accepted standard in the industry at the time any testing is conducted and that the testing was conducted in conformity with that standard.

(G) Nothing in this rule shall be deemed to be in conflict with any federal statutory or regulatory requirement, and all requirements of this rule are in addition to the requirements of any federal statute or regulation either existing or to become effective at any future date. A supplier who provides any disclosures required by or under any federal law, trade regulation rule or guide adopted by the federal trade commission under the Federal Trade Commission Act, 38 Stat. 717 (1914), 15 U.S.C.A. 41, as amended, which apply to the advertisement, sale or installation of insulation in connection with a consumer transaction, and which are substantially similar to the disclosures required by this rule, shall be deemed to comply with requirements of this rule with respect to form and language, including the disclosure requirements contained in paragraphs (B)(5), (C)(2) and (3) of this rule, so long as the language mandated by such federal law, trade regulation rule or guide provides at least equal information to the consumer.

(H) Prior to May 1, 1979, a manufacturer shall provide either on a label or in a fact sheet, all information required by paragraphs (C)(1) and (C)(2) of this rule, except that the disclosure required by paragraph (C)(2) of this rule does not have to be provided in a fact sheet. After May 1, 1979, it shall be an unfair or deceptive act or practice in connection with a consumer transaction for a manufacturer of insulation to fail to label each package of insulation according to the requirements of paragraphs (C)(1) and (C)(2) of this rule.

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Rule amplifies: RC 1345.02

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