UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

CPSC/OFFICE OF
THE SECRETARY

2000 MAY 23 A 9: 16

Memorandum

Date: MAY 22 2000

TO: The Commission
Sadye E. Dunn, Secretary

THROUGH: Pamela Gilbert, Executive Director PG

FROM: Michael S Solender, General Counsel MS
Stephen Lemberg, Assistant General Counsel SL
Patricia M. Pollitzer, Attorney PMP

SUBJECT: Petition requesting various actions concerning mattress flammability

BALLOT VOTE due MAY 31 2000

The Office of the General Counsel has determined that submissions from Whitney A Davis, director of the Children's Coalition for Fire-Safe Mattresses, requesting that the Commission take certain actions to address mattresses should be docketed as petitions. The petitioner requests that the Commission issue rules requiring (1) an open flame test similar to the full-scale test set forth in California Technical Bulletin 129, (2) an open flame test similar to the component test set forth in British Standard 5852, (3) a warning label for flammable mattresses; and (4) a permanent mattress identification tag.

In accordance with the Commission directive on procedures for petitions (0605), the Office of the General counsel has drafted a notice for publication in the Federal Register inviting comments on the petition for a period of 60 days The draft notice is attached EXHR recommends that the Commission issue the notice

Please indicate your vote on the following options.

I Approve the draft Federal Register notice without change

Signature _____ Date _____

CPSC Hotline 1-800-638-CPSC(2772) ★ CPSC's Web Site http //www cpsc gov

II. Approve the draft Federal Register notice with the following changes (please specify)

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Signature Date

III. Do not approve the draft Federal Register notice.

Signature Date

IV Take other action (please specify):

_____

_____

_____

Signature Date

Billing Code 6355-01-P DRAFT 5/3/00

CONSUMER PRODUCT SAFETY COMMISSION

Petitions Requesting Standards, Labeling, and Identification Tags for Mattresses

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received petitions (FP00-1, FP00-2, FP00-3 and FP00-4) requesting that the Commission issue performance standards and labeling requirements to address the flammability of mattresses. The petitioner also requests that the Commission require a permanent tag stating the mattress's manufacturer and other identifying information. The Commission solicits written comments concerning the petitions.

DATES: The Office of the Secretary must receive comments on the petitions by [insert date 60 days after publication in the **Federal Register**].

ADDRESSES: Comments, preferably in five copies, on the petitions should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814 Comments may also be filed by telefacsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned "Petitions FP00-1 through FP00-4, Petitions on Mattress Flammability." Copies of the petitions are available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the

Secretary, Consumer Product Safety Commission, Washington, D C 20207; telephone (301) 504-0800, ext. 1232.

SUPPLEMENTARY INFORMATION. The Commission has received correspondence from Whitney A. Davis, director of the Children's Coalition for Fire-Safe Mattresses, requesting that the Commission take various actions concerning mattress flammability. The Commission is docketing as petitions his requests for rules requiring: (1) an open flame standard similar to the full-scale test set forth in California Technical Bulletin 129; (2) an open flame standard similar to the component test set forth in British Standard 5852; (3) a warning label for flammable mattresses; and (4) a permanent mattress identification tag attached to the innerspring of the mattress. The petitioner focuses primarily on the role polyurethane foam plays in mattress fires. He notes that the Commission's existing mattress flammability standard only addresses cigarette ignition; yet childplay with open-flame sources causes nearly two-thirds of mattess fires. He argues that with polyurethane foam mattresses, fires have become increasingly more deadly than with cotton batting mattresses due to increased smoke generation, heat production and flame spread. With regard to labels, he notes that polyurethane foam manufacturers provide warnings to mattress manufacturers, but these warnings are not passed on to the consumer. With regard to an identification tag, the petitioner argues that such a tag would help to identify mattresses involved in fires because often only the innerspring unit remains after a mattress fire The Commission is docketing these petitions under provisions of the

Flammable Fabrics Act, 15 U.S.C. 1191-1204.

Interested parties may obtain copies of the petitions by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. Copies of the petitions are also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: _____

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Sadye E. Dunn, Secretary
Consumer Product Safety Commission