

CPSC MEETING LOG

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12/2/09
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Date: November 20, 2009

Meeting Between: Commissioner Robert Adler and
Representatives of the International Sleep Products Association

Meeting Topic: Flammability Issues, CPSIA

Filed By: Dale Ray, Economic Analysis

Attendees:

Commissioner Robert Adler
Ryan Trainer, ISPA Executive VP / General Counsel
Chris Hudgins, ISPA VP / Government Relations & Policy
Terri Paul, President, Moonlight Slumber (crib mattress manufacturer)
Patty Adair, CPSC / Engineering Science
Dale Ray, CPSC / Economic Analysis

Summary:

Mr. Trainer and Mr. Hudgins described ISPA's previous cooperative activities on CPSC's mattress regulations (16 CFR 1632 - Standard for Cigarette Ignition, and 16 CFR 1633 - Standard for Open Flame Ignition), and stated their continuing support for those regulations. They provided some background on the mattress / bedding industry and discussed recent market changes and technological innovations. They also outlined some concerns and requests about the enforcement of the mattress standards and the relation between compliance with 1632 / 1633 and potential compliance with elements of the CPSIA pertaining to children's durable products.

Commissioner Adler asked about the use of flame retardant chemical treatments in mattresses. Mr. Trainer noted that compliance with 1633 is generally achieved with fire-blocking fiber barriers, and that foam FRs are not used; he also noted the continuing use of boric acid in some mattresses to reduce smolder propensity under 1632. He also noted that the industry had recently made numerous advances in 'green chemistry' and related technologies.

Mr. Trainer discussed the role of renovated and used mattresses in the low-price market. He estimated that up to 25% of mattresses sold in the U.S. could be renovated or used. Renovators and re-sellers are not members of ISPA. In response to a question from Commissioner Adler, Mr. Trainer estimated ISPA members' market share at around 50% of all mattresses sold (two major producers, Sealy and Serta, are no longer members). The ISPA representatives stated their view that renovators and re-sellers need continuing compliance scrutiny, and may be less likely to comply with the standards, especially 1633.

Regarding the CPSIA's provisions on conformity certification and tracking labels, Mr. Hudgins discussed ISPA's request to 'merge' label information currently provided under 1633, i.e., that 1633 label data be considered sufficient to meet the CPSIA requirements. He also expressed some concern about the potential impact on mattress firms of potential requirements for product registration cards. Commissioner Adler suggested that ISPA continue to work with the CPSC staff for guidance on these issues as work on CPSIA-related rule development progresses.

Regarding 1632, the ISPA representatives discussed their recent letter to the agency requesting some amendments to the standard, including:

- a) allowing pooled prototype testing, as allowed under 1633;
- b) centralized recordkeeping to reduce administrative costs; and
- c) codifying as permanent the current temporary enforcement policy allowing testing of two sides of the finished mattress, rather than the six side testing specified in the original standard.

Mr. Hudgins stated that these proposed modifications would reduce testing burdens on industry without reducing consumer safety. Ms. Adair noted that she had ISPA's letter on this subject, and that the staff would consider possible actions as resources allow; she noted that, while the Commission published an ANPR in 2005 initiating possible action to revoke or amend 1632, CPSC's FY 2010 operating plan (which re-directed substantial resources to drywall and CPSIA-related rulemaking) did not include work specifically on this issue. Commissioner Adler encouraged ISPA to maintain contact with him and the staff on the matter.

Mr. Trainer stated that ISPA was 'eager' to be kept aware of any potential CPSC action on bedclothing flammability – the subject of another ANPR. He also recommended that CPSC commit some resources to a public education program on mattress safety, with a focus on potential fire and health hazards associated with renovated and used mattresses.