

CPSC MEETING LOG

UPHOLSTERED FURNITURE

CPSC (b)(1) CLEARED for PUBLIC

X NO MFPS/PRVTBLRS OR
PRODUCTS IDENTIFIED

EXCEPTED BY: PETITION
RULEMAKING ADMIN. PRCDG

WITH PORTIONS REMOVED: _____

Meeting Between: CPSC staff and representatives of the Business & Institutional Furniture Manufacturers Association (BIFMA) Flammability Standard Subcommittee

Date of Meeting: March 27, 2012

Meeting Site: BIFMA Headquarters, Riverview Center, Grand Rapids, MI-

Log Entry By: Dale R. Ray, Project Mgr., EC, (301) 504-0962 x1323

Participants: David Panning, BIFMA Technical Services Director
Tom Reardon, Brad Miller, BIFMA
Jeff Musculus, Steelcase, Subcommittee Chairperson
Mike Abson, Steelcase
Jim Groulx, Allsteel
Rick Magnuson, American Seating
Julie Doll, Bernhardt
Clarence Mow, Community Playthings
Tom Dykstra, Bob Dutmers, Haworth
Randy Ruster, Doug Wesseldyke, Herman Miller
Brian Kneibel, Intertek
Steve Keihauer, Kilhauer
Meghan Novrosky, Keith Moering, K-I
Paul Hedinger, John Knust, Steve Trinkel, Kimball Office
Michael Kraynak, Knoll
Anthony Chapman, Neutral Posture
Bob Luedeka, Polyurethane Foam Ass'n.
Charles Choo, Teknion
Mike Chlebowski, Touchstone Testing
Alan Dean, True Textiles
Robert Hupe, Virco
Claudia Polsky, California Department of Justice
Dale Ray, CPSC

Summary:

Speakers and industry representatives presented and discussed topics of interest to BIFMA members; these firms produce or supply contract-market and other commercial furniture and components. Most of their products are distributed for non-residential use, although some may be sold to consumers or otherwise used in residential occupancies. BIFMA members' products are generally designed to meet California Technical Bulletins 117 or 133.

Mr. Ray presented an update of CPSC's activities related to the proposed rule on upholstered furniture. The discussion included the methods and acceptance criteria for specific tests, the CPSC staff's work with NIST to develop standard test materials, ongoing flammability testing, voluntary standards activities, and standards harmonization efforts in California. Mr. Ray's discussion outline is attached.

There was additional discussion about recent and ongoing legislative initiatives in California regarding TB-117, and about the potential pre-emptive effect of a CPSC rule. Ms. Polsky stated her support for a CPSC national, pre-emptive rule. There was also some discussion of other flame retardant chemical issues; Mr. Ray noted that, under the CPSC proposal, FR additives in fabrics and foam would not be needed to comply with the proposed flammability performance tests.

Attachments

CPSC Activities on Upholstered Furniture Flammability*
BIFMA Flammability Subcommittee Meeting
March 27, 2012

Contact: Dale R. Ray
CPSC Project Manager
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Proposed Rule (16 CFR 1634)

- 2008 NPR for public review & comment; about 85 comments including BIFMA
- Flammability performance tests: manufacturer / importer chooses between two methods of compliance – *either* Type I smolder-resistant fabrics, or Type II smolder- and flame-resistant barriers; no requirements for filling materials
- Certification of compliance based on reasonable testing program (test scheme outlined in proposal); labeling (Type I or II) for finished articles
- Proposed effective date = 1 year from publication of final rule
- Proposal targets principal aspect of fire risk (smoldering) at reasonable cost and without reliance on FR chemical additives; barriers would likely be constructed with inherently FR fibers (as for compliance with mattress rule, 16 CFR 1633)
- CPSC proposed rule would likely pre-empt state rules (e.g., TB-117) addressing same risk (residential fires) with non-identical requirements (may not pre-empt TB-133)

Post-NPR CPSC Staff Activities

- Standard Materials Research
- Goal: Maximize test result repeatability, minimize variability of test materials
- Interagency Agreements with NIST:
 - SRM Cigarettes 2009-10; incorporated into mattress rule (16 CFR 1632) in 2011
 - SRM Foam 2010-present; continuing through 2012
- Bench scale & full scale testing:
- Open flame testing 2009-10 NIST & CPSC Laboratory to analyze beneficial impact of barriers (photos attached); cigarette testing ongoing, SRM cigarettes & foam are key to analyzing impacts & guiding potential test method revisions
- Ongoing stakeholders & media interest re: fire testing, FR chemical issues

*This information was prepared by the CPSC staff. It has not been reviewed or approved by, and does not necessarily represent the views of, the Commission.

Voluntary Standards Activities

- **ASTM: proposed 1634 test methods discussed as possible ASTM consensus methods (not proposed)**
- **Voluntary action included among alternatives analyzed in preliminary regulatory analysis of proposed rule**

California Activity

- **Several legislative initiatives since 2009 to amend / revoke TB-117**
- **TB-117 amended in 2010 to exempt baby products that do not present fire risk**
- **Other initiatives to revoke or harmonize with proposed CPSC requirements**

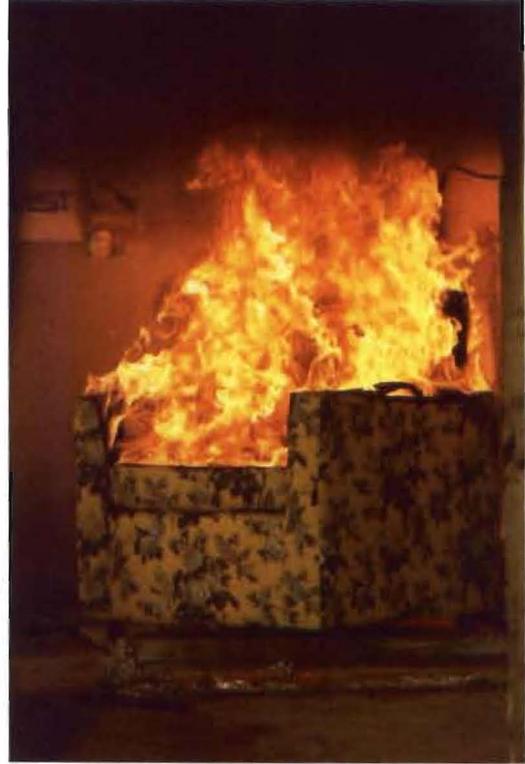
CPSC Staff's Next Steps

- **Complete supporting research on SRM foam and for other aspects of the proposed rule; final rule may differ (standard test materials, possible changes in test methods / acceptance criteria), depending on research findings**
- **Will consider possible revisions in the context of likely benefits, potential costs, small business impacts, FR chemical ramifications**

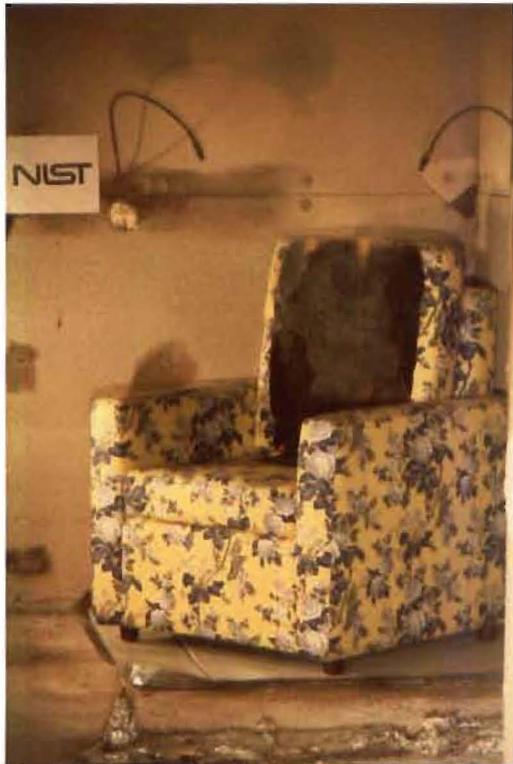
Example of Full Scale Open Flame Barrier Testing



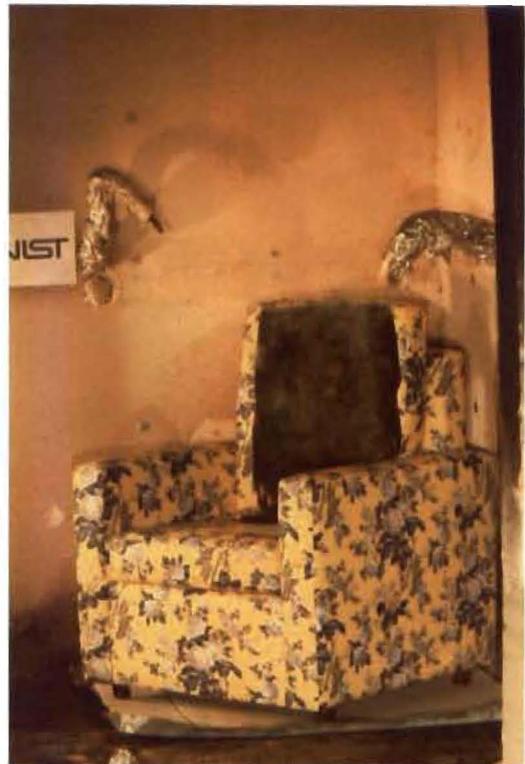
Non-Barrier, Std. Foam
Test 18 – 4 min



Non Barrier, FR Foam
Test 19 – 4 min



Barrier, Std. Foam
Test 21 – 4 min



Barrier, FR Foam
Test 48 – 4 min