

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

10/16/06
NOTICE OF PETITION
PRODUCT IDENTIFIED
EXCEPTED FROM PETITION
RULEMAKING PROCESS
WITH PORTIONS REMOVED

SUBJECT:
Upholstered furniture flammability rulemaking

DATE OF MEETING: May 24, 2006

LOG ENTRY SOURCE: Pamela L. Weller

DATE OF LOG ENTRY: May 25, 2006

LOCATION: Room 725, CPSC headquarters

CPSC ATTENDEE(S): Pamela L. Weller, Counselor to Commissioner Thomas Moore

NON-CPSC ATTENDEE(S): John Dean, Vice President, National Association of State Fire Marshals; Karen Suhr, Government Relations, NASFM; Mark Buczek, V.P. Advocacy & Regulatory Affairs, Supresta; Russ Batson, AHFA; Sean Oberle, Product Safety Letter

SUMMARY OF MEETING: Mr. Dean indicated that they very much hoped that a regulation on upholstered furniture would be issued by the CPSC in the not too distant future, noting that this issue had been before the Commission for quite a long time. Ms. Suhr noted that some of the delay was due to actions by Congress.

Ms. Weller noted that progress had been made during that time and that moving away from trying to stop a fire from igniting, to delaying the time it took the fire to grow and focusing less on fabric as the first line of defense and more on the foam and other fillings were positive steps in achieving a workable standard. Ms. Suhr agreed but indicated that they didn't want to lose the fabric test component. Ms. Weller indicated that her office would be looking for proof, through test results, that no fabric test was needed for the small open flame part of the standard.

Ms. Weller asked if the alternate proposal that NASFM had in its letter to Dale Ray of February 27, 2006, on fibrous filling materials indicated not only dissatisfaction with the industry proposal on this point, but also with the CPSC staff proposal. Ms. Suhr stated yes, that they did not think the CPSC proposal was stringent enough.

The discussion turned to the lower density foams and whether they could meet the FR requirements of a proposed standard. Mr. Buzcek stated that at a recent Polyurethane Foam Association meeting the members indicated they thought they could meet TB117+ even for the one inch density foam but that it might take a bit more work for them to get there.

Mr. Buzcek and Mr. Batson both indicated that they thought the addition of the piece of fabric to the foam test resulted in too much variability and that the foam should be tested bare, without the standard test fabric.

Mr. Batson noted that they hoped whatever was adopted was relatively simple for the manufacturers to comply with. He said he understood that staff was trying to give manufacturers more flexibility with all of the options but he feared that having multiple options could raise litigation exposure if a manufacturer picked an option that required less testing of the various components than another option. He suggested that perhaps we should eliminate the option that allowed testing of the end product materials.

Ms. Weller indicated that her office was very interested in the results of large scale testing to validate any proposal that was made and Mr. Dean expressed his agreement with that.

Mr. Dean mentioned the work in California on the revision of TB 117. Ms. Weller noted that it appeared that California had stopped working on it and that the Bureau of Home Furnishings web site, made no reference to the revision. Mr. Buzcek said he had spoken to someone there recently and they indicated California was waiting for the CPSC to take action.

Ms. Weller stated that once the Commission had voted on a proposal, that that would focus the discussion and the process might move more quickly. She thanked Mr. Dean for taking the time to come discuss this issue.