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CPSC MEETING LOG

UPHOLSTERED FURNITURE & MATTRESSES/BEDDING

Meeting Between: CPSC staff and members of the Polyurethane Foam Association
(PFA 2004 Spring Meeting Flammability Review)

Date of Meeting: May 6, 2004

Meeting Site: Washington Court Hotel, Washington, DC

Log Entry By: Dale R. Ray, Project Mgr., EC, 301-504-7704 *DRR*

Participants: Louis Peters, Executive Director, PFA, Technical Program Chmn.
Robert Leudeka, J.P. Hogan, PFA Associate Director
Speakers:
Clive Davies, OPPT/DfE, EPA
Dale Ray, CPSC
William Brown, Albemarle Chemical Co.
Richard Rose, Great Lakes Chemical Corp.
plus about 100 representatives of manufacturers, suppliers, and
members of related industry groups

Summary:

This semi-annual meeting of the Polyurethane Foam Association included a Flammability Review session on topics of interest to the polyurethane foam industry. Included were presentations from EPA and CPSC related to regulatory activities on upholstered furniture and mattresses and bedding. Mr. Davies, chief of EPA's Design for the Environment Program, described a proposed government / industry partnership to promote the use of environmentally desirable substitutes for certain brominated flame retardant chemicals (pentabromodiphenyl ether and octabromodiphenyl ether) that have been used in upholstered furniture and are going out of production in 2004. Mr. Ray presented an overview of the status of the Commission's upholstered furniture and mattress and bedding projects (presentation slides are attached).

Attachment

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U.S. Consumer Product Safety Commission



CPSC Rulemaking Update on Upholstered Furniture and Mattresses

Polyurethane Foam Association

May 6, 2004

Dale Ray, Project Manager*

*Mr. Ray's views have not been reviewed or approved by, and do not necessarily reflect the views of, the Commission. Because Mr. Ray prepared this presentation as a part of his official duties as a CPSC employee, the information herein is in the public domain, and may be freely reprinted.

Upholstered Furniture and Mattresses & Bedding Fires

- Leading causes of fire deaths associated with consumer products
- 1998 addressable fire losses:
 - Upholstered furniture -- 420 deaths
 - Mattresses & bedding -- 390 deaths
- 1998 estimated societal costs = \$4 billion +

Upholstered Furniture

- **New Advance Notice of Proposed Rulemaking (ANPR) in *Federal Register* 10-23-03***
- **Possible CPSC standard to address the risk of both cigarette- and small open flame-ignited fires**
- **Follows staff recommendation to expand the existing regulatory proceeding ****
- **Some industry groups support a uniform, national mandatory standard**
- **CPSC staff options package re: possible proposed rule and alternatives in 2004**

*See web file at <http://www.cpsc.gov/businfo/frnotices/fr04/upholst.pdf>

**See web file at <http://www.cpsc.gov/library/foia/foia03/brief/ignition.pdf>

New ANPR

- **Cigarette fires account for a substantial majority of furniture fire losses**
- **Previous ANPR addressed only small open flame, but draft standard would reduce risk from both types of ignition**
- **Expanded proceeding builds on existing CPSC staff draft standard**
 - Small Open Flame Ignition (Seating Area & Dust Cover)
 - Possible Cigarette Ignition performance requirements
 - Barrier Alternative

Industry Support for a National Mandatory Standard

AFMA letter (May 3, 2003)

- Seeks pre-emption of state regulations
- Concerned that projected voluntary UFAC conformance may be inadequate
- Recommendation: Manufacturer chooses *either* CPSC staff small open flame resistance provisions *or* UFAC cigarette resistance for components

Industry Support for a National Mandatory Standard

Fabric Coalition letter (June 27, 2003)

- Seeks shared burden among stakeholders
- Recommendation: Require revised TB-117 small open flame *and* cigarette resistance for foam / filling materials; *plus* manufacturer chooses *either* specified small open flame resistance for fabrics* *or* CPSC staff provision for barriers

* 5 second flame exposure instead of current 1 second exposure

Industry Support for a National Mandatory Standard

AFMA / Fabric Coalition / UL / NASFM letter
(December 19, 2003)

- Recommendation: Performance standard for *both* small open flame & cigarette resistance
- Supports Fabric Coalition approach for small open flame resistance
- Meeting with CPSC staff March 1, 2004 to present data & recommendations

Industry Support for a National Mandatory Standard

PFA letter (December 22, 2003)

- Uniform national standard
- Include cigarette + open flame hazard
- Component vs. Composite relationship
- Performance options (e.g., fire barriers)
- Consumer education (including UFAC labeling)

New

Industry Support for a National Mandatory Standard

API Report (January 2004)

- Provides interlaboratory study data
- **Conclusion: composite mockup standard best measures small open flame performance**
- **Mass loss rate acceptance criteria practical, repeatable, reproducible**

California BHF Support for a National Mandatory Standard

BHF letter (December 6, 2003)

- **CPSC standard should incorporate the best elements of CPSC staff and revised TB-117 drafts**
- **BHF continuing development of revised TB-117 for possible proposal**

CPSC Staff's Draft Small Open Flame Standard

- **Objective: evaluate and reduce ignitability & flame spread; limit fire growth**
- **2 flame exposure locations:**
 - seating areas & dust covers
- **2 seating performance test options:**
 - Small open flame test (cover fabric protection)
 - Seating barrier test (fire-blocking interliner protection)
 - Any complying combination of materials allowed
- **Sampling plan to confirm compliance**
- **Recordkeeping to document material sources**

Cigarette Ignition Considerations

- **1998 cigarette-ignition addressable fire losses:**
 - 4,700 fires, 340 deaths, 730 injuries, \$87 mil. property damage; represents 80% of total societal costs
 - *Potential benefits are substantial*
- **Remedial technology well-known & in use:**
 - Synthetic fabrics & filling materials
 - FR fabric & filling treatments
 - Fire-blocking barriers
 - *A standard is feasible & could substantially reduce the risk*
- **Existing standards provide a technical basis for a possible national standard**
 - UFAC / ASTM, CPSC / NBS, California
 - NY Cigarette safety requirements effective June 2004; risk-reduction effectiveness uncertain

Existing Cigarette Ignition Standards

- **UFAC Industry Guidelines**
 - Cigarette resistance for components
 - Method in ASTM E-1353, NFPA 260
 - Includes fabric classification (ASTM E-1390): smolder-prone fabrics must be used with smolder-resistant batting materials
 - Allows use of any cover fabric
- **CPSC / NBS Draft Standard**
 - Cigarette ignition full-scale / composite tests
 - Method in ASTM E-1352, NFPA 261
 - Disallows the most smolder-prone fabrics

California Standards

- **Existing mandatory regulation TB-117**
 - Small open flame & cigarette component tests
 - Under revision; draft issued 2002 for comment
 - Upgraded small open flame provisions; cigarette resistance provisions unchanged
 - Proposed amendments planned for 2004
- **Existing voluntary standard TB-116**
 - Cigarette ignition composite tests
 - Conceptually similar to CPSC / NBS draft

Upholstered Furniture: Next Steps

- **CPSC staff evaluation of public comments***
- **Complete technical work on revisions of CPSC staff draft standard**
- **Continue sharing information with California BHF and monitoring TB-117 progress**
- **Continue working with EPA on possible Significant New Use Rule (SNUR) for flame retardant chemicals**
- **CPSC staff briefing package for Commission consideration of possible proposed rule and significant alternatives – 2004**

*See web files at <http://www.cpsc.gov/library/foia/foia04/pubcom/pubcom.html> (Parts 1 & 2)

Mattresses & Bedding

- **Advance Notice of Proposed Rulemaking (ANPR) in *Federal Register* 10-11-01***
- **Possible CPSC standard to address the risk of open flame-ignited fires; supplement existing cigarette ignition standard (16 CFR 1632)**
- **Addresses CCFSM petitions**
- **Industry supports a uniform, national mandatory standard**
- **CPSC staff options package re: possible proposed rule and alternatives in 2004**

*See web file at <http://www.cpsc.gov/businfo/frnotices/fr02/openflam.pdf>

Mattresses & Bedding Hazard Research

- **Small open flame often ignites bedding; large bedding fire ignites mattress**
- **Industry (SPSC) sponsored NIST research on hazards and test method**
- **Standard with large ignition source could limit progression to flashover**
- **California BHF regulatory activities based on NIST technical approach**

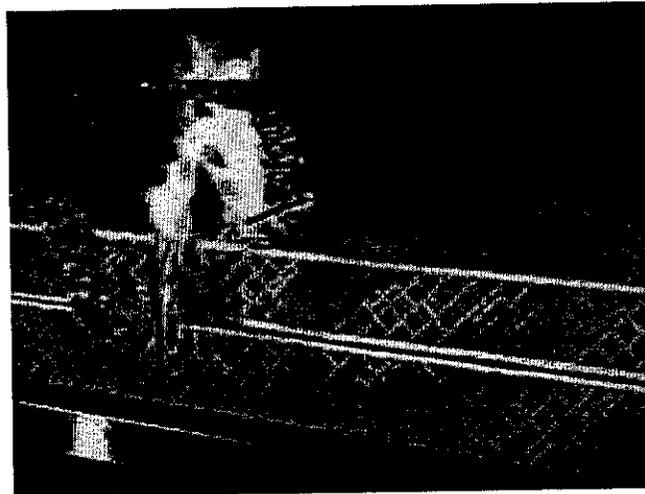
ANPR Comments*

- **Generally supportive of NIST method; industry sponsored continuing research**
- **Some commenters recommended additional regulations for bedding**
- **California BHF recommended adopting TB-603 requirements**

*See web files at <http://www.cpsc.gov/library/foia/foia02/pubcom/bedding1.pdf>
and <http://www.cpsc.gov/library/foia/foia02/pubcom/bedding2.pdf>

CPSC Staff Draft Standard

- **Based on NIST full scale test method (as in TB-603) limiting heat release rate for mattresses; bedding excluded**
- **NIST developing screening test as surrogate for full scale test**
- **2004 Interlaboratory Study**
 - Precision & Bias for NIST method
 - CPSC, Calif. BHF, SPSC & NIST participating
- **Prototype and confirmation test concepts**



Gas burners simulating exposure to burning bedding in NIST test & California TB 603

California Activity

- **California BHF TB-603*** for mattresses, mattress sets & futons, based on NIST test
- **Published January 2004; effective January 2005**
- **Interlaboratory Study participation**
- **BHF also intends to propose TB-604 standard for 'filled' bedclothes**

* See web file at http://www.bhftl.ca.gov/tb603_nov2003_final.pdf

Mattresses & Bedding: Next Steps

- **CPSC staff decision package with regulatory options**
 - **Analysis of ANPR comments**
 - **Draft standard / NPR**
 - **Bedding options: possible ANPR**
 - **Status of California rulemaking**
 - **Package to Commission in 2004**

For Further Information:



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