



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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ACTING CHAIRMAN ROBERT ADLER

**Statement of Acting Chairman Robert Adler Opposing Termination of
CPSC Rulemaking on Flammability of Residential Upholstered Furniture**

September 8, 2021

The Commission has before it a staff recommendation to terminate the agency's rulemaking on upholstered furniture flammability. For the reasons set forth below, I oppose the recommendation.

In FY 2016, CPSC staff produced a briefing package on upholstered furniture flammability and California's Technical Bulletin (TB) 117-2013 (TB 117-2013).¹ The staff briefing package recommended terminating CPSC's upholstered furniture rulemaking and concluded that TB 117-2013 contained a number of limitations that weighed against adopting it as a national standard. The Commission did not accept staff's recommendation to terminate the rulemaking. I voted against accepting this recommendation then because I thought staff should continue its work to develop a good standard on upholstered furniture flammability.

I continue to oppose terminating this work notwithstanding Congress's enactment of what is known as the SOFFA Act, which directed CPSC to adopt TB-117-2013² as a Commission standard.

My problem with approving a recommendation to terminate CPSC's upholstered furniture standard is that it sends a signal that the Commission somehow agrees that TB-117-2013 is a good standard. It is not. As noted by staff in a 2019 briefing package³ that summarized staff's long-standing objections to TB-117-2013 --

The test method is intended to address fires caused by a smoldering ignition source only. CPSC staff determined that this test method relies on inconsistent standard materials and uses char length, a two-dimensional metric, as a performance measure to quantify a three-dimensional phenomenon. This significantly limits the consistency and repeatability of the test. Specifically, the test mockup geometry, dimensional measurement, and pass/fail criteria do not produce sufficiently consistent results. As a result of these limitations, CPSC staff does not believe TB 117-2013 effectively addresses the hazard of smoldering ignition.

Needless to say, the Commission will enforce TB-117-2013 as mandated by Congress. That said, I want to go on record as objecting to the standard and urging future members of the Commission and Congress to re-think its many deficiencies.

¹ <https://www.cpsc.gov/s3fs-public/The%20Feasibility%20Benefits%20and%20Costs%20of%20Adopting%20TB117-2013%20-%20September%208%202016.pdf>

² Consolidated Appropriations Act, 2021 (P.L. 116-260), Division FF, Title XXI).

³ <https://cpsc.gov/s3fs-public/Upholstered%20Furniture%20Update%202019.pdf>