



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING
MAY 12, 1994
4330 East West Highway
Bethesda, Maryland

The May 12, 1994, meeting of the Consumer Product Safety Commission was convened in open session by Chairman Ann Brown. Commissioners Mary Sheila Gall and Jacqueline Jones-Smith were present.

Agenda Item: Upholstered Furniture Petition FP 93-1

The Commission considered Petition FP 93-1 from the National Association of State Fire Marshals requesting development of a flammability standard for upholstered furniture to address risks of death, injury, and property damage from fires involving upholstered furniture ignited by small open-flame sources, cigarettes, and large open-flame sources. The Commission was briefed by the staff on the petition at the Commission Meeting of May 3, 1994. (Ref: staff briefing package dated April 8, 1994.)

The Commission voted on the separate aspects of Petition FP 93-1, as follows:

(1) Small open-flame ignition. The Commission voted 2-1 on motion of Chairman Brown to grant the part of the petition to commence a proceeding to develop a flammability standard addressing risks of death, injury, and property damage from small open-flame ignition of upholstered furniture. This proceeding will be commenced by issuance of an advance notice of proposed rulemaking (ANPR) to be prepared by the General Counsel's office. Voting to grant this aspect of the petition were Chairman Brown and Commissioner Jones-Smith. Commissioner Gall voted in opposition.

(2) Cigarette ignition. Chairman Brown moved to grant the part of the petition to commence a proceeding to develop a flammability standard addressing risks of death, injury, and property damage from cigarette ignition of upholstered furniture. This proceeding will be commenced by issuance of an advance notice of proposed rulemaking (ANPR) to be prepared by the General Counsel's office. The motion was defeated by a vote of 1-2, with Chairman Brown voting in favor and Commissioners Gall and Jones-Smith voting against.

Upholstered Furniture Petition FP 93-1, continued

The Commission then voted unanimously (3-0) on motion of Commissioner Jones-Smith to defer any action on that part of the petition requesting development of a flammability standard to address risks of death, injury, and property damage from cigarette ignition of upholstered furniture until such time as staff reports to the Commission on the effectiveness of and industry compliance with the existing voluntary standard.

(3) Large open-flame ignition. Chairman Brown moved to grant the part of the petition to commence a proceeding to develop a flammability standard addressing risks of death, injury, and property damage from large open-flame ignition of upholstered furniture. This proceeding will be commenced by issuance of an advance notice of proposed rulemaking (ANPR) to be prepared by the General Counsel's office. The motion was defeated by a vote of 1-2, with Chairman Brown voting in favor and Commissioners Gall and Jones-Smith voting against.

The Commission then voted 2-1 on motion of Commissioner Jones-Smith to deny that part of the petition requesting development of a flammability standard to address risks of death, injury, and property damage from large open-flame ignition of upholstered furniture. Voting to deny were Commissioners Jones-Smith and Gall. Chairman Brown voted to grant.

Separate statements concerning the upholstered furniture petition were filed by Chairman Brown, Commissioner Jones-Smith, and Commissioner Gall, copies of which are attached.

There being no further business on the agenda, Chairman Brown adjourned the meeting.

For the Commission:



Sadye E. Dunn
Secretary

Attachments

UNITED STATES
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The Chairman

STATEMENT OF THE HONORABLE ANN BROWN, CHAIRMAN,
U.S. CONSUMER PRODUCT SAFETY COMMISSION

May 12, 1994

I am delighted we have decided to proceed with an advance notice of rule-making (ANPR). This is a sign of a truly activist Commission, working to protect the public.

Today the Commission has voted on petition FP 93-1, which was submitted by the National Association of State Fire Marshals. The Fire Marshals requested the Commission to develop mandatory flammability standards for upholstered furniture. The petition requested action on upholstered furniture fires caused by cigarettes, small open flames and large open flames.

I have voted to grant the petition for all three ignition sources.

Upholstered furniture fires caused by cigarettes, although declining within the past few years, are still the largest group of upholstered furniture fires. I believe we still have work to do to make upholstered furniture more resistant to cigarette ignition.

I want to make sure that all Americans have access to furniture that resists cigarette ignition. I am particularly concerned about the possibility that less-expensive ("low-end") furniture may not be covered by the voluntary UFAC program. We lack information on the extent to which UFAC standards penetrate all parts of the furniture market.

We lack current information on conformance of upholstered furniture to the UFAC standard. A narrowly-focused staff Commission research project could obtain useful information."

I understand the Commission staff has received very little information from the furniture industry about UFAC flammability test results.

As regards small open flames, we have a big problem here. Upholstered furniture fires caused by small open flames have increased in importance as the number of cigarette-related upholstered furniture fires have declined. The UFAC program deals with cigarette ignition only, and to date UFAC has not initiated efforts on their own to reduce ignition potential of upholstered furniture exposed to small open flames. Based on past experience, the upholstered furniture industry is unlikely to act on their own to deal with small open flames. Agency rule-making is the only way to go in order to reduce the incidence of upholstered furniture fires ignited by small open flames.

Finally, large open flames. It is technically feasible to produce upholstered furniture with the high degree of fire resistance required by California TB 133; such furniture is required in several states for high-risk occupancies. I wonder about the possibility of cost savings if the components of such fire-resistant furniture were made on a very large scale.

I know the other Commissioners join me in thanking the members of the upholstered furniture workgroup for their hard and excellent work. They have been very helpful to all of us. To all of you at the staff table and to all of the other staff members who have worked on this issue - our most sincere thanks.