

February 26, 2016

**STATEMENT OF COMMISSIONER ANN MARIE BUERKLE ON THE VOTE
REQUIRING THE STAFF TO PRESENT ITS ANALYSIS OF TB 117 TO THE
COMMISSION BY SEPTEMBER 2016**

I am pleased that the Commission unanimously supported my amendment to the FY 2016 Operating Plan. The amendment requires the staff to prepare a briefing package by September 1, 2016 addressing California's furniture flammability standard known as Technical Bulletin 117-2013 or TB-117 for short.

In 2012, California revised the furniture flammability standard to focus on cigarette ignition. It can be met without the use of flame retardant chemicals, and for that reason, it is popular with groups that are concerned with the use of such chemicals.

Many other groups have encouraged CPSC to consider adopting TB-117 as a national standard. These include the American Home Furnishings Alliance (AHFA), the International Firefighters Association and the Consumer Federation of America. Sen. Blumenthal and several of his Democrat colleagues have also asked CPSC to look at the issue.

Last fall, the AHFA filed a petition asking CPSC to commence rulemaking to adopt TB-117. The petition was not docketed by the Office of General Counsel (OGC), on the ground that CPSC already has an open rulemaking on furniture flammability standards, and that TB-117 is within the scope of that rulemaking. Therefore, according to the Office of General Counsel, the Commission could take action on TB-117 without granting the petition.

It is no secret that CPSC has been working on the problem of upholstered furniture flammability for many years. We proposed a flammability standard most recently in 2008—well before any of the current Commissioners took office. The staff will continue pursuing that approach unless we direct them otherwise.

For all of these reasons, I believe it makes sense to look at the TB-117 issue now. My amendment does not direct the staff to prepare a final rule adopting the standard. Rather, it directs the staff to prepare a briefing package that addresses TB-117 and equips us to decide whether it makes sense to adopt it as a national standard. The amendment also requires the staff to evaluate TB-117 in comparison to the standard proposed by CPSC back in 2008.

I thank my colleagues for their support in adding this item to the Commission's current-year work plan.