U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

ITEM:

Options to Address Open Flame Ignition of Mattresses and Bedding; and Petitions FP 001, FP 00-2, FP 00-3 and FP 00-4 Requesting Various Actions Concerning Mattress Flammability

DECISION:

The Commission voted to approve a draft Federal Register notice to issue an advance notice of proposed rulemaking (ANPR) that could result in a flammability standard to reduce the hazard of open flame ignition of mattresses and bedding. Chairman Brown voted to approve the ANPR notice as drafted. Commissioner Gall and Commissioner Moore voted to approve the ANPR notice with changes. Separate statements were filed by Commissioner Gall and Commissioner Moore, copies attached.

Regarding the four petitions submitted by the Children's Coalition for Fire-Safe Mattresses, the Commission voted unanimously (3-0) to grant the Petition FP 00-1, requesting an open flame standard similar to full-scale test in California TB 129, and Petition FP 00-2, requesting an open flame standard similar to the component test in British Standard 5852. The Commission voted unanimously (3-0) to deny the Petition FP 00-3, requesting a warning label for flammable mattresses, and Petition FP 00-4, requesting a mattress identification tag.

For the Commission:
Todd A. Stevenson
Acting Secretary

* Ballot vote due October 2, 2001

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STATEMENT OF THE HONORABLE MARY SHEILA GALL IN FAVOR OF ADVANCE NOTICE OF PROPOSED RULEMAKING ON MATTRESS FLAMMABILITY

October 2, 2001

I voted today in favor of issuing an Advance Notice of Proposed Rulemaking to require that mattresses meet certain flammability criteria when exposed to small open-flame ignition sources. The losses associated with such fires are of significant magnitude and warrant possible regulation. In addition, Commission staff and industry representatives have developed both a test method that reliably and realistically simulates small-open flame ignition of mattresses, and possible technologies to prevent flashover from burning mattresses.

This rulemaking represents a model for government and industry cooperation. The Commission staff has conducted field investigations that showed that most small open-flame ignition incidents involve bedding materials first, followed by ignition of the mattress. Industry's Sleep Products Safety Council sponsored research at the National Institute of Standards and Technology that provided the technological basis for testing methods and future performance requirements. This work has resulted in the first step being taken towards a realistic standard that prevents a mattress fire resulting in flashover and the associated ignition of all flammable surfaces in the immediate area.

STATEMENT OF COMMISSIONER THOMAS H. MOORE
ON
ISSUANCE OF ANPR TO ADDRESS OPEN FLAME IGNITION OF MATTRESSES/BEDDING

Today I am voting to issue an advance notice of proposed rulemaking that could result in a flammability standard designed to reduce the hazard of open flame ignition of mattresses/bedding. In doing so, I am also voting to grant two petitions submitted by the Children's Coalition for Fire Safe Mattresses (CCFSM) that request that the Commission initiate rulemaking to adopt a full-scale test and a small-scale component test similar to California TB-129 and British Standard BS 5852, respectively. I am voting to grant these petitions with the full understanding that a rulemaking will not necessarily result in adoption of these specific tests. Other options for a full-scale test and a small-scale component test are being considered so that the Commission can determine the best approach to take to reduce deaths and injuries.

I am also voting to deny two other petitions submitted by CCFSM that request that the Commission initiate rulemaking to require certain polyurethane foam combustibility warning labeling and fire-proof mattress identification tags. I agree with staff that the warning labels do not accurately represent the hazard from the complete mattress product and the identification tags will not reduce fire losses. However, I do think that we should be continuously mindful that public education of a hazard does have some merit in reducing the risk of injury and death associated with that hazard.

Our data indicate that, among all products within the Commission's jurisdiction, mattress and bedding fires are a leading cause of injury and, in recent years, were second only to upholstered furniture in the number of deaths. We know that mattresses present a unique and complicated problem because of the involvement of bedding materials in the source of ignition. Any performance standard that simply deters ignition of the mattress without consideration of the effect of the potential ignition source in the bedding materials couldn't possibly be effective or reasonable.

That is why our staff has been and is presently involved in a methodical, scientific and cooperative approach to finding the best way to

address this problem. Commission and industry sponsored research and test development efforts, designed to measure and define clearly the fire risk involved in residential mattress fire scenarios, are underway at NIST. This research has already provided useful data regarding the behavior of real life mattress fires and burning bedding situations. There are some preliminary indications that suggest that limiting fire intensity and preventing flashover could significantly reduce the number of victims of these fires by providing more time to escape.

Today I am voting to begin this rulemaking process but the Commission staff has already been involved in evaluating these fires and potential options for addressing this hazard for several years. I think that there has been significant progress made toward developing a standard that does not involve excessive testing cost nor unnecessarily limit mattress designs, constructions, and materials that could provide a reduced fire hazard. I sincerely hope that we can continue to have the kind of cooperation that has led to the progress that we have seen thus far. Continued cooperation among all interested parties is the key to a scientifically sound and supportable process that can now move expeditiously toward the ultimate goal of reducing the number of injuries and deaths associated with these fire scenarios.