



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

Todd A. Stevenson  
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April 8, 2002

Mr. George A. Miller  
President  
The National Association of State Fire Marshals  
Kirkman Conference Center  
721 S. Kirkman Road  
Orlando, FL 32811

Dear Mr. Miller:

The Commission has considered the petition, FP 99-1, submitted by the National Association of State Fire Marshals (NASFM), requesting that the Commission require labeling under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193-1204, to warn consumers about the flammability of polyurethane foam used in upholstered furniture. The Commission considered the information NASFM provided, comments on the petition by interested persons, and a briefing package prepared by the CPSC staff. Based on its review of these materials, and for the reasons discussed below, the Commission voted to deny the petition.

The Commission's regulations specify that any person may file a petition requesting that the Commission initiate a proceeding to issue a regulation under any of the statutes administered by the Commission. 16 CFR 1051.2(a). These regulations also set out factors for the Commission to consider in determining whether to grant or deny a petition. The factor of primary significance here is whether a rule of the sort requested is reasonably necessary to eliminate or reduce the risk of injury. 16 CFR 1051.9(a)(2). Based primarily on consideration of this factor and the requirements of the FFA discussed below, the Commission voted to deny the petition.

To issue a final rule under section 4 of the FFA such as that requested by NASFM, the Commission would have to find, among a number of other things, that the requested labeling requirement is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage. 15 U.S.C. 1193(a). In addition, the Commission would have to find that the benefits of the rule bear a reasonable relationship to its costs and that the rule poses the least burdensome requirement that would adequately reduce the risk of injury. 15 U.S.C. 1193(j).

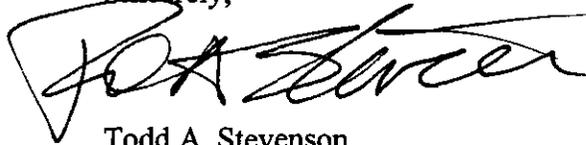
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The requested labeling requirement for polyurethane foam in upholstered furniture likely would be minimally, if at all, effective at reducing upholstered furniture fire risks. Most small open flame-ignited fires are the result of childplay, a scenario not greatly affected by labeling. The vast majority of currently available upholstered furniture is cigarette ignition resistant, partly by virtue of its polyurethane foam content, so labeling would not materially reduce that risk. Even though the cost to consumers of a labeling rule would be low, the likely benefits would be negligible.

Based on the forgoing analysis, the requested labeling rule would not “protect the public” as required by section 1193(a) of the FFA, nor, in light of its projected ineffectiveness, would it “adequately reduce the risk of injury,” as required by section 1193(j) of the FFA. Thus, the Commission would be unable to make the findings necessary under the FFA to issue such a rule.

We appreciate your organization’s highlighting of this issue for the Commission. The Commission will continue its work to develop an appropriate small open flame standard for upholstered furniture as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "T.A. Stevenson", written over a large, stylized, hand-drawn outline of a signature box.

Todd A. Stevenson  
Secretary