

October 8, 2004

Mr. Dale Ray
Project Manager
Directorate of Economic Analysis
U. S. Consumer Product Safety Commission
Washington, DC 20207

RE: Upholstered Furniture Flammability Proceeding

Dear Mr. Ray:

Thank you for this meeting to further discuss the work of the various stakeholders in the above referenced proceeding. As you know, over the last two years, stakeholders have traded a series of proposals designed to assist the Commission in completing an effective and workable regulation of upholstered furniture flammability that will offer consumers tangible benefits at a price they can afford and without endangering their health or environment. The dialogue has been constructive and reflects the insight of producers of furniture, fabrics and cushioning materials, as well as input from CPSC staff, testing labs and fire safety advocates both in and out of government.

Earlier this year, AFMA proposed the following provisions as the basis of a mandatory flammability standard for furniture. They were subsequently endorsed by virtually all the key stakeholders.

1. For upholstery fabrics, the 5-second open flame fabric test utilizing the Technical Bulletin 117 test apparatus, as proposed by the Fabric Coalition. Non-passing fabrics or those for which FR treatment is not desired could be utilized atop an open flame barrier. CPSC is currently working to identify an appropriate test for such barriers.
2. For all foam (any type) used in upholstered furniture, the cigarette and open flame requirements contained in the proposed revision to California Technical Bulletin 117 ("TB-117+").
3. For all non-foam cushion core materials used in upholstered furniture, the cigarette and open flame requirements of TB-117+ or a comparable test method.
4. For non-foam seat cushion wrapping or topper materials, the requirements of the BS 5852 Source 2 Test for Non-Foam Filling Materials.
5. For any cotton batting used in upholstered furniture, the ASTM E 1353 test with maximum smolder length criteria specified by UFAC.

6. For all non-foam materials used in arm constructions, the filling and padding test of ASTM E 1353 with the maximum smolder length criteria specified by UFAC.

In August of this year, David Pettey, on behalf of the Fabric Coalition and the National Textile Association, presented results from round robin tests of the proposed fabric test method, conducted at nine labs, including CPSC. The results were encouraging, with the repeatability and reproducibility levels quite high.

For additional corroboration, the Upholstered Furniture Action Council (UFAC), with the assistance of the Fabric Coalition and the National Textile Association, conducted a series of furniture composite tests. The attached composite test results¹ clearly confirm the effectiveness of the proposal recommended by AFMA and the other stakeholders to the agency. Indeed, these results borrow heavily from past recommendations of the agency staff as well as some modifications suggested by members of our coalition.

We hope you will agree that the combination of recommended component changes appears to result in meaningfully improved fire performance. Besides the ability of the stakeholders to implement the changes in a reasonable period, the improved fire performance of furniture is accomplished cost-effectively, in a way that equitably shares the burden of flame resistance among industry sectors, and with a lesser degree of chemical loading than other proposals considered in recent years. Consumers will clearly benefit from such a regulation.

Please note that these comparisons assume compliance with the proposed open flame test. An alternative compliance option, which enjoys widespread support among the stakeholders, would allow untreated fabrics to be used in conjunction with a flame-blocking barrier (FBB). While you indicated that the staff is still working out the details of the qualifying test for FBB's, it is expected to model the behavior of burning outer fabric with the goal of slowing the progression of such a fire into the internal cushioning materials.

We are further convinced that the framework proposed by AFMA and endorsed by the other stakeholders will achieve meaningful safety gains while retaining the fabric choice, comfort and affordability that consumers demand. We appreciate your time and that of the other staff members who have worked with us to bring this proceeding to a fruitful conclusion. Should you have any questions, or desire any further information, please do not hesitate to contact me.

Sincerely,

Joe Ziolkowski
Executive Director

¹ See Attached Report: Furniture Composites Test Results