



AHFA STATEMENT ON STURDY

Updated May 2021

On February 24, 2021, Rep. Jan Schakowsky (D-IL) reintroduced the Stop Tip-Overs of Unstable, Risky Dressers on Youth Act, or STURDY. The bill (HR 1314) would require the U.S. Consumer Product Safety Commission (CPSC) to replace a current voluntary stability standard for clothing storage furniture (ASTM International F2057-19) with a mandatory federal rule.

The **American Home Furnishings Alliance** has long supported a mandatory stability standard that would hold *all* manufacturers to the same rigorous safety requirements for clothing storage furniture. When the CPSC announced its intention to file an advanced notice of proposed rulemaking for clothing storage furniture in 2016, AHFA publicly applauded the move.

Like parent groups and child safety advocates, AHFA and its member companies have been frustrated by CPSC's lack of progress on this rulemaking over the last five years. Absence of an enforceable mandatory standard means non-compliant bedroom furniture continues to be sold, particularly through online sources that obscure manufacturing sources and provide little, if any, product safety information to consumers.

As proposed, STURDY contains fundamental flaws that must be resolved in order for it to produce an effective, enforceable standard. To strengthen its provisions and increase its chances for passage, AHFA has proposed several amendments.

- 1) STURDY mandates that CPSC develop specific new test methods accounting for “real world” use and the foreseeable interactions of children with clothing storage furniture. It also mandates that this rule be developed in accordance with Section 553 of the Administrative Procedure Act – a fast-track rulemaking that allows the agency to bypass critical checks and balances. As written, STURDY also grants CPSC the ability to revise the regulation at any time – again without industry input or analysis. Further, as written, it applies to the vast range of adult clothing storage furniture, adding innumerable variables to proposed “real world” tests, which must include loaded drawers, testing on carpet and accounting for the “dynamic force” of a child or multiple children playing in open drawers.

AHFA proposes limiting this fast-track rulemaking to children's products as clearly defined by the Consumer Product Safety Improvement Act (CPSA). By incorporating the definition of a “children's product” from the CPSA, STURDY's new testing protocol can

zero in on clothing storage units designed or intended primarily for children age 12 and under.

- 2) At the same time, AHFA proposes that STURDY be expanded to require the adoption of ASTM F2057-19 – the current standard for clothing storage units 27 inches and taller – as a mandatory standard for all clothing storage furniture not defined as children’s products.
- 3) Finally, AHFA also has proposed a critical automatic update provision in STURDY. As the voluntary ASTM furniture stability standard is updated to add new test methods or to account for new product designs and patterns in consumer behavior, these revisions would become part of the mandatory standard within 180 days. This provision avoids the conundrum industry currently faces with the mandatory requirements for bunk bed construction adopted by CPSC in 2000. In subsequent years, injury data and new product designs led to multiple improvements to the voluntary standard, but the mandatory rule has remained static and is increasingly outdated.

AHFA’s proposed amendments ensure all clothing storage furniture is engineered to remain stable under the weight of a curious toddler. It ensures all such units include a warning label alerting parents to tip-over hazards. It also ensures all such units arrive at the customer’s home with tested tip restraints and instructions for installing them as an added precaution.

At the same time, this approach will subject furniture that is specifically marketed for children’s rooms to additional safety specifications that address “real world” circumstances unique to families with small children.