



## AHFA STATEMENT ON CPSC NOTICE OF PROPOSED RULEMAKING FOR CLOTHING STORAGE FURNITURE

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HIGH POINT, NC – The American Home Furnishings Alliance (AHFA) has raised several key concerns with the U.S. Consumer Product Safety Commission’s (CPSC) proposed rule to address the stability of clothing storage furniture. The agency voted January 19, 2022, to proceed with its rulemaking by publishing the rule in the Federal Register.

AHFA and its member companies support a mandatory furniture stability standard to help prevent tip-overs, which have resulted in the deaths of 166 children age 3 or younger since 2000, according to CPSC statistics.<sup>1</sup> A voluntary standard to address this hazard was developed in 2000 and has been updated five times since then in response to emerging product trends and changing consumer behavior. In 22 years, only one incident is known to have involved furniture that the manufacturer said complied with the voluntary standard.

However, injuries and deaths due to *non-compliant* units persist. Therefore, AHFA and its member companies favor a mandatory rule that holds all manufacturers and importers to the same rigorous safety standard.

“While we applaud the CPSC’s commitment to a mandatory furniture stability standard, AHFA believes the direction the agency has taken in its proposed rulemaking creates an ambiguous testing protocol that would be unenforceable,” stated AHFA CEO Andy Counts.

“Further, CPSC’s estimates of the rule’s compliance costs are dramatically understated. Actual costs for product redesign, testing, packaging and transportation will force many companies specializing in entry-level products out of the market. This will leave parents who are on a limited budget with few options,” Counts continued. “AHFA opposes any standard that makes safety a luxury only certain families can afford.”

Finally, the CPSC’s rule revolves around a hangtag designed to help consumers compare safety “ratings” before purchasing a clothing storage unit. “Although modeled on the familiar Energy Star Energy Guide rating system, the CPSC’s proposed hangtag fails to provide consumers with meaningful insight to a product’s stability,” said Counts.

Energy Guide labels show a product’s energy usage, with lower numbers equating to a lower energy bill for the consumer at the end of the month. CPSC’s proposed furniture hangtag shows a “tip rating number” between 1 and 5 that is the ratio of the unit’s “tip moment” to a “threshold tip moment.”

“Unlike savings on your electric or gas bill, these ‘tip moments’ are not familiar concepts for consumers,” Counts pointed out. AHFA members have tested thousands of clothing storage units in many styles and price points using the methods prescribed in the CPSC’s proposed rule.

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<sup>1</sup> Half the reported fatalities of children age 3 or younger since 2000 involved a television that fell with the furniture.

Although the tested units all complied with the current voluntary standard (and many exceeded it), none passed the CPSC's proposed testing without modifications. Some units required minor modifications to reach the minimum tip rating of 1.0, and many required significant modifications to reach the minimum tip rating.

“But no measure of modification resulted in a score reaching 2.0, let alone anything over 2. CPSC is proposing an elaborate and costly testing regimen that supposes consumers will make buying decisions based on mere fractions of differentiation in a unit's tip rating number.”

AHFA maintains that these ambiguities in the proposed rule will result in years of debate and indecision. “Meanwhile, non-compliant furniture will continue to be produced and marketed to American consumers,” Counts said.

Two amendments approved by the commissioners on January 19 further complicate an already problematic rule. One provides strict limits on non-compliant units that can be produced or imported between the time the rule is approved and when it becomes effective. The other shortens an already tight compliance timeline from 180 days to just 30 days, despite massive changes to product design, raw material needs, packaging requirements and delivery protocols.

As an alternative to the CPSC's proposed rule, AHFA advocates an update to the voluntary standard (ASTM F2057-19) that meets the stability goals of both the CPSC's proposed rulemaking *and* of STURDY – the Stop Tip-overs of Unstable, Risky Dressers on Youth Act, which was passed by the House in 2021 but now is stalled in the Senate.

Once updated, the voluntary standard could then be adopted by CPSC as a mandatory standard, putting rigorous new safety provisions in place immediately, rather than waiting on CPSC to advance its complex rule through a protracted rulemaking process.

AHFA's proposed update includes:

1. A test with all drawers in a unit fully loaded and open.
2. A test with the unit placed on an angle to simulate the impact of the unit placed on carpet. In this test, a 60-pound weight is placed over the front edge of one drawer at a time.
3. A test simulating the dynamic force of a child interacting with the unit by applying a 10-pound horizontal “pull” force to the inside of an open top drawer.

“We look forward to working with CPSC, parents and child safety advocates to advance this solution. It will make stable furniture accessible to the greatest number of consumers as quickly as possible,” said Counts.