



Dist. 10/14/03
 CS, OEX, OGC, EXHR, EC, Dale Ray
 UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 WASHINGTON, DC 20207

Memorandum

DATE: OCT 14 2003

TO: The Commission
 Todd A. Stevenson, Secretary *TS*
 THRU: W.H. DuRoss, III, General Counsel *WHD*
 Steve Lemberg, Assistant General Counsel for Administrative Law *SL*
 FROM: Lowell F. Martin, Attorney-Advisor, GCAL (ext. 7628) *LM*

SUBJECT: Advance Notice of Proposed Rulemaking (ANPR) on Ignition of Upholstered Furniture by Small Open Flames and Smoldering Cigarettes.

Ballot Vote Due October 17, 2003

The attached staff briefing package recommends that the Commission issue an ANPR to commence rulemaking under the Flammable Fabrics Act (FFA) that could result in a mandatory flammability standard addressing upholstered furniture ignition by both small open flames and smoldering cigarettes. The Commission issued an ANPR in 1994 on small open flame ignition of upholstered furniture. 59 FR 30735. Since that time, the staff has been developing a draft flammability standard for upholstered furniture ignition by small open flame sources such as matches, lighters, and candles.

The action recommended by the staff would implement a Commission decision to address both smoldering cigarette and small open flame ignition of upholstered furniture in a single proceeding. It is the opinion of the Office of the General Counsel that the information in the staff briefing package supports taking this course of action.

Please indicate your vote on the following options.

- I. Commence a regulatory proceeding to address both small open flame and cigarette ignition of upholstered furniture by issuing the ANPR as drafted.

(Signature) _____

CPSA 6 (b)(7) Closed *RTP*
 _____ No Mfrs/PrvtLbrs or _____ (Date) *7/8/03*
 Products Identified
 Excepted by *Rulemaking* **NOTE: This document has not been reviewed or accepted by the Commission.**
 Firms Notified, _____
 CPSC Hotline: 1-800-638-CPSC(2772) CPSC Web Site: <http://www.cpsc.gov> Initial *LM* Date *7/8/03*
 1 of 2

II. Commence a regulatory proceeding to address both small open flame and cigarette ignition of upholstered furniture by issuing the ANPR with changes. (Please specify.)

(Signature)

(Date)

III. Do not commence a regulatory proceeding addressing both small open flame and cigarette ignition of upholstered furniture.

(Signature)

(Date)

IV. Take other action. (Please specify).

(Signature)

(Date)

Attachment: *Cigarette Ignition of Upholstered Furniture: Commission Options*, memorandum from Dale R. Ray, Project Manager, Directorate for Economic Analysis, to the Commission, July [?], 2003