



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: September 27, 2004

TO : ES

Through: Todd A. Stevenson, Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: Standard to Address Open Flame Ignition of
Mattresses/Bedding ANPR (**Revised**)

ATTACHED ARE COMMENTS ON THE CF 04-2

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CF04-2-1	10/06/03	Lynn Morris Chief	Bureau of Home Furnishings & Thermal Insulation 3485 Orange Grove Ave North Highlands, CA 95660
CF04-2-2	10/27/03	J Thomas Chapin General Manager Fire & Construction SBU	Underwriters Lab., Inc. 333 Pfingsten Road Northbrook, IL 6062-2096
CF04-2-3	06/11/04	Blair Schrader President	E.J. Schrader Mattress Company 6601 Norton Avenue West Palm Beach, FL 33405
CF04-2-4	07/12/04	AFMA & Others	American Furniture Manufacturers Assoc. 1120 Connecticut Ave, NW Suite 800 Washington, DC 20036
CF04-2-5	03/18/04	Andrew Herz	The Law Offices of Andy Herz At Fort Mgmt 40 Wall St, Suite 31b New York, NY 10005
CF04-2-6	08/24/04	William Degnan Chair Consumer Product Fire Safety Task Force	National Association of State Fire Marshals 1319 F St, NW, Suite 301 Washington, DC 20004



Comments Before the International Sleep Products Association

Donald P. Bliss, President, National Association of State Fire Marshals

Thank you.

We have a legal and moral responsibility to make sure that mattresses and bed clothing sold and used in this country are safe. When it comes to these responsibilities, I make no distinction between those of you who make and sell sleep products, and those of us who are sworn to protect the public. We all have the same responsibility.

We are surrounded by lawyers who will share their interpretations of each sentence in every statute. But, at the end of the day, America has no patience with clever legal opinions when it comes to the safety of a single child. I view the product safety laws as they were intended – to protect American families. We supported Hal Stratton as Chairman of the CPSC because he comes from a tradition of no-nonsense law enforcement.

Our moral responsibilities also are clear. We – all of us – have a responsibility to be fair and honest.

Is it fair or honest for an industry to demand proof that there are “a significant number of fire deaths” to justify safer products? Why is it that we even put up with this nonsense in fire safety? Is one seriously burned child insignificant?

The FDA doesn't allow new drugs to be sold without mountains of proof that the product is safe. Do you have any idea how many tests are required before a new chemical can come to market?

Is it fair or honest for an industry to claim that a new standard will have catastrophic economic consequences when we all know it will not? In 1975, the furniture industry argued that new fire safety standards proposed by the State of California would end furniture sales in that state. I sat on a relatively new upholstered chair in California just a week ago.

They are at it again. Last week, 40 California State legislators signed a letter to Governor Gray Davis, asking that the California Bureau be prevented from proceeding with new fire safety standards. The letter contained arguments straight off the California Furniture Manufacturers Association website ... arguments that are deceptive and flat wrong.

I no longer care what the furniture manufacturers do politically. But, I think these 40 legislators are guilty of political interference with public safety. Let me repeat that – political interference with public safety. It is appalling.

These legislators have not bothered to check the facts ... they just signed the letter because a lobbyist – a former Speaker of the State Assembly – asked them to. Good old boys. And we wonder why the public does not trust politicians. Our friends in the burn survivor community will deal with this.

Once again, the furniture industry is claiming that it will suffocate under the new rules. They say it could add a few hundred dollars to a chair. I guess that is true if you set out to waste money. Last week, the California Fire Chiefs Association featured some exciting new fire safety technologies, including several barrier materials for furniture and mattresses. In one case, the increased cost for an upholstered chair was eight bucks ... and that chair had been tested successfully against TB 133 – a far tougher standard.

As you may know, the media trade magazine known as *Editor and Publisher* conducts surveys of retail sales ... county by county and city by city ... for many products, including furniture. In the year 2000, four California counties and three California cities were among the top ten for furniture sales in their respective categories nationwide. Economic suffocation? If furniture manufacturers are suffocating ... it is because the big fish are eating the little fish. Let's be honest. Let's be fair.

Finally, is it fair or honest for an industry that has an endless history of pollution to use the threat of environmental harm as a ploy to defeat safety standards? Environmental quality is a real concern, one that we take seriously ... one which is being dealt with seriously by people who know that both safety and environmental quality must and can be achieved simultaneously. Check our website for our recent joint statement with US EPA.

(pause)

Well, I am here because your association has been fair and honest. You studied the fire incident data to understand the nature of fires involving your products – not to raise doubts about “insignificant numbers.” Your analysis of the data will result in very tough standards that reflect the real world. You have been fair and honest.

You have concerns about the cost of compliance. But you have stimulated innovation among your material suppliers, and are busy figuring out how to improve safety in an efficient way. You have been fair and honest.

You have stayed in touch with scientists who are looking at the environmental and health impacts of various FR chemicals. This is an unfolding story, but you have been fair and honest here as well. The reports from Europe about borax flame retardants are very troubling ... especially as we move forward here. But you have alternatives. It is far better to know now ... rather than after harm might be done.

Now that test methods and standards are about to be turned into requirements, it is our turn to show you that we, too, intend to be fair and honest. The government agencies here today have worked together at every step – I cannot say enough about the professionalism of the California Bureau of Home Furnishings and US Consumer Product Safety Commission’s staff assigned to this project. We have consulted each other at every step.

The California Bureau and the CPSC have spoken for themselves. I will now tell you what NASFM intends to do ... and what we will not do.

The California Bureau has a statutory deadline, and will be forced to make a difficult choice. The work that has been done by NIST, the National Institute of Standards and Technology, has been nothing short of spectacular ... and TB 129 is a very tough test in its own right.

Whichever approach the California Bureau chooses, hundreds of lives will be saved. But it must be combined with the bedclothes standard to be proposed by the Bureau. This is a priority for us.

In finishing its work, the California Bureau discovered that commercially available comforters are capable of producing a much nastier fire than what the NIST research reported. This is an important point. If the California Bureau had decided to ignore products like comforters, we stand no chance of saving lives.

A comforter on a cement floor may contain enough fuel to bring a room to flashover ... and to destroy a family. And the mattress standard would have to be twice as tough to resist the comforter fire. That wouldn't be fair or honest ... not to this industry or to American consumers.

The CPSC is still finishing its work. But here is what we will do.

The National Association of State Fire Marshals is preparing to file a petition with the CPSC, requesting that the bed clothing standard proposed by California be combined with the CPSC's mattress standard. This will occur after California sets its standard so that we might end up with a single national standard.

Before the end of the year, we will incorporate standards for mattresses, bed clothing, upholstered furniture, cigarettes and candles into the American Home Fire Safety Act – federal legislation to be introduced next year that would direct the CPSC to adopt specific fire safety standards. Later this year, we will conduct meetings to decide which standards deserve to be in the bill – obviously the California standards are on the table.

In the legislation, we also will ask to add a \$1 million authorization for the CPSC to step up its enforcement of its mattress regulations. The unimpeded sale of millions of disgusting, dangerous improperly renovated mattresses is an embarrassment for the fire safety and law enforcement communities, not to mention a public health embarrassment.

If the CPSC can proceed faster than Congress with effective standards, we will not take a legislative route. While we are very open to seeing this happen, and believe that Chairman Stratton has the will to get this done, the CPSC simply may not be able to act quickly enough. And I will say this only once – no one should underestimate our ability to get this legislation passed quickly next year.

We have no interest in gruesome Congressional hearings or media coverage and, as Ryan will attest, we have declined to be interviewed by journalists seeking unfair coverage of the mattress fire issue.

(pause)

One last item about bed clothes. I'd like to refer once again to the California Bureau's tests of comforters. Standards or no standards, we have real problems with anything that ignites that easily and generates that much of a fire – 450 kilowatts – and is on top of a person's bed ... with a person on top of it.

We agree with Chairman Stratton that the statutes are clear about product recalls. If the comforter producers do not take the initiative to recall highly combustible comforters, we will test individual products and trigger the recall process. That will begin before the end of the year if manufacturers ignore the law.

(pause)

I know that your world is turning upside down. Lots of change. But by being responsible and fair ... ISPA has bought itself a seat at the table ... and demonstrated that you are an industry that deserves to be trusted. There aren't many industries that can say that just now.

The California Bureau, the CPSC and the State Fire Marshals listen to you ... and together we are doing everything we can to help you succeed with safer products.

The public has no patience left with companies that act in irresponsible ways. We State Fire Marshals have lost our patience as well. But we will stand up for you ... with regulatory bodies ... in the news media ... and even in the courtroom.

And so with the exception of two words ... that is all I have to say.

The two words are thank you. This is a very special group.

H

October 27, 2003

Joseph Mohorovic
Senior Policy Advisor
U. S. Consumer Product Safety Commission
4330 East – West Highway
Bethesda, MD 20814

Subject: TB 603 Mattress Fire Testing.

Joseph:

We fully encourage efforts to increase public safety, particularly in the area of fire protection. We believe that technical requirements that address mattress ignition from both cigarette ignition and small open flame ignition will increase consumer safety and reduce fire deaths, injuries and property losses associated with mattress fires. Additionally, we would like to communicate our specific thoughts and observations regarding the new flammability requirements for mattresses in accordance with California AB 603 and detailed in the test procedure TB603.

We support the technical efforts of both the California Bureau of Home Furnishings and Thermal Insulations and the Sleep Products Safety Council in their leadership in coordinating multiple efforts such as National Institute of Standards and Technology (NIST) and the mattress industry. Through those efforts and others, the complexities of mitigating the concern of mattress flammability has resulted in a practical test method based on sound fire protection engineering and science. It is in the spirit of mutual interest for public safety that we support those efforts and wish to work toward successful implementation of the upgraded fire test methods and performance for mattresses.

In an April 1, 2003 letter to Mr. John McCormack of the California Bureau, UL provided comments regarding:

- Support of the change from 60 to 30 minute test duration,
- Concern is the consistency of the data developed from TB 603 and a suggestion for a program to enhance repeatability and reproducibility of test results,
- Support of the accreditation of test service providers as a means to assure consistent application of the TB 603. Various accreditation programs currently are offered by governmental agencies (NRTL, NVLAP) and private organizations (A2LA and IAS).

Subsequent to that letter, the Bureau has formalized the details of TB 603 with a change from 60 to 30 minute test duration and a performance criteria change from 150 to 200 kW.

During the course of providing test services to the mattress industry, we have gained experience with the TB 603 method and have seen an obvious positive increase in the fire performance of the adult sized mattress products submitted for developmental testing. One practical concern we have is the application of this test to smaller, juvenile or crib mattresses. It has been our experience that conforming adult sized mattresses incorporate a thermal barrier construction which in the practical application serves to prolong the time for fire to propagate along the external surface of the mattress and delay the entrance of the fire into the mattress inner construction. A third positive fire safety result is the effect of the barrier to minimize flaming droplets falling from the mattress. It has been our experience that smaller, crib sized mattresses do not generally incorporate fire barriers, but rely on fire retardant foams and limited surface area / fuel load to demonstrate less than 200 kW peak energy release. Unfortunately, we have observed constructions that although compliant with the 200 kW criteria, exhibit large amounts of flaming droplets that have the potential for spreading flames beyond the mattress. The current requirements do not address flaming droplets.

Please note that UL has offered a Certification program for mattresses since the mid 1980's utilizing the standards UL 2060 "Standard for Fire Test of Mattresses with Bedclothes Using a Furniture Calorimeter" and UL 1895 "Standard for Fire Test of Mattresses". This past year, both of these standards have been withdrawn in favor of TB 603 for full sized mattresses.

In the 'Advance Notice of Proposed Rulemaking' the following comment was made:

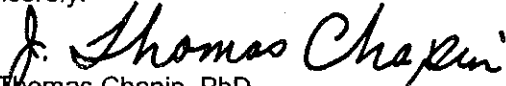
" These tests are costly, ranging from \$2,000.00 to \$5,000.00 per test: and CPSC does not have this type of facility".

It should be noted that currently 6 laboratories provide test services for TB 603 and with a typical cost of approximate \$400.00.

In conclusion, we fully support efforts to increase public safety as represented by the AB 603 legislation and the associated test procedure TB 603.

We appreciate the opportunity to provide comment. If you wish to discuss further, please feel free to contact me at your convenience.

Sincerely:



J. Thomas Chapin, PhD.

General Manager, Fire & Construction SBU

Underwriters Laboratories, Inc.

847-664-3200

j.thomas.chapin@us.ul.com

*Mattress
Comment***Blair Schrader**

From: "Blair Schrader" <blair@schraderbeds.com>
To: <www.cpsc-os@cpsc.gov>
Cc: <ISPAWebmaster@sleepproducts.org>; "Congressman Mark Foley"
<fl16@ima.pub@mail.house.gov>
Sent: Sunday, July 11, 2004 12:47 PM
Subject: TB 603 Proposed

Dear Secretary Stevenson,

I would like to comment on the Proposed TB 603 regulations being reviewed by your commission.

I have been the mattress manufacturing business for 41 years and my Family mattress manufacturing business has been here for 48 years. We are a private manufacturer catering to the design trade and to special specs needed in our local region. (Namely odd size from any dimension including height. We carved out our niche against the large competitors and the local retail operations. We've outlasted 15 other type of small competitors who have tried to make it in our area. This is just some of the background of my Company.

I just went to the recent ISPA Trade show In Indianapolis and came away very discouraged. The new proposed TB 603 regs are very disheartening to me.

If it passes as is, it looks like an undo hardship for me and the small manufacturer. Although I went thru the 1973 FF-4 Cigarette testing regs and made adjustments, this new proposed regulation has so much teeth that it will put me out of business. I'm a custom manufacturer and make many changes in production daily. This will require testing everytime I change a component. Tests will have to be done by an outside facility costing \$800.00 to \$1000.00 for each new design(Plus time lost to make and send sample.) That is not economical or sensible.

Please review all the consequences of this regulation carefully and understand the nature of what this will do to all of us who don't have the money compared to all the big S's.(Serta, Sealy, Simmons, Etc.)

Sincerely, Blair J. Schrader, President

E. J. SCHRADER MATTRESS CO.
SINCE 1956

7/11/2004

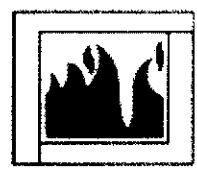
*Matthews
Comments*



COALITION OF CONVERTERS OF DECORATIVE FABRICS



Decorative Fabrics Association



AFSC

July 12, 2004

Honorable Hal Stratton
Chairman
U.S. Consumer Products Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chairman Stratton,

We feel that during your tenure as Chairman of the Consumer Product Safety Commission (CPSC), the agency has made substantial progress toward establishing effective national flammability standards for furniture and mattresses. There is still work to be done, but we feel there is a general consensus that such standards will in fact be put in place, the only question is the timeframe. The American Home Fire Safety Act has drawn an added focus to these issues on the part of a broader audience. We are confident that the CPSC will follow through on its commitment to improving consumer safety for these products as it proceeds with its rulemaking process.

The undersigned stakeholders have engaged in flammability testing and a constructive dialogue which has resulted in substantial consensus about how to

effectively regulate these products. We hope our cooperative efforts will assist the Commission in its efforts to finalize these standards. Of course, there are still issues to be worked out and further validation will be required, but we have tried to structure a proposal that will be effective in offering a significant level of increased fire safety for the public, one that is practical to implement, and one that will not place an undue economic burden on manufacturers, consumers or U.S. jobs.

Regarding the furniture flammability standards, we feel the American Furniture Manufacturers Association (AFMA) proposal outlined in the May 13th memo from Andy Counts to you is a viable proposal. It provides for FR treatment for all polyurethane foam and non-foam materials used in furniture construction. It also provides for flame testing of fabric and cushion wraps, and an alternative construction method utilizing flame-blocking interliners. The undersigned stakeholders feel the AFMA proposal would result in meaningful safety gains, be implemented in a realistic timeframe, and offer consumers more reliable compliance, greater affordability and broader fabric choice than some of the proposed alternatives. There remains some difference of opinion on the part of some stakeholders regarding the duration of the open flame fabric test, but we expect this issue to be resolved through further testing and analysis.

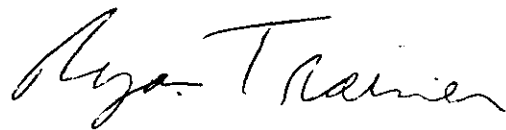
Regarding the mattress flammability standard, we feel that the final standard adopted by California, Technical Bulletin 603, is a landmark development in addressing open-flame ignitions of mattresses and will provide a significant improvement in fire safety. A previous California draft proposal (issued in February 2003) which called for extended flame test times is not practical to implement. Furthermore, no scientific research demonstrates that it would provide a significant level of increased fire safety over the adopted standard. Our proposal would therefore be for the CPSC to use the adopted TB603 as a basis for a national standard. There is a difference of opinion about the need for flame retardant treatment of polyurethane foam in these applications; however, once again, we expect further testing and analysis to resolve this issue.

We respectfully ask CPSC to consider our comments in its development of national flammability standards for furniture, bedding and bedclothes.

Sincerely,



Lou H. Peters
Executive Director
Polyurethane Foam Association



Ryan Trainer
Executive V.P. & General Counsel
International Sleep Products
Association



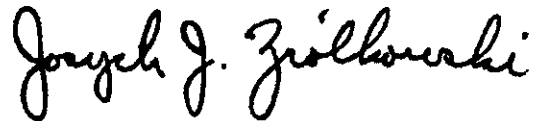
Andy S. Counts
Chief Executive Officer
American Furniture Manufacturers
Association



Mark Buczek
Chairman
American Fire Safety Council



Gerard Wilder
President
Decorative Fabrics Association
& for the Coalition of Converters of
Decorative Fabrics



Joe Ziolkowski
Executive Director
Upholstered Furniture Action Council



Carl Spilhaus
President
American Textile Association

cc: The Honorable Thomas Hill Moore
The Honorable Mary Sheila Gall
U.S. Senate Committee on Commerce, Science and Transportation

*Mattress
comment*
upholster firm

Thursday, March 18, 2004

Office of The Secretary
Todd Stevenson, Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Secretary Stevenson:

For some time, I have closely followed the developments in California and at the federal level with regards to changes to mattress and upholstered furniture flammability regulations. A significant evolution of product design has occurred of late – some of which I believe raises concerns that the CPSC should address as it continues its rulemaking related to the flammability of mattress and upholstered furniture.

One key issue related to the evolving fire blocking technologies for mattresses is the difference between those that contain topically applied chemical treatments and those that are made from inherently flame retardant fibers. While each approach may deliver effective fire blocking performance, there exists the profound likelihood of consumer sensitivity to chemicals agents that are coated, sprayed, shaken onto, bonded to, soaked into an otherwise non flame retardant fabric or fiber – particularly when consumers will be in close proximity to those chemicals (i.e. in the case of their mattress).

Furthermore, the durability of such topically applied treatments may raise questions as to the sustainability over time of the protections that such solutions afford. The United Kingdom, which has had solid flammability requirements for mattresses and upholstered furniture for some time, requires a "watersoak" test as a measure of the potential durability of such treatments.

It is my belief that, as the CPSC moves forward in the development of the rules related to this issue, strong consideration should be given to addressing clear, public disclosure requirements in cases where such chemical treatments are incorporated and that some element of the performance validation be aimed at determining the durability / longevity of such treatments. I am not alone in these concerns (see attached).

We offer the following two recommendations as the CPSC formulates the new federal standard:

- 1) In cases where chemical treatments are integrated into fire barriers or mattresses by bonding, bathing, swathing, coating, spraying, shaking, soaking, or other similar

application methods, that the presence and use of such chemical treatments be conspicuously disclosed to consumers at the retail level. This disclosure should provide the consumer with information as to the nature of the chemistry used and a method for obtaining more detailed information if they so desire (e.g. CPSC website, EPA registry, etc.). Such disclosure would best be served by being set apart from other labeling requirements. Language for such disclosure might include something such as the following: "This mattress contains topically applied chemical treatments. Some people may experience acute sensitivity to such chemicals. Please feel free to ask your salesperson or the manufacturer of this product for more information about the nature of these topically applied chemical treatments."

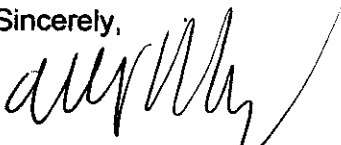
- 2) As part of the performance validation process, consideration should be given to assessing the benefit of employing simulated or accelerated aging on the test samples as a basis for determining the longevity of all proposed barrier solutions.

There is an ever-increasing level of public concern over the infiltration of chemicals into our lives and environments. These concerns range from parents who fear the unknown impact of chemical prevalence on the allergic sensitivities and developmental ramifications in their children to the environmental impact of disposal of articles incorporating such treatments.

The economic reality is that the use of certain chemical treatments may offer a slight cost benefit in barrier design versus the use of some inherently flame retardant fibers. However, with this relatively small advantage comes a host of other, yet to be determined, potential risks to U.S. consumers. We view one potential outcome as placing an inequitable risk on the lower end of the socio-economic scale – the purchase behavior of these consumers is less likely to incorporate sophisticated assessment of the various features, benefits and most importantly risks of target product. We believe that full and conspicuous disclosure is the best way to at least offer an informed choice to all market segments regarding the use of topically applied chemical treatments in mattress purchases absent any parsing of words by the marketing departments of manufacturers.

We look forward to your positive reception to this request.

Sincerely,



Andrew D. Herz, Esq
Attorney at Law

cc: Margaret Neilly, Project Lead
Allyson Tenney,



NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

Government Relations

August 24, 2004

Ms. Margaret Neily
Director, Combustion and Fire Services Division
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Ms. Neily:

As you proceed in the development of fire safety standards for mattresses and bed clothing, the National Association of State Fire Marshals (NASFM) wishes to share the following information and observations of its members.

There should be no question about NASFM's support of the mattress flammability test method developed by the National Institute of Standards and Technology (NIST). This test method should serve as a model in that it so well replicates real-world mattress and bedding fires.

The California Bureau of Home Furnishings and Thermal Insulation (the Bureau) says it will begin enforcement January 1, 2005, of Technical Bulletin 603 (TB 603). The Bureau has adopted two key pass/fail criteria. The first criterion is the 200 kW peak heat release threshold. A 200 kW fire is still considerable, but acceptable as a major step forward. The second criterion is the threshold of 25 MJ total heat release in the first 10 minutes of the test. NASFM regards both of these criteria as excellent reductions in the very high rates of energy generated by today's mattresses.

NASFM's only real concern with California's TB 603 is the 30-minute duration of the test. In anticipation of this requirement, Underwriters Laboratories reports that mattress producers are now subjecting their products to testing, and that many are satisfying the criteria of the test for times longer than 30 minutes, and some for longer than an hour. Legislation now pending in the New Jersey State Senate and Assembly would set a test duration of 60 minutes, as would the American Home Fire Safety Act (S. 1798, H.R. 4233) now before the Congress. The technologies for improved fire resistance are widely available. Cost obviously is a factor.

Although the Commission may be required to make economic concessions, we believe that the only safety-related question remaining is whether the duration of the test is sufficient to ensure public safety. Dr. William Grosshandler, chief of the Fire Research Laboratories at the NIST and a member of NASFM's Science Advisory Committee, has addressed the duration of the test by saying, "It depends on what the goal is."

In our view, if the goal is to enable alert and able-bodied persons to escape a mattress fire, then 30 minutes is, in fact, more than adequate. But we would hope that the goal is to improve the survivability of our most vulnerable citizens, *i.e.*, the physically challenged, very young and very old, who are most likely to require rescues by emergency responders. If this is the goal, the duration of the test must be consistent with what we know about fire department responses in the real world.

Much has been made about the term, "response time." The term is improperly used to describe the time from ignition to the point at which firefighters are able to safely begin rescue operations.

The duration of the test should be based on data quantifying the seven steps that always occur with fires requiring an emergency response. The following values were proposed by Gary Powell, Alaska State Fire Marshal, and Chief Philip Stittleburg, La Farge, Wisconsin Volunteer Fire Department, and accepted as a consensus position of this association. For the record, Chief Stittleburg is chairman of the National Volunteer Fire Council. This Fall, NASFM will seek to further refine these values through surveys of fire departments and emergency service training academies. We welcome any data that can add to our greater understanding of the time required.

Definitions for each step are shown in the table. The term "Best Case" describes fires when all goes right – unfortunately, a rare occurrence. "Average Case" describes typical circumstances. "Rural Case" covers responses by all-volunteer fire departments.¹ The "Rural Case" values are regarded as very conservative. The distances traveled by volunteers to apparatus at fire stations and then to incidents can vary widely – adding substantial time to responses in some cases.

Step	Best Case	Average Case	Rural Case
1. Detection – The time from ignition to when a person decides to call firefighters for help. ²	5	15	15
2. Notification – The time to reach a phone and make the call.	2	3	3

¹ According to the National Volunteer Fire Council, 75% of all fire departments are all-volunteer, another 15% are predominantly volunteer, and 45% of the US population is protected by volunteers.

² Human behavior in the incipient stages of a fire is the subject of several scientific inquiries. NASFM's Science Advisory Committee will comment separately on this step. The values shown here are intentionally conservative.

Step	Best Case	Average Case	Rural Case
3. Dispatch processing – The time for a fire dispatcher to alert the closest fire departments.	1	2	2
4. Turn-out – The time for firefighters to don protective gear and reach the apparatus.	2	8	10
5. Response - The time from leaving the fire station to arriving at the incident. ³	4	8	>16
6. Set-up – The time to unreel hoses, secure water supply, determine the seat of the fire and first placing the suppression agent on the fire.	2	4	6
Elapsed time from step 1-6	16 minutes	40 minutes	>52 minutes

The 30-minute test duration is insufficient in all but the “Best Case” scenarios, and even then provides little margin for error. Industry estimates of the cost of exceeding the 30-minute test -- which have been inflated to include significant mark-ups⁴ -- are not supported with data from independent sources and are, in any event, not persuasive when one considers that such costs would be spread across the lifetime of a mattress. The

³ NFPA 1710 sets 4 minutes for a fire department response. On April 30, 2003, NFPA President James Shannon testified before the Senate Committee on Commerce, Science and Transportation that according to the findings from the "Needs Assessment of the U.S. Fire Service," (a study authorized by Congress and conducted by NFPA in cooperation with FEMA), "at least 65% of cities and towns nationwide don't have enough fire stations to achieve widely recognized response-time guidelines. Those guidelines recommend that firefighters be on the scene of any situation within 4 minutes, 90% of the time," and that "the picture is bleaker in our smaller communities." Mr. Shannon's full testimony and supporting documents are available at: <http://www.nfpa.org/Research/FireInvestigation/Homeland/Testimony/testimony.asp>.

⁴ Statement of the International Sleep Products Association before the California Bureau of Home Furnishings and Insulation regarding the proposed TB 603 Open-Flame Mattress Standard, April 22, 2003.

Ms. Neily
August 24, 2004
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industry data fails to isolate the incremental cost of moving from 30-minute duration to some longer term. What we have seen is of insufficient quality and credibility to support the Commission's required cost-benefit analyses.

In summary, NASFM supports the NIST test method, as well as the pass/fail criteria of 200 kW peak heat release and 25 MJ total heat release in the first 10 minutes, but regards the 30-minute test duration as insufficient if the goal is to improve the survivability of those who are least mobile and would most require rescue. NASFM is willing to work with the Commission and the industry to determine a proper test duration that is effective and practical.

Finally, we agree with the need for an effective fire performance test and pass/fail criteria for bed clothing beyond the narrow definition in California state law, which addresses only filled products such as pillows, mattress pads and comforters.

We sincerely appreciate the Commission's work in this area, and have great hopes that at the end of the day, a mandatory national fire safety standard for these products will go far in protecting our most vulnerable residents.

Sincerely,



William Degnan, Chair
Consumer Product Fire Safety Task Force

cc: NASFM membership