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

CPSA 6 (b)(1) Cleared
No Mfrs/PrvtLblrs or Products Identified
Excepted
Firms Notified,
Comments Processed.

MEMORANDUM

DATE: 6/07/99

TO : ECPA

Through: Sadye E. Dunn, Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: Petition FP 99-1, Petition Requesting Labeling Rule For Polyurethane Foam in Upholstered Furniture

ATTACHED ARE COMMENTS ON THE CF99-3

COMMENT	DATE	SIGNED BY	AFFILIATION
CF99-3-1	4/15/99	Harrison Murphy President	VENTEX, Inc. P.O. Box 1038 Great Falls, VA 22066
CF99-3-2	4/21/99	V.J. Bella State Fire Marshal	Department of Public Safety & Corrections 5150 Florida Boulevard Baton Rouge, LA 70806
CF99-3-3	4/21/99	Consumer	Laura Grimes
CF99-3-4	5/03/99	A.D. Albright	San Diego Union-Tribune
CF99-3-5	5/06/99	Garry Briese Exe. Director	International Association of Fire Chiefs 4025 Fair Ridge Drive Fairfax, VA 22033
CF99-3-6	5/20/99	M.T. Boatwright State Fire Marshal	State of Indiana 402 W. Washington St. Room E241 Indianapolis, IN 46204
CF99-3-7	5/20/99	Paul Eichler EMT/Firefighter	866 Monroe Terrace Dover, DE 19904
CF99-3-8	5/20/99	Delores Lekowski	700 Lea Crest West Salem, OH 44287

Petition FP99-1, Petition Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

CF99-3-9	6/03/99	Juan Munevar	Florida International University Miami, FL
CF99-3-10	6/03/99	Sally Geenberg Senior Product Safety Counsel	Consumer Federation of America Consumers Union 1666 Connecticut Ave, N.W., Site 310 Washington, DC 20009
		And	
		Mary Ellen Fise General Counsel	Consumer Federation of America 1424 16th St, NW, Ste 604 Washington, DC 20036
CF99-3-11	5/17/99	David Chaffee	1758 Sashabaw Dr. Okemos, MI 48864
CF99-3-12	6/4/99	Rocco Gabriele President	National Association of State Fire Marshals 1319 F St, NW, Suite 301 Washington, DC 20004
CF99-3-13	6/4/99	Timothy Martin	40 NW 116 PL, Unit 3 Miami, FL 33172
CF99-3-14	6/2/99	Fred Allinson Chairman	National Volunteer Fire Council 1050 17th St, NW, Suite 1212 Washington, DC 20036
CF99-3-15	6/6/99	Louis Peters Exe Director	Polyurethane Foam Association P.O. Box 1459 Wayne, NJ 07474
CF99-3-16	6/4/99	Richard Taffet & Elizabeth Jaffe Attorneys for The Decorative Fabrics Assoc. and The Coalition of Converters of Decorative Fabrics	Goldenbock, Eiseman, Assor & Bell 437 Madison Avenue New York, NY 10022

Petition FP99-1, Petition Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

CF99-3-17	6/07/99	Douglas Brackett Executive Vice President	American Furniture Manufacturers Association 1600 K Street, NW Suite 402 Washington, DC 20006
CF99-3-18	6/04/99	Lewis Freeman Vice President Government Affairs	The Society of the Industry, Inc. 1801 K Street, NW Suite 600K Washington, DC 20006

CF99-3-1

VENTEX
a unique venture in textiles

P.O. BOX 1038
GREAT FALLS, VA 22066-1038
PHONE 703-406-4030 • FAX 703-406-4588

April 15, 1999

Office of the Secretary
Consumer Products Safety Commission
Washington DC 20207

harrison murphy

PETITION FP 99-1, PETITION FOR LABELING OF POLYURETHANE FOAM

Comments by: Harrison Murphy, President
Ventex, Inc.
PO Box 1038
Great Falls, VA 22066

The petition for labeling of products using polyurethane foam should be approved for several reasons. First, historical analysis of home fires has shown a direct correlation between fuel load (amount of foam) and likelihood of death in that fire. In analyzing fires where upholstered furniture is the first item ignited, the data suggests a marked increase in the risk to the occupant of dying in that fire. It has been presented to the CPSC that the risk of dying in a fire where the first item ignited is upholstered furniture is about 10 times greater than a fire that starts in any item other than upholstered furniture and mattresses.

The labeling, of course, exists already since most major foam suppliers put large red labels on the foam warning of its potential for ignition and burning. However, these warnings are rarely passed on to the public with the same sense of urgency. The warning labels that do exist tend to be very small and often removed by or hidden by the retailer in the store.

The first step in acknowledging a risk is to educate those who face the risk. Many consumers are under the impression that the products that they purchase already meet certain standards since they are regulated by things like the "Flammable Fabrics Act" and the "Federal Flammability Standard", where the word "flammability" is prominently displayed. It is unclear that these standards do not involve any open flame testing whatsoever, and the public is left without the benefit of warnings that are received on a regular basis and that manufacturers themselves accept as "common knowledge".

Labeling the products prominently is a small step in the right direction.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

M J "MIKE" FOSTER, JR
GOVERNOR

V J BELLA
STATE FIRE MARSHAL

April 21, 1999

Ms. Sadye E. Dunn, Secretary
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

RE: Petition FP 99-1, Petition for Labeling of Polyurethane Foam

Dear Ms. Dunn:

This communication is a statement of support for the referenced petition. I will, during the next nine months, chair a gubernatorial task force whose purpose is to analyze significant factors affecting flammability of upholstered furniture. While I am not prepared to preempt the work of the task force, it seems that passing along warning labels sent by the manufacturers of polyurethane foam is a reasonable, minimal measure of consumer protection.

Sincerely
V.J. Bella
State Fire Marshal

c: Rocco Gabriele

CF99-3-3
New Petition FP 99-1

Author: Todd A. Stevenson at CPSC-HQ1
Date: 4/21/99 2:05 PM
Priority: Normal
TO: Information Center
Subject: Re[4]: complaint

I will file your comment with official public comment docket for the upholstry fire retardant proceeding that will be considered by the Commission as it makes determinations regarding the issue and proposed standards.
Thank you for your comments.

_____ Reply Separator _____

Subject: Re[3]: complaint
Author: Information Center at CPSC-HQ1
Date: 4/21/99 1:37 PM

Hello.

Our agency appreciates all consumers comments. Please respond with your name, full postal mailing address and a copy of your original message to our Office of the Secretary at email address:

cpsc-os@cpsc.gov

Someone in that office will respond to your concerns directly.

For your information, all consumers are able to report or file a safety-related complaint via our website at www.cpsc.gov. From our homepage, select the Talk to Us button and the first field, To Report an Injury, Death or Unsafe Product, allows consumers to file complaints with our agency.

alm

_____ Reply Separator _____

Subject: complaint
Author: Murray S. Cohn at CPSC-HQ1
Date: 4/19/99 9:15 PM

Comment

Name = Laura Grimes

Address = sgrimes893

Dear Ms.Brown, Please respond and let me know if I'm submitting my complaint to the correct contact. I read an article in the newspaper that concerns me. The contents of the article covered furniture manufactures "NOT" having fire retardant requirements "OR" warning label requirements for their products. This is ludicrous and enraging. To think that almost every other dangerous product has been required to carry a warning label posting the most obvious of cautions such as "WARNING HOT COFFEE" but that the highly flammable materials and extremely toxic gases of the contents of our furniture need not be common knowledge for all who purchase them is wrong. There is not a better way than to say that by not requiring furniture manufactures to at least be required to "INFORM" the public about the potential dangers concerning the materials being used for "stuffing" should be ,in my opinion, a violation of the law.

I would like to submit my opinion to the correct person or agency that is petitioning for minimum fire-retardant standard so, if I'm submitting this letter in error than please let me know and I will redirect it.

Thank you,
Laura Grimes

Suggestions to improve: I would like to know if the information I am submitting
will be fowarded to a complaint department? If not, your agency should have a complaint and (or) a petitioning web site.

Author: Murray S. Cohn at CPSC-HQ1
Date: 5/3/99 9:05 AM
Priority: Normal
TO: Todd A. Stevenson
Subject: I guess this requires some sort of response from OS

Mr. A.D. Albright
alvert@san.rr.com

An Associated Press article: "Firefighters call it 'solid gasoline'" (by John Hendren) appeared in the San Diego Union-Tribune on April 23, 1999. Although California already has certain requirements for flame resistant fabric and fire retardant foam used in furniture making, I support federal regulations for furniture industry-wide use of safe (by EPA and OSHA criteria), pollution-free, fire retardant furniture materials, which should be mandated, since the American Furniture Manufacturers Association's voluntary standards are not sufficient. But, the same requirements MUST be mandated for furniture and furniture materials from foreign manufacturers, as well, to assure complete protection in all available furniture products, just as was mandated in our childrens' sleepware some years ago.

F

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

4025 Fair Ridge Drive • Fairfax, VA 22033-2868
Telephone: (703) 273-0911
FAX: (703) 273-9363
Internet: www.iafc.org

May 6, 1999

1999 MAY 21 A 11:07

Ms. Sadye E. Dunn
Consumer Product Safety Commission
Office of the Secretary
Washington, DC 20207

Dear Ms. Dunn,

The International Association of Fire Chiefs supports the National Association of State Fire Marshals' petition on the Labeling Rule for Polyurethane Foam in Upholstered Furniture. The IAFC acknowledges the risks associated with polyurethane foam in upholstered furniture as outlined in the NASFM's petition and concurs with NASFM's position. We feel the measures, outlined in the petition, will increase public awareness to the hazards associated with these materials thus helping to reduce fire deaths and injuries due to fires in upholstered furniture.

If you have any question or concerns for the IAFC, please do not hesitate to contact me at (703) 273-0911. Thank you for your attention.

Sincerely,

Mr. Garry Briese
Executive Director, IAFC

STATE of INDIANA
An Equal Opportunity Employer
A Non-Tax Supported State Agency

OFFICE OF THE STATE FIRE MARSHAL
402 W. Washington St, Room E241
Indianapolis, Indiana 46204-2739
(317) 232-2222

<http://www.ai.org/sema/osfm.html>

FRANK O'BANNON
GOVERNOR

INDIANA DEPARTMENT OF
FIRE AND BUILDING SERVICES
PATRICK R RALSTON
EXECUTIVE DIRECTOR

May 20, 1999

VIA FACSIMILE AND FIRST CLASS MAIL
Ms. Sadye E. Dunn, Secretary
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Re: Petition FP 99-1, Petition for Labeling of Polyurethane Foam

Dear Ms. Dunn,

As State Fire Marshal for the state of Indiana, I am writing in support of the above-captioned petition.

As a 20-year veteran of the Marion, Indiana fire department, I have seen the devastation that fire inflicts on people and their communities. A very real potential for death or serious bodily harm is represented by the presence of polyurethane foam in upholstered furniture. Civilians are exposed to this hazard in their homes every day, and firefighters face heightened risks when they respond to the call to protect the public. The evidence of the consequences of standards such as those in effect in California is indisputable. The need for comparable protections for the rest of this country must be addressed quickly and effectively.

The continuing refusal by the relevant elements of the upholstered furniture industry to address this problem cannot be allowed to prolong the harm inflicted by these dangerous products. At my request, the Indiana General Assembly recently passed House Concurrent Resolution 48, urging Congress and the CPSC to "institute mandatory standards" with respect to upholstered furniture flammability. I am enclosing a copy for your information.

It is too late to help those who have been injured or died as a result of the lack of flammability standards to date. As a civilized society, we have a duty to protect our citizens at risk. I look forward to rapid and positive action by the CPSC to

safeguard Americans in their homes, and the firefighters who defend them, from the increased dangers created by polyurethane foam in upholstered furniture.

Sincerely,

M. Tracy Boatwright

M. Tracy Boatwright
State Fire Marshal

MTB:me

encl.

MAR 2 3 1999

Introduced Version

HOUSE CONCURRENT RESOLUTION No. 48

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging the Congress of the United States and the Consumer Product Safety Commission to institute mandatory standards concerning upholstered furniture flammability.

Adams T, Herrell, Ruppel

_____ 1999, read first time and referred to Committee on

Introduced

First Regular Session 111th General Assembly (1999)

HOUSE CONCURRENT RESOLUTION No. _____

A CONCURRENT RESOLUTION urging the Congress of the United States and the Consumer Product Safety Commission to institute mandatory standards concerning upholstered furniture flammability.

Whereas, More than two persons a day die in fires involving upholstered furniture in this country;

Whereas, It is technically and commercially feasible to make furniture more safe from fire, as evidenced by upholstered furniture that is required to meet certain flammability standards in order to be sold in California;

Whereas, Vigorous and disciplined action should be taken to protect the citizens of this state from the injuries, death, and property losses associated with upholstered furniture fires in their homes;

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives urge the Congress of the United States and the Consumer Product Safety Commission to institute mandatory standards concerning upholstered furniture flammability that are no less stringent than the most recent edition of the State of California, Bureau of Home Furnishings Technical Bulletin, Number 117, entitled "Requirements, Test Procedure and apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture, and the most recent edition of the State of California, Bureau of Home Furnishings Technical Bulletin, Number 116, entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture."

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this Concurrent Resolution to the Consumer Product Safety Commission and the Congress of the United States.

CPSC

NFPA Journal® **appreciates your comments!**

5-20-99

LETTER TO THE EDITOR: Why is it that the U.S. Consumer Product Safety Commission (CPSC) can hold sprinklers to a high level of scrutiny to COMBAT fires, yet cannot pass furniture flammability standards and cigarette ignition standards to PREVENT fires!? All NFPA members should be contacting their U.S.Representatives to support Congressman Joe Moakley's (MA) proposed legislation for a CPSC fire safety standard for cigarettes, and to demand that the 21+ year delay for a furniture flammability standard be immediately resolved. Hopefully, I won't read anymore NFPA FIREWatch updates about people who fall asleep smoking and igniting their couch. (NFPAJournal May/June 1999, p.48 WA).

Name

Title Paul W. Eichler, EMT/Firefighter II, CFPS

Company or Dept Anne Arundel Cty., Md. Tel # (302) 734-2992

Street 866 MONROE TERRACE

City DOVER State DE Zip 19904-4118

WSJ B1 +B7 Wed 8-18-93

U.S. Lab Fights Furniture Fires With Fire

By Barbara Rosewicz
Staff Reporter of The Wall Street Journal

GAITHERSBURG, Md. – The lab technician ignites a wad of newspapers on a new white upholstered chair and watches as the seat cushion begins to flame. Next, a black char spreads across the seat back and armrests, and streams of smoke rise and are swept into an overhead hood where gases can be analyzed.

Setting the furniture on fire is the focus inside Building 205 on a grassy campus of government laboratories. Sometimes, the workers move on to bigger prey, like sofas. They want to know exactly why some pieces of upholstered furniture burn more intensely than others. Ultimately, they would like to devise a way to predict from small samples which furniture designs and materials are safer when exposed to flames—without having to burn a whole piece of furniture each time.

The tests may one day help limit the damage that domestic fires can cause. "We have relatively severe fire codes for buildings, and yet you have considerable freedom to make your building unsafe as you choose the furnishings," says Richard Wright, director of the Building and Fire Research Laboratory at the government's National Institute of Standards and Technology. "One piece of furniture burning can kill everyone in a reasonable-sized house, even if nothing else burns."

It's not just researchers at NIST who are turning new attention to upholstered furniture in fires. In 1978, furniture manufacturers headed off federal regulation by agreeing to a voluntary program for testing how fabrics respond to smoldering cigarettes. Since then, the number of deaths in residential fires where upholstered furniture was ignited by smoking materials has plunged from 1,300 to 610 in 1990, a 53% drop. Still, an average of 1,002 people die every year in residential fires in which an upholstered chair or sofa is the first item ignited, and the largest percentage of home fires that result in deaths, 21.5%, starts with upholstered furniture.

New Regulations in the Air

Last year California became the first state to order that upholstered furniture in hotel meeting rooms, prisons, nursing homes and public-assembly areas pass a rigorous test exposing it to an open flame. Illinois and Ohio have adopted similar provisions, and other states are considering them. The U.S. Consumer Product Safety Commission, after declining to regulate furniture for fire safety in 1982, is reconsidering and may impose a nationwide flammability standard on upholstered furniture, as it has for children's sleepwear, mattresses and carpets.

Furniture manufacturers concede that open flames are a problem, but say that the smoldering cigarette test already addresses the cause of almost 80% of home fires involving upholstered furniture. But Jack Snell, a former Princeton professor who's deputy director of the lab, says the problem is that some synthetic materials won't catch fire when exposed to a smoldering cigarette, but will flare up dangerously when exposed to an open flame.

In the demonstration test burn, two minutes after the chair is set ablaze, the fire is just beginning to bore into the polyurethane foam seat back. It could have been far worse. At this point, the foam cushions in some furniture would have completely caught fire and set off such an intense blaze that everything in the room would be liable to burst into flame—a critical point known as "flashover."

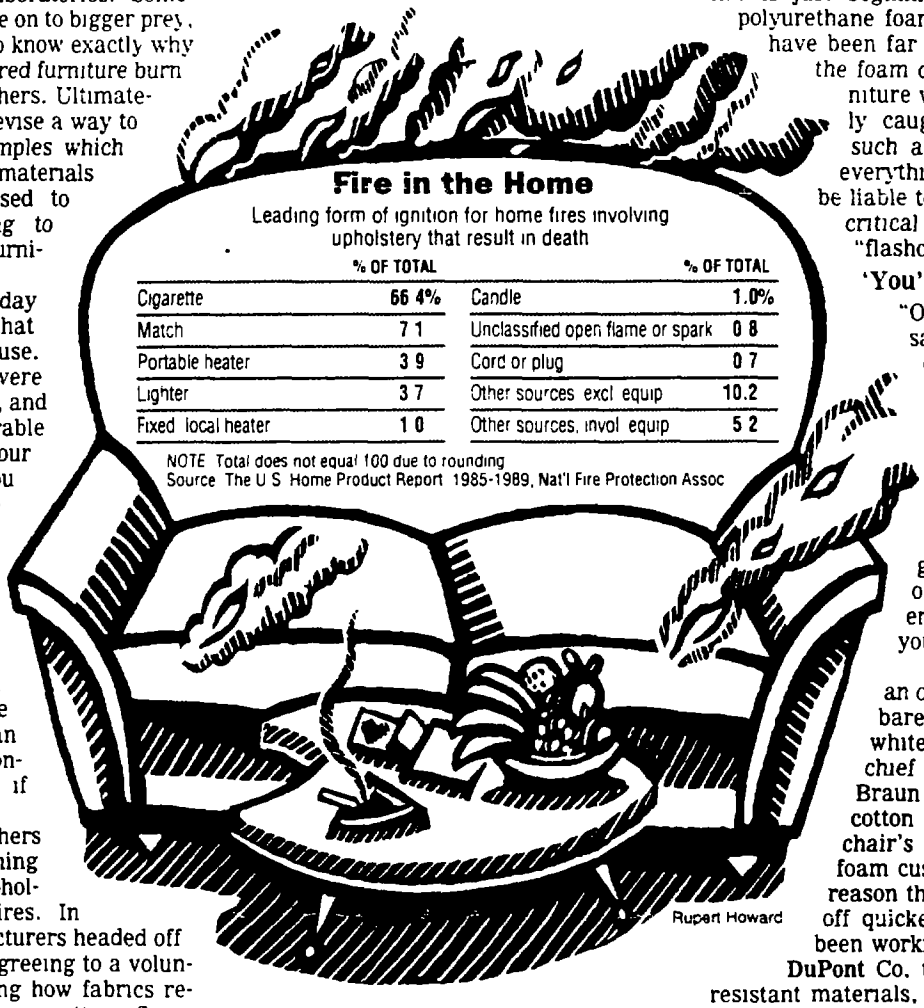
'You're Out of Luck'

"Once that happens," says Dr. Snell, "you could be asleep in a bedroom three rooms away, or on the second floor, and so much gas is coming out of the room, that when your smoke detector goes off, it's probably only giving you enough time to tell you you're out of luck."

As he peers through an open doorway into the bare room where the white chair is ablaze, chief lab technician Emil Braun says that a layer of cotton batting between the chair's poplin fabric and its foam cushion is probably the reason this blaze hasn't taken off quicker. A team here has been working on a project with DuPont Co. to study such flame-resistant materials, already used by airlines, between the fabric and cushion.

Watching the ignited chair, a critical moment comes at the 16-minute mark. "OK, here we go. Look at that," says Mr. Braun. Twin flames like the horns of a devil are flaring out of the chair. There's only a void where the foam seat back has

Please Turn to Page B7, Column 6



Fire in the Home

Leading form of ignition for home fires involving upholstery that result in death

	% OF TOTAL		% OF TOTAL
Cigarette	66.4%	Candle	1.0%
Match	7.1	Unclassified open flame or spark	0.8
Portable heater	3.9	Cord or plug	0.7
Lighter	3.7	Other sources excl equip	10.2
Fixed local heater	1.0	Other sources, invol equip	5.2

NOTE Total does not equal 100 due to rounding
Source The U.S. Home Product Report 1985-1989, Nat'l Fire Protection Assoc

WSJ B1 +B7 W2 8-11-83

Furniture Fires With Fire

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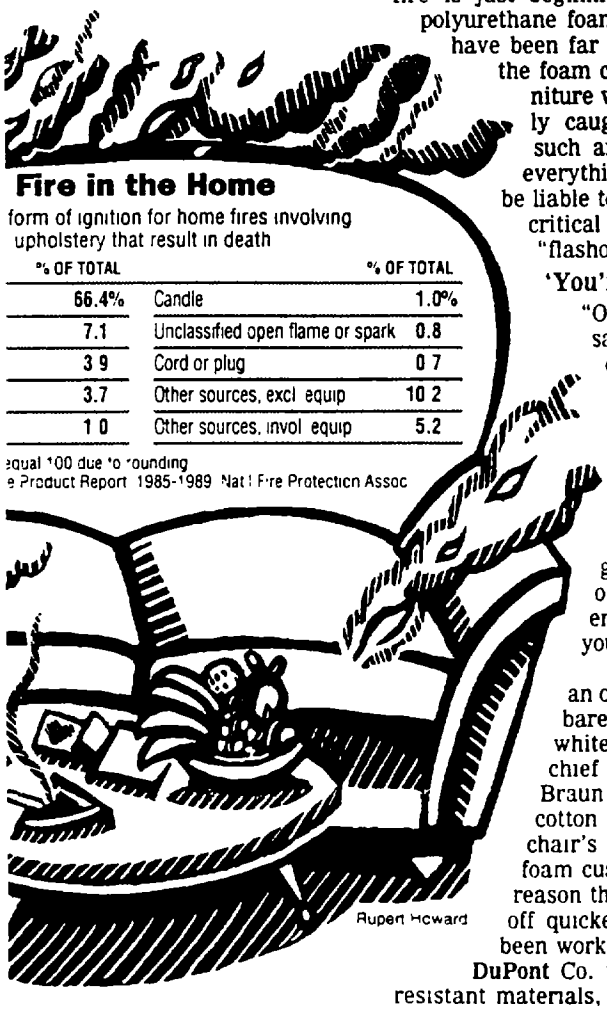

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equal 100 due to rounding
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Rupert Howard

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Please Turn to Page B7, Column 6

U.S. Lab Uses Fire To Fight Deadly Fires Involving Furniture

Continued From Page B1

has been consumed. Black ash the size of freshly ground pepper is wafting to the observation area. Then, orange and blue flames begin to creep up the scorched sheetrock wall and across the ceiling.

"We just hit the point of flashover," explains Andrew Fowell, chief of the fire-safety engineering division. "If you were in this room, you'd be pretty well toasted by now. And that's only a chair, not a sofa." Once it's past the flashover point, the fire slowly begins to subside, though it will burn another 25 minutes or so.

In the meantime, probes in the exhaust pipe above the hood allow researchers to sample the smoke. Although synthetic fibers can give off poisonous gases such as cyanide, the predominant danger and primary killer is considered to be carbon monoxide, the same suffocating byproduct that comes out of car tailpipes.

Work is under way now to compare the results of full-scale burns with small-scale tests run on samples in another NIST lab on the same campus. In the small-scale test lab, a bulky, custom-built machine called a cone calorimeter fills half the room. A sandwich-sized block of light-brown foam is placed under what looks like a glowing, cone-shaped hot plate. The foam almost instantly flares, and just as in the full-scale lab, a mass of tubes and exhaust pipes analyze samples of gases.

Researchers readily admit that they don't yet understand enough to be able to reliably predict how a piece of furniture would stand up to a flame, based only on the testing of samples. In the first place, there are thousands of combinations of fabrics and materials that change every six months or so with the whims of furniture fashion. Fibers can react differently, depending on whether they're blended with another material, and even how they're woven. How much oxygen is available in a fire also makes a difference. Even the shape of the chair matters: Enclosed arms can increase the heat radiation.

Prompted by Britain, which has some of the toughest furniture fire standards, the European Community has embarked on a $2 million crash program to look into furniture flammability. By comparison, the U.S.'s $250,000-a-year program is small and hopes to rely on some of the data the Europeans will generate.

Meanwhile, NIST may have no regulatory say, but what it's learning is sure to be considered by the Consumer Product Safety Commission, which will decide later this year whether to explore adopting a furniture flammability rule. "The bottom line is the work NIST is doing might at some point form the basis for the test procedures in a flammability standard," says Allen Brauninger, a consumer commission attorney

NFPA News Update April/May '99

Ben Roy

On

Fire Safe Cigarette Act of 1999

On March 16, Congressman Joe Moakley (MA) reintroduced legislation to this Congress giving the U S. Consumer Product Safety Commission (CPSC) authority to promulgate a fire safety standard for cigarettes. The standard would require that cigarettes be manufactured with less propensity to ignite when carelessly discarded.

The findings of the Fire Safe Cigarette Act of 1999 are based on NFPA data. In 1996, there were 160,100 cigarette-related fires, which caused 1,083 civilian deaths, 2,809 civilian injuries, and $420 million in direct property damage. The legislation is based on studies conducted by the National Institute of Standards and Technology in the 1980s and in 1990, which concluded that the technology to make cigarettes with a low ignition propensity already exists, making a fire-safe cigarette a feasible product.

who wear these sizes are insufficiently mobile to expose themselves to sources of fire; and
2) tight-fitting natural fabric garments in sizes above nine months, because tight-fitting garments burn slowly and are less likely to be ignited.

The amendment does not change the existing requirements for loose-fitting garments, which must continue to be resistant to flame. Parents can still choose polyester and other synthetic garments that are inherently flame-resistant.

The amendment enables consumers who prefer to put their children to bed in cotton garments to choose safer tight-fitting garments, rather than such loose-fitting daywear as T-shirts and sweat suits. The CPSC has found no burn injuries associated with tight-fitting garments.

The vote on amending the standard was 2-1, with commissioners Thomas Moore and Mary Sheila Gall voting in the majority and Chairman Ann Brown voting in the minority.

Company fined for violating sleepwear flammability standards

The CPSC has announced that Monarch Towel Co. Inc. of Perth Amboy, N.J., will pay a $10,000 civil penalty and has agreed to cease and desist from manufacturing, distributing and selling children's sleepwear that violates federal flammability standards. The penalty and order settle allegations that Monarch offered for sale on the Internet children's bathrobes that failed to comply with the children's sleepwear flammability standards under the federal Flammable Fabrics Act, according to a report from the CPSC.

WASHINGTON BRIEFS

Federal funds approved for Texas wildfires

Federal funds were approved by FEMA in May to help Texas battle the uncontrolled Camp Wood Hills fire in Edwards and Real counties and the Cibolo Creek blaze in Presidio County.

Funding for the Camp Wood fire was approved immediately after it was reported that the fire posed a threat to some 70 homes in that community. The fire had burned an estimated 3,700 acres at the time of the request.

The federal aid for the Cibolo Creek blaze was approved immediately after it was reported that the fire was threatening 14 residences on six ranches. The fire had burned an estimated 58,000 acres at the time of the request.

Under the authorization, FEMA will pay 70% of the state's eligible firefighting costs that exceed $251,913. The figure, called a floor cost, is derived through a formula based on the state's five-year, annual average cost for fighting fires. State firefighting costs covered by the aid include expenses for field camps; equipment use, repair and replacement; tools, materials and supplies; and mobilization and demobilization.

FEMA deems Maryland county disaster-resistant

FEMA has designated Allegany County, Md., as a "disaster-resistant" community under an agreement with county and state officials and other government, business and civic leaders. The designation is part of "Project Impact: Building a Disaster-Resistant Community." The national effort was designed to change the way America deals with disasters by encouraging communities to assess their vulnerabilities to natural hazards and implement strategies to limit damage before disasters occur.

Project Impact participants in Allegany County have committed to review and evaluate nearly 50 proposed actions to accomplish the initiative's goals and objectives. These actions include an acquisition program to move homes out of the floodplains, enhancements to the county's Geographic Information System to support community planning and decision-making, and education and training programs designed to foster mitigation awareness and disaster resistance.

CPSC holds hearing on flame retardants

The CPSC held a public hearing early last month on the feasibility of a performance standard that would require upholstered furniture to resist ignition by small open flames, such as those from cigarette lighters or candles.

The CPSC has been considering such a standard for several months. If adopted, this standard could result in the widespread use of flame-retardant chemicals in upholstered furniture manufactured for household use.

In developing this preliminary standard, the CPSC considered the possible toxicity of such chemicals and the additional cost of applying them. However, the CPSC still has questions regarding possible worker exposure and potential environmental impact.

Radio PSAs promote rural fire safety

The USFA is offering a new series of radio public service announcements providing smoke alarm information and fire-safe home and landscaping tips.

The PSAs are part of the USFA's continuing "Fire Stops With You" public-education campaign created to help reduce the number of fire deaths and injuries. The PSAs will air in rural radio markets throughout the country.

The PSAs offer a variety of fire safety messages, including:

- Install smoke alarms on every level in your home.
- Have your chimney cleaned and inspected annually.
- Prevent loss from wildfires with fire-safe landscaping.

States, provinces test hurricane response

"A catastrophic hurricane developing over the past week in the mid-Atlantic threatens the northeast United States and Canada, between New Jersey and Newfoundland," read a mock bulletin issued April 20 to several hundred federal, state, Canadian provincial and local emergency managers.

The bulletin was part of the opening scenario for Response '98, a major emergency management exercise conducted April 20-24 by thousands of emergency management personnel from FEMA and 26 other federal and voluntary agencies; the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey and New York; the Canadian provinces of Nova Scotia, New Brunswick, Prince

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Regulators fight industry over fire-retardant furniture

Firefighters call foam inside cushions 'solid gasoline'

By JOHN HENDREN
Associated Press

AUGUSTA, Ga — Karen Wright spent her last moments huddled in the bathtub of her mobile home, breathing poison

The teen escaped the flames that started when an electrical spark ignited a living room love seat But she couldn't elude the swirl of deadly cyanide gas and carbon monoxide that forms when foam inside sofa and chair cushions burns

The poisonous cloud knocked her 11-year old sister, Dee Ann, unconscious within reach of the front door There, the intense heat from two flaming couches seared 96 percent of her body Since the Feb 4, 1998, blaze, she has remained in an Augusta hospital, her hands and feet gone, her lungs scarred, her heart failing, and her body draped for months with pig and cadaver skin until doctors could graft laboratory-grown skin

Karen and Dee Ann never knew a sofa could burn as easily as gasoline

The government did.

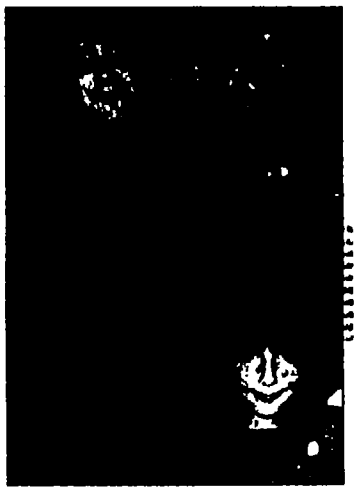
Federal regulators and furniture makers have known for more than two decades that the foam in most sofa cushions is highly flammable, emits deadly gases when it burns and kills hundreds of Americans each year.

Firefighters call the foam "solid gasoline"

For decades federal prisons, airline regulators and the state of California have outlawed furniture that isn't fire-retardant But after 27 years, the federal government is still working on a rule that would give similar protection to the rest of the nation.

Due to lobbying by the furniture industry, it won't be enacted this year either

"It would be nice if someone else never had to go through this," said Dee Ann and Karen's mother, Jeannie South, who quit her job to spend each day with her child who cries and speaks only in rare monosyllables



AP

Karen Wright (left) died and her sister Dee Ann was burned over 96 percent of her body when a spark ignited a love seat in their North Augusta, S.C., home.

The blaze that swept their North Augusta, S.C., home is all too common. Each year about 10,000 fires start in...

See UPHOLSTERY – F6

WILMINGTON, DE. SUNDAY NEWS-JOURNAL P.F1 + F6 4-18-99

Upholstery: Foam emits gas

FROM PAGE F1

upholstered furniture, causing more than 500 deaths, 1,100 injuries and more than $150 million in property loss, according to federal fire statistics. Those fires account for one in four fire deaths.

The reason lies inside the cushions of millions of chairs and sofas.

What gives 90 percent of upholstered furniture its softness is polyurethane foam, a spongy material that's less expensive than down but is created from a petroleum base that makes it highly flammable

When it burns, it spreads in seconds and radiates an intense heat that can roast flesh, even if the victim isn't touched by the flames.

The foam also gives off a deadly cloud of poisonous gases including carbon monoxide and cyanide No warning labels are required. Yet the strongest warnings are on labels the public never sees.

One manufacturer ships foam to furniture makers with a tag that reads, "This foam can burn fast . . resulting in great heat, generating dangerous and potentially toxic gas and thick smoke. ... If foam starts burning — get out"

Few furniture makers pass those warnings on to consumers

Manufacturers have known how to make furniture fire-retardant for years. Some spray chemicals on the back of the covering fabric

At the urging of state fire marshals, the federal Consumer Products Safety Commission has drafted a regulation to require upholstered furniture to meet minimum fire-retardant standards. If the agency's three commissioners vote to approve it, the rule would have the force of law The draft rule would require furniture fabrics to resist an open flame for 20 seconds

Requiring all furniture in the United States to meet the standard would cost the $16 billion retail furniture industry $460 million to $720 million, regulators say

Furniture makers say there are better, cheaper ways to cut furniture fires, such as requiring smoke detectors in every home.

"There's a recognition in our industry that we produce one of the products that's involved in residential fires," said Russell Batson, spokesman for the American Furniture Manufacturers Association "But it is worth questioning whether there are approaches that, while not product specific, would have a broader impact"

front door to extinguish the blaze, then ventilated the house. The three girls and their aunt were brought to the hospital, but the twin who'd been asleep died of smoke inhalation.

Damage to the home, valued at $135,000, and to its contents, valued at $40,000, was estimated at $15,000 and $20,000, respectively. Fire officials reported that the smoke detectors did operate but that there was a 5- to 10-minute delay in detection because the bedroom door was closed

Elderly Woman Dies When Clothing Ignites on Stove Burner

NEW YORK

An 88-year-old woman who used a walker died when an operating electric stove burner ignited her clothing. The woman, who received assistance from a home health aide, was alone at the time of the fire

The single-family, one-and-a-half-story home was constructed of unprotected wood framing and measured 31 by 25 feet (9.5 by 7.6 meters). It wasn't sprinklered, and firefighters found two smoke detectors in their original boxes in a closet.

When the woman's home health aide arrived at 11:15 a.m. and opened the front door, she encountered smoke. She tried to call 911 from the living room, but couldn't tolerate the smoke, so she hung up and went to a neighbor's house to report the blaze. A police unit had already been dispatched following the hang-up call.

Arriving firefighters found the remains of a fire on and around the victim's body, which was sitting in a chair in a first-floor kitchen. They used a water pump can to extinguish a small area of carpet that was smoldering and then ventilated the building.

Investigators found that one of the stove's burners was still operating, as was the oven, which was open. Based on evidence found on the table and around the victim, the investigators determined that sometime after 6:00 a.m. she was heating dog food on the stove when the operating burner ignited her housecoat

Damage to the home and its contents, valued at $80,000, was estimated at $3,000 in building loss and $8,000 in contents loss. At the time of the fire, arrangements were being made to place the woman, who often had to call the fire department for help when she fell, in an adult-care facility.

Smoking Fire Kills Elderly Woman

WASHINGTON

A 72-year-old woman who fell asleep while smoking died when the cigarette ignited a couch fire in her apartment.

The seven-story apartment building, which was of fire-resistive construction, contained 125 units occupied by 140 residents, most of whom were elderly. A supervised smoke detection system and a sprinkler system of unreported coverage were connected to a fire department fire alarm system. However, the sprinkler system wasn't a factor in the fire.

The occupants and an in-house manager were alerted to the fire when the fire detection system activated at 5:36 a.m. The manager ran from his apartment to the first floor to check the alarm panel, which indicated an alarm on the sixth floor. When he went to investigate, he found smoke on the sixth floor and relayed the information to the firefighters who had responded to the automatic alarm.

The fire was confined to the living room of a sixth-floor apartment whose occupant was found dead on a couch near the area of origin. Investigators determined that the woman, who was intoxicated, had been smoking and had fallen asleep, dropping a cigarette between the cushions. The fire smoldered for some time before reaching ignition and triggering the hallway smoke detectors.

Damage to the building and its contents, valued at $7 million, was estimated at $25,000 in building losses and $25,000 in contents loss.

Faulty Home Repairs Cause Explosion and Fire that Kill Elderly Couple

GEORGIA

A 73-year-old man and his 67-year-old wife died when he used gasoline-soaked charcoal and newspaper to ignite a fire in a gas-fueled water heater. The man was in the initial stages of Alzheimer's, and his wife suffered from advanced Parkinson's Disease.

The two-story, single-family home of unprotected, wood-framed construction with a brick veneer measured 70 by 40 feet (21 by 12 meters). It had no smoke detectors or sprinklers.

The husband had gone into the home's crawl space to ignite a fire in the gas-fueled water heater by filling it with gasoline-soaked charcoal and newspaper, then striking a match. The ensuing flames ignited not only the newspaper and charcoal, but a small amount of natural gas that was leaking from the gas line. The flash fire that resulted trapped the man in the crawl space, and the flames quickly spread to the upper floor through openings in construction. Portions of the bathroom and kitchen ceilings had been removed near the entrance of the crawl space, and replaced by a thin plastic material, which allowed the fire to rapidly spread to concealed areas.

Neighbors heard the explosion and called the fire department at 4:58 p.m. One of the neighbors then ran to help the injured woman, who had managed to escape to the front porch.

Firefighters arrived within four minutes to find heavy fire coming from all the first-floor windows. They advanced a 1¾-inch hose line, but they weren't able to enter the home to search for the husband. A ladder company was also forced to abandon second-floor search-and-rescue efforts as the fire flashed and engulfed the second story. Additional companies established a water supply and advanced two more hose lines, finally knocking down the fire.

Firefighters had completely extinguished the fire before they found the body of the husband in the crawl space during a secondary search.

Damage to the building, valued at $120,000, and its contents, valued at $80,000, was estimated at $176,000. The wife died six days after the fire from her injuries. Before she died, she told her relatives that she heard the explosion and tried to fight the blaze before escaping.

Firefighters believe the man may have been trying to heat the home's hot water supply. According to his neighbors, he had conducted unsafe and unusual home repairs in the past

Kenneth J. Tremblay is a fire data assistant in NFPA's Fire Analysis and Research Division and a lieutenant with the Lexington, Massachusetts, Fire Department

What Went Wrong

Staying put may be the safest action to take in a high-rise fire, and keeping doors closed can keep fire from spreading. But recent high-rise apartment building fires show that most people don't know these basics. And ignorance can be deadly.

Alisa Wolf

Get out—fast. That's what fire safety experts have taught us to do if the fire alarm sounds. But for those who live or work in high-rise buildings, it isn't always a good idea to head down the stairs during a fire.

On December 23, 1998, four people who might have remained safe by staying in their apartments died in a widely publicized high-rise apartment building fire in Manhattan that started in one of the two 19th-floor apartments in which actor Macaulay Culkin's mother, Patricia Bentrup lived with her children. The fire marshal's office is still investigating but tells NFPA that the fire's cause was probably an electric heater. Fire spread is blamed, in part, on the fact that on her way out, Bentrup didn't remove the props holding the apartment doors open, allowing blustery winds that entered through a heat-shattered window to push flames into the hallway and through an open fire door into the stairwell. The four victims were found in this stairwell, between the 27th and 29th floors.

Less than one week before the Culkin family fire, three firefighters died when they were caught in the hallway of another New York high-rise apartment building during a fire on December 18. Again, an open door in the apartment of fire origin allowed a fireball to rip through the long hallway, trapping the three men shortly after they neared the unit. Investigators later found that the apartment door's self-closing device had been disabled.

According to the Fire Marshal's office, the cause of the December 18th fire was smoking, says NFPA's Fire Investigator Robert Duval, who traveled to New York to investigate the two fires. He also reports that one of the factors that may have contributed to this tragedy was the fact that the building's partial sprinkler system had been turned off, keeping the potentially lifesaving system from operating. The sprinkler control valves for most of the building were concealed behind ceiling panels that had been painted over.

"What prompted NFPA's investigation," says Robert Solomon, NFPA's chief building fire protection engineer, who joined Duval in New York, "was the fact that these fire occurred so close to one another and that three firefighters died in the first, which is very unusual. In the second fire, four people died in the exit stairwell, which is also unusual. Normally, people who die in residential high-rise building fires are found in corridors or apartments near the fire's origin, not in an exit stairwell 10 floors away."

These anomalies raise several questions about fire safety in high-rise buildings. What should people who live and work in them know about relocation or evacuation during a fire, and who's responsible for fire safety training? Who's responsible for teaching basic fire safety behaviors, such as keeping fire doors closed at all times and ensuring that other doors close when evacuating? Is it up to the landlord to provide tenants with fire-safety information, or is it up to the fire department? Should tenants be responsible for their own fire-safety education? In the December 18th fire, a partial automatic sprinkler systems was present but nonoperational. How could this have happened?

December 18, Brooklyn

Human behavior played a key role in this fire, which occurred in a 10-story, public housing apartment complex in Brooklyn, built in 1983 with government funding and managed by the city's Housing Authority. Units were made of concrete and compartmentalized to help contain fire to the apartment of origin, and doors were equipped with self-closing devices.

The fire began when 67-year-old Jacqueline Pinder fell asleep in her 10th-floor apartment while smoking and ignited her couch. When she awakened, she discovered a growing char spot on the couch, but instead of calling the fire department, she spent as long as 30 minutes trying to douse the fire herself by filling her tea kettle as many as six times and pouring water on the burning cushion. By the time the fire alarm panel at the security desk indicated a smoke detector activation

Photograph ©Daily News Photo

TABLE 1

FIRES AND LOSSES ASSOCIATED WITH FIREWORKS 1980-96

(National Estimates of Fires Reported to U.S. Fire Departments)

Year	Residential Structures	Nonresidential Structures	Vehicles	Outdoor and Other	Total
FIRES					
1980	2,900	1,100	500	21,800	26,400
1981	2,900	1,300	500	27,100	31,800
1982	1,700	1,000	500	24,600	27,800
1983	1,400	800	500	25,300	28,000
1984	2,500	1,200	1,000	34,700	39,400
1985	2,700	1,500	900	46,600	51,600
1986	2,400	1,200	1,000	30,500	35,100
1987	2,100	1,100	800	33,200	37,100
1988	2,400	1,400	900	47,400	52,100
1989	1,900	900	800	29,800	33,400
1990	1,700	800	800	30,000	33,300
1991	1,900	900	800	24,700	28,000
1992	1,400	900	700	22,500	25,500
1993	1,300	800	800	27,300	30,200
1994	1,400	900	700	35,100	38,000
1995	1,200	700	700	24,800	27,400
1996	1,100	600	600	22,500	24,800
CIVILIAN DEATHS					
1980	0	0	0	0	0
1981	0	0	0	0	0
1982	0	0	0	0	0
1983	0	0	0	0	0
1984	3	0	0	0	3
1985	8	0	3	4	15
1986	4	0	0	0	4
1987	4	3	0	0	7
1988	20	0	0	0	20
1989	4	0	0	0	4
1990	3	0	0	0	3
1991	0	0	0	0	0
1992	0	0	0	1	1
1993	0	0	0	0	0
1994	12	0	0	0	12
1995	0	0	0	1	1
1996	9	18	0	0	27
CIVILIAN INJURIES					
1980	31	3	0	16	50
1981	29	16	4	17	66
1982	10	23	2	63	99
1983	45	3	0	28	76
1984	38	10	8	31	87
1985	73	10	29	32	144
1986	55	46	2	22	126
1987	55	10	0	28	93
1988	39	16	16	28	99
1989	49	4	19	34	107
1990	46	6	3	57	112
1991	54	13	10	30	107
1992	42	11	8	42	103
1993	23	18	2	23	66
1994	96	6	5	46	153
1995	53	0	3	37	93
1996	20	21	2	23	67
DIRECT PROPERTY DAMAGE (in Millions)					
1980	$11.7	$3.2	$0.4	$0.3	$15.5
1981	$12.0	$5.8	$0.3	$0.5	$18.6
1982	$9.0	$1.6	$0.4	$0.4	$11.4
1983	$6.5	$5.2	$0.5	$0.4	$12.6
1984	$18.9	$5.6	$1.9	$0.5	$26.9
1985	$22.5	$7.4	$1.2	$5.5	$36.5
1986	$24.2	$29.1	$1.6	$0.7	$55.7
1987	$17.1	$7.1	$0.8	$0.3	$25.3
1988	$22.4	$14.4	$1.3	$0.9	$38.9
1989	$56.5	$2.7	$1.1	$1.7	$62.1
1990	$22.1	$3.8	$1.5	$0.6	$28.1
1991	$14.1	$3.3	$1.5	$0.2	$19.1
1992	$13.6	$15.9	$1.4	$2.6	$33.4
1993	$12.5	$6.2	$1.2	$1.4	$21.3
1994	$10.1	$7.5	$2.0	$2.3	$21.9
1995	$21.6	$8.6	$1.7	$0.6	$32.5
1996	$12.3	$7.0	$1.3	$6.2	$26.8

NOTE: The year 1996 is the latest for which national fire estimates are possible. All estimates of fires and associated losses are based on data reported by the U.S. fire departments to the NFIRS and the U.S. Fire Administration's USFA component, using statistical methods developed by analysts at the NFPA, the USFA and the CPSC. Fires are estimated to the nearest hundred, civilian deaths are rounded to the nearest one, and direct property damage to the nearest hundred thousand dollars. Totals may not equal row totals because of rounding error. SOURCE: NFIRS, NFPA survey.

TABLE 2

DEATHS ASSOCIATED WITH FIREWORKS INCIDENTS 1980-94

Year	Estimated Civilian Deaths in Fires Reported to U.S. Fire Departments	Recorded on U.S. Death Certificates
1980	0	10
1981	0	4
1982	0	5
1983	0	13
1984	3	7
1985	15	11
1986	4	8
1987	7	5
1988	20	4
1989	4	5
1990	3	5
1991	0	4
1992	1	2
1993	0	10
1994	12	4

NOTE: In any year, the figures in these two columns may partially overlap. Source: Accident Facts, Chicago: 1985, 1992, and table, 1993, 1997 National Safety Council; 1985-1997 NFIRS, NFPA survey.

reach surface temperatures as high as 1,200°F (600° C). Nearly all the serious injuries and extensive property loss that occur every year arise from this misguided activity. The only acceptably safe way to enjoy fireworks is at a public fireworks display conducted in accordance with NFPA 1123, *Fireworks Display*. Anything else is a violation of the International Fire Marshals Association (IFMA's) Model Fireworks Law.

Fires and losses caused by fireworks

On a typical Fourth of July holiday, fireworks cause more fires in the United States than all other causes of fire on that day combined. But because most Americans encounter the risk of fireworks only once a year, many don't realize how great that risk is, particularly for children, who suffer most from the widespread private use of fireworks, both spectators and, too often, as active participants.

In 1996, an estimated 24,800 fires involving fireworks were reported to U.S. fire departments (see Table 1). These fires were estimated to have killed 27 civilians, injured another 67, and caused $26.8 million in direct property damage.

In recent years, fireworks-related fires have typically caused at least $20 million in property loss annually, a substantial share of which is done by bottle rockets or other fireworks rockets. In 1997, these devices proved deadly, as well. Four occupants of an Arkansas home were setting off fireworks on Independence Day night when a rocket landed a couch on the porch, igniting the cushion. The occupants, who'd been drinking, knew the rocket had landed on the couch but didn't think it had been affected. After midnight, the fire spread from the couch throughout the small structure, destroying it and killing one of the occupants, whose reactions may have been impaired by alcohol.

The same day, a bottle rocket that landed in or near a roof gutter ignited a duplex in New York. Fire spread to the underside of the roof and through the wood shake shingles that were layered under the asphalt shingles. A 31-year-old firefighter died of smoke inhalation while fighting the blaze.

Of course, deaths due to fireworks-related fires and deaths directly caused by fireworks aren't the same thing. Fireworks can start fires that subsequently cause deaths, and fireworks can kill directly, with-

Delores Gempel Lekowski
700 Lea Crest
West Salem, Ohio 44287
(419) 853-4534

Petition for Labeling of Polyurethane Foam
FP99-1

U.S. Consumer Products
Safety Commission
Washington, D.C. 20207
Attention: Ms Sayde E. Dunn, Secretary

Dear Ms Dunn:

As a burn survivor and Area Coordinator of the Phoenix Society for Burn Survivors, Inc., I have a firsthand knowledge of the devastation that is created during and after a fire.

The emotional and financial destruction is tremendous. Education on fire prevention is the key to preventing this tragedy, and may I add, the least expensive way to go.

I worked for a furniture manufacturing company for eight years and I never knew in detail how lethal polyurethane foam can become until Mr. Rocco J. Gabriele, President of National Association of State Fire Marshals, sent me some information. If I, as an employee, with firsthand knowledge of all phases of furniture manufacturing was illiterate on the hazards of polyurethane, how do we expect the consumer to know?

Everyone in the world has polyurethane in their homes. Knowing as we do, the dangers of polyurethane and the decline in deaths in California by 64%, credited in part to labeling, I can't see how you could possibly decide not to let the consumer be aware of the danger they have in their homes. I believe it is our moral obligation to inform the consumer. In fact, I think we should go a step further and make furniture flame regardant.

Look at the lives that were saved because of flame retardant clothing. Had my clothing been flame retardant I wouldn't have been hurt to the degree that I was.

Bare in mind, fires aren't selective. It can and does happen to anyone. I am living proof of this. I am enclosing a picture of myself when I was ten years old. It was taken by the Cleveland Plain Dealer six months after my accident. I spent a year in that bed. I am sending this picture with the hope that this will help be a factor in your decision to vote in favor of labeling, and to also put a face on the tragedy and horror of fire.

I don't want any family to go through what my family did. As you look at my picture, I want you to remember that I am a daughter, sister, granddaughter, neighbor, and friend. As I said, fire is not selective.

A burn is the most painful injury imaginable. After the physical pain goes away, the emotional

pain takes over and can last a life time.

I beg you to do the right thing. Let's educate the public. They have a right to know the dangers. Our home should be our "safe place". Please help prevent the burning of our "safe place" as well as our children, parents, grandparents, neighbors, and friends, as well as everyone we don't know. Maybe, one label will save one person or an entire family. Please help to save our families.

Sincerely,

Delores Gempel Lekowski

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enclosure

Comment CP99-1-9

Author: <juanpams@hotmail.com> at INTERNET-MAIL
Date: 6/3/99 6:27 PM
Priority: Normal
TO: cpsc-os@cpsc.gov at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: Petition FP 99-1

My name is Juan Pablo Munevar. I study Business Administration at the FLorida International University in Miami, Florida.

The following message shows my personal position on the petition for labeling polyurethane foam. I hope it will be taken into consideration.

Gratefully,

Juan Pablo Munevar.
Florida International University.

PETITION FP 99-1

PETITION FOR LABELING POLYURETHANE FOAM

the name of the file is polyurethane foam.doc, is in WORD format, and is attached to this e-mail.

Comment on the Petition Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

Polyurethane Foam is a chemical complex known in the coating industry due to its properties to isolate surfaces on roofs, allowing them to stand against different weather conditions, even including hurricanes in some cases.

According to the National Association of State Fire Marshals ("NASFM"), polyurethane foam can be considered as a harm to many homes around the nation due to the fact that this material is highly flammable. It burns rapidly and releases toxic gases such as Methylene chloride, a gas proven to be harmful to human life, and in some studies it has been pointed as a cancer agent.

Polyurethane foam has been subject to many studies. In 1998, a new regulation from the Environmental Protection Agency (EPA) about the allowed products that emitted toxic gases was approved, and this material was included inside the document, precisely because of the effort of the industry to decrease the quantity of gases inside the foam. These regulations are currently in use, and to my personal belief, are being executed.

But we cannot be blind to the consumer needs. We have seen in history how consumers, after certain space of time, become aware of daily situations where life might be threatened due to the use of certain products. We have seen it with cases like beef, plastics, preservatives and many others that have generated a lot of debates during the last century.

If the government does not guide and warn the consumer, the ultimate reason of business and principal source of income for the Country, we might affront crisis of trust that will affect many citizens and out-of-country associates who believe in the quality of the American products.

That is the reason why I believe the final consumer must be warned about the dangers of this product, and all manufacturers and retailers must provide warnings to the public, explaining the flammability features in the product being sold.

Also, I believe tags must be placed in visible places of the upholstered furniture as a way to inform the consumer of the risk of buying certain product.

We must also educate the consumer into the correct use of products, since the sole purchase of the furniture is not risky, but the utilization of it is what might get people hurt.
This education includes basic lessons on handling the product, i.e. not smoking while sitting on it or not allocating it near fireplaces or heat sources.
With such simple advice we might help saving many lives, and at the same time, give the Consumer the confidence to believe in American industry. The industry is educating the public for the correct usage of a product, while it proves how polyurethane foam is completely safe for the environment, as stated in the Clean air Act in 1998.

According to the National Association of State Fire Marshals, in 1997 about 3400 Americans died because their upholstery burned, releasing very toxic gases. And a great number of houses were also burned because the fire went from the upholstery to the rest of the furniture. This situation left many Americans without a home.

But also, most important than adding tags to the products, is the fact that companies manufacturing flammable upholstery assign more budget to the research and development of new materials that burn slower, or not burn at all. Some resources must be allocated to research on products that do not release toxic gases.

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CF99-3-10

Consumer Federation of America

Consumers Union
Publisher of Consumer Reports

Ms. Sadye E. Dunn, Secretary
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Mr. Donald S. Clark, Secretary
Office of the Secretary
Federal Trade Commission
6th and Pennsylvania Ave., N.W.
Washington, DC 20580

CONSUMERS UNION AND CONSUMER FEDERATION OF AMERICA COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING FILED BY THE NATIONAL ASSOCIATION OF STATE FIRE MARSHALS TO REQUIRE FIRE HAZARD WARNING LABEL ON CERTAIN UPHOLSTERED FURNITURE "PETITION FP 99-1, PETITION FOR LABELING OF POLYURETHANE FOAM"

Consumers Union (CU) and Consumer Federation of America (CFA) support the National Association of State Fire Marshals' (NASFM) joint petition for rulemaking with the Federal Trade Commission ("FTC") and the Consumer Product Safety Commission ("CPSC").

CU and CFA believe that manufacturers and retailers of residential upholstered furniture should be required to pass along warning notices to consumers, notices similar to those which polyurethane foam producers provide to them advising of the flammability of polyurethane foam. We believe that the FTC has authority to require manufacturers and retailers to do so under Section 5 of the Federal Trade Commission Act, which includes in its definition of unfair trade practices the failure to warn users of products of dangers that might result from the use of those products. The CPSC has corollary authority to do so under

section 4(a) of the Flammable Fabrics Act, which allows the agency to issue a "flammability standard or other regulation, including labeling, for a fabric, related material or product" ("related material" is defined in the Act as '...paper, plastic, rubber, synthetic film, or *synthetic foam*') if the CPSC determines that such a standard "is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage."

The fire hazards of polyurethane foam are serious. In just four minutes, a sofa fire can engulf an entire living room in flames, filling the home with dark smoke and toxic gasses. Temperatures can exceed 1400 degrees in this short period of time. Because upholstered furniture is one of the most flammable items in the home, consumers should be warned to keep sofas and chairs at safe distance from any electrical appliance or open flame. Home fires kill approximately 3,695 people each year, 1000 of them children 14 years and younger. CPSC's figures show that 16% or 590 of those deaths each year are attributable to upholstered furniture fires. Total annual injuries from upholstered furniture fires are 1,640, while property damage is estimated to be $253 million. (1996 Residential Fire Loss Estimates)

CU and CFA believe that most consumers have little knowledge or understanding of the flammability of upholstered furniture. We see no reason why consumers should not be afforded the benefits of a warning label advising them that their upholstered furniture has polyurethane foam inside and a description of that foam's flammable properties. Warning labels are valuable when they can help avoid hazards, and in the case of upholstered furniture, we think warning labels meet that test. Such a label would, we believe, help to address the absence of consumer knowledge and information in this area and promote safety in their homes.

While neither CU nor CFA have taken a position on whether treating the polyurethane foam inside furniture or treating the fabric that covers the furniture with flame retardant materials is the better approach, we find the data on fire deaths in the state of California compelling. California is the only state in the nation that requires flammability tests for upholstered furniture; those testing requirements appear to have resulted in a significant reduction in fire deaths associated with upholstered furniture. According to the National Fire Incident Reporting System and the California Fire Incident Reporting System, while the number of upholstered furniture deaths in the United States declined appreciably from 4.97 per million in 1980 to 3.04 per million in 1989, a decline of 39%, the number of fire deaths associated with upholstered furniture in California was 1.14 per million people in 1980; by 1989 that number had fallen to .41 per million, a decline of 64%. In light of California's requirements that the foam used in manufacture of upholstered furniture sold in that state meet specific flammability standards, any general warning label related to foam's flammability should acknowledge that furniture sold in California is treated with flame retardant as required by state regulations.

CU and CFA are on record in support of the CPSC's study of the problem of open flame ignition of upholstered furniture, and support, as well, the Commission's evaluation of the toxicity of chemicals used as fire retardants on upholstered furniture. The Commission, while currently in rulemaking on the issue, has not finalized a rule on treating upholstered furniture with flame retardant materials. Absent a national flammability standard for upholstered furniture, CU and CFA believe that American consumers should be afforded basic warnings about the flammable properties of the foam inside their upholstered furniture.

CU and CFA, therefore, support the petition submitted by the National Association of State Fire Marshals requesting that the Federal Trade Commission and the Consumer Product Safety Commission open rulemaking to require upholstered furniture manufacturers to attach labels to their products warning consumers about the dangers from fire posed by the foam inside their furniture.

June 3, 1999

Respectfully submitted,

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49239 APR 28 1999

758 SASHABAW DR.
OKEMOS, MI 48864
April 21, 1999

MAY 17 1999

APR 23

Jennifer Granholm,
Attorney General
State of Michigan
Law Bldg. - 7th Floor
525 West Ottawa
P.O. Box 30212
Lansing, MI 48909

Dear Ms. Granholm:

Please review the attached article about the tragedy of furniture fires that can be prevented.

Please take action in Michigan to require manufacturers to treat these highly inflammable materials before using them in furniture coming to Michigan.

Thank you.

Sincerely,

DAVID W. CHAFFEE

Furniture fires preventable,

yet continue to kill

Under manufacturers' pressure, government resists new safety rules.

By John Hendren
Associated Press

AUGUSTA, Ga. — Karen Wright spent her last moments huddled in the bathtub of her mobile home, breathing poison.

The teen-ager escaped the flames that started when an electrical spark ignited a living room love seat. But she couldn't elude the swirl of deadly cyanide gas and carbon monoxide that forms when foam inside sofa and chair cushions burns.

The poisonous cloud knocked her 11-year-old sister, Dee Ann, unconscious within reach of the front door. There, the intense heat from two flaming couches seared 96 percent of her body. Since the blaze on Feb. 4, 1998, she has remained in an Augusta hospital, her hands and feet gone, her lungs scarred, her heart failing, and her body draped for months with pig and cadaver skin until doctors could graft laboratory-grown skin.

Karen and Dee Ann never knew a sofa could burn as easily as gasoline.

The government did.

Federal regulators and furniture makers have known for more than two decades that the foam in most sofa cushions is highly flammable, emits deadly gases when it burns and kills hundreds of Americans annually.

Firefighters call the foam "solid gasoline."

For decades, federal prisons, airline regulators and the state of California have outlawed furniture that isn't fire-retardant. But after 27 years, the federal government is still working on a rule that would give similar protection to the rest of the nation.

"It would be nice if someone else never had to go through this," said Dee Ann and Karen's mother, Jeannie South, who quit her job to spend each day in Dee Ann's hospital room, caressing a child who cries and rarely speaks.

"Sometimes all you need is a chance. My room was closed off, so I had a chance," she said. "They didn't."

The blaze that swept their North Augusta, S.C., home is all too common. Each year about 10,000 fires start in upholstered furniture, causing more than 500 deaths, 1,100 injuries and more than $150 million in property loss, according to federal fire statistics.

The fires account for one in four fire deaths and kill more Americans than chain saws, off-road vehicles or any of the 15,000 other products regulated by the Consumer Products Safety Commission, a federal agency.

The reason lies inside the cushions of millions of chairs and sofas.

What gives 90 percent of upholstered furniture its softness is polyurethane foam, a spongy material that's much less expensive than down but is created from a petroleum base that makes it highly flammable.

When it burns, it spreads in seconds and radiates an intense heat that can roast flesh, even if the victim isn't touched by the flames. And the foam gives off a deadly cloud of poisonous gases. No warning labels are required to notify consumers of the danger.

For years, manufacturers have known how to make furniture fire-retardant. Some spray chemicals on the back of the covering fabric. Others treat the foam with fire retardants or place a fireproof barrier between foam and fabric.

At the urging of state fire marshals, the Consumer Products Safety Commission has drafted a regulation to require upholstered furniture to meet minimum fire-retardant standards. Furniture makers could meet the rule for $22 to $28 per sofa, the agency says. Treating a dining room chair would cost $4 to $6.

"That's a small price to pay for the life of a child," said Ann Brown, chairwoman of the consumer protection agency.

Furniture makers say there are better, cheaper ways to cut furniture fires, like requiring smoke detectors in every home.

Lou Krasky / Associated Press

Jeannie South comforts her hospitalized daughter, Dee Ann Wright, who was burned over 96 percent of her body in a mobile home fire ignited by a spark in a living room love seat in North Augusta, S.C.

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

WILLIAM J. RICHARDS
Deputy Attorney General

P.O. BOX 30213
LANSING, MICHIGAN 48909

JENNIFER MULHERN GRANHOLM
ATTORNEY GENERAL

June 1, 1999
Refer to AG No.: 9905090
Web No.:

CHAFFEE, DAVID
1758 SASHABAW DR
OKEMOS MI 48864

Dear Consumer:

RE: INQUIRY - MISC

We have received the information you recently submitted to this office regarding Inquiry - Misc.

We are, by copy of this letter, referring your correspondence to:

Consumer Product Safety Commission
Washington DC 20207

From the information you have submitted it appears that the above-named agency may have jurisdiction in the matter outlined in your correspondence and may be able to assist you.

Further communication regarding your correspondence should be forwarded directly to them at the address given in this letter.

Hopefully, this direct referral will expedite efforts toward a solution of your problem or provide you with the information you requested.

Sincerely yours,

JENNIFER M. GRANHOLM
ATTORNEY GENERAL

Consumer Protection Division
(517) 373-1140
(517) 241-3771 - Fax

P.S.: You may also wish to contact your legislative representative about sponsoring some new legislation regarding this problem.

National Association of State Fire Marshals

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PETER G. SPARBER
Sparber & Associates
Legislative Representative

GEORGE KEELEY
Keeley, Kuenn & Reid
General Counsel

June 4, 1999

Ms. Sayde E. Dunn
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

RE: Petition FP 99-1, Petition for Labeling of Polyurethane Foam

Dear Ms. Dunn:

As petitioner, the National Association of State Fire Marshals (NASFM) obviously encourages the U.S. Consumer Product Safety Commission to proceed quickly with a requirement for warning labels for all upholstered furniture with polyurethane foam filling materials.

Warning labels describing a hazard as significant as certain polyurethane foam filling materials should be regarded as a matter of basic common sense, even to those who believe that safety is entirely the responsibility of consumers. In the absence of clear and visible warnings, consumers have no reason to believe the comfortable sofa in their living room may be the most dangerous item in their home, and may not think to act more carefully as a result.

We are pleased to report that the petition already has had some positive benefit. The news media coverage prompted by the submission of our petition has warned millions of American consumers that some upholstered furniture ignites easily, burns furiously and can kill quickly. In response to the coverage, some large retailers have stepped forward to say they are now or soon will voluntarily meet legitimate and reasonable upholstered furniture flammability standards, and are considering changes to the existing labels on the furniture they sell. We are encouraged to know that such companies as Spiegel clearly place the safety of American families ahead of a few dollars more in profit.

While we have alerted other organizations to the Commission's request for public comments, we have not attempted to flood the Commission with support letters. The Commission's limited resources should not be wasted reading scores of letters expressing support for the petition. Rather, the Commission's resources should be directed at concluding this essential work. At least two Americans die every day in fires involving upholstered furniture, and even a day's further delay is unconscionable.

Sincerely,

Rocco J. Gabriele

Rocco J. Gabriele
President

OFFICE OF THE SECRETARY
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

June 4, 1999

" Petition FP 99-1, , Petition for Labeling of Polyurethane Foam "

Dear Consumer Product Safety Commission:

The purpose of this letter,is to comment on the petition from the National Association of State Fire Marshals requesting that labels be required warning that polyurethane foam in upholstered furniture poses a fire hazard under the Flammable Fabrics Act. I am strongly in favor of this proposal and I hope the Consumer Product Safety Commission will be too.

House fires are often fueled by a surprising source- the polyurethane padding in upholstered furniture. More than 600 people die each year and another 1,700 are injured when a cigarette, lighter, or other source ignites upholstered furniture according to United States Government Officials. Mainly at issue are small " open flame " fires- the kind caused by kids playing with matches which cause $ 50 million dollars in property damage each year. This represents about 80 percent of annual average total open flame upholstered furniture fire losses. A federal standard for small open-flame fires could likely be met by treating upholstery fabric with a fire retardant. Consumers Union also supports a standard of this type.

The cover fabric on upholstered furniture is the furniture component that most heavily influences the ignition behavior of the product. Effective fire retardant technology is available for use in residential furniture materials. Fire retardant treated fabrics are widely used in the United Kingdom.

Most victims of fires die from smoke or toxic gases. Fires produce poisonous gases that can spread quickly and far from the fire itself to claim victims who are asleep and not aware of the fire. Even if people awaken, the effects of exposure to these gases can cloud their thinking and slow their reactions so that they cannot escape. That is why it is so important for people to be aware of a potential fire hazard.

There is currently no national voluntary or mandatory standard that addresses the small open-flame ignition risk. The National Association of State Fire Marshals whose members witness daily the need for stronger fire prevention measures would like to change that. Consumer Product Safety Commission laboratory tests show that most upholstered furniture sold in the United States does NOT resist ignition when exposed to typical small open-flame sources, such as matches,lighters or candles.

The United States has one of the highest fire death rates in the industrialized world and more deaths result from upholstered

furniture than any other product under The Consumer Product Safety Commission's jurisdiction.
Furniture manufacturers say that a mandated standard would increase furniture costs. But a small open-flame standard is expected to have an annual net benefit of $ 300 million dollars and save many lives.

The furniture makers say that flame retardants could make upholstery feel stiff. With technology constantly changing most likely this problem can be solved especially with public demand growing and since California already has flammability regulations in place. This would also be a small price to pay to save lives and people's homes.

Until there's a federal standard I am going to follow the state fire marshals recommendation to buy upholstered furniture from a manufacturer that sells in California or ask for the piece to be made to meet California's flammability standard (Technical Bulletin 117). It may take longer or cost a little more but it sure is worth some extra fire protection for myself and my family.

I would like to thank the following for their input to this petition comment letter: Consumers Union, Consumer Product Safety Commission, National Association of State Fire Marshals and Rooms To Go.

Thank you very much.

Sincerely,

Timothy A. Martin

40 NW 116 PL

Unit 3

Miami, FL 33172

National Volunteer Fire Council
1050 17th Street, NW, Suite 1212, Washington, DC 20036, 202/887-5700 phone, 202/887-5291 fax

June 2, 1999

Ms. Sadye E. Dunn
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Ms. Dunn:

The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the nearly one million members of America's volunteer fire, EMS, and rescue services. Organized in 1976, the NVFC serves as the voice of America's volunteer fire personnel. On behalf of our membership, I would like to submit comments in support of the National Association of State Fire Marshall's petition requesting a labeling rule for polyurethane foam in upholstered furniture.

A common consumer product application of polyurethane foam is its use in upholstered furniture. Upholstered furniture may be ignited by smoldering cigarettes, small open flames (candles, matches and cigarette lighters, often as a result of child play), and large open flames when other household items are first ignited. Once ignited, non-fire resistant polyurethane foam burns rapidly, emitting massive amounts of toxic gases such as carbon monoxide and cyanide. Polyurethane foam's rapid rate of intense heat release typically raises the room temperature to the point of flashover – that is, the point at which all contents of the room are ignited. In fact, a fire involving a single upholstered chair can become deadly so fast that a working smoke detector in an adjoining hallway might not activate in time to alert family members in upstairs bedrooms. Obviously, polyurethane foam poses a hazard, in effect making small fires very large, and very deadly, very quickly.

According to the United States Consumer Product Safety Commission's (CPSC) most recent estimates of fire loss, upholstered furniture and mattresses/bedding account for roughly 10 percent of America's 428,000 residential fires each year. Approximately 4,300 Americans are seriously injured in these fires. Serious burns often require years of hospitalization, multiple surgeries, and physical and emotional therapy. Moreover, fires started in home furnishings containing polyurethane foam account for 16 percent of all residential fire deaths, making these items one of the most dangerous of all products under the CPSC's jurisdiction.

In many cases, foam producers generally provide warning notices with each batch of polyurethane foam provided to upholstered furniture manufacturers. However, the upholstered

furniture manufacturers or their retailer customers rarely share these warning labels with consumers who purchase furniture containing these products.

The NVFC feels that the withholding of these warnings by manufacturers and retailers of residential upholstered furniture containing polyurethane foam is not in conformity with the Flammable Fabrics Act. Therefore, the NVFC requests the CPSC to require upholstered furniture manufacturers and retailers to affix a label to such furniture sold in the United States containing polyurethane foam in a conspicuous place, bearing precisely the same flammability warnings provided by the polyurethane foam producers.

In addition, the NVFC requests your agency to commence a voluntary fire hazard disclosure program with upholstered furniture manufacturers and retailers, whereby such companies would voluntarily agree with the agency to make adequate fire hazard disclosures to U.S. consumers pending the outcome of a decision on the petition for rulemaking.

Explicit warning labels are the very least we can provide for American families until the industry chooses or is forced to spend a few dollars a chair to make its products safer.

If you have any questions regarding this issue, please feel free to contact Craig Sharman, NVFC's Government Affairs Representative at (202) 887-5700. We look forward to hearing your comments on this matter in the near future.

Sincerely,

Fred G. Allinson
Chairman

Polyurethane Foam Association
PO Box 1459 Wayne, NJ 07474-1459
Telephone 973-633-9044
Fax # 973-628-8986

June 4, 1999

Sadye E. Dunn, Director
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Re: Comments on Petition FP 99-1, Petition for Labeling Polyurethane Foam

Dear Ms. Dunn:

The Polyurethane Foam Association is pleased to submit these comments to the U.S. Consumer Product Safety Commission (CPSC) on Petition FP 99-1, Petition for Labeling Polyurethane Foam[1]. The Polyurethane Foam Association is a not-for-profit trade association representing manufacturers of flexible polyurethane foam, both slabstock and molded, and their chemical and equipment suppliers and as such are substantially interested in this rulemaking since it would have a significant impact on manufacturers of flexible polyurethane foam.

The PFA opposes the petition of the National Association of State Fire Marshals (NASFM) for the following reasons:

1. The proposal is unnecessary because of pending activity before the Commission which could address the issues in the petition.

2. Petitioner has demonstrated no need for a warning label.

3. The petition arbitrarily singles out one cushioning component of upholstered furniture.

4. The label proposed would not benefit consumers.

THE COMMISSION HAS PENDING BEFORE IT MATTERS WHICH COULD ACCOMMODATE LABELING REQUIREMENTS IF NECESSARY.

NASFM, on April 14, 1993, petitioned the CPSC to adopt the California Technical Bulletin 116 (mock-up cigarette ignition test), CAL TB 117 (component-cigarette ignition and open flame test), and CAL TB 133 (large open flame test for furniture in public occupancies) as mandatory national standards for upholstered furniture.[2] The CPSC, on May 12, 1994,

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[1] 64 Fed. Reg. 16,711 (April 6, 1999).
[2] 58 Fed. Reg. 42,301 (August 9, 1993).

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approved the publication of an advance notice of proposed rulemaking (ANPR) on small open flame ignition, rejected the NASFM petition for a large open flame test as not justified based on the available information or data, and deferred action on a mandatory cigarette ignition test, pending an evaluation of the effectiveness of industry compliance with the Upholstered Furniture Action Council (UFAC) Program. Under the Flammable Fabrics Act (Section 4(a))[3] the Commission is authorized, upon finding of a need, to issue "a new or amended flammability standard or other regulation, including labeling of a product." Since the Commission has pending before it an ANPR which could include as one requirement the labeling of upholstered furniture or upholstered furniture components, the NASFM's petition for labeling flexible polyurethane foam is an unnecessary duplication and should be denied.

PETITIONER HAS NOT DEMONSTRATED A NEED FOR A WARNING LABEL.

The upholstered furniture industry through its UFAC program has established and maintains comprehensive voluntary standards for the manufacture of upholstered furniture that resists ignition from smoldering cigarettes. As part of its program, UFAC issues hang tags to its participating manufacturing companies. About 90% of the dollar value of furniture produced carries the UFAC hang tags. All UFAC hang tags contain the following statement:

> The manufacturer of this furniture certifies that it is made in accordance with the new, improved UFAC methods, designed to reduce the likelihood of furniture fires from cigarettes. However, upholstery fires are still possible. Some materials used in upholstery, when ignited, will burn rapidly and emit toxic gases. Remember to practice careful smoking habits. For early warning, equip your home with properly placed smoke detectors and maintain them regularly.

This is a much more informative warning label than is required by the State of California which NASFM holds up as a standard for the CPSC to consider. The California label states "this article meets all flammability requirements of California Bureau of Home Furnishings Bulletins 116 and 117. Care should be exercised near open flames or with burning cigarettes." The Petitioner has not demonstrated any insufficiencies in existing warning labels which would be overcome by their proposal.

THE PETITION ARBITRARILY SINGLES OUT ONE COMPONENT IN UPHOLSTERED FURNITURE.

A piece of upholstered furniture has many components, including wood materials, cover fabrics, skirts, and various cushioning materials. The combustibility behavior of a

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[3] 15 U.S.C. § 1193.

composite product such as a piece of upholstered furniture is a very complex phenomenon and to this day is not clearly understood. Any test for ignition and burning performance of a piece of upholstered furniture must take into account the many variables involved. Combustion behavior of a composite product exhibits synergistic effects not necessarily reflective of the behavior of the individual components.

Virtually all components of upholstered furniture will burn when exposed to a sufficiently intense heat source. Likewise, flexible polyurethane foam, when exposed to a sufficient heat source, will burn and like all organic materials, including cotton, wood, wool, and synthetic fibers, will produce various gases, including carbon monoxide. The CPSC staff, in its research on upholstered furniture flammability, has made several findings about the role of flexible polyurethane foam and other components in residential fire situations. For example, the CPSC staff has concluded that California TB 117 polyurethane foam provided no significant added protection in small open flame scenarios when compared to products made pursuant to the UFAC standards. The staff also found that "[f]abric ignition times were essentially the same when tested with or without FR foams, and similar amounts of both FR and non-FR foams melted away due to heat from the burning fabrics" Finally, the staff concluded that "filling materials are much less important than cover materials in determining small open flame ignition performance."[4] In fact, it is clear based upon years of scientific research that materials in combination with other materials will perform differently than they do by themselves.

The filling materials of upholstered furniture can be one or more products including cotton, natural and synthetic fibers, foam rubber, feathers and down, as well as flexible polyurethane foam. There is no "standard" foam which represents the performance of the flexible polyurethane foam product category. Flexible polyurethane foam for furniture uses is produced in a large variety of types and sizes. The same is true for other cushioning materials. Each combination of these cushioning materials with cover fabrics will perform differently in an ignition or smoldering test depending upon whether they melt or char and how readily they burn once ignited. All of the materials used as filling materials are organic materials and most have high surface to volume ratios which influence their combustion behavior. Therefore, the relationship of the materials used, the construction type, and size and shape of the article of furniture are all variables which affect the article's performance in a real fire situation. A warning label that focuses solely on one material is inherently unfair and arbitrary and does not properly represent the performance of the piece of upholstered furniture in a real fire situation.

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[4] See generally CPSC, Regulatory Options Briefing Package on Upholstered Furniture Flammability, October 1997, p. 17.

THE LABEL PROPOSED WOULD NOT BENEFIT CONSUMERS.

The warning labels exhibited by NASFM in this petition are representative of some of the earlier warning labels that flexible polyurethane foam manufacturers used to communicate to their commercial customers the need for exercising care in handling or storing large quantities of flexible polyurethane foam and to refrain from exposing those large quantities of foam to intense heat sources. Warnings and instructional information of this type are used regularly by producers of flexible polyurethane foam to educate customers who store quantities of foam. To try to transfer the warning for a commercial user to a retail consumer would confuse consumers. It would not result in any added attention or care above that which the consumer already receives from the UFAC hang tag with regard to general flammability information. The UFAC hang tag goes even further than the NASFM's proposal to provide consumers with meaningful information about how to protect themselves from a fire situation such as suggesting careful use of cigarettes and use of smoke detectors. To be effective for consumers, warning labels need to be simple and direct in communicating any hazards to consumers with respect to the furniture article involved as opposed to a component of that furniture article. The warning proposed by the NASFM is inappropriate and counter-productive in that it exaggerates the level of risk associated with an article of upholstered furniture and would not result in any added attention or care by the consumer.

CONCLUSION:

The Polyurethane Foam Association has long been an advocate of fire prevention, detection and suppression measures to reduce deaths and injuries from fires and expends considerable efforts on an ongoing education and advocacy program. However, the PFA urges the Commission to deny the NASFM petition because there are pending before the Commission matters which would permit the Commission to determine whether a warning label is an appropriate way to address upholstered furniture fires. In addition, the NASFM has not demonstrated that existing communications of flammability hazards are ineffective or insufficient to notify consumers of potential fire hazards with upholstered furniture.

Respectfully submitted,

Louis H. Peters

Louis H. Peters
Executive Director

CF 98-3-14

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COUNSEL

* NOT ADMITTED IN NY

June 4, 1998

VIA FEDERAL EXPRESS

Ms. Sadye E. Dunn
Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway,
Room 502
Bethesda, Maryland 20814

Re: Petition for Rulemaking
Fire Hazard Warning Labels

Dear Ms. Dunn:

Enclosed please find one original and four copies of the Comments of the Decorative Fabrics Association and the Coalition of Coverters of Decorative Fabrics on the Petition for Rulemaking submitted by the National Association of State Fire Marshals requesting the CPSC to require warning labels on certain upholstered furniture.

Very truly yours,

Elizabeth A. Jaffe

Richard S. Taffet
Elizabeth A. Jaffe

Attorneys for the Decorative Fabrics Association and the Coalition of Converters of Decorative Fabrics

120702.1

Before the
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C.

In the matter of:	
Petition for Rulemaking: Fire Hazard Warning Label on Certain Upholstered Furniture	64 FR 16711 April 6, 1999

COMMENTS OF THE DECORATIVE FABRICS ASSOCIATION AND THE COALITION OF CONVERTERS OF DECORATIVE FABRICS

The Decorative Fabrics Association ("DFA") and the Coalition of Converters of Decorative Fabrics ("CCDF") make these comments in response to the Notice of the Consumer Product Safety Commission ("CPSC"), published on April 6, 1999, concerning the petition of the National Association of State Fire Marshals ("NASFM"), dated March 8, 1999 (the "Petition"), requesting the CPSC to require labels warning that polyurethane foam in upholstered furniture poses a fire hazard under the Federal Flammability Act, 15 U.S.C. § 1191, et seq. (the "FFA").

As discussed below, to the extent it is determined that an unreasonable risk of fires occurring in connection with residential upholstered furniture exists, the Petition's proposal offers a far sounder approach for addressing that risk than the proposed Small Open Flame Regulation for upholstered furniture currently being considered by the Commission. Specifically, to the extent federal regulation is an appropriate means for addressing the risks associated with upholstered furniture fires, the labeling approach proposed by the Petition would provide a far less burdensome and less costly alternative to the proposed Small Flame Regulation and would likely be equally, if not more effective. This would be true especially if the proposals of the Petition are implemented in conjunction with educational programs and increased use of smoke detectors.

BACKGROUND

A. THE DFA

The DFA is comprised of fifty five member companies which are actively engaged in the business of distributing nationally, as wholesalers, highly-styled domestic and imported decorative fabrics. These fabrics are used for upholstered furniture applications, as well as for complementary applications such as draperies, bedspreads and wallcoverings. In 1997, DFA's membership reported annual aggregate sales of approximately $1

billion. DFA member firms, however, are relatively small: 50% have annual sales of under $5 million; 22% have annual sales from $5-10 million; and approximately 26% have annual sales in excess of $10 million. All DFA members are family or otherwise privately owned.

B. THE CCDF

The CCDF is a coalition of the leading home furnishing and decorative fabric converters in the United States. As converters, CCDF's members create or acquire proprietary rights in original designs, which they then cause to be printed, woven or otherwise fabricated by third parties onto a multitude of fabric types. The finished fabrics are then sold by the converters worldwide for a variety of end uses including upholstered furniture, bedding, wallcoverings, and other home furnishing applications. CCDF's membership accounts for approximately $1 billion to $1.5 billion in sales annually, representing by volume of business the vast majority of the home furnishing converting industry in the United States.

C. THE PETITION

In the Petition, the NASFM describes the nature of the hazard with which it is concerned. It states:

> A common consumer product application of polyurethane foam is its use in upholstered furniture. Upholstered furniture may be ignited by smoldering cigarettes, small open flames (candles, matches

> and cigarette lighters, often as a result of child play), and large open flames when other household items are first ignited. Once ignited, non-fire resistant polyurethane foam . . . burns rapidly, emitting large quantities of toxic gases such as carbon monoxide and cyanide. Polyurethane foam's rapid rate of intense heat release typically raises the room temperature to the point of flashover – that is, the point at which all contents of the room are ignited. Clearly, polyurethane foam poses a hazard, in effect making small fires very large, and very deadly, very quickly. ***The textiles used in upholstered furniture may ignite easily, but provide little fuel and energy to the fire themselves.***

Petition at 2-3 (emphasis added.)[1]

To address this perceived hazard the NASFM asks the CPSC and the Federal Trade Commission to require upholstered furniture manufacturers and retailers to affix a warning label to furniture sold in the United States containing polyurethane foam. Petition at 5. The Petition also requests that, as an interim measure, the CPSC and the FTC commence a voluntary fire hazard disclosure program with upholstered furniture manufacturers and

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[1] Neither the DFA nor the CCDF is involved in the manufacture of furniture or otherwise directly involved in production of foam, and therefore, has no independent knowledge of the potential risks associated with the ignition of polyurethane foam. For purposes of these comments, the DFA and the CCDF accept the representation of the NASFM that polyurethane foam, if ignited, poses serious risk of injury.

retailers whereby these companies would voluntarily make fire hazard disclosures to consumers. Id.

As set forth in the Petition, this is not the first time the NASFM has requested the CPSC to issue a flammability rule under the FFA in connection with upholstered residential furniture. In 1993 the NASFM also petitioned the CPSC to issue a flammability standard for upholstered furniture incorporating the requirements of three standards now in effect in California. Petition at 2. Based upon the 1993 petition, the Commission proposed the Small Open Flame Regulation that is now being considered.

The statutory requirements of the FFA (as described below), however, indicate that if a rule is adopted pursuant to the instant Petition it would not be appropriate to adopt the proposed Small Open Flame Regulation.

D. THE FEDERAL FLAMMABILITY ACT'S STATUTORY REQUIREMENTS

Any standard or regulation promulgated under the FAA must be based on findings that it is needed to "adequately protect the public against ***unreasonable*** risk of the occurrence of fire leading to death, injury, or significant property damage."[2] The standard also must be "reasonable, technologically practicable, and appropriate."[3]

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[2] 15 U.S.C. Section 1193(b) [emphasis added].

[3] Id.

The Act also requires a final regulatory analysis containing the following information:

(A) a description of the potential benefits and potential costs of the regulation;

(B) a description of any alternatives to the final regulation that were considered together with a summary description of the potential benefits and costs of those alternatives, and a brief explanation of the reasons why those alternatives were not chosen; and

(C) a summary of any significant issues raised by comments submitted by the public.[4]

Further, the CPSC is precluded from promulgating a regulation under the Act unless it finds that the benefits expected from the regulation bear a reasonable relationship to its costs, and that the regulation imposes the "least burdensome requirement" which prevents or adequately reduces the risk of injury for which the regulation is being promulgated.[5]

When compared to the proposed Small Open Flame Regulation, the proposed labeling requirement offers a less burdensome and less costly alternative for addressing the same risk as identified by the NASFM -- i.e., the risk of injury and

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[4] 15 U.S.C. Section 1193(j)(1).

[5] 15 U.S.C. Section 1193(j)(2)(B) and (C).

death caused by upholstered furniture fires. Indeed, the Small Open Flame Regulation, which would require treatment of upholstered furniture fabrics with fire resistant chemicals, would not even address what the NASFM identifies as the true cause of the risk sought to be addressed -- polyurethane foam. As the NASFM states in the Petition, "[t]he textiles used in upholstered furniture may ignite easily, but provide little fuel and energy to the fire themselves." Rather, "[c]learly, polyurethane foam poses a hazard, in effect making small fires very large, and much deadlier, very quickly." Petition at 3.

DISCUSSION

A. THE PETITION'S REQUEST FOR A LABELING RULE WOULD BE MORE APPROPRIATE UNDER THE FFA'S REQUIREMENTS

While federal regulations may not be necessarily either the most effective or least burdensome means to address the risks associated with upholstered furniture fires, the proposed labeling regulations and disclosure program advocated by the NASFM provide a more effective and lower cost alternative as compared to the proposed Small Open Flame regulation. A labeling rule as requested by the Petition would be particularly effective as a compliment to an existing non-regulatory approach being followed throughout the country to reduce the risk of residential fires: educating adults and children about the potential hazards

associated with and means of preventing residential fires. Labeling is part of this educational process, and, when combined with widespread use of operating smoke detectors, represents the most effective, least costly and least burdensome method of reducing injury and death from upholstered furniture fires.

1. Warning Labels Will Effectively Address The Risk At Issue

The CPSC has identified children playing with matches and lighters as the primary cause of residential fires.[6] In its Open Flame Ignitions Report, the CPSC reported that, of the 76 fires investigated, children playing with lighters and matches was the probable cause of 65, or 86%, of the fires. Among the 65 childplay fires, 44 involved children younger than 5 years of age as the firesetter, and 19 involved children between the ages of 5 and 11. The ages of two of the children were unknown.[7] Based on this study, the CPSC concluded that "childplay with lighters and matches, especially among children under 5, constitutes a major component of the open flame furniture fire problem."[8]

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[6] See Small Open Flame Ignitions of Upholstered Furniture, Final Report, September 1997 ("Open Flame Ignitions Report") at ii.

[7] Open Flame Ignitions Report at 14.

[8] Upholstered Furniture Flammability Regulatory Options For Small Open Flame and Smoking Material Ignited Fires, October 1997 ("Briefing Memo.") at 9.

Because the primary cause of upholstered furniture fires is children playing with matches and lighters, the appropriate means to reduce the risks associated with residential fires is one that addresses this cause. Information and education are critical tools in this effort, but to be effective, education must occur on two levels: educating parents about the risks associated with ignition of upholstered furniture, and educating children about the dangers of playing with fire. The proposed labeling requirement and interim disclosure measures would educate consumers about the potential dangers associated with upholstered furniture fires, thus assisting in fulfilling the former objective. With respect to the latter, empirical evidence demonstrates that fire education programs and efforts geared for children are responsible for significant reductions in residential fires in communities throughout the country.

2. Warning Labels Would Be Effective

In its discussion of alternatives to the proposed Small Open Flame Regulation, the CPSC rejected labeling because labels "could not be expected to be read by children, the population group most likely to be involved in small open flame ignited fires." Briefing Memo. at 49. The CPSC's rejection of labeling on this basis, however, is misplaced, especially based upon prior Commission actions. Labels would provide critical information to adult decision-makers concerning the risks associated with

upholstered furniture fires. It is, therefore, not surprising that the CPSC has relied upon labels in the past to address risks posed by the behavior of children too young to read.

Warning labels as requested by the Petition would be directed and provide information to adult consumers, the appropriate individuals to determine the degree of risk acceptable to them and their families in connection with purchasing a potentially dangerous product. The proposed labeling would provide a warning tailored specifically to the risks of polyurethane foam ignition and caution against exposure of the upholstered furniture to small open flames.

The CPSC has utilized warning labels of this type directed to adults in analogous circumstances to reduce the risks associated with children interacting with a potentially dangerous product. For example, Congress enacted the Child Safety Protection Act of 1994 15 U.S.C. 1261, et seq., requiring warning labels on certain toys intended for use by children younger than 3 years old. In recommending the use of warning labels to address the perceived harm of children choking on small toys, Congress expressly relied on a 1991 study published in the Journal of the American Medical Association that concluded that "explicit warning labels substantially reduce inappropriate toy purchases" by better informing purchasers about potential choking

hazards.[9] In its proposed rulemaking in connection with promulgating regulations to implement these requirements, the CPSC, too, emphasized that the labeling "is designed to warn purchasers that [certain toys] can choke children younger than three years of age . . ."[10] And, as explained by CPSC Chairperson Ann Brown after finalizing the toy label regulations, warning labels are effective: "Before now, parents and grandparents had no way of knowing that the toys they bought . . . could be a danger to younger kids . . . . Now they will have that information right in the store, and will be able to make a purchase based on safety."[11]

Obviously, children under three years of age were not the intended recipients of the information contained on the labels affixed to potentially dangerous toys. Rather, the CPSC (and Congress) recognized that, where a child's behavior poses the risk of injury, adults must be apprised of the nature of that risk in order to take appropriate steps to address that behavior. Warning labels directed to adults concerning the risks associated

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[9] H.R. Rep. No. 29, 103rd Cong., 1st Sess. 1993, 1993 WL 68180 (Leg. Hist.)

[10] Proposed Rule To Ban Small Balls Intended for Children Younger Than Three Years of Age and To Require Labeling of Certain Toys and Games, 59 FR 33932, *3393, July 1, 1994.

[11] Consumer Product Safety Commission, Office of Information and Public Affairs, "New Toy Labels Mean Safer Holidays For Kids," November 29, 1995, annexed hereto as Attachment 1.

with ignition of polyurethane foam incorporated in upholstered furniture would accomplish the same objective: they will inform adults and enable them to make purchasing decisions and address the behavior (playing with lighters and matches) and other risk factors (exposure of foam to small open flames) that are primarily responsible for upholstered furniture fires.

3. Education Of Children Of The Dangers Of Fires Would Supplement The Effectiveness Of Labeling

While labeling is directed at educating adult decision-makers, educating children about the risks associated with playing with lighters and matches would reinforce the effectiveness of labels in reducing upholstered furniture fires. It has been shown that educating children regarding the dangers of fire, both through formal fire education programs and parental guidance, results in a downward trend in child ignited residential fires. The labeling requirement sought by the Petition should encourage such efforts.

Results of efforts in a number of states reveal the effectiveness of such programs. In Portland, Oregon, for example, a program called the National Fire Protection Association's Learn Not To Burn Curriculum, introduced in Portland's schools in 1992, "has brought Portland to the

forefront in reducing juvenile set fires."[12] Referrals of fires set by children between the ages of 3-5 years dropped 50 percent from 1991 to 1996.[13] In New York State, a premier Juvenile Fire-Setting Program, developed in the City of Rochester, is now being used across the state to modify the behavior of children playing with fire.[14] These programs, which combine early identification and education as measures to assist in the prevention of fire setting behavior, "do work."[15]

4. An Emphasis On Smoke Detector Use Would Also Make A Labeling Rule Effective

Effective education need not be limited to educating adults and children about the risks associated with residential fire; it could also include making consumers aware of the role that ***operating*** smoke detectors can play in reducing the risk of death and injury from residential fires and encouraging the use of smoke detectors in the home.[16]

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[12] Patti David, The Skanner,"Fire Safety Education Lowering Fire Loss in Portland," annexed hereto as Attachment 2.

[13] Id.

[14] NYS Department of State Office of Fire Prevention and Control, "Juvenile Fire-Setting Programs," annexed hereto as Attachment 3.

[15] J. Haydock, SOS Fires Youth Intervention Program, "Youth Firesetting: Collaboration Between Teachers and Fire Service Personnel For Early Identification and Intervention," annexed hereto as Attachment 4.

[16] In accurately evaluating the role of smoke detectors in reducing residential fire risks, homes with working smoke

The majority of fire deaths occur in homes without smoke detectors.[17] Moreover, it has been acknowledged that smoke detectors "are the single most important means of preventing house and apartment fire fatalities."[18] A working smoke detector "reduces the risk of dying in a home fire by nearly half."[19] Moreover, smoke detectors provide a low cost method of reducing injuries and death associated with residential fires. The cost of owner-installed fire detectors is as little as $10.00 per alarm, or less than $50.00 for the entire home.[20] And these dollars are well spent. According to The National Kids Campaign based in Washington, D.C., "every dollar spent on a smoke detector saves at least that much in direct medical costs and an additional $55 to $70 in total costs to society."[21]

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detectors and those with inoperative smoke alarms should be taken into account. Cf. Open Flame Ignitions Report at 18-19.

[17] Alisa Wolf, NFPA Journal, "The 10-Year Battery," Jan./Feb. 1999, annexed hereto as Attachment 5.

[18] Fire Safety and Education "Smoke Alarms: What You Need To Know," annexed hereto as Attachment 6.

[19] Somersworth, NH Fire Department "Protect Your Family With A Home Fire Safety Checklist," annexed hereto as Attachment 7.

[20] Fire Safety & Education, "Smoke Alarms: What You Need To Know," annexed hereto as Attachment 6. See also, Alisa Wolf, NFPA Journal, "The 10-Year Battery," Jan/Feb. 1999, annexed hereto as Attachment 5.

[21] National Safe Kids Campaign "Residential Fire Injury," annexed hereto as Attachment 8.

Smoke detectors, particularly when combined with effective education targeted to children and adults, including providing consumers with information about the risks associated with ignition of upholstered furniture in the form advocated in the Petition, would provide a low cost, highly effective way to reduce injury and death from upholstered furniture fires.

B. A LABELING REQUIREMENT IS FAR LESS COSTLY THAN THE IMPOSITION OF MANDATORY FLAMMABILITY STANDARDS

In addition to the fact that labeling is substantially less burdensome and equally -- if not more -- effective in reducing the perceived risks associated with upholstered furniture fires than would be the proposed Small Open Flame Regulation, the labeling and disclosure program advocated by the NASFM would be far less costly than mandatory flammability standards. Moreover, the benefits of the proposed warning label regulation bear a reasonable relationship to its costs. In contrast, the cost of the proposed Small Open Flame Regulation likely will exceed its perceived benefit and, thus, likely not meet the statutory requirements of the FFA.

1. Labels Provide A Low Cost Means Of Reducing The Risk At Issue

While the DFA and the CCDF are not in a position to quantify the costs required to implement mandatory labeling, there can be little doubt that such costs would be minimal and

represent a fraction of the costs attendant upon requiring flame retardant treatment of fabrics used on upholstered furniture, as is now being considered under the proposed Small Open Flame Regulation.[22] None of the economic burdens which would drive the cost of a mandatory flammabiity standard, as is being considered, would be implicated by labeling. Specifically, and of particular importance to DFA and CCDF members, affixing labels to upholstered furniture would not require fabric wholesalers and converters to bear the substantial costs of (i) having fabric treated with flame retardant chemicals; (ii) complying with proposed performance testing requirements; (iii) complying with environmental, health and safety regulatory requirements; (iv) maintaining dual inventories; (v) replacing showroom samples, sample books and swatches; (vi) implementing additional quality control measures; and (vii) undertaking other costly measures as more specifically set forth in the comments filed by the DFA and the CCDF in connection with the proposed Small Open Flame Regulation. Moreover, unlike chemical treatment of upholstered furniture, labels will not compromise the quality and integrity of the goods being labeled, will not constrain import and export activity, will not diminish the choices available to consumers,

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[22] In analogous circumstances, in enacting the Child Safety Protection Act, Congress recognized that warning labels do not "impose[ ] any substantial cost on the consumer, the government, or the manufacturer." H.R. Rep. Dep. No. 29, 103rd Cong., 1st. Sess 1993, 1993 WL 68180 (Leg. Hist.)

and will not lead to possible environmental and health risks which may not become apparent until many years from now.

2. The Benefits Of The Labeling Regulation Bear A Reasonable Relationship To Its Costs

Because the cost of requiring furniture manufacturers and retailers to affix warning labels to upholstered furniture containing polyurethane foam would be comparatively minimal, its anticipated economic benefits (i.e., reduction of economic loss associated with injury, death and property damage caused by upholstered furniture fires) should substantially outweigh these costs. In contrast, the economic cost of the proposed Small Open Flame Regulation would substantially exceed its economic benefit.

A study currently being conducted by an independent economic consulting firm at the behest of DFA, CCDF and others strongly suggests that the CPSC, in its cost/benefit analysis, substantially overstates the benefits and underestimates the true economic cost of the imposition of a mandatory flammability standard such as that being contemplated in the Small Open Flame Regulation.

For example, among the factors that the CPSC does not take into account which substantially reduce the potential benefit of the Small Open Flame Regulation are the following: (1) the large installed base of untreated furniture will delay for many years the realization of much of the benefit of the regulation; (2) the discount rate utilized by the CPSC does not

reflect consumers' opportunity costs; (3) the deterioration of flame retardant backcoating over the life of upholstered furniture will cause the benefits to decrease over time; and (4) the behavior of children will not be affected by the rule, so they will continue to play with lighters and matches and continue to start fires with other household items.

Similarly, the CPSC's cost estimates appear to understate the economic burden of a mandatory flammability standard, and incorrectly calculate or ignore numerous costs attendant upon requiring flame retardant treatment of virtually all residential upholstered furniture (see pp. 16-17, above).

Thus, in all probability, the cost of the proposed Small Open Flame Regulation would substantially outweigh its economic benefits and any such rule, therefore, would not meet the requirements of the FFA. Moreover, even if it is ultimately determined that the cost of a mandatory flammability standard such as is being considered would not exceed its economic benefit, the proposed labeling requirement would still represent a far less costly and less burdensome alternative.

CONCLUSION

As explained in these comments, the DFA and the CCDF believe that a multi-pronged approach which includes educating adults and children about the risks associated with upholstered

furniture fires and the importance of maintaining operating smoke detectors in preventing such fires represents the most effective, least costly and least burdensome alternative for reducing the rate of injuries and death resulting from residential fires. To the extent that regulation is an appropriate way to address these risks, the labeling requirement advocated in the Petition is consistent with this multi-pronged approach, and would be a far better alternative than the proposed Small Open Flame Regulation For Residential Upholstered Furniture.

The DFA and the CCDF appreciate this opportunity to provide their comments to the CPSC on the NASFM Petition.

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Respectfully submitted,

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