

LOG OF MEETING

SUBJECT: Children's Sleepwear Standards

DATE: July 21, 1995

PLACE: CPSC, Bethesda, MD

NON-COMMISSION REPRESENTATIVES:

Anthony O'Neill, Vice President, National Fire Protection Association (NFPA)

James McMullen, Board of Trustees, Learn Not to Burn Foundation (LNTB), established by NFPA

Ernest J. Grant, Board of Trustees, LNTB

John Hall, Assistant Vice President, NFPA

COMMISSION REPRESENTATIVES:

Thomas H. Moore, Commissioner

Pamela Weller, Counselor to Commissioner Moore

Michael Gougisha, Counselor to Commissioner Moore

Ronald L. Medford, Assistant Executive Director

James F. Hoebel, Chief Engineer for Fire Hazards

LOG ENTRY SOURCE: James F. Hoebel *J. F. Hoebel*

SUMMARY OF MEETING:

Representatives of the NFPA and the LNTB visited Commissioner Moore to express opposition to the proposed amendments to the existing Children's Sleepwear Flammability Standards that would exempt tight-fitting garments and garments for infants from the requirements of the standards.

Mr. O'Neill provided background on the NFPA and the LNTB. Mr. McMullen gave an overview of the visitors position. He emphasized that the current standards are very successful in preventing burn injuries to young children. The proposed changes will mean more children in less safe sleepwear. This will lead to more fire casualties. There is a special threat to infants. Mr. Grant, a professional burn nurse, described the tragic effects of sleepwear burn injuries. Dr. Hall described burn data, and emphasized that experience of other countries is misleading because the fire risks faced by U.S. children are substantially different from those faced by children in other countries.

The visitors provided a position statement, a copy of which is attached. Dr. Hall also provided copies of NFPA reports: *Patterns of Fire Casualties in Home Fires by Age and Sex, 1987-91*, May 1994, and *The U.S. Home Product Report, 1988-1992 - Forms and Types of Materials First Ignited in Fires*, February 1995.

Commissioner Moore promised to consider the information and position provided by the NFPA and the LNTB.

CPSA 6 (b)(1) Cleared
7/21/95
No Mfrs. Prohibited or
Products Identified
— Excepted by
Firms
Comments

✓



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POSITION STATEMENT
OF
NATIONAL FIRE PROTECTION ASSOCIATION
AND THE
LEARN NOT TO BURN FOUNDATION
IN OPPOSITION TO
THE PROPOSED AMENDMENT OF
"CHILDREN'S SLEEPWEAR STANDARDS"

Currently Before
the
Consumer Product Safety Commission

July 1995

CPSA 630
9/16/95 ✓
Products identified
Exempted by
Firms Notified,
Comments Processed.

America's successes in reducing the burden of unwanted fire on people's lives and health have been dearly won, and no such success should be lightly abandoned, especially when it involves young children, one of the most vulnerable groups in our society.

The National Fire Protection Association (NFPA) and the Learn Not to Burn Foundation (LNTB) are therefore opposed to the relaxation of the *Standards for Flammability of Children's Sleepwear: Sizes 0 Through 14*, now being considered by the U.S. Consumer Product Safety Commission (CPSC).

What follows is the view of both NFPA and the Technical Advisory Council (TAC) of the Learn Not to Burn Foundation, an affiliate of NFPA, with special responsibility for fire safety programs aimed at those at highest risk to fire.

Current Rules Are Working. There is no question that whatever is in place now is working, although data are scarce to tell just how well it is working. The rate of clothing fire deaths among children is now in the low single digits. There is no comparable data on the rate prior to the introduction of the current standard, because current data collection methods were not in place then. NFPA understands that the best estimates, based on data available at the time, place the pre-standard death rates at a level more than ten times the current rates. Whatever the exact magnitude of the change, many lives have been saved by the standard, and many more lives are at stake in the decision to continue or weaken the standard. The burden of proof is on anyone who would claim that a less restrictive standard can somehow deliver the excellent level of safety we have recently enjoyed.

Preschool Children Face High Fire Risk. The group most affected by this change is one of America's highest-risk populations, preschool children. Their current fire death rate is more than twice the average for people of all ages and nearly four times the rate for young adults. They also suffer a substantially higher rate of fire injuries.

Preschool Children Are Often Very Close to Fire. The leading cause of fatal fires for preschoolers is a child playing with matches or lighters, a scenario in which the ignition heat source is very close to the child's clothing from the beginning of the fire. In the last decade and a half, total home fire deaths have plunged, but fire deaths due to fireplay have barely declined at all. In other words, children still play with fire, and nothing -- not education, not changes to heat sources, not changes to combustibles -- has been able to reduce the human cost of that fireplay. Because of fireplay and other common fire scenarios, thousands upon thousands of children every year are close enough to fire to expose their clothing (either sleepwear or other clothing). Their sleepwear must be able to stand up to these exposures.

Rule Change Will Mean More Children in Less Safe Sleepwear. We know that there is evidence of significant use of non-sleepwear as sleepwear in the US. We know that this has had a negligible impact on the rate of fire casualties among young children. However, NFPA strongly believes that the proposed change in the standard would produce adverse results that would be anything but negligible. Consider how various groups are likely to respond to the change:

Families whose children now use non-sleepwear as sleepwear have already indicated a willingness to evade safety standards. There is no reason to believe they would switch back to standard-compliant sleepwear if the standard were relaxed, because safety and compliance with regulations are not paramount in their choices. If the rule is relaxed, this group will derive little safety benefit, because most of them will not change their childrens' sleepwear choices.

But many families whose children now use standard-compliant sleepwear would switch to newly exempted sleepwear if the change were adopted. No evidence has been put forward that this newly approved sleepwear will perform as well as current compliant sleepwear.

Some have made the point that tight-fitting clothes resist ignition better than looser, flowing garments of similar construction, but this misses the real issue. No one has produced evidence that specifically shows a tight fit will reliably compensate for the use of more ignitable material. Even if such evidence existed, such an approach flies in the face of the common practice of buying oversize garments to allow children room to grow or of passing garments down from older children to younger siblings. Specifying clothing dimensions therefore will not produce a tight fit in practice, and a tight fit has not been shown to be a sufficient basis for assuring safe sleepwear. Experience in other countries is also misleading, for reasons discussed below. Therefore, it is likely that the relaxed rule will mean many children wearing less-safe sleepwear.

More Use of Less-Safe Sleepwear Will Mean More Fire Casualties. The high cost of the non-sleepwear now used as sleepwear has steered these products to more affluent families, who tend, statistically, to be more fire-safe and to have more fire-safe products and behaviors overall. This means the families who now use non-sleepwear as childrens' sleepwear are probably compensating for the elevated sleepwear risk in a variety of other ways. By contrast, the families who would begin to use newly exempt sleepwear after the rule change would not be so able or so likely to compensate for those risks with other fire safety arrangements. They would incur the full brunt of the elevated risk associated with that sleepwear.

Special Threat to Infants. This change would also exempt some infants' sleepwear from the standard. Children at this age are totally dependent on others for protection and one of those protections has been flame resistant sleepwear.

Experience in Other Countries is Misleading. The fire risks faced by US children are substantially different from those faced by children in other countries. More than one-fourth of US fire deaths each year are children. In Canada, just over one-sixth are children. In the United Kingdom, the fraction is closer to one-eighth. In Japan, preschooler fire death rates are actually lower than those for young adults, while in the US, they are nearly four times higher.

Experience with less strict flammability standards for childrens' sleepwear in other countries cannot be reliably transferred to the US. Our heat sources are different, our behaviors are different, and our notions of acceptable risk are different. In childrens' sleepwear, we need a stricter standard to compensate for higher risk factors in other elements that lead to fatal fires. For other products, we might choose a stricter standard because our people demand a higher level of safety. Either way, our approach to fire safety must be true to the needs and wants of Americans.

Economic Argument Raises Additional Concerns. It is claimed that the relaxed rule will open the market to cheaper sleepwear, made still cheaper by exemption from the costs of testing. NFPA is greatly concerned about the incentives this move will create.

As noted earlier, the proposed approach would unreasonably assume that certain clothing dimensions imply a tight fit and would further assume without solid evidence that a tight fit will assure safe clothing. The benefits of fire safety will be assumed, not demonstrated through appropriate tests against a clear standard. When costs are measured precisely and benefits (i.e., safety) are measured vaguely and indirectly, if at all, decisions will be driven entirely by costs. This is no way to assure any minimum level of safety.

The proposed approach will be less safe in the short run and even less safe in the long run. The existing garments that become acceptable as sleepwear once this relaxed rule is in place will be less fire-safe, as we have shown, but at least they were manufactured with an eye to the current strict standard. The next generation of sleepwear will be produced in a much more permissive environment and will inevitably be made closer to the new, less fire-safe standard. The rule change therefore will not only reduce safety immediately; it will create a dynamic for further erosion of safety. And it will do so while removing the testing requirements that would have shown the problem worsening. This way, we will not be able to tell that sleepwear is less safe until children's death and injury rates start increasing.

This is No Way to Make Decisions. For nearly a century, NFPA has championed the cause of fire safety and demonstrated effective procedures for making reasonable decisions about safety. CPSC has done the same.

We should not defer to choices and experiences in other countries facing different problems and having different values. We should not declare fire safety without measuring it nor encourage lower-cost products without even checking their fire risk. And we surely should not roll back one of the country's most dramatic success stories and expose the most vulnerable part of our population to increased risk of death or disfiguring injury.

We therefore urge the Commissioners to reject the proposed changes to the *Standards of Flammability of Children's Sleepwear* and continue the existing sleepwear standards.