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LOG OF MEETING

**U.S. CONSUMER PRODUCT SAFETY COMMISSION
OFFICE OF COMMISSIONER MARY SHEILA GALL**

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Products Identified
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SUBJECT: Upholstered furniture flammability

DATE OF MEETING: 6 May 1998

PLACE: Room 722, 4330 East West Highway, Bethesda, Maryland

LOG ENTRY SOURCE: Dennis B. Wilson

DATE OF ENTRY: 7 May 1998

COMMISSION ATTENDEES: Mary Sheila Gall, Commissioner and Vice Chairman, Dennis B. Wilson, Special Assistant (Legal) to Commissioner Gall, and Dale Ray, ECPA

NON-COMMISSION ATTENDEES: Bill Trott, , Consumer Safety Unit, UK Department of Trade and Industry; Alan Mann, School of Biological Sciences and the Polymer Research Centre, University of Surrey; Gary C. Stevens, Polymer Research Centre, University of Surrey; C.L. Wilkinson, Director of Textile Coatings Division of Bostik Ltd.

SUMMARY OF MEETING: The meeting covered a number of topics, all related to the testimony given by the non-commission attendees at the hearing on toxicity issues of the proposed commission rule on upholstered furniture flammability. Commissioner Gall asked about the effects of flame retardant chemicals on asthma. Mr. Mann replied that FR chemicals would not cause asthma but might irritate people already suffering from asthma. Mr. Stevens volunteered that the use of flame retardants in furniture could increase escape times by fifteen times because ignition would be delayed and heat release reduced. He said that there was a 93% reduction of risk, even when the test was after ignition of FR treated furniture had been achieved. He noted that the UK standard covered both the filling and the cover.

Commissioner Gall then asked how the UK standard was enforced and what the estimated rate of compliance was. Mr. Trott replied that the standards were enforced by about 200 local authorities known as "Trading Standards Department. They police second hand sales of furniture. He said that there had recently been controversy about the estimated rate of compliance. A study had found that there was only 30% compliance with the standard, but Mr. Trott believes that this study was targeted toward non-compliant furniture, rather than



being a truly random selection. He noted that Christy-Taylor was the largest manufacturer of upholstered furniture in the UK and that compliance was rarely a problem for them. Mr. Stevens noted that the futons are a problem because they are so cheap. He described an incident in which an Italian chair manufacturer tried to blame his company for failing the UK standard, but said that his product had not been used.

Commissioner Gall then asked about isolating the effect of the flammability regulations in assessing their effectiveness. Mr. Trott replied that such measurements are difficult to make but that Mr. Stevens was preparing a "before and after" study to do it. Mr. Stevens then elaborated that the furniture population is now a mixed one of flame resistant and non-flame resistant furniture. Therefore, statistical trends can be compared before and after the imposition of the regulation in an attempt to isolate the effect of flame resistant furniture. He hopes eventually to determine an expected rate in a universe where all of the furniture is flame resistant.

Commissioner Gall then asked about the long-term effectiveness of FR treatments. Mr. Stevens said that testing procedures are needed to be devised that adequately simulate the aging processes that upholstered furniture undergoes. Testing has become increasingly sophisticated and has not revealed any degradation of FR treatments of which he is aware.

Commissioner Gall then asked about the status of the UK regulation within the European Union. Mr. Trott replied that the UK had notified the European Commission (EC) about its regulation. In response the EC had proposed its own 4-part requirement, that emphasized escape time. The European Centre for Standardization (CEN) has become involved with the question. The matter has, however, become highly politicized. The Government of Germany has been opposed to any requirement to add flame retardants to upholstered furniture, since it has greater environmental concerns. Germans, noted Mr. Trott, tend to blame immigrants and carelessness for upholstered furniture fires. He also noted that chemical companies within Germany are large producers of FR chemicals. Mr. Wilkinson added that a German representative had noted the different burn times between continental and UK matches and had emphasized that difference in opposing the UK regulations. Some fabrics that failed at 20 second exposures did pass a 15 second exposure.

Commissioner Gall then asked about the nature of the furniture industry in the UK, noting that the US furniture manufacturing industry tends to cluster in pockets, particularly in the southeast, meaning that the economic effects of regulation may be clustered as well. Mr. Trott replied that UK industry disliked the flammability regulations intensely at first and claimed that they would go out of business if they were implemented. He said that by

staggering the implementation of the regulations, the industry had a chance to adjust and the technology improved. Mr. Wilkinson added that the flame-resistance requirements for foam came first, then fabrics. Some UK manufacturers tried to do both simultaneously, which complicated the process. There were originally comfort problems with cushions, which required the installation of "breathers" in the back of panels. Manufacturers tended to use too much fire retardant chemicals in early manufacturing processes, which also contributed to stiff fabrics. Within 18 months after the introduction of the regulation, the techniques of application had improved considerably.

Commissioner Gall then asked about whether the UK permitted the sale of existing stock that did not conform to the standard when it was implemented. Mr. Trott said that sales of stock in the chain of distribution were permitted. He noted that upholstered furniture sales were strong after the introduction of the new regulations due to a prosperous economy, but that sales dropped in the early 90's when the economy weakened. Mr. Wilkinson said that the price of a three piece suite of upholstered furniture went up about 14 pounds as a result of the regulations. Mr. Trott said that most UK manufacturers now support the regulation; the normal practice for industry is to support the status quo.

Commissioner Gall asked about the effect of the new regulation on exports of furniture from the UK. Mr. Wilkinson said that the UK is not a large furniture exporter. He noted that the arguments now being made in the US about imposing flammability standards on upholstered furniture resemble those made in the UK ten years ago. He said that his company worked to make the UK market lucrative for them. He is presently trying to get coatings in the US market. He said that coatings need not be "like boards."

MEETING LOG

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Subject: Meeting with government, academic and industry representatives from the United Kingdom to evaluate the May 5 and 6 CPSC hearing on the use of flame retardant chemicals on upholstered furniture

Date: Wednesday, May 6, 1998

Place: Room 724, CPSC Headquarters

Source: Walt A. Sanders, COAB

CPSC Reps: Ann Brown, Chairman
Walt Sanders, COAB
Ron Medford, EXHR
Michael Babich, EHHE
Jeffrey Bromme, OGC

Other Reps: Bill Trott, U.K. Department of Trade and Industry/Consumer Safety Unit
Gary Stevens, University of Surrey (Contractor for DTI)
Alan Mann, University of Surrey (Contractor for DTI)
C. Leslie Wilkinson, Bostik, Ltd., U.K.

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FEDERAL BUREAU OF INVESTIGATION

Summary:

The UK representatives said the May 5 and 6 hearing was positive and constructive, and that most witnesses made a positive contribution. Bill Trott indicated that in 1988, the UK adopted the current FR treatment regulation because of a "public outcry" for government action following a series of deadly upholstered furniture fires. Trott, Stevens and Mann and Wilkinson agreed that while there was some industry reluctance to implement the regulation, within a short time the UK upholstered furniture industry was fully supportive of the requirement. They also said that the British public was initially skeptical of FR chemicals. However, public acceptability grew with increased knowledge of risk reduction benefits and improvements in FR chemical treatment application technology. Wilkinson said that his company (Bostik) has no problem selling FR treated upholstered furniture to the public.

The UK representatives emphasized that the reduction in fire deaths and injuries in the UK over the past decade is a major benefit. They stated that in 10 years the average number of fire deaths was reduced from four deaths-per-week to two deaths-per-week. They said there are no current published studies isolating FR treated fabrics as the single factor that led to this reduction, but that FR treatment clearly was a major factor, among others. When asked about the effectiveness of smoke detectors in reducing deaths, the UK representatives indicated that while most of the UK households had smoke detectors, the "vast majority" of those detectors were not functional. The UK representatives indicated that an FR treatment proposal, similar to the British regulation, is pending before the European Commission, although political and cultural considerations were impeding its adoption by most countries. The meeting participants also discussed generally the differences between American and British administrative processes.

