

United States Senate

WASHINGTON, DC 20510

November 12, 2014

The Honorable Elliot F. Kaye
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Kaye,

We are writing to urge the Consumer Product Safety Commission (CPSC) to promptly adopt California's smolder resistance standard, Technical Bulletin 117-2013, as the national flammability standard for upholstered furniture. California's standard focuses on preventing smoldering ignitions—the leading cause of furniture fire deaths—and will enhance fire safety and reduce the unnecessary use of flame retardant chemicals in furniture throughout the country.

The use of flame retardants in furniture is widespread, despite a growing body of evidence linking this class of chemicals to serious health impacts, including cancer, neurological and reproductive diseases, hormonal disruption, obesity, immunotoxicity, and neurodevelopmental delays. Blood samples from babies and young children, who are the most vulnerable to the toxic effects of these chemicals since their brains and bodies are still developing, have some of the highest levels of flame retardants ever detected in the general population. We believe it is critical to reduce unnecessary exposure to flame retardants. Moreover, CPSC's own findings have shown that these chemicals, as they have been used in residential furniture, provide no meaningful fire safety benefit.

As you know, the CPSC proposed a flammability standard in 2008 that focused primarily on protecting against fires started by smoking materials, the leading cause of furniture fire deaths. Manufacturers could comply with the proposed rule by using smolder-resistant cover materials that meet a cigarette ignition performance test or by using fire barriers between the furniture cover and filling that meet both the smolder test and small open flame resistance test. Significantly, this proposed standard addresses fire safety without leading to the use of chemical flame retardants in filling materials.

Consumers, public health advocates, and the furniture industry welcomed this approach. The State of California, which mandated the open-flame test for furniture fillings in 1975 that created the *de facto* national standard leading to widespread use of flame retardants in upholstered furniture, has already revised its standard to be consistent with CPSC's 2008 findings. California's resulting flammability standard, known as Technical Bulletin 117-2013 (TB 117-2013), represents a refinement of the CPSC's 2008 proposal. This standard has undergone extensive precision and bias testing and has been accepted by the furniture, foam, and fabrics industries, to the benefit of both fire safety and public health.

Unfortunately, over six years have passed and the CPSC has not yet finalized its 2008 proposed rule. While TB 117-2013 is helping enhance fire safety without the risk of harm from flame retardants, it is critical that the national standard CPSC ultimately establishes is also consistent with the objective of eliminating the unnecessary exposure to flame retardants.

We understand the CPSC held a meeting last April to discuss its intent to change direction and consider a different standard than the one proposed in 2008. We urge you to recognize that a national upholstered furniture flammability standard that focuses on smoldering resistance will reflect the most common real-life furniture fire scenarios, and that no small open flame resistance test should be established that would lead to the use of toxic and untested chemicals in consumer products. Based on independent research, small open-flame resistance requirements have historically not measurably improved home furniture fire safety. Moreover, fire safety is dependent on a number of factors and warrants a holistic approach that also emphasizes improved warning and protection systems, and safer candles and electrical appliances. While we understand that the CPSC is required to examine alternatives to proposed rules, we are concerned that changing direction or going back to the drawing board at this stage may keep unnecessary and harmful flame retardants in our furniture.

In short, national adoption of the widely accepted TB117-2013 standard is now due. This standard provides a double benefit to public safety and health by addressing the leading cause of furniture fire-related injuries and deaths and reducing the use of harmful flame retardant chemicals that jeopardize human health. Thank you for your attention to this matter.

Sincerely,



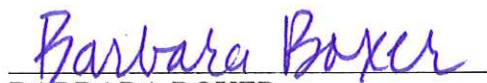
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