



STATEMENT

National Association of State Fire Marshals

April 22 Hearing on Proposed Technical Bulletin 603 Mattress Standard

My name is Robert Polk. I am the South Carolina State Fire Marshal, and am chairman of the Consumer Product Fire Safety Task Force of the National Association of State Fire Marshals. NASFM, as we are known, represents the senior fire officials in each of the 50 states and the District of Columbia. Our mission is to protect life, property and the environment from fire and other hazards.

Today, you will hear mostly from people who make and sell mattresses. You may hear from people who have been badly hurt in fires involving mattresses. You may hear from scientists and perhaps from economists. We appreciate the opportunity to present our views on mattress fire safety and the Bureau's proposed Technical Bulletin 603 standard.

Earlier this year, our Association turned to its Science Advisory Committee, a distinguished panel of prominent scientists, engineers and statisticians engaged in fire protection, to develop principles that all fire safety standards should meet.

We have already shared these principles with the Bureau, and I would like to elaborate on them in the context of this proposal.

Principle 1: The standard addresses a recognized or potential fire hazard. The test method measures the product performance that affects this hazard.

NASFM believes that the proposed standard meets this principle. There is no question that mattresses pose a significant fire hazard. We are confident that great care was taken by the National Institute of Standards and Technology to simulate real-world conditions in designing the dual-burner testing device used in the proposed test method. We only wish that as much thought was given to all test methods.

Principle 2: The standard must be based on current scientific knowledge about how finished products perform in the real world.

As I just mentioned, we are satisfied that the NIST protocol and burner used in the proposed standard are grounded in current science. However, we would like the Bureau to provide more information about the science behind its decision to require a one-hour test versus, for example, a 30-minute test. Some in the industry have told us that no scientific evidence would support going beyond a 30-minute test.

NASFM believes that this issue is important for the Bureau to address. As fire marshals, we recognize that there are times when caution is called-for. The so-called

“precautionary principle,” which is a critical aspect of European environmental law, dictates that precautionary measures be taken when an activity raises threats of harm to human health or the environment, even if some cause and effect relationships are not fully established scientifically. We recognize that many factors may confound the Bureau’s best efforts to find the right pass-fail criteria. If at this time science cannot clarify this question further, the Bureau’s decision about the duration of the test may well be justified under a precautionary principle. However, we are confident that the Bureau has a sound scientific basis for deciding on the duration of the test, and all that may be necessary is some additional clarification on your part.

Principle 3: The acceptance criteria are capable of affecting a reduction in the target hazard. It is reasonable to expect a reduction in fire losses.

NASFM believes that the proposed standard meets this principle. The science and common sense tell us that the proposed standard will prevent flame spread and in doing so will protect all inhabitants of a home except the person or persons unfortunate enough to be on the actual bed. The standard will contribute significantly to saving lives and property from mattress fires.

Principle 4: Compliance with the standard must be technologically and economically practicable.

We question whether this principle has been met in its entirety. We do believe that the standard is technologically practicable, as evidenced by a recent announcement by the Carolina Mattress Guild, which – even though the company does not ship to California – has developed a new line of beds that meets the proposed TB 603 standard. However, we question whether it is economically practicable.

Economic feasibility is critical, particularly if we are addressing a mattress purchased by an economically disadvantaged family. In the course of my 30 years in the fire service, I have seen suffering beyond imagination. It may seem impractical to some, but we are unwilling to assume that even one preventable death or injury is justified by economics. Besides those who have suffered a serious burn or experienced the loss of a child or a spouse in a fire, none of us here has the moral right to make that trade-off. How much will it cost to produce an inexpensive mattress that meets your proposed standard? This is the only economic question we regard as relevant to this discussion. And we know of some manufacturers and suppliers – people of integrity who we know to be committed to safety – who are also struggling with this question.

We look forward to reading the public record as it builds, but will share these observations at this time:

~~✍~~ Families in all economic strata suffer from fires. But, the very old, the very young and the very poor tend to suffer the most. We have an obligation to protect those who are most vulnerable.

~~2/2~~ We have been told that the standard as proposed, because of the 60-minute test duration, would add \$200 to the cost of a mattress at retail. But we also have been told that the most inexpensive mattresses have the least amount of combustible material and will be easier, and less costly, to protect. One supplier estimated the increased cost to be only about \$25 per mattress.

Principle 5: The complying product should not create significant added health, safety or environmental risks.

We question whether the standard adequately meets this principle, but we believe that there are safeguards in place to ensure that it will. We have been told by manufacturers and suppliers alike that great care is being taken to manage all environmental and health risks. Moreover, we have been assured that the United States Environmental Protection Agency will not permit the use of any flame retardant chemical or other technology that is inappropriate for these purposes.

The National Association of State Fire Marshals enjoys a close working relationship with US EPA, the World Health Organization, and European environmental and health authorities. We are advised by some of the world's most prominent toxicologists. Our mission is public safety – not just from fire, but from other hazards. Achieving a balance among fire safety, human health and environmental safety considerations is at the

forefront of NASFM's agenda, and we will pay close attention to that balance as this proposal moves forward.

Principle 6: Widespread industry conformance to the standard must be achievable to assure a level playing field for all manufacturers.

The standard will contribute significantly to helping us achieve this principle, because what is accomplished here will set the stage for mandatory federal standards. The US Consumer Product Safety Commission tells us that it is making every effort to harmonize its work on a mattress standard with California. Congress intends to use the new AB 603 standard in federal legislation that will be introduced soon.

Whether by regulation, by legislation or for voluntary reasons, this standard will be honored beyond the borders of this state.

For the purposes of this hearing, I would like to add an additional consideration, and that is the **good will** that has been demonstrated by industry throughout the development of these standards.

No one forced the mattress industry to seek higher levels of safety for their products. No one forced these companies to support a research program that can only be considered as spectacular. No one forced these companies to initiate discussions with our organization about mandatory, science-based standards. While we realize that there are disagreements

with certain elements of this proposal, we urge you to remember that this industry has for many years accepted responsibility for the safety of its products and has moved forward on its own, because it is the right thing to do.

We wish that all of industry had as much integrity and was as committed to public safety as our nation's mattress producers. Therefore, we encourage the Bureau of Home Furnishings and Thermal Insulation to give special weight to what this industry and its suppliers tell you.

That said, we encourage the mattress producers to send their lobbyists and lawyers home. This is not a battle, but a discussion among people who care about safety and are committed to fairness. We have come too far and are on the verge of doing too much good to allow this inspiring effort to disintegrate into politics and legal pleadings.

The adoption of this standard begins a new chapter. If NASFM were forced to make a decision right now, we would support the standard exactly as written. But, the public comment period exists to raise and resolve unanswered questions. Let us now move forward in the same spirit that has governed this effort from the start. Let us move on with the business of saving lives and protecting property.

Thank you.

Principles for a Fire Safety Standard

Scope Statement: The principles listed here are intended to address existing or proposed fire safety standards for consumer products. The standards in question may include one or more test methods and may be promulgated or intended for promulgation by law or as a voluntary program.

1. The standard addresses a recognized or potential fire hazard. The test method measures the product performance that affects this hazard.
2. The standard must be based on current scientific knowledge about how finished products perform in the real world.
3. The acceptance criteria are capable of affecting a reduction in the target hazard. It is reasonable to expect a reduction in fire losses.
4. Compliance with the standard must be technologically and economically practicable.
5. The complying product should not create significant added health, safety or environmental risks.
6. Widespread industry conformance to the standard must be achievable to assure a level playing field for all manufacturers.