



NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

April 25, 2011

The Honorable Curren D. Price, Chair
Senate Committee on Business, Professions and Economic Development
California State Senate
State Capitol
Sacramento, CA 95814

Dear Senator Price:

This letter respectfully registers the opposition of the National Association of State Fire Marshals (NASFM) to Senate Bill 147 (SB 147) on Furniture Flammability Standards. SB 147 specifies that Technical Bulletin 117, a state regulation that currently requires upholstered furniture sold in the state to meet a small open flame standard, be replaced with a smoldering flammability standard. Further, the bill would exempt polyurethane foam filling materials from meeting any flammability requirement. The bill also directs that the new standard “be met without the use of fire retardants and does not compromise public safety.”

Ironically, SB 147, by replacing an open flame standard with a cigarette ignition standard, would drastically compromise public safety. California has historically led the way in upholstered furniture fire safety since the 1970s. The current TB 117 has been the only requirement in the U.S. to address small open flame ignition of upholstered furniture. Many manufacturers have voluntarily complied with it for furniture they sell throughout the U.S. The answer is not to remove the open flame requirement altogether and allow furniture to be made of highly flammable components, but to require that the open flame standard be updated to take advantage of the best available science so that the public can continue to be protected. New science is available that should be incorporated into TB 117. The California Bureau of Home Furnishings was well on its way to updating TB 117 in this way before its funding was removed several years ago.

NASFM advocates for redundant “layers” of protection in the form of performance standards to delay and minimize fuel load involvement. Both cigarette and open flame standards are necessary to provide that assurance. Likewise, both the outer covering material and the filling materials need to be protected, because if the outer covering does not do the job of resisting the fire, it is critical that the filling materials be protected by a method that either stops the fire or slows its progress enough to allow occupants to escape.

The smoldering ignition standard that has been proposed by the U.S. Consumer Product Safety Commission (CPSC) and referenced in SB 147 is no tougher than the voluntary industry guidelines for cigarette ignition resistance of upholstered furniture (the UFAC guidelines) that

have been in place for 20 years and which UFAC has stated 80 percent of U.S. furniture manufacturers comply with. Still, people continue to die in cigarette-ignited fires in unacceptable numbers. NASFM has told CPSC that its proposed smoldering standard is inadequate. If California were serious about tackling the problem of cigarette-ignited fires from the perspective of making the furniture safer, then it would specify criteria much more stringent than those that have been proposed by the CPSC. More extensive comments submitted by NASFM when the CPSC proposed its smoldering flammability standard in 2008 deal with many of the same issues that we are raising in the context of SB 147, and are available on request.

NASFM understands that the motivation of SB 147 is to ensure that harmful FR chemicals are not present in upholstered furniture. NASFM fully supports this. NASFM believes that no products should be used for any application if they are demonstrated to cause harm to people or the environment beyond an acceptable societal threshold, and it is the appropriate role of government to set that threshold. NASFM has a great deal of faith in the ability of manufacturers to develop materials and products that meet high flammability standards without the use of harmful FRs, based on the best available science. Therefore, we urge you not to coddle an industry whose products are present in virtually every home, often in multiple quantities; they will not go out of business if they are required to meet an open flame performance standard without FRs; they will rise to the challenge and continue to sell products that are desirable to consumers. The public - not only in California but likely nationwide - would benefit.

CPSC's tough national flammability standard for open flame ignition resistance of mattresses has been in effect since 2007, and it is met by manufacturers without FRs. Manufacturers have learned much and developed many innovative products in the course of complying with the mattress standard. These advances could and should be applied to upholstered furniture. California led the way in the development of what eventually became the national open flame standard for mattresses. It is beyond NASFM's understanding why California legislators now would even consider removing essential fire protection in upholstered furniture. Mattresses and upholstered furniture represent the largest single fuel loads in a home. Why should one product be exempted from meeting appropriately stringent flammability standards and the other not?

In a joint statement issued in 2002 with the US Environmental Protection Agency, NASFM affirmed that high levels of fire safety, health and environmental quality are complementary, essential and attainable goals. NASFM urges the Committee to re-think its goals: if the goal is to do away with harmful FRs, that goal can be achieved without sacrificing public safety. SB 147 represents a classic instance of "throwing the baby out with the bathwater"; the way to remove harmful FRs is not by removing or downgrading fire safety standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. Shuman". The signature is fluid and cursive, with the first name "Alan" and last name "Shuman" clearly legible.

Alan J. Shuman
President