

106TH CONGRESS  
2D SESSION

# H. R. 4368

To amend the Consumer Product Safety Act to provide for the flammability testing and labeling of upholstered furniture which is sold in interstate commerce.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2000

Ms. DELAURO (for herself, Mr. WELDON of Pennsylvania, Mr. ANDREWS, and Mr. BOEHLERT) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Consumer Product Safety Act to provide for the flammability testing and labeling of upholstered furniture which is sold in interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Furniture Fire Safety  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) Fire statistics validate that upholstered fur-  
9 niture is a major contributor to residential fires in

1 the United States. Upholstered furniture fire data  
2 from the National Fire Incident Reporting System  
3 (NFIRS), the National Fire Protection Association  
4 (NFPA), and the United States Consumer Product  
5 Safety Commission (CPSC) shows that upholstered  
6 furniture products continue to be a major contrib-  
7 utor to fire deaths, injuries, and property loss in the  
8 United States.

9 (2) While the fire death rates for furniture fires  
10 have dropped during the period 1982 through 1994  
11 for both California and the entire Nation, death  
12 rates in California have dropped by a larger percent-  
13 age than the Nation as a whole. In 1994, the theo-  
14 retical number of California fire deaths due to up-  
15 holstered furniture would be 65.2, based on actual  
16 national figures. However, the actual number of fur-  
17 niture fire deaths in California in that year was 10.  
18 Over this 13-year period, the number of furniture  
19 fire deaths in the United States has dropped from  
20 1,159 (1982) to 652 (1994). The number of similar  
21 fire deaths in California has dropped from 56  
22 (1982) to 10 (1994). Thus, while United States fur-  
23 niture fire deaths decreased to 56.3 percent of the  
24 1982 value, California furniture fire deaths during

1 the same time period decreased to 17.9 percent of  
2 the 1982 value.

3 (3) In the last few years, demographic studies  
4 of fires in the United States have identified 3 vul-  
5 nerable groups in the population who are at higher  
6 risk for fire injury or death than the average citizen:  
7 youth, lower-income families, and the elderly. Spe-  
8 cifically, the incidence of child play fires involving  
9 use of matches, candles, lighters, or other small open  
10 flames is on the increase. Studies have validated  
11 that the elderly are also more likely to be involved  
12 in home fires for various reasons, including physical  
13 or mental infirmity, inattention, or carelessness. In  
14 addition, low-income consumers tend to buy less ex-  
15 pensive furniture, which may be built with more ig-  
16 nitable construction materials or may have no fire  
17 retardancy quality control.

18 **SEC. 3. AMENDMENT TO CONSUMER PRODUCT SAFETY**

19 **ACT.**

20 The Consumer Product Safety Act is amended by  
21 adding at the end the following:

22 “UPHOLSTERED FURNITURE

23 “SEC. 38. (a) IN GENERAL.—Upholstered furniture  
24 which is sold in interstate commerce for use in a dwelling  
25 unit shall be labeled and notice in accordance with sub-

1 sections (b) and (c) and shall meet the performance stand-  
2 ard established under subsection (d).

3 “(b) WARNING LABEL.—

4 “(1) LABEL STATEMENT.—Each article of up-  
5 holstered furniture containing any quantity of poly-  
6 urethane foam sold or offered for sale in interstate  
7 commerce which is manufactured by a manufacturer  
8 who has not certified that the manufacturer is in  
9 compliance with the standard under subsection (d)  
10 shall have a label permanently attached to the arti-  
11 cle, in plain view, stating the following:

12 “WARNING

13 “This label not to be removed except by the con-  
14 sumer.

15 “This product contains polyurethane foam and pre-  
16 sents a severe fire hazard!

17 “In case of fire, serious personal injury or death can  
18 result from extreme heat, rapid oxygen depletion, and the  
19 production of toxic gases.

20 “Do not expose this product to any intense radiant  
21 heat or open flames such as space heaters, open burning,  
22 cigarettes, naked lights, matches, electrical sparks, or  
23 other intense heat sources.

24 “(2) SIZE AND TYPE.—The minimum size of  
25 the label required in paragraph (1) shall be 2 inches

1 by 3 inches and the minimum size of the type shall  
2 be  $\frac{1}{8}$  inches in height. All type shall be in capital  
3 letters.

4 “(c) NOTICE.—

5 “(1) NOTICE STATEMENT.—Upholstered fur-  
6 niture conforming to the requirements of subsection  
7 (d) shall have a notice label permanently attached to  
8 the article, in plain view, stating the following:

9 “NOTICE

10 “This article is manufactured for use in dwelling  
11 units and meets the flammability requirements for sale in  
12 interstate commerce. However care should be exercised  
13 near open flame and with burning cigarettes.

14 “(2) SIZE AND TYPE.—The minimum size of  
15 the notice required in paragraph (1) shall be 2  
16 inches by 3 inches and the minimum size of the type  
17 shall be  $\frac{1}{8}$  inches in height. All type shall be in cap-  
18 ital letters.

19 “(d) STANDARD.—

20 “(1) IN GENERAL.—The Commission shall es-  
21 tablish a performance standard under section 9  
22 which shall be substantially equivalent to the test re-  
23 quirement set forth in the most recent edition of the  
24 State of California, Bureau of Home Furnishings  
25 Technical Bulletin, Number 117, entitled ‘Require-

1       ments, Test Procedures and apparatus for Testing  
2       the Flame Retardance of Filling Materials Used in  
3       Upholstered Furniture’, and the most recent edition  
4       of the State of California, Bureau of Home Fur-  
5       nishings Technical Bulletin, Number 116, entitled  
6       ‘Test Procedures and Apparatus for Testing the  
7       Flame Retardance of Upholstered Furniture’.

8               “(2) DATE FOR ACTION BY THE SECRETARY.—

9       The Secretary shall issue a proposed performance  
10       standard under paragraph (1) within 6 months of  
11       the date of the enactment of this section and such  
12       standard shall take effect 24 months after such  
13       date.

14              “(e) EXEMPTION.—The following articles of uphol-

15       stered furniture are exempt from subsections (b), (c), and  
16       (d):

17              “(1) Cushions and pads intended solely for out-  
18       door use.

19              “(2) Any article of upholstered furniture that is  
20       smooth surfaced, contains no more than one-half  
21       inch of filling material, and does not have a hori-  
22       zontal surface meeting a vertical surface.

23              “(3) Any article of upholstered furniture manu-  
24       factured solely for recreational physical fitness pur-

1 poses such as weight lifting benches, gymnasium  
2 mats and pads, and similar articles.

3 “(f) STATE ACTION.—This section shall not be con-  
4 strued to preempt any action taken by a State to establish  
5 a more stringent standard than the standard required by  
6 subsection (d).

7 “(g) DEFINITIONS.—The following definitions apply  
8 in the implementation of this section:

9 “(1) DWELLING UNIT.—The term ‘dwelling  
10 unit’ means any building or portion thereof, that  
11 contains living facilities, including provisions for  
12 sleeping, eating, cooking, and sanitation for not  
13 more than 1 family or a congregate residence for 10  
14 or fewer persons to be used.

15 “(2) FILLING MATERIAL.—The term ‘filling  
16 material’ means cotton, wool, kapok, feathers, down,  
17 hair, liquid, foam, or any other material or sub-  
18 stance, whether natural or manmade, or any other  
19 prefabricated form, concealed or not concealed, used  
20 or intended to be used in articles of seating fur-  
21 niture.

22 “(3) UPHOLSTERED FURNITURE.—The term  
23 ‘upholstered furniture’ means any furniture, includ-  
24 ing children’s furniture, movable or stationary,  
25 which is made or sold with cushions or pillows, loose

1 or attached, or is itself stuffed or filled in whole or  
2 in part with any material, is or can be stuffed or  
3 filled in whole or in part with any substance or ma-  
4 terials, hidden or concealed by fabric or any other  
5 covering, including cushions or pillows belonging to  
6 or forming a part thereof, together with the struc-  
7 tural units, the filling material and its container and  
8 its covering that can be used as a support for the  
9 body of a human being, or the limbs and feet of a  
10 human being when sitting or resting in an upright  
11 or reclining position.”.

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