

# Calendar No. 798

108TH CONGRESS  
2D SESSION

# S. 1798

To provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2003

Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE, Mr. REED, Mrs. FEINSTEIN, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 10, 2004

Reported under authority of the order of the Senate of October 11, 2004, by Mr. MCCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles.

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 “American Home Fire  
5 Safety Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) There were 12,800 candle fires in 1998, re-  
5 sulting in 170 deaths, 1,200 civilian injuries, and  
6 \$174,600,000 in property damage.

7 (2) In 1998, mattress and bedding fires caused  
8 410 deaths, 2,260 civilian injuries, and  
9 \$255,400,000 in property damage.

10 (3) The United States mattress industry has a  
11 long history of working closely with safety officials  
12 to reduce mattress flammability. For the past 25  
13 years, mattresses have been subject to a Federal  
14 flammability standard that requires mattresses to  
15 resist ignition by smoldering cigarettes.

16 (4) Nevertheless, in 1998, fires involving mat-  
17 tresses and bedding accessories (which include pil-  
18 lows, comforters, and bedspreads) caused 410  
19 deaths, 2,260 civilian injuries, and \$255,400,000 in  
20 property damage.

21 (5) In many such fires, the bedding accessories  
22 are the first products to ignite. Such products have  
23 a material impact on the fire's intensity, duration,  
24 and the risk that the fire will spread beyond the  
25 room of origin.

1           (6) Upholstered furniture fires were responsible  
2           for 520 deaths in 1998, with little statistical change  
3           in the number of fires and deaths since 1994.

4           (7) While the fire death rates for upholstered  
5           furniture fires have dropped during the period 1982  
6           through 1994 for both California and the entire Na-  
7           tion, death rates in California, which has stricter  
8           standards, have dropped by a larger percentage than  
9           the nation as a whole.

10          (8) Children, the elderly, and lower income fam-  
11          ilies are at higher risk of death and injury from up-  
12          holstered furniture fires caused primarily by the in-  
13          creasing incidents of children playing with matches,  
14          candles, lighters, or other small open flames.

15          (9) In view of the increased incidents of fire, it  
16          is important for Congress to establish fire safety  
17          standards for candles, mattresses, bed clothing, and  
18          upholstered furniture.

19          (10) The Consumer Product Safety Commission  
20          is the appropriate agency to develop and enforce  
21          such standards.

22          (11) The Environmental Protection Agency  
23          should continue to review and determine the suit-  
24          ability of any materials used to meet any fire safety  
25          standard established as a result of this Act.

1 (b) PURPOSES.—The purposes of this Act are—

2 (1) to protect the public against death and in-  
3 jury from fires associated with candles, mattresses,  
4 bed clothing, and upholstered furniture; and

5 (2) to require the Consumer Product Safety  
6 Commission to develop and issue comprehensive uni-  
7 form safety standards to reduce the flammability of  
8 candles, mattresses, bed clothing, and upholstered  
9 furniture.

10 **SEC. 3. CONSUMER PRODUCT FIRE SAFETY STANDARDS.**

11 (a) IN GENERAL.—Within 90 days after the date of  
12 enactment of this Act, the Consumer Product Safety Com-  
13 mission shall promulgate, as final consumer product safety  
14 standards under section 9 of the Consumer Product Safety  
15 Act (15 U.S.C. 2058), the following fire safety standards:

16 (1) UPHOLSTERED FURNITURE.—A fire safety  
17 standard for upholstered furniture that is substan-  
18 tially the same as the provisions of Technical Bul-  
19 letin 117, “Requirements, Test Procedure and Appa-  
20 ratus for testing the Flame and Smolder Resistance  
21 of Upholstered Furniture)” published by the State  
22 of California, Department of Consumer Affairs, Bu-  
23 reau of Home Furnishings and Thermal Insulation,  
24 February 2002.

1           (2) MATTRESSES.—A fire safety standard for  
2 mattresses that is substantially the same as Tech-  
3 nical Bulletin 603, “Requirements and Test Proce-  
4 dure for Resistance of a Residential Mattress/Box  
5 Spring Set to a Large Open Flame”, published by  
6 the State of California, Department of Consumer  
7 Affairs, Bureau of Home Furnishings and Thermal  
8 Insulation, February 2003.

9           (3) BEDCLOTHING.—A fire safety standard for  
10 bedclothing that is substantially the same as the Oc-  
11 tober 22, 2003, draft for task force review of Tech-  
12 nical Bulletin 604, “Test Procedure and Apparatus  
13 for the Flame Resistance of Filled Bedclothing”,  
14 published by the State of California, Department of  
15 Consumer Affairs, Bureau of Home Furnishings and  
16 Thermal Insulation, October, 2003.

17           (4) CANDLES.—A fire safety standard for can-  
18 dles that is substantially the same as Provisional  
19 Standard PS 59-02, “Provisional Specification for  
20 Fire Safety for Candles”, ASTM International, as  
21 that provisional standard existed on the date of en-  
22 actment of this Act.

23           (b) APPLICATION OF CERTAIN PROMULGATION RE-  
24 QUIREMENTS.—The requirements of subsections (a)  
25 through (f) of section 9 of the Consumer Product Safety

1 Act (~~15 U.S.C. 2058~~), and section ~~36~~ of that Act (~~15~~  
2 U.S.C. 2083), do not apply to the consumer product safety  
3 standards required to be promulgated by subsection (a)  
4 of this section.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “American Home Fire*  
7 *Safety Act”.*

8 **SEC. 2. FINDINGS.**

9 (a) *FINDINGS.—Congress makes the following findings:*

10 (1) *There were 12,800 candle fires in 1998, re-*  
11 *sulting in 170 deaths, 1,200 civilian injuries, and*  
12 *\$174,600,000 in property damage.*

13 (2) *In 1998, mattress and bedding fires caused*  
14 *410 deaths, 2,260 civilian injuries, and \$255,400,000*  
15 *in property damage.*

16 (3) *The United States mattress industry has a*  
17 *long history of working closely with safety officials to*  
18 *reduce mattress flammability. For the past 25 years,*  
19 *mattresses have been subject to a Federal flamma-*  
20 *bility standard that requires mattresses to resist igni-*  
21 *tion by smoldering cigarettes.*

22 (4) *Nevertheless, in 1998, fires involving mat-*  
23 *tresses and bedding accessories (which include pillows,*  
24 *comforters, and bedspreads) caused 410 deaths, 2,260*

1        *civilian injuries, and \$255,400,000 in property dam-*  
2        *age.*

3            (5) *In many such fires, the bedding accessories*  
4        *are the first products to ignite. Such products have a*  
5        *material impact on the fire's intensity, duration, and*  
6        *the risk that the fire will spread beyond the room of*  
7        *origin.*

8            (6) *Upholstered furniture fires were responsible*  
9        *for 520 deaths in 1998, with little statistical change*  
10       *in the number of fires and deaths since 1994.*

11           (7) *While the fire death rates for upholstered fur-*  
12       *niture fires have dropped during the period 1982*  
13       *through 1994 for both California and the entire Na-*  
14       *tion, death rates in California, which has stricter*  
15       *standards, have dropped by a larger percentage than*  
16       *the Nation as a whole.*

17           (8) *Children, the elderly, and lower income fami-*  
18       *lies are at higher risk of death and injury from up-*  
19       *holstered furniture fires caused primarily by the in-*  
20       *creasing incidents of children playing with matches,*  
21       *candles, lighters, or other small open flames.*

22           (9) *The Consumer Product Safety Commission is*  
23       *the appropriate agency to develop and enforce fire*  
24       *safety of products under its jurisdiction.*

1           (10) *The Commission has reported to the Con-*  
2 *gress that it will be prepared to vote on a fire resist-*  
3 *ant upholstered furniture rule in 2004.*

4           (11) *The Commission has reported to the Con-*  
5 *gress its intent to begin work on a rule to improve*  
6 *the fire resistance of mattresses in 2004.*

7           (12) *The use of fire retardant chemicals is all*  
8 *but certain to increase with the promulgation of new,*  
9 *stricter standards that make products more fire resist-*  
10 *ant.*

11           (13) *The history of fire retardants being removed*  
12 *from the United States market, including asbestos,*  
13 *tris, and 2 types of brominated fire retardant chemi-*  
14 *cals (penta and octa polybrominated diphenyl ether*  
15 *(PBDEs)), points to the need for caution when evalu-*  
16 *ating fire retardants' impact on human health.*

17           (14) *Recent peer-reviewed scientific studies show*  
18 *that brominated fire-retardant chemicals are now*  
19 *present in the food chain, especially fish.*

20           (15) *Recent European research has shown, and*  
21 *United States research has confirmed, the presence of*  
22 *brominated fire-retardant chemicals in women's*  
23 *breast milk. The European research showed that the*  
24 *presence of these chemicals in breast milk has been*  
25 *doubling every 5 years.*



1           (A) *the current risk candles create as igni-*  
2           *tion sources in the home;*

3           (B) *the effectiveness of the ASTM Inter-*  
4           *national Standard Specification for Fire Safety*  
5           *for Candles (Designation F 2417–04); and*

6           (C) *the number of domestic and imported*  
7           *candles in the stream of commerce that comply*  
8           *with the voluntary standard.*

9           (2) *REPORT.—Within 18 months after the com-*  
10          *mencement of the study the Commission shall trans-*  
11          *mit a report to the Congress containing the Commis-*  
12          *sion’s findings and recommendations.*

13          (c) *UPHOLSTERED FURNITURE.—If the Commission*  
14          *has not promulgated a rule to improve the fire retardancy*  
15          *of upholstered furniture by June 1, 2005, the Commission*  
16          *shall transmit a report to Congress by June 30, 2005, that*  
17          *explains why the Commission did not issue the rule. The*  
18          *report shall provide a detailed description of the proposed*  
19          *rule, the advantages and disadvantages of the proposed rule,*  
20          *and a cost-benefit analysis of the proposed rule.*

21          (d) *MATTRESSES.—*

22                 (1) *IN GENERAL.—If the Commission has not*  
23                 *issued an advance notice of proposed rulemaking re-*  
24                 *garding fire safe mattresses by June 1, 2005, the*  
25                 *Commission shall—*

1           (A) initiate by June 30, 2005, a study to  
2           evaluate methodologies to improve the fire resist-  
3           ance of mattresses; and

4           (B) perform a comparative cost-benefit  
5           analysis on a mattress standard that would  
6           mandate 30 minutes of flashover prevention, 45  
7           minutes of flashover prevention, and 60 minutes  
8           of flashover prevention.

9           (2) *REPORT.*—Within 6 months after the com-  
10          mencement of the study the Commission shall trans-  
11          mit a report to the Congress containing the Commis-  
12          sion’s findings and recommendations.

13 **SEC. 4. FIRE-RETARDANT CHEMICAL REGISTRY.**

14          (a) *IN GENERAL.*—Not later than June 1, 2005, the  
15          Consumer Product Safety Commission shall create a reg-  
16          istry of fire-retardant chemicals.

17          (b) *PURPOSE.*—The purpose of the registry shall be to  
18          identify, quantify, and describe the market of fire-retardant  
19          chemicals sold for use in or on Commission-regulated prod-  
20          ucts sold or used in the United States, and identify studies  
21          that manufacturers of such chemicals have published, made  
22          public, or otherwise made available to State, Federal, or  
23          foreign regulatory authorities.

24          (c) *CONTENTS.*—The registry shall include—

1           (1) *a list of all manufacturers producing fire-re-*  
2 *tardant chemicals for sale or use in or on Commis-*  
3 *sion-regulated products sold or used in the United*  
4 *States;*

5           (2) *for each of those manufacturers, a list of all*  
6 *fire-retardant chemicals sold for use in or on Com-*  
7 *mission-regulated products sold or used in the United*  
8 *States;*

9           (3) *a ranking of sales by each of those manufac-*  
10 *turers of the fire-retardant chemicals sold for use in*  
11 *or on Commission-regulated products sold or used in*  
12 *the United States, measured by volume of chemicals*  
13 *sold; and*

14           (4) *a list of studies and reports those manufac-*  
15 *turers have performed on the human impacts of their*  
16 *fire-retardant chemicals sold for use in or on Com-*  
17 *mission-regulated products sold or used in the United*  
18 *States, that have been published, made public, or oth-*  
19 *erwise made available to State, Federal, or foreign*  
20 *regulatory authorities.*

21           (d) *REPORT.*—*The Consumer Product Safety Commis-*  
22 *sion shall submit an annual report on the results of the*  
23 *registry to Congress.*

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2       *There are authorized to be appropriated to the Con-*  
3 *sumer Product Safety Commission for fiscal year 2005*  
4 *\$3,000,000 to carry out this Act, such sum to remain avail-*  
5 *able until expended.*

**Calendar No. 798**

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**A BILL**

To provide for comprehensive fire safety standards for upholstered furniture, mattresses, bed-clothing, and candles.

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NOVEMBER 10, 2004

Reported with an amendment