

accounted for about \$550 million, for total shipments of about \$8.9 billion. Shipments are concentrated among the major producers. The 50 largest firms reportedly accounted for approximately 70% of the total value of all upholstered furniture shipments in 1997. Most of the remaining manufacturers were small firms, none of which accounted for a significant portion of sales.

The average life of most upholstered furniture is about 15–17 years. The CPSC staff estimates that over 400 million pieces of upholstered furniture are in use in the U.S.

There are between 100 and 200 manufacturers of fabric for household upholstered furniture. This number includes textile mills that produce finished upholstery fabric, and textile finishers that purchase unfinished goods and perform additional operations, such as printing and dyeing. The top 16 firms account for about 80 percent of the upholstery fabric market.

U.S. upholstery fabric production in 1997 was 665.5 million square yards, about 345–360 million square yards of which went into production of residential upholstered furniture. Approximately two percent of total consumption of upholstery fabric for residential furniture production was imported. About 53 percent of upholstered furniture cover materials were predominantly synthetic, mostly thermoplastic fabrics such as polyester, polyolefin and nylon. About 27 percent were predominantly cellulosic fabrics like cotton and rayon. About 20 percent were leather.

## C. Additional Background Information

### 1. Cigarette Ignitions

Cigarette ignitions of upholstered furniture have long been a leading cause of residential fire deaths, injuries and property damage. The Commission has extensively investigated this risk since the 1970s, when the CPSC staff prepared a draft proposed cigarette ignition standard. In 1977, a furniture industry group, the Upholstered Furniture Action Council (UFAC), established a voluntary industry program as an alternative to CPSC rulemaking. The UFAC voluntary guidelines were amended in 1983, and are widely followed among manufacturers today.

Based on a 1996 CPSC survey, more than 85 percent of currently manufactured upholstered furniture

(including products from non-UFAC member firms) met the UFAC guidelines. Further, based on sales-weighted estimates of CPSC laboratory test results, more than 80 percent of currently produced furniture was estimated to resist cigarette ignition. This estimate, which reflects a gradual increase in the use of inherently cigarette-resistant upholstery fabrics and filling materials, represents about a 70 percent improvement in cigarette ignition resistance since 1980.

Upholstered furniture products meeting the existing State of California regulation, Technical Bulletin (TB) 117, offer a level of cigarette ignition resistance comparable to that of products conforming to the UFAC guidelines. In 1998, the California Bureau of Home Furnishings and Thermal Insulation initiated a project to upgrade the small open flame resistance provisions of TB–117. The cigarette resistance provisions of TB–117 are not being revised.

Both the American Furniture Manufacturers Association (AFMA) and a group of six upholstery fabric manufacturers known as the Fabric Coalition have expressed support for a mandatory national standard addressing cigarette and small open flame ignitions of upholstered furniture.<sup>3</sup>

### 2. Small Open Flame Ignitions

Beginning in 1994, CPSC staff developed a draft small open flame standard for residential upholstered furniture that would prevent or limit fire growth following exposure to a small open flame such as that from a match or cigarette lighter. The staff's draft standard contains flammability performance tests for seating areas and dust covers, as well as requirements for production testing and recordkeeping. The most recent draft appears in the CPSC staff's October 2001 briefing package.<sup>4</sup> The staff's draft standard contains no performance tests for cigarette ignition resistance.

Manufacturers have identified flame retardant (FR) upholstery fabrics as a likely means of limiting fire growth to meet the draft small open flame standard. FR fabrics are not needed to meet the existing California TB–117 regulation or the UFAC voluntary guidelines. CPSC laboratory testing suggested, however, that FR upholstery

fabrics would reduce the risk of upholstered furniture fires ignited by smoldering cigarettes as well as by small open flame sources. CPSC staff estimates that about 80 percent of the projected benefits of a possible small open flame standard would accrue from reductions in cigarette fire losses.

## D. Statutory Authority

This proceeding is conducted under authority of the Flammable Fabrics Act, 15 U.S.C. 1191–1204. An item of upholstered furniture is an “interior furnishing” “product” as those terms are defined in sections 2(e) and (h) of the FFA, 15 U.S.C. 1191(e) and (h). The Commission has authority under section 4(a) of the FFA to institute a proceeding to issue a flammability standard or other regulation, including labeling, for an interior furnishing product if it determines that such a standard “may be needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.” 15 U.S.C. 1193(a).

A proceeding to promulgate a regulation establishing a flammability standard begins by publication of an ANPR. FFA section 4(g), 15 U.S.C. 1193(g). If the Commission elects to continue the rulemaking proceeding after considering responses to the ANPR, the Commission must publish a preliminary regulatory analysis along with the text of the proposed rule. FFA section 4(i), 15 U.S.C. 1193(i).

If the Commission then moves forward to issue a regulation, in addition to the text of the final rule, it must publish a final regulatory analysis that includes: (1) A description of the potential benefits and costs of the rule; (2) a summary of any alternatives that were considered, their costs and benefits, and the reasons for their rejection; and (3) a summary and assessment of any significant issues raised on the preliminary regulatory analysis that accompanied the proposed rule. FFA section 4(j)(1), 15 U.S.C. 1193(j)(1). In addition, the Commission must make findings concerning the inadequacy of any pertinent voluntary standard, that the benefits of the rule bear a reasonable relationship to its costs, and that the rule is the least burdensome requirement that prevents or adequately reduces the risk of injury. FFA section 4(j)(2), 15 U.S.C. 1193(j)(2).

## E. The Risk of Injury and Death

Fires involving ignitions of upholstered furniture constitute a leading cause of residential fire losses. Furniture fires killed more people in 1998 (the latest year for which data are

Secretary. The documents are also available for inspection at the Commission's Public Reading Room, 4330 East-West Highway, room 419, Bethesda, Maryland 20814. For further information please contact the Office of the Secretary to the Commission at (301) 504–0800.

<sup>3</sup> Copies of the AFMA and Fabric Coalition correspondence to this effect may be obtained from the CPSC Web site at <http://www.cpsc.gov> or from the CPSC Office of the Secretary.

<sup>4</sup> Upholstered Furniture Flammability: Regulatory Options, October 2001. See fn. 1 *supra* regarding viewing and obtaining copies of this and other related documents.