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Amended Home Fire Safety Act Permits CPSC to Proceed with Science-Based Standards

(Washington, DC) The Senate Commerce Committee amended the American Home Fire Safety Act (AHFSA) during a markup session held September 22. The revisions reflect the Senate Committee's earlier conclusions that Congress should allow the U.S. Consumer Product Safety Commission (CPSC) to exercise its own judgment and expertise in setting technical standards regulating mattress safety. The revisions also support the International Sleep Products Association's position that a science-based, national standard should be set by CPSC as soon as possible.

ISPA, along with the Sleep Products Safety Council, continues to work with the CPSC as it crafts a national mattress flammability standard. "Our goal is to work constructively with the CPSC in establishing a national standard that is both effective in improving public safety and reasonable for industry," said ISPA President Dick Doyle.

ISPA's Government Relations Committee took a lead role over the past year in working toward this favorable outcome, supported by important grassroots efforts involving ISPA members and oral testimony of Al Klancnik of Serta at a Senate hearing on residential fire safety in July. "This week's markup will allow the CPSC to move ahead with its regulatory program for more fire-resistant mattresses," noted Mike Murray of Sealy, who co-chairs ISPA's Government Relations Committee. "We are delighted with the outcome. It reinforces the importance of the mattress industry's efforts to work constructively with Congress and the regulatory agencies on this important fire safety issue."

With these revisions, the bill would no longer require the CPSC to base its mattress standard on criteria that industry believes are counterproductive to product safety. Rather, the Senate Commerce Committee has removed from the American Home Fire Safety Act all provisions that would interfere with the CPSC's rulemaking process for mattresses. The amended bill would require the CPSC to prepare certain reports to Congress if the Commission does not begin work toward a national mattress standard by June 1, 2005. However, CPSC Chairman Hal Stratton has said that the Commission is on track to issue its proposed mattress standard before the end of 2004, well ahead of the Congressional deadline.

Other provisions of the revised American Home Fire Safety Act, which are new to the legislation, would require manufacturers of fire retardant chemicals used in all CPSC-regulated products to report certain information to the CPSC.

At this point, it is unlikely that Congress will move to enact the AHFSA this year, given the little remaining time Congress has to address pending legislation before the election. Furthermore, the House of Representatives has not amended or held hearings on its version of the AHFSA. Nevertheless, it is possible that the bill could be enacted this year as an amendment to another bill that is moving through Congress.

Background

The AHFSA, which was originally introduced last year, would have required the CPSC to base the federal mattress standard on criteria set in the preliminary draft of California Technical Bulletin 603 (TB603) – criteria that California itself later rejected when it issued the final version of TB603. Following the AHFSA’s introduction, industry informed members of the Senate Commerce Committee that no scientific evidence demonstrated that the AHFSA-required standard would be more effective in saving lives or avoiding injuries and property damage than the final version of TB603, which the mattress industry supports. Additionally, the industry noted that the AHFSA’s mattress criteria would result in less comfortable and more expensive mattresses, which would be counterproductive to improved product safety, given research showing that poorer consumers are the very group that could benefit the most from fire-resistant mattresses.

Established in 1915 to encourage laws that regulate the use of sanitary materials in mattresses, the International Sleep Products Association, www.sleepproducts.org, represents more than 800 mattress manufacturers and their component suppliers throughout the world. ISPA is dedicated to protecting the growth, profitability and stature of the mattress manufacturing industry.

The Sleep Products Safety Council, www.safesleep.org, is a non-profit organization established in 1986 by the mattress industry. SPSC’s mission is to provide consumer safety information, support research, and promote activities aimed at reducing hazards associated with mattresses and other sleep products.

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