



Statement for the Record

American Home Furnishings Alliance
House Subcommittee on Consumer Protection and Commerce
Hearing Entitled “*Keeping Kids and Consumers Safe from Dangerous Products*”
June 13, 2019

Re: ***STURDY Act [H.R. 2211] and SOFFA [H.R. 2647]***

The ***American Home Furnishings Alliance*** (hereafter AHFA) is the largest and most influential trade association serving the U.S. home furnishings industry. AHFA’s 400-member companies operate both domestic and overseas manufacturing facilities and comprise an extensive global supply chain that provides home furnishings in every price point and style category to American consumers. Member companies provide approximately 50,000 manufacturing jobs throughout the U.S. and contribute to a \$35 billion segment of the nation’s economy. AHFA member companies have operations in 31 states and 7 foreign countries.

Within this global network of manufacturers, importers and retailers of home furnishings products, AHFA is the sole source of industry specific education and guidance on regulatory compliance issues. This is at the core of AHFA’s mission. In fact, gaining access to timely and accurate education and guidance on regulatory issues is the primary reason companies join AHFA. Our first responsibility in this area is to our membership; but, within our limited resources, we provide education and guidance to the industry at large.

H.R. 2211 - The STURDY Act

The American Home Furnishings Alliance (AHFA) supports a mandatory stability standard that holds all manufacturers to a rigorous safety standard for clothing storage furniture.

AHFA welcomes and supports the Consumer Product Safety Commission’s (CPSC) recent moves to expedite a Notice of Proposed Rulemaking for a mandatory furniture stability standard under Sections 7 and 9 of the Consumer Product Safety Act. AHFA believes CPSC should expend the necessary resources on this effort in 2019-2020 to ensure the goal is met.

CPSC's Notice of Proposed Rulemaking makes the STURDY Act unnecessary. In addition,

- CPSC and its staff of consumer safety technical experts, working in collaboration with child safety advocates and technical experts from the home furnishings industry, are best equipped to identify the requirements of an effective mandatory standard;
- As proposed, STURDY mandates specific technical provisions that have not been clearly defined, researched, nor even shown to be feasible; and,
- Because the proposed technical requirements of STURDY are ambiguous, there can be no clear pathway to compliance, and this could render the resulting standard unenforceable.

However, AHFA understands the tremendous resources that are necessary for CPSC to develop a mandatory standard and believes STURDY could assist the effort if these critical flaws are addressed. AHFA proposes that STURDY be amended to meet the following goals:

1. Align the definition of clothing storage unit with the current version of ASTM F 2057-17 and provide language that would automatically update this definition to any subsequent revisions.
2. Apply the current proposed STURDY Act requirements found in Section 2 (b)(1)(B) to 'Children's Products' only as defined by Section 3(a)(2) of the Consumer Product Safety Act [15 U.S.C. § 2052].
3. Mandate the current requirements of ASTM 2057-17 for clothing storage units that are typical of the bedroom, not defined as 'children's products', and intended for general use.

This can be accomplished with these potential amendments:

- Replace Section 2(a)(1) with the ASTM definition for CSU and delete Section 2 (a)(2).
- Revise Section 2 (b)(1)(B) to read as follows: (B) in accordance with Section 553 of Title 5, U.S.C., promulgate a final consumer product safety standard for free-standing clothing storage units designed or intended primarily for children 12 years of age or younger to protect children from tip-over related death or injury that includes ...
- Add a Sec. 2 (b)(2) that reads as follows: (2) ADOPTION OF ASTM 2057-17 - Beginning on the date that is 180 days after the date of enactment of this Act, and except as

provided in in Paragraph (1), the ASTM 2057-17 standard shall be treated as a consumer product safety rule promulgated under Section 9 of the Consumer Product Safety Act (15 U.S.C. 2058)

These amendments place increased scrutiny on those products intended for use by children and will allow consumers to identify products that meet this additional level of safety, while also mandating the proven and effective ASTM 2057-17 standard for those clothing storage units intended for general use. This will effectively address the identified and critical issue of non-compliance.

H.R. 2647 – The Safer Occupancy Furniture Flammability Act (SOFFA)

The AHFA supports H.R. 2674, The ***Safer Occupancy Furniture Flammability Act*** (SOFFA) and its prompt passage. The threat of unworkable regulations related to residential upholstered furniture flammability continues at both the state and federal level. SOFFA would mandate a proven and effective solution at the federal level while eliminating the potential for a patchwork of state regulations.

The industry has made tremendous strides in manufacturing products that reduce the threat of fires associated with residential upholstered furniture. SOFFA mandates a proven standard and provides a pragmatic solution to nearly 40 years of rulemaking efforts at CPSC. SOFFA unites fire fighters and first responders, environmental NGOs, and industry and is:

- A bipartisan/bicameral legislative effort
- Adopts a proven and effective standard [TB 117-2013] that was developed with broad stakeholder input and is currently the '***de facto***' national upholstered furniture flammability standard Under Section 4 of the Flammability Fabrics Act (15 U.S.C. 1193).
- Provides a level national playing field that applies to both domestic and imported residential upholstered furniture.
- Effectively addresses the vast majority of residential upholstered furniture fire related deaths, injuries, and property loss.
- Endorsed by a broad coalition of stakeholders including industry, fire fighters, fire scientists, environmentalists, and consumer groups.
- Does not require the use of flame-retardant chemicals.
- Provides a workable solution to a 40-year project at the Consumer Product Safety Commission, freeing up valuable staff time and resources.
- Does not prohibit CPSC from future rulemaking if new technologies become available.

Conclusion

We appreciate the opportunity to provide comments on these critical consumer protection issues. AHFA member companies have been industry leaders in complying with ASTM F2057 since its adoption in 2000. Through involvement on the ASTM Subcommittee for Furniture Safety (F15.42), we have worked in collaboration with CPSC staff and child safety advocates on the subcommittee to adopt significant improvements to the voluntary standard. We look forward to working with the Chairwoman and Ranking Member to achieve similar results on a federal solution for furniture tip overs and upholstered furniture flammability concerns.



FACTS ABOUT FURNITURE TIP-OVER

May 2019

Between 2000 and 2017, CPSC data reports 542 tip-over fatalities involving televisions, furniture and appliances.

77% (420) were children age 6 and under

44% (237) were toddlers (age 12 to 36 months)

60% (323) involved furniture

30% (165) involved furniture only

29% (158) involved furniture + a TV

Of all tip-over fatalities involving children under age 18 (450 total):

94% occurred in the home (423)

At least 51% occurred in a bedroom (229)

At least 37% involved children climbing furniture or an appliance (165)*
(In 40% of the child fatalities, the circumstances surrounding the furniture tip-over is unknown.)

Of tip-over fatalities involving children age 6 and under:

36% involved clothing storage furniture (153)

In 82 of these incidents (54%), a TV + furniture fell

The remaining 71 incidents involved clothing storage furniture alone.

It is these 71 incidents alone that are addressed by the voluntary ASTM furniture stability standard, by STURDY, and by a proposed mandatory stability standard. All other fatalities involve factors or age groups that cannot be addressed by furniture stability.

On average, between 2000 and 2017, about **9 children** age 6 and under died each year – or about one **every 6 weeks** – in an accident involving clothing storage furniture. More than half these fatalities involved a TV that also fell. From 2011 to 2016, the number of fatalities involving children age 6 and under caused by falling furniture, with or without a TV, has **declined 40%**, from 20 in 2011 to 8 in 2016, although the fatality count for 2016 may still be incomplete.

SOURCES: October 2018 CPSC report, “Product Instability or Tip-Over Injuries and Fatalities Associated with Televisions, Furniture and Appliances,” and Adam Suchy, Oct. 24 CPSC report to AHFA Regulatory Summit.