NAFRA Responds to Recent Passage of SOFFA Legislation
by the U.S. House of Representatives

WASHINGTON (December 23, 2019) – The American Chemistry Council’s North American Flame Retardant Alliance (NAFRA) issued the following comments in response to passage of HR 2647 — the Safer Occupancy Furniture Flammability Act (SOFFA) — by the U.S. House of Representatives on Dec. 16, 2019. This legislation would make California’s Technical Bulletin (TB) 117-2013, which took effect in 2015, the national flammability standard for upholstered residential furniture. California is the only state with a furniture flammability standard.

“Upholstered furniture remains a significant fire risk. The Consumer Products Safety Commission (CPSC) estimates that there are, on average every year, 4,700 fires, 390 deaths, 660 injuries, and $238 million in property losses attributable to incidents where upholstered furniture was the first item ignited. Furniture is also a major source of secondary fires, contributing to fires and fire losses, even when it is not the first item ignited.

“ACC’s NAFRA strongly supports appropriate safety standards for consumer products that ensure consumer protection while taking a holistic approach to product safety and design. Unfortunately, the proposed SOFFA legislation will undermine product safety for consumers.

“Any flammability standard for upholstered furniture should incorporate both smoldering and open-flame ignition testing to ensure adequate fire safety. A smolder only test, such as TB 117-2013, is not an appropriate standard because upholstered furniture can still pose a significant fire risk even when it is not the primary ignition source.

“The SOFFA legislation goes against the recommendations made by CPSC technical staff in its September 2019 Briefing Package, in which it advocated for the Commission to terminate the rulemaking on upholstered furniture and not promulgate any other existing standard as a mandatory federal standard. A 2016 Briefing Package also published by CPSC staff had recommended the pursuit of ‘alternative approaches that address the hazard through a combination of research, education and outreach, and voluntary standards efforts.’

“Researchers from Southwest Research Institute — an independent, nonprofit research organization — published a study earlier this year evaluating differences in fire performance of identically configured rooms, based on the furniture fire safety standards of three countries: France, United Kingdom and the U.S. This research shows how robust fire codes and product
safety standards can dramatically affect overall fire conditions, including ignition development, smoke generation, escape time, and time available for emergency personnel response.

“Eliminating the open flame test to assess furniture flammability removes a critical element needed for assessing overall fire safety.”

For additional information about flame retardants, visit: https://flameretardants.americanchemistry.com

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The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people’s lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®; common sense advocacy designed to address major public policy issues; and health and environmental research and product testing. The business of chemistry is a $553 billion enterprise and a key element of the nation’s economy. It is among the largest exporters in the nation, accounting for ten percent of all U.S. goods exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation’s critical infrastructure.