

108TH CONGRESS
2D SESSION

H. R. 4233

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mrs. CAPITO introduced the following bill; which was referred to the Committee on Energy and Commerce

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”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) There were 12,800 candle fires in 1998, re-
2 sulting in 170 deaths, 1,200 civilian injuries, and
3 \$174,600,000 in property damage.

4 (2) In 1998, mattress and bedding fires caused
5 410 deaths, 2,260 civilian injuries, and
6 \$255,400,000 in property damage.

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

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

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

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

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

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

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

16 (10) The Consumer Product Safety Commission
17 is the appropriate agency to develop and enforce
18 such standards.

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

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

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

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

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

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

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

24 (2) MATTRESSES.—A fire safety standard for
25 mattresses that is substantially the same as Tech-

1 nical Bulletin 603, “Requirements and Test Proce-
2 dure for Resistance of a Residential Mattress/Box
3 Spring Set to a Large Open Flame”, published by
4 the State of California, Department of Consumer
5 Affairs, Bureau of Home Furnishings and Thermal
6 Insulation, February 2003.

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

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

21 (b) APPLICATION OF CERTAIN PROMULGATION RE-
22 QUIREMENTS.—The requirements of subsections (a)
23 through (f) of section 9 of the Consumer Product Safety
24 Act (15 U.S.C. 2058), and section 36 of that Act (15
25 U.S.C. 2083), do not apply to the consumer product safety

- 1 standards required to be promulgated by subsection (a)
- 2 of this section.

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