

Mr. Speaker, I urge my colleagues to pass this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) that the House suspend the rules and pass the bill, H.R. 4227.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SAFER OCCUPANCY FURNITURE FLAMMABILITY ACT

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2647

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Safer Occupancy Furniture Flammability Act” or the “SOFFA Act”.

#### SEC. 2. ADOPTION OF CALIFORNIA FLAMMABILITY STANDARD AS A FEDERAL STANDARD.

(a) DEFINITIONS.—In this section—

(1) the term “bedding product” means—

(A) an item that is used for sleeping or sleep-related purposes; or

(B) any component or accessory with respect to an item described in subparagraph (A), without regard to whether the component or accessory, as applicable, is used—

(i) alone; or

(ii) along with, or contained within, that item;

(2) the term “California standard” means the standard set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin 117-2013, entitled “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture”, originally published June 2013, as in effect on the date of enactment of this Act;

(3) the terms “foundation” and “mattress” have the meanings given those terms in section 1633.2 of title 16, Code of Federal Regulations, as in effect on the date of enactment of this Act; and

(4) the term “upholstered furniture”—

(A) means an article of seating furniture that—

(i) is intended for indoor use;

(ii) is movable or stationary;

(iii) is constructed with an upholstered seat, back, or arm;

(iv) is—

(I) made or sold with a cushion or pillow, without regard to whether that cushion or pillow, as applicable, is attached or detached with respect to the article of furniture; or

(II) stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or concealed by fabric or another cov-

ering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and

(v) together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet of an individual, when the individual sits in an upright or reclining position;

(B) includes an article of furniture that is intended for use by a child; and

(C) does not include—

(i) a mattress;

(ii) a foundation;

(iii) any bedding product; or

(iv) furniture that is used exclusively for the purpose of physical fitness and exercise.

(b) ADOPTION OF STANDARD.—

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of enactment of this Act, and except as provided in paragraph (2), the California standard shall be considered to be a flammability standard promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193).

(2) TESTING AND CERTIFICATION.—A fabric, related material, or product to which the California standard applies as a result of paragraph (1) shall not be subject to section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)) with respect to that standard.

(3) CERTIFICATION LABEL.—Each manufacturer of a product that is subject to the California standard as a result of paragraph (1) shall include the statement “Complies with U.S. CPSC requirements for upholstered furniture flammability” on a permanent label located on the product, which shall be considered to be a certification that the product complies with that standard.

(c) PREEMPTION.—

(1) IN GENERAL.—Notwithstanding section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) and section 231 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note), and except as provided in subparagraphs (B) and (C) of paragraph (2), no State or any political subdivision of a State may establish or continue in effect any provision of a flammability law, regulation, code, standard, or requirement that is designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture.

(2) PRESERVATION OF CERTAIN STATE LAW.—Nothing in this Act or the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) may be construed to preempt or otherwise affect—

(A) any State or local law, regulation, code, standard, or requirement that—

(i) concerns health risks associated with upholstered furniture; and

(ii) is not designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture;

(B) sections 1374 through 1374.3 of title 4, California Code of Regulations (except for subsections (b) and (c) of section 1374 of that title), as in effect on the date of enactment of this Act; or

(C) the California standard.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Ohio (Mr. LATTA) each will control 20 minutes.

#### GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their re-

marks and include extraneous material on H.R. 2647.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2647, the Safer Occupancy Furniture Flammability Act, also known as SOFFA.

This bipartisan legislation, which I have cosponsored, was introduced by Representatives DORIS MATSUI and MORGAN GRIFFITH. It advanced out of the Committee on Energy and Commerce by voice vote.

This bill adopts California’s upholstered furniture flammability standard as the Federal standard. This new standard will ensure all Americans are protected from the rise of upholstered furniture fires and will eliminate unnecessary consumer exposure to flame-retardant chemicals. These toxic chemicals are associated with adverse health effects, including hormonal disruption, reduced fertility, and even cancer.

For too long, upholstered furniture has been laden with flame-retardant chemicals and has been a significant source of human exposure to those toxic chemicals. Flame retardants are known to migrate out of the furniture and into household dust and persist in the indoor environment.

Since the chemicals also accumulate in our bodies over time, babies and children, whose bodies and brains are still developing and who spend a lot of time on the floor, are especially vulnerable to toxic effects.

Firefighters have long expressed concern that they face additional risks due to their unique exposure by the combustion of flame-retardant chemicals that occurs when they are battling fires.

Flame-retardant chemicals in furniture are all risk and no reward. Testing by the Consumer Product Safety Commission has shown flame retardants added to furniture provide no meaningful fire safety benefit and make no difference in how much time you have to escape in the event of a fire.

With this legislation, consumers will no longer have to second-guess whether or not the new sofa that they are purchasing meets stringent flammability standards. Manufacturers will be required to include a statement on a permanent label regarding the product’s compliance with this new standard.

Mr. Speaker, I call on my colleagues to support this important legislation for public health and safety, and I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2647, the Safer Occupancy Furniture Flammability Act, or SOFFA.

SOFFA adopts a national Federal standard for upholstered furniture.

SOFFA is important to ensure uniformity in the regulation of flammability standards for upholstered furniture to avoid a patchwork of State laws. This provides necessary certainty to the industry and also safety for consumers who know, no matter what their ZIP Code is, they will enjoy the same protections.

I am glad to see my friends across the aisle agree that the Federal Government must act to establish a national standard here. This debate is timely because we are having this very same discussion with respect to online privacy.

As my good friends know, the internet knows no boundaries. Upholstered furniture, like privacy, should enjoy a national standard to avoid a patchwork of State laws.

If it makes sense here, it must make sense with privacy. We do not want States regulating the internet differently. Consumer protections should not depend on Zip Codes.

I am encouraged to see my colleagues agree today that, with upholstered furniture, a national framework makes sense. I urge them to apply the same to online privacy.

Mr. Speaker, I thank the gentlewoman from California (Ms. MATSUI) and the gentleman from Virginia (MR. GRIFFITH) for their bipartisan work on this bill, and the chair, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for her work on this legislation.

Mr. Speaker, I again urge my colleagues to support SOFFA, H.R. 2647, and pass this very important legislation, and I yield back the balance of my time.

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Ms. SCHAKOWSKY. Mr. Speaker, I yield myself the balance of my time.

Think of it, that in our upholstered furniture there can be toxic chemicals that actually cause tremendous health hazards, not only to the people who own that furniture, but, now, to firefighters who are coming to put out fires. That is one.

And number two, we find that these don't really have any effect on fires and make the time shorter that you can get out or actually reduce the chance of fire. So as I said, there is no gain in having these chemicals.

Mr. Speaker, I have two letters that I will include in the RECORD, and they are:

One, a letter from 17 organizations, including the Natural Resources Defense Council, Consumer Federation of America, Earthjustice, Green Science Policy Institute, Safer Chemicals Healthy Families, and Toxic-Free Future, among many others, urging strong support by Members for SOFFA; and

Two, a letter from 15 national organizations representing consumers throughout the United States, including the Consumer Federation of America, National Consumers League, Kids

in Danger, Public Citizen, and Safe Kids Worldwide, among many others, also urging strong support for this legislation.

DECEMBER 16, 2019.

DEAR MEMBER OF CONGRESS: The undersigned groups urge you to vote YES on the SOFFA Act (H.R. 2647), led by Representatives Matsui and Griffith. This bipartisan legislation would help safeguard public health. There is currently no flammability standard for upholstered furniture at the federal level. This is a major gap that Congress should fill. Fortunately, the state of California recently conducted an extensive process to identify a furniture flammability standard that would provide protection against the vast majority of upholstered furniture fires, without the need for flame retardant chemicals, which have been linked to a variety of adverse health effects, including impaired brain development, reproductive problems, and cancers. Firefighters and children face especially high exposures and risks. The SOFFA Act would make California's flammability standard for upholstered furniture the standard across the nation.

In 2013, California's Bureau of Household Goods and Services ("Bureau") determined that the vast majority of upholstered furniture fires are started by smoldering materials on the fabric surface of the furniture. Therefore, it adopted a standard that addresses the safety threat of smoldering materials igniting the cover fabric of furniture. The result was California Technical Bulletin 117-2013 (TB 117-2013). TB 117-2013 was widely supported by firefighters, environmental and public health groups, and independent fire scientists.

Since the standard was adopted, additional science has reinforced its importance and effectiveness. A 2019 study published in the American Journal of Public Health found that among furniture fires, those caused by smoking products were the deadliest, and that the odds of someone dying in a furniture fire caused by smoking was three times greater than in a furniture fire caused by an open flame (such as a candle or match). It also found that standards focused on fires caused by an open flame and that relied on the addition of toxic flame retardant chemicals to furniture were ineffective in reducing the incidence of fires. The authors concluded that "[d]ata on injury and death in residential fires support greater attention to smoking-related fires in furniture, because they are associated with a much higher risk of death than are fires ignited by open flames. Standards such as TB117-2013 are designed to address cigarette ignition of furniture without the use of toxic FR [flame retardant] chemicals. Future regulations to increase fire safety of residential furniture should continue to focus on ignition from smoking materials."

Making California's TB 117-2013 the national flammability standard would end sporadic efforts to promulgate open flame standards that promote the use of toxic, flame retardant chemicals without providing a fire safety benefit. It would also provide a uniform standard for the furniture industry, while being health protective. The Consumer Product Safety Commission (CPSC) has previously relied on California flammability standards as the basis for federal health-protective standards. The SOFFA Act will create strong public health protections for people across the country and reduce the risk of harm by furniture-related fires. We urge you to safeguard public health for all Americans and vote YES on H.R. 2647.

Sincerely,

Alaska Community Action on Toxics, Center for Environmental Health, Clean and

Healthy New York, Clean Water Action, Coming Clean, Commonwealth Biomonitoring Resource Center, Consumer Federation of America, Earthjustice, Ecology Center (Michigan), Environmental Health Strategy Center, Green Science Policy Institute, Healthy Baby Bright Futures, Healthy Legacy Coalition, Natural Resources Defense Council, Safer Chemicals Healthy Families, Safer States, Toxic-Free Future.

— SEPTEMBER 12, 2019.

DEAR REPRESENTATIVE: As organizations dedicated to improving consumer protections, we write to express our support for three consumer product safety bills as they move to the House floor. These bills would enhance protections to prevent deaths from portable fuel cans, injuries and deaths from carbon monoxide poisoning, and reduce exposure to harmful flame retardants. We urge you to support these bills to protect children and all consumers from preventable injuries and deaths.

The Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019 (H.R. 1618) would establish a grant program, administered by the CPSC, that would encourage states to require the installation of residential carbon monoxide detectors, including for vulnerable populations. According to the CDC, during 2010-2015, a total of 2,244 deaths resulted from unintentional carbon monoxide (CO) poisoning, with 393 of those deaths occurring in 2015. This bill seeks to reduce carbon monoxide poisonings.

The Portable Fuel Container Safety Act of 2019 (H.R. 806) would help prevent flame jetting incidents through establishing a binding and enforceable standard that would require flame mitigation devices, or flame arrestors, on portable fuel containers to prevent flames from entering these containers and igniting the gases inside. According to National Fire Protection Association estimates, fire departments responded to an average of 160,910 fires per year between 2007 and 2011 that started with ignition of a flammable or combustible liquid, resulting in an estimated 454 civilian deaths, 3,910 civilian injuries, and \$1.5 billion in direct property damage per year.

The Safer Occupancy Furniture Flammability Act, or SOFFA (H.R. 2647), would adopt a California flammability standard as a federal flammability standard to help protect against the risk of upholstered furniture fires and consumer exposure to flame retardant chemicals. Today's California standard, TB 117-2013, is currently the strongest measure U.S. consumers have to keep them protected from purchasing upholstered furniture that is either highly flammable or loaded with flame-retardant chemicals. While this bill seeks to protect consumers from both fires and flame retardant exposure, we urge members to strengthen the bill through amending it so that other states retain the ability to exceed TB 117-2013's level of protection if they so choose.

These bills offer a critical opportunity to protect children and all consumers from preventable injuries and deaths. We urge you to support these child health and safety bills, and to vote "yes" on them as they move to the House floor.

Sincerely,

Alaska Public Interest Research Group (AkPIRG), Center for Justice & Democracy, Chicago Consumer Coalition, Child Injury Prevention Alliance, Consumer Assistance Council, Inc., Consumer Federation of America, Kids In Danger, National Consumers League, OHSU/Doernbecher Tom Sargent Safety Center, Parents for Window Blind Safety, Public Citizen, Safe Kids Worldwide, Safe States Alliance, The Society for Advancement of Violence and Injury Research

(SAVIR), Virginia Citizens Consumer Council.

Ms. SCHAKOWSKY. Mr. Speaker, I urge strong support for this bipartisan legislation. I urge all Members to vote in favor, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and pass the bill, H.R. 2647, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SAFE SLEEP FOR BABIES ACT OF 2019

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3172) to prohibit the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any inclined sleeper for infants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3172

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe Sleep for Babies Act of 2019”.

#### SEC. 2. BANNING OF INCLINED SLEEPERS FOR INFANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, inclined sleepers for infants, regardless of the date of manufacture, shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

(b) INCLINED SLEEPER FOR INFANTS DEFINED.—In this section, the term “inclined sleeper for infants” means a product with an inclined sleep surface greater than ten degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to one year old.

#### SEC. 3. BANNING OF CRIB BUMPERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, crib bumpers, regardless of the date of manufacture, shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

(b) CRIB BUMPER DEFINED.—In this section, the term “crib bumper”—

(1) means any material that is intended to cover the sides of a crib to prevent injury to any crib occupant from impacts against the side of a crib or to prevent partial or complete access to any openings in the sides of a crib to prevent a crib occupant from getting any part of the body entrapped in any opening;

(2) includes a padded crib bumper, a supported and unsupported vinyl bumper guard, and vertical crib slat covers; and

(3) does not include a non-padded mesh crib liner.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Ohio (Mr. LATTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3172, the Safe Sleep for Babies Act of 2019. This legislation combines a bill that was introduced by Consumer Protection and Commerce Subcommittee Vice Chair TONY CÁRDENAS, which bans inclined sleepers that have been associated with many infant deaths, with a bill that I introduced, the Safe Cribs Act, which bans crib bumpers that have led to suffocation deaths of infants. I introduced this legislation with my friends and colleagues from Illinois, Congresswoman ROBIN KELLY and Congressman BOBBY RUSH.

For years, pediatricians have provided very clear recommendations for keeping babies safe while they sleep. Babies should only sleep on a firm, flat surface, free of any extra soft bedding. Infant inclined sleepers and crib bumpers are two products that contradict these longstanding recommendations of physicians.

Infant inclined sleepers, like the Fisher-Price Rock ‘n Play, position babies for sleep on a dangerous incline. The inclined nature of these products goes directly against the guidance of pediatricians and medical experts.

In April of this year, the public learned just how deadly they are: At least 32 babies have died in the Fisher-Price Rock ‘n Play since they were first introduced 10 years ago, in 2009. According to the latest figures, at least 73 babies have died in similar products like the Rock ‘n Play.

With the ensuing outrage, the Consumer Product Safety Commission took some action, recalling over 5 million infant inclined sleepers. And thanks to pressure by Consumer Reports and Members of Congress, including Representative CÁRDENAS and myself, some retailers, including Amazon, eBay, Walmart, and Buy Buy Baby, have recently announced plans to stop selling these products.

However, too many new or used inclined sleepers remain for sale on shelves and online. This class of product needs to be banned, and many children would still be alive if they had never been sold.

Crib bumpers also remain widely used by parents and caretakers, despite safe sleep recommendations that “bare is best” and that any kind of soft bedding in a crib creates an unnecessary suffocation danger.

That is, and the reason that they are so available is, because crib bumpers are featured on displays in stores, on baby registry checklists, and bundled as part of infant bedding sets.

These products, parents and caregivers are told, prevent babies from bumping their heads or getting their arms or legs caught in the crib rails. But these products are unnecessary. Worse than unnecessary, they can be deadly. More than 100 babies have died because of crib bumpers since 1990.

Consumers trust that the products that they see on the store shelves are safe. They think that products wouldn’t be sold if they were so dangerous.

We must take these dangerous products off the shelf now. No family should have to experience the heartache and the tragedy of losing a baby in an unsafe sleep product.

The Safe Sleep for Babies Act of 2019 will save babies’ lives.

I want to thank Congressman CÁRDENAS for his leadership, and I call on all of my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3172, the Safe Sleep for Babies Act.

H.R. 3172 addresses the risk of suffocation that infants face related to inclined sleepers. It bans all products with an inclined sleep surface greater than 10 degrees to address tragic deaths related to inclined sleepers. It also addresses the risk of suffocation infants face related to padded crib bumpers.

I also want to thank the gentleman from California (Mr. CÁRDENAS) for his work on this bill.

I urge my colleagues to support this measure, the Safe Sleep for Babies Act.

Mr. Speaker, I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am so proud of our subcommittee, the Consumer Protection and Commerce Subcommittee in the Energy and Commerce Committee, for really saving lives.

If we pass this legislation, we will stop hazards that are known to cause deaths of children in their beds by parents who have trusted that these products, because they are on the shelf, are safe.

These bumpers and these inclined sleepers are proven killers, so this legislation will make these nurseries, these places where we put our precious babies to bed, much safer.

Mr. Speaker, I include in the RECORD a letter from 20 national organizations and more than 50 State and local organizations representing pediatricians and consumers throughout the United States, including the American Academy of Pediatrics, Consumer Federation of America, Consumer Reports, Kids in Danger, among many others, urging strong support from Members for the Safe Sleep for Babies Act.

SEPTEMBER 11, 2019.

DEAR REPRESENTATIVE: As organizations dedicated to children’s health and safety, we write to express our strong support for three bills as they move to the House floor. These bills would improve protections against preventable sleep-related deaths, as well as injuries and deaths from preventable furniture tip-overs. We urge you to support these bills to protect children from injuries and deaths.

The Safe Sleep for Babies Act of 2019 (H.R. 3172) would ban infant inclined sleep products, such as the recently recalled Fisher-