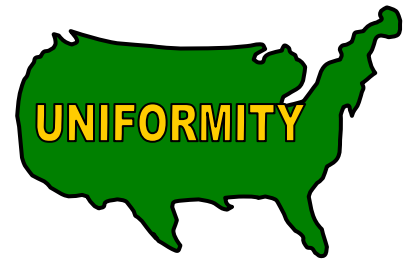




I.A.B.F.L.O.



International Association of Bedding and Furniture Law Officials, Inc.

Founded in 1936 as a National Forum for Uniformity, Enforcement, Testing and Terminology within the various state programs

June 2004

www.abflo.org

Issue 23

ISPA GOES TO CAPITOL HILL

Members of the International Sleep Products Association met with 15 Senators and Representatives in Washington recently to discuss their support for the Consumer Product Safety Commission's nation-wide mattress flammability standard.

ISPA feels that the American Home Fire Safety Act (AHFSA) introduced by Sen. Hollings and Rep. Capito is not based on good science and would be counterproductive to improving product safety. AHFSA is based on criteria set forth in an early draft of TB 603. CPSC is using the final version of TB 603 which is substantially different from the regulations cited in the bill introduced by Hollings and Capito. Industry believes that the final version of TB 603 is the most effective way to improve bedroom safety and will also be the most practical for industry to implement.

TB 603 PREEMPTION ISSUE

To add "more flame to the fire" the Consumer Product Safety Commission has informed the California Bureau of Home Furnishings that under federal law, TB 603 at present is legally unenforceable because a federal mattress flammability standard already exists.

CPSC has a process for states to obtain legal authority to enforce their own standards in situations like this, but thus far California has not followed this process. Dick Doyle, President of ISPA, contends that California needs to ask the CPSC for an "Exemption From Pre-emption" before it can enforce TB 603.

California officials have responded by suggesting that ISPA is creating the confusion by questioning the fact that the state has the ability to enforce its own standard. CPSC officials have stated that they would not push California to seek an exemption, although they said the issue could be addressed by "a third party" in the courts. The Bureau has stated that it will begin enforcement of TB 603 as scheduled on January 1st, 2005.

STUDY OF FR CHEMICALS

The Society of Toxicology (SOT), the world's foremost organization of toxicologists, has been asked by the American Furniture Manufacturers Association (AFMA) and the National Association of State Fire Marshals (NASFM) to conduct inquiries into Chlorinated Phosphate Esters and Boric Acids which are both currently used in home furnishings.

Some scientists report that chlorinated phosphate esters may be carcinogenic and that boric acid may be a reproductive toxicant for male children. The manufacturers of these chemicals state that their products are safe when used as intended.

Andy Counts, American Furniture Manufacturer Associations CEO reported that the industry is taking a number of steps to ensure they are using "Consumer-Safe" fire retardant materials. We are also working with the Federal EPA to identify alternatives to brominated flame retardants that are being used today but are soon to be banned in Europe, California and other states.

Concerns about the use of boric acid have also been raised in the bedding industry but the Sleep Products Safety Council has suggested those concerns are misplaced. "Boric acid treated cotton has been widely used in mattresses for more than 30 years with no known toxicity problems. In fact, boric acid solutions are often used as an eye wash".

Both AFMA and NASFM are hopeful that both chemicals can be used with confidence but if insufficient data exists to make a proper evaluation, manufacturers will be advised that it is not possible to use these products without more study.

LAW LABEL ISSUES

Again several issues have come up about what is permitted on the law label and what is not, so let's review:

1. The label must be in English only.
2. Generic terms for filling materials only, no trade names.
3. No company logo's or trade marks.
4. A bar code can be placed at the bottom of the label only and must be separated by a bold black line.
5. Information in other languages may be printed at the bottom of the label only and must be separated by a bold black line.
6. California TB 116 & 117 can be printed to the right of the law label or at the bottom and must be separated by a bold black line.

You can find examples of these law labels at: www.abflo.org