

STATE FIRE MARSHAL DIVISION

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STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY

October 4, 1993

Petition FP 93-1  
Office of the Secretary  
Consumer Product Safety Commission  
Washington, DC 20207

Dear Commissioner:

This letter is in support of a national upholstered furniture flammability standard.

The August Federal Register indicated that you are requesting public comment regarding a flammability safety standard for all furniture sold in the United States. The Minnesota State Fire Marshal's Division applauds your efforts to reduce the loss of life and property due to unfriendly fire.

The State of Minnesota passed a law in 1990, regulating the seating furniture in public occupancies. This law, known as the "Furniture Fire Safety Act", went into effect on January 1, 1992.

The adoption of the law was advocated by the Minnesota Professional Fire Fighters (MPFF) and the International Association of Fire Fighters (IAFF). The impetus for the MPFF and the IAFF included the large number of lives lost and the substantial amount of property damaged from fires in public and commercial structures. Several catastrophic fires that involved the most loss of lives and property include the Beverly Hills Supper Club in Kentucky (1977/164 deaths), the DuPont Plaza Hotel in Puerto Rico (1986/96 deaths), and the MGM Grand Hotel in Las Vegas (1980/85 deaths). While there are many factors that contribute to the seriousness of fires, if the furniture in fires is less flammable or contributes less to the fuel of the fire, the seriousness of the fire will likely be reduced. The purpose of setting flammability standards for seating furniture is to help reduce, stop, or control the spread of fire until it can be extinguished.

During the passage of the law and the effective date of the rules, my office conducted a series of committee meetings to develop the rules needed to enforce this new law. The committee consisted of seven designer/specifiers, six manufacturers, two representatives of end user associations, and seven fire service organization representatives. The committee developed a set of proposed rules that were published in the State Register on May 4, 1992.

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Many issues surfaced during the committee meetings and were discussed in great detail. This set of proposed rules were heard as part of a public hearing on this issue. Some of the major comments that were discussed during the hearing were the following:

1. Why did this proposed rule not include residential furnishing for use in single family dwellings?
2. Why was California Technical Bulletin (TB) 133 the only document used for the classification of what passes and what fails as a fire resistant furnishing?
3. Why was Minnesota one of the first to impose this restriction on seating furniture?

The answer to all of these questions were addressed in the hearing and as part of the adopted rules. First, the proposed rule did not restrict the use of the test on residential furniture, but residential furniture was not included in the legislation. It was discussed in the committee meeting, but because of the lack of legal tracking from the rule to the law it was not included. Many of the members felt that this would be something to pursue in the future. Second, the proposed rule was changed to include TB 117 as a test that can be used to evaluate the fire resistance of furniture. There is concern that by using TB 117 testing, only individual parts of the piece of furniture is tested separately; it is preferred that the use of TB 133 for the testing of all of the parts of the piece of furniture are tested together. Third, the question of why is Minnesota so concerned while most of the nation is sitting idle regarding this issue. The answer was that we cannot initiate such a change to a Federal Law from a State level of government. I now feel you have an opportunity to make this important change at a Federal level.

In Minnesota we lost 50 people in 1992, with 84% in a residential setting. We also experienced 301 civilian injuries, with 76% of these in a residential setting. This proposed law change can and will have an impact in reducing both of these numbers. So once again, please open this issue and allow the debate that is needed.

I hope this information will assist you in the effort to make the appropriate change to the current law. If you have any questions relating to this letter or the Minnesota Law, please contact my office at (612) 643-3591, and ask for Robert J. James, Lead Code Specialist.

Sincerely,



Thomas R. Brace  
State Fire Marshal

cc: Office of the Attorney General  
St. Paul, MN  
National Association of State Fire Marshal's  
Jefferson City, MO

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