

November 26, 1979

*transferred by  
CPSC staff  
~~document~~*

I.

As To New Furniture, A Voluntary Action Program Already Adopted By The Upholstered Furniture Action Council (UFAC) ~~Will Remove The Possibility Of Fire (Even If There Is Contact With A Lit Cigarette) In The Majority Of Situations, And There Is Not Therefore Any Need for Further Governmental Regulation~~

*xx was already effectively dealt with the problem, already handled 1/1*

The voluntary action program (known as UVAP) which was adopted by UFAC is a practical approach for dealing with this problem. The essence of this approach is to regulate "the use of components in upholstered furniture by means of pass/fail tests for each component" with flammability in mind and to eliminate "the perhaps most troublesome component, untreated cotton batting."<sup>1/</sup> The Consumer Product Safety Commission staff has carefully evaluated, in a September 1979 report, this program of self-regulation and flatly concluded: (1) ~~the UVAP provisions~~ <sup>this program</sup> reduce, considerably the probability of cigarette ignition of upholstered furniture;<sup>2/</sup> this program "appears to have a strong potential for significantly

<sup>1/</sup> Summary of CPSC Staff Report, September 1979, p. 1.

<sup>2/</sup> Ibid.

increasing the safety (cigarette ignition resistance) of upholstered furniture for consumers in all price ranges";<sup>3/</sup> and (3) "there is no doubt that a large part of furniture produced according to the UVAP will not ignite from carelessly dropped cigarettes."<sup>4/</sup>

**III**  
**II.**

*furniture* Any Regulation Of Cigarettes At This Time Would Be ~~Inappropriate~~ <sup>inappropriate</sup> Until There Is A Study Made Of The Extent, If Any, Of The Cigarette Ignition Problem Remaining ~~After~~ <sup>in kind of</sup> The UFAC Voluntary Program

In its September 1979 report, the CPSC staff, after acknowledging the effectiveness of the UFAC program to solve this problem went on to recommend "a cooperative government-industry program at the NBS (National Bureau of Standards) to determine the extent of the cigarette ignition problem remaining and potential solutions for these problem areas. One way of implementing such a program, according to CPSC staff, would be by the upholstered furniture industry placing a research associate at NBS."<sup>5/</sup>

This statement, in and of itself, demonstrates that further study is necessary before it can be determined what,

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<sup>3/</sup> Leake, P.H., "Comments Concerning Cigarette Ignition of Upholstered Furniture" (November 12, 1979) at 5.

<sup>4/</sup> Summary of CPSC Staff Report, September 1979, p. 19.

<sup>5/</sup> Leake, P.H., "Comments Concerning Cigarette Ignition of Upholstered Furniture" (November 12, 1979) at 5.

if any regulation relating to cigarettes is necessary. Until such a study is done, governmental regulation is premature.

~~II~~  
~~III.~~

As To Old Furniture, Even If It Were Possible To Develop A Self-Extinguishing Cigarette Of The Type Called For By The Moakley Bill, i.e., One Which Extinguishes In 5 Minutes, This Would Not Eliminate The Problem Of Possible Fires. \*

At testimony before the Consumer Product Safety Commission in September 1974, the furniture manufacturers relied upon data from The Guilford ~~Testing~~ Laboratory<sup>5/</sup> to support their argument for mandating self-extinguishing cigarettes. During the testimony, a remarkable fact came to light. In many of the tests, ignition of the fabric in contact with an ignition source occurred within the first several minutes of contact. In the words of James Rayburn of \_\_\_\_\_, "We have quite a few data in which we indicate ignitions in two minutes or less.<sup>6/</sup> Indeed, these cases of rapid ignition occurred in connection with fabrics in wide use, such as cotton batting and rayon, perhaps even those comprising a majority of the market. The significance of this fact is that the prescription of a five minute self-extinguishing cigarette would do absolutely nothing to alleviate this situation.

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6/ Transcript at 44.

IV.

*We are not aware of*

~~There are~~ No Meaningful And Reliable Data  
On The Relationship Between Time Of Contact  
Of Cigarettes And Fabrics Necessary To Re-  
sult In Ignition, And Therefore There Is No  
Support For The Need For Regulation

Legislation should not be enacted and regulations  
should not be promulgated without some data to establish that  
what is being done is rational and not arbitrary. In this  
case the Moakley Bill calls for cigarettes to self-extinguish  
within five minutes. *We are not aware of any* ~~There is absolutely no~~ data or other  
factual support for the selection of five minutes. Indeed,  
the only <sup>available</sup> ~~real~~ data on this subject presented to the CPSC was  
*an incomplete summary of tests* ~~A data~~ generated by Guilford Laboratories. Nowhere in the  
testimony concerning that data is there even the slightest  
support for a five minute time period.

Quite apart from this fact, reliance upon the Guilford  
data ~~for any real purpose~~ is not justified. There are numerous  
defects in the Guilford methodology. For example, as the CPSC  
noted, the definition of "obvious ignition" <sup>was not</sup> ~~has never been~~  
clarified and <sup>was</sup> ~~is~~, therefore, dependent upon "the subjective  
judgments of the technician;" <sup>7/</sup> environmental conditions  
for conducting the tests were not specified and established to

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7/ Leake, P.H., "Comments Concerning Cigarette Ignition of Upholstered Furniture" (November 12, 1979) at 2.

be reproducible; and, most critically, both the type of cigarettes and the type of fabrics now being marketed are different from those employed in this 1974 test.\* The CPSC <sup>itself</sup> expressed one criticism of the Guilford data in the following manner: "it appears that the Guilford standard Class C fabric was not in compliance with CDPS, and not representative of Class C fabrics. Guilford's results are thus not meaningful."<sup>8/</sup>

V.

~~The Five Minute Self-Extinguishing Proposal Is An Unduly Simplistic Approach. Which May Actually Lead To An Increase In The Incidence Of Fires~~

*the*  
*require cigs to self-ext. in 5 min*

The way in which cigarettes burn is a complex matter, involving a number of separate but interdependent factors such as the rate of burning and temperature of the ~~core~~<sup>COAL</sup> at the time of burning. The Moakley Bill simplistically focuses on only one <sup>ignition</sup> factor, by requiring that cigarettes self-extinguish within five minutes. Even if it were possible to redesign cigarettes in a way which would make them self-extinguish in five minutes, one consequence might be that the core temperature would be higher during those five minutes than it is in cigarettes presently manufactured. If this occurred, then the possibility of accidental fires would be increased rather than reduced.

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8/ Summary of CPSC Staff Report, September 1979, p 65.