

Flame retardants targeted

California rule change could slash use of toxins in products nationwide

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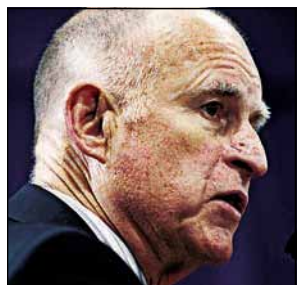
California Gov. Jerry Brown on Monday called for a sweeping overhaul of his state's 1970s-era flammability standard, a change that could dramatically reduce or eliminate the toxic flame retardant chemicals in sofas, easy chairs and baby products in homes across the nation.

Last month, the Tribune's "Playing With Fire" series exposed a deceptive, decades-long campaign by the tobacco and chemical industries to promote the California flammability rule, which has not undergone a major overhaul since it was adopted in 1975.

Brown's decision to revamp the rule affects consumers nationwide because many manufacturers apply his state's standard to furniture and baby products sold across the country. Federal and independent scientists say flame retardants added to meet the rule provide no meaningful protection from fires, and some of the chemicals are linked to cancer, neurological deficits, impaired fertility and developmental problems.

"We must find better ways to meet fire safety standards by reducing and eliminating — wherever possible — dangerous chemicals," Brown said in a written statement.

Changing the obscure rule, known as Technical Bulletin 117, would be the most significant step any state has taken to reduce the use of flame retardants that scientists say are building up in people's bodies and in the environment around the globe.



SACRAMENTO BEE PHOTO
Gov. Jerry Brown wants to revamp California's flammability standard for furniture and baby products.

Scientists know that flame retardants migrate from products and settle in dust. That's why toddlers, who play on the floor and put things in their mouths, generally have far higher levels than their parents. Expectant mothers also can unwittingly pass the chemicals to their children; the typical American baby is born with the highest recorded concentrations of flame retardants among infants in the world.

Brown is stepping in after efforts to change the rule through legislation repeatedly failed amid heavy lobbying from the chemical industry. California Sen. Mark Leno, perennial sponsor of measures to reduce the use of flame retardants, said the Tribune's investigation "completely altered the debate."

"I've been fighting this for five years and losing at every step, and then a lot of change is happening suddenly," said Leno, who applauded the governor's decision.

The rule requires the foam inside furniture to withstand a candlelike flame for 12 seconds. To pass that test, manufacturers add flame retardant chemicals to cushions — up to 2 pounds in a large couch.

But federal statistics show that the leading cause by far of furniture fires is smoldering cigarettes, not candles. By the time the upholstery fabric catches fire, the flames are large enough to overpower the chemicals in the foam.

In tests conducted in a government lab, federal scientists touched a small flame to a pair of upholstered chairs — one with a flame retardant in the foam and one without. They found that both chairs burned similarly and were engulfed in flames within four minutes.

Tonya Blood, head of the California state agency that will craft the new rule, said she plans to propose a new standard by August. Hearings and responses to public comments could delay a final decision for a year.

Federal regulators have been wrestling for decades with the issue of how to fire-proof furniture. U.S. Sen. Dick Durbin, D-Ill., is pushing the U.S. Consumer Product Safety Commission to finalize a 2008 proposal that would require upholstery to resist smoldering cigarettes.

A federal smolder standard would trump the California rule with or without action by the state. The question is which arm of government — state or federal — will act first.

The fabric covers on most furniture sold today would meet the federal proposal without the use of flame retardants, the safety commission has concluded. If furniture fabric stops a fire from starting in the first place, the commission's staff says, there is no reason to keep adding chemicals to the foam underneath.

The Citizens for Fire Safety Institute, which the Tribune found to be a front group for the largest manufacturers of flame retardants, vowed to remain involved in the debate. The group has been the primary opponent of efforts by Leno and other California lawmakers to change the state's furniture rule.

The industry group's star witness, a burn surgeon, testified last year about a 7-week-old patient who was fatally burned on cushioning that lacked flame retardants, but the Tribune revealed that the baby as he described her did not exist.

Seth Jacobson, a spokesman for Citizens for Fire Safety, said the group continues to believe the California standard saves lives.

"We've always been about fire safety," Jacobson said. "We will be part of the discussion, 100 percent. As much as we can."

Groups that represent manufacturers of furniture, baby products and the foam inside them said they support Brown's call for a new California standard that reduces or eliminates the use of toxic chemicals.

"A lot of things have changed since the '70s," said Andy Counts, chief executive of the American Home Furnishings Alliance, a trade group. "It's about time they took another look at their standards."

Rick Locker, general counsel to the Juvenile Products Manufacturers Association, said parents are clamoring for baby items made with natural fibers.

"It's a ridiculous requirement," he said of the California standard. "Children are not at risk of fire from those products."

Blood, the California state official, said her office is considering exempting certain baby products from the state's flammability rules.

In a peer-reviewed study published last year, scientists found flame retardants in 80 percent of the baby products they tested. The most common flame retardant detected was chlorinated tris, also known as TDCPP, which manufacturers voluntarily took out of children's pajamas more than three decades ago after it was linked to cancer.

Scientists and regulators thought TDCPP had all but disappeared from the marketplace. But because it wasn't formally banned, companies can legally use it in other consumer products without informing government officials or the public. It has become one of the most widely used flame retardants in household furniture.

Arlene Blum, a University of California at Berkeley chemist whose study led to the removal of TDCPP from children's sleepwear in the late 1970s, said Brown's decision could lead to "equal or greater fire safety without pounds of toxic and untested chemicals in our homes."

"The whole world should be healthier because of this," Blum said.