



Chemtura Files Lawsuit Today Seeking to Overturn Regulation Modifying California's Landmark Fire Safety Standard

Weakened Fire Safety Standards Could Lead to More Household Fires, Greater Risk of Injuries or Death, Experts Warn

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Amended regulatory rules and a new smolder-only test weaken fire safety standards for upholstered furniture in California and represent a significant risk to California consumers, according to a lawsuit filed today in Superior Court of California in Sacramento.

The lawsuit, filed by Chemtura Corporation (NYSE: CHMT) (Euronext: CHMT), seeks to overturn newly adopted rules that govern upholstered furniture flammability. The revised rules replace the previous landmark fire safety standard in California, which served as the benchmark for furniture makers and retailers nationwide for almost 40 years.

Chemtura representatives noted that the lawsuit is necessary to obtain judicial review of the revised rules and the authority of the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (the Bureau) to ignore a key requirement in the revised fire safety standard effective Jan. 1, 2014.

"The revised rules require furniture makers to pass only a cigarette 'smolder test,' and eliminates a vital requirement -- required by the law mandating the Bureau to establish fire safety standards -- that all filling material used in upholstered furniture pass an 'open-flame' test to replicate a candle, match or lighter flame," said Anne Noonan, Senior Vice President, Industrial Engineered Products, Chemtura. "If left unchallenged, California's revised, weakened fire safety standard could tragically lead to more fires and more injuries, deaths and property damage nationwide."

Although national statistics show that both smoldering cigarettes and open flames are significant sources of ignition, the relative fire threat from smoldering cigarettes continues to decline because of the significant drop in smoking and Fire-Safe Cigarette laws. This fact emphasizes the importance of maintaining open-flame protection in a new or revised standard.

The concerns with the new standard have been voiced by others, including the fire safety-minded National Fire Protection Association (NFPA). NFPA has previously opposed eliminating open-flame protection, stating that, "California is also poised to drop a key open-flame testing provision from the new edition of its regulation, a move that has prompted other organizations to consider addressing the furniture flammability problem — including the need for a national standard. The Consumer Product Safety Commission (CPSC), which has effectively regulated flammability tests for mattresses, recently sought input for the development of a furniture flammability standard. NFPA has also made the issue a priority.

The lawsuit further notes that the weakening of the furniture fire safety standard is ill-advised even by the Bureau's own 2008 statements, when it asserted that an open-flame test was crucial to a viable national fire safety standard. When the CPSC was considering a national furniture flammability standard in 2008 (Proposed Furniture Flammability Std. 16), the Bureau stated that it "strongly believes that any national furniture flammability standard must address the typical scenario of open flame ignition in upholstered furniture," further adding that "considering the fact that many open flame furniture fires are caused by small children playing with matches or lighters, the seriousness of such hazards cannot be overstated."

“As a member of the industry that develops and supplies products to prevent fire injuries and deaths, we are filing this lawsuit to defend the need for a standard that provides more fire protection, not less; and to require the Bureau to adhere to its statutory obligations in the rulemaking process,” added Noonan. “We are seeking a judgment that will throw out the revised standard – a standard that does not provide protection from open-flame ignition sources, as mandated by law. Our hope is that the court will throw out the revised standard. While an open-flame standard is paramount for safety, we believe an ideal result would be that the Bureau will develop a new standard that addresses both smolder and open flame ignition sources, which would improve, rather than weaken, fire safety.

“Sadly, fire safety has taken a wrong turn in California and its impact will be felt by families nationwide unless we can reverse this misguided and unlawful decision.”

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