



Overview of the CPSC’s Notice of Proposed Rulemaking for Clothing Storage Furniture

What products are covered?

The NPR defines a clothing storage unit as a freestanding unit with drawers and/or doors “*that may be reasonably expected to be used for storing clothing.*” Covered units are 27 inches or higher and have a total functional volume of 1.3 cubic feet. The name used to market the product – for example, “nightstand,” “accent chest,” “hall chest,” or “end table” – is immaterial if the piece could “reasonably” be used by the consumer to store clothing.

What is the proposed test procedure?

Step 1. The clothing storage unit is placed on a hard, flat, level test surface, then tilted forward 1.5 degrees to simulate the impact of the unit on carpet. All drawers and pull-out shelves are loaded with a uniformly distributed weight that is 8.5 pounds per cubic foot times the functional volume of the drawer/shelf.

Step 2. The NPR then offers two methods for arriving at a unit’s “tip-over moment:”

In **Method 1**, a vertical force is applied to the uppermost extended drawer/pull-out shelf until the unit begins to tip forward. At the moment of tip, the tip-over force and horizontal distance from the force application point to the fulcrum are recorded. The tip-over moment is calculated by multiplying the tip-over force (pounds) by the horizontal distance from the force application to the fulcrum (feet).

In **Method 2**, a horizontal force is gradually applied to the *back* of the unit until it tips forward. Again, the force applied and the vertical distance from the force application point to the fulcrum at the moment of tipping are recorded. The tip-over moment is calculated by multiplying the tip-over force by the vertical distance from the force application point to the fulcrum.

Step 3. Having arrived at the unit’s tip-over moment, the tester then determines the unit’s “threshold tip-over moment.” This is the greatest of three calculations designed to simulate the impact of 1) a child climbing the CSU; 2) a child pulling on a handhold of the CSU while attempting to open a drawer; and 3) a child hanging from an open door (only for units with doors). Specific mathematic formulas are provided in the NPR for calculating each of these.

Step 4. Finally, the unit’s **stability rating** is determined by the ratio of the tip-over moment to the threshold tip-over moment. **A ratio of less than 1.0 is noncompliant.**

What are the labeling requirements?

There are three. **First** is a warning label with essentially the same language and graphics as the one required by ASTM F2057-19. It must be located on the interior side panel of the uppermost drawer (or, if the unit is higher than 56 inches, it should be in the drawer closest to 56 inches from the floor).

Second is a 1- by 2-inch identification label on the back of the unit containing the name and address of the manufacturer, distributor or retailer; the model number; and the month and year of manufacture.

Third is a 5- by 7-inch “Tip-Over Guide” hang tag in bright yellow with black type. Central to this tag is a scale beginning with 0 and ending at 5, with 1 labeled as the “minimum rating.” The unit’s stability rating (ratio of tip-over moment to the threshold moment, as described above) must be shown in bold type at the appropriate place on the scale. Under the scale, the tag states: “**Compare with other units before you buy** ... Higher numbers represent more stable units.”

The hangtag must be “clearly visible to a person standing in front of the unit” and may only be removed by the purchaser of the unit. Ready-to-assemble units can display the tag on the package. The NPR does not address furniture purchased online.

Requirements for units with interlocks

For any unit with a drawer interlock system, including ready-to-assemble units, the drawer interlock components must be *pre-installed* and automatically engage when the consumer installs the drawers in the unit. (The NPR includes a separate test for assuring the reliability of interlock devices.)

What is the compliance timeline?

The NPR originally provided 180 days for companies to bring products into compliance. However, the commissioners voted to reduce the compliance window to just **30 days**.

What input will the industry have?

The CPSC must follow the procedure outlined in Section 9 of the Consumer Product Safety Act (CPSA). This procedure required the proposed rule to include a detailed cost-benefit analysis, an examination of “reasonable alternatives,” and substantiated factual findings. These factual findings must demonstrate that the rule, among other things, imposes the least burdensome requirement to prevent or adequately reduce the risk of injury for which the rule is being promulgated.

After publication in the Federal Register, all stakeholders have 75 days to submit written comments. In addition, the Commission must provide interested parties an opportunity to make oral presentations. In all, this process has typically taken several years. The CPSA expressly authorizes any party that would be impacted by a mandatory product safety rule to file a lawsuit challenging the rule. Legal challenges obviously would create further delays.

How does the NPR compare to STURDY?

STURDY is legislation that, if passed, would require the CPSC to adopt a mandatory product safety rule for clothing storage furniture within one year of its passage.

In order to accomplish this, STURDY specifically authorizes the CPSC to bypass the guidelines outlined in Section 9 of the CPSA. Instead, the rule would be promulgated in accordance with section 553 of the Administrative Procedure Act. No detailed regulatory analysis or cost-benefit analysis is required. Although section 553 provides for notice and comment, CPSC would not be required to respond to stakeholder challenges.

STURDY – the Stop Tip-overs of Unstable Risky Dressers on Youth Act – is NOT a proposed rule. Rather, it requires CPSC to develop a rule that includes specific provisions, among them:

- 1) It must be designed to help protect children up to 72 months of age;
- 2) It must include a test that simulates the weight of children up to 60 pounds;
- 3) It must include tests that simulate “real-world use,” including the impact of units placed on carpet, loaded drawers OR dynamic force;
- 4) It must apply to units 27 inches and taller; and,
- 5) It must allow for units with interlocks or other “integrated” safety features to be tested with those features in place.

Because the NPR already meets nearly all of these requirements, it provides a clearcut pathway that would enable the CPSC to finalize a mandatory rule within the required 12-month window without having to defend its feasibility or cost of implementation.

CPSC has been authorized to issue mandatory safety rules for only four consumer products using this “fast-track” procedure: durable infant and toddler products, children’s toys and all terrain vehicles.

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