

March 6, 2023

Alexander Hoehn-Saric  
Chairman, U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Dear Chairman Hoehn-Saric,

Throughout the Consumer Product Safety Commission's (CPSC) rulemaking creating a Safety Standard for Clothing Storage Units, the Home Furnishings Association (HFA), representing 1,550 members and 8,000+ storefronts across the country, provided oral and written comments expressing concern about the impact to retailers and consumers of the position taken by the Notice of Proposed Rulemaking and now, Final Rule (87 FR 72598) effective May 24, 2023.

For years, HFA members have actively participated in the ASTM F 15.42 Furniture Subcommittee along with key safety stakeholders to implement consensus-driven, safe, and effective voluntary standards. Our industry has been a long-time advocate of, and has called for, making those voluntary ASTM standards mandatory. To that end, we engaged with all stakeholders, including parent groups, consumer advocates and testing labs to help pass the STURDY Act through Congress on December 23, 2022. Everyone has applauded its enactment into law thanks to the President's signature.

We strongly believe that the revised ASTM 2057-2023 safety standard for clothing storage units meets the criteria outlined in the STURDY Act and must be adopted by the CPSC as the federal Safety Standard. It achieves everyone's goals of protecting children.

However, right now there is confusion and uncertainty as a result of the CPSC Final Rule and its parallel STURDY Act required rulemaking. Both have different implementation timelines and product requirements which is paralyzing to our industry.

CPSC acknowledged in its rulemaking that 'at least 97 percent of the furniture retailers are small' and our HFA membership is a reflection of that statistic. Family-owned, generational businesses are now facing a complex regulatory requirement for 100% of the clothing storage units that they currently market and sell. This retail base is buying from small furniture manufacturers facing the same challenge.

The Final Rule includes an assertion that, 'it is unlikely that any indirect impact of this rule on small retailers would be substantial.' HFA and its members vigorously refute this claim. With the redesign of an entire product category, fewer options for consumers, and increasing prices in already turbulent economic times, our members are already seeing an impact. We also know that the scope of the CPSC Final Rule could include additional products, like nightstands. Given the buying cycle for these products, many furniture retailers are evaluating inventory levels and planning purchases.

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2022-11-25/pdf/2022-24587.pdf>. Page 59

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Retailers are a critical safety link for consumers and manufacturers as their staff must educate their customers on product hazards within the home. Their understanding of the design and safety of these products is imperative so they can help consumers make informed choices. The confusion created by competing rules is making it nearly impossible for retailers to know what they need to communicate internally and externally. That impacts the trust they garner with their customer base.

We urge you to adopt the ASTM 2057-2023 revisions as the federal safety standard for clothing storage units. It is the most reasonable, effective way forward; the consensus solution that does what all of us, CPSC included, want and that is for every American family to have access to safe and affordable products.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark S.', is positioned above the printed name.

**Mark Schumacher**

*Chief Executive Officer  
Home Furnishings Association*

C.C.: Commissioner Peter Feldman  
Commissioner Mary Boyle  
Commissioner Richard L. Trumka, Jr.  
CPSC Secretary Alberta Mills