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AHFA Files Motion to Delay Implementation of CPSC Rule

HIGH POINT, N.C. – The American Home Furnishings Alliance has taken the next step in its challenge of the U.S. Consumer Product Safety Commission’s Safety Standard for Clothing Storage Units, filing a motion today to postpone the rule’s May 24, 2023, effective date.

On December 5, AHFA filed a petition for judicial review of the rule, seeking to have it set aside as unlawful. The motion to delay the rule’s effective date argues that implementation of the rule should be postponed until the court’s resolution of the industry’s petition for its review. The Mississippi Manufacturers Association and Mississippi Economic Council are co-petitioners for both actions.

In its December 12 motion, AHFA reiterates its support for a mandatory furniture stability rule to reduce the number of injuries and deaths associated with furniture tipping over on young children.

Most recently, a broad-based coalition including AHFA, leading retail companies, parents and consumer groups championed legislation that would direct CPSC to adopt the most recent updates to the ASTM International F2057 voluntary standard as a new mandatory standard. The U.S. Senate unanimously passed that legislation, known as the STURDY Act, in September. It now awaits House action.

“Yet CPSC has instead frustrated Congress’ work by rushing through a broader rule that will *outlaw* the manufacturing of nearly every existing storage unit model as of May 2023,” the December 12 motion asserts.

The motion also explains how the CPSC rule hampers the agency’s own public safety goal by reducing access to compliant clothing storage furniture and confusing the public about product stability with an ambiguous two-point rating system. The “stability rating” manufacturers must calculate for each unit is intended to help shoppers distinguish “more stable” products from “less

stable.” But AHFA insists stability testing should provide consumers with an assurance of *compliance*, not a sliding scale of “more” or “less” stable.

“Families with young children in America today already face extreme financial pressures that frequently push them to the second-hand market when furnishing a child’s room,” notes AHFA CEO Andy Counts. “The CPSC rule makes new, compliant dressers and chests less affordable and more out-of-reach for the families that need them most.”

The motion describes the CPSC rule as “staggeringly broad.” In addition, AHFA has consistently said that the complexity of the performance testing requirements in the rule will make it unenforceable.

The motion to stay the CPSC rule raises significant questions about its viability, and the potential passage of the STURDY Act would pave the way for a rule that would supersede it. Without a stay of the CPSC rule’s effective date, manufacturers will incur a significant burden between now and the May 24 effective date as they make design, construction and marketing changes to comply with a rule that has an uncertain future. Efforts already underway include:

- Redesigning units to achieve the minimum stability rating of “1” as defined by the rule. This could include shortening drawer extensions, adding drawer interlocks and/or adding counterweight to the back of units among other measures.
- Purchasing additional components (like interlocks and new drawer glides) to execute the design changes described above.
- Engaging a test lab to conduct stability testing and to calculate the required stability rating, which smaller firms, in particular, may be unequipped to complete on their own.
- Printing new hangtags to display each design’s stability rating.
- Designing and securing new packaging materials for shipping heavier units.
- Rewriting assembly instructions for ready-to-assemble units.
- Designing new point-of-sale materials to explain the functional restrictions of new furniture for *all* consumers, not just those with small children.
- Revising website product descriptions and adding the required “pop-up” hangtag on ecommerce sites.

The CPSC will have 10 days to file a brief responding to AHFA’s motion, after which the Court will render a decision about whether to pause the rule’s effective date pending its further review.

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The American Home Furnishings Alliance, based in High Point, N.C., represents more than 200 leading furniture manufacturers and distributors, plus about 150 suppliers to the furniture industry worldwide.