

TOMPKINS & DAVIDSON, LLP
Counselors At Law

5 Hanover Square
15th Floor
New York, N.Y. 10004

Phone: (212) 944-6611
Fax: (212) 944-9779
e-mail: bywierbicki@tdllp.com
internet: <http://www.tdllp.com>

November 15, 2006

TO CLIENTS AND FRIENDS:

RE: CPSC Proposes Revisions to Carpet & Rug Flammability Standards

The Consumer Product Safety Commission (CPSC) has published a proposal to amend the carpet and rug flammability standards to (1) provide a technical specification defining the ignition source and (2) remove the reference to Eli Lilly Company products in the standards.

BACKGROUND

Within Title 16 of the Code of Federal Regulations, Parts 1630 and 1631 establish minimum acceptance criteria for the surface flammability of carpets and rugs when exposed to a standard small source of ignition under prescribed conditions (the "pill test"). Both standards require a timed burning tablet as the standard ignition source for flammability performance testing. The standards currently define the ignition source at 16 CFR Part 1630.1(f) and 1631.1(f) as a methenamine tablet, weighing approximately 0.149 grams (2.30 grains), sold as Product No. 1588 in Catalog No. 79, December 1, 1969 by the Eli Lilly Company, or an "equal tablet". Eli Lilly has discontinued production of the methenamine tablets specified, and the standards do not provide guidance for determining whether tablets from other sources qualify as being "equal tablets".

ACTION TAKEN

The CPSC staff conducted a comparison study on other presently available brands of methenamine tablets. The results of this study indicated that tablets consisting of essentially pure methenamine, having a heat of combustion value of approximately 7180 calories/gram and weighing approximately 0.149 grams, may be considered equivalent to the tablets formerly produced by Eli Lilly. Therefore, the Commission has proposed to amend the Definitions section in each standard to include the following:

(f): Timed Burning Tablet (pill) means a methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg 5 mg and a nominal diameter of 6 mm.

The CPSC also proposes to amend the test procedures in Sections 1630.4 and 1631.4, respectively, to include the following subsection (a)(3):

*(a) * * * (3) Standard igniting source. A methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg 5 mg and a nominal diameter of 6mm.*

Written comments concerning the proposed amendments must be received by the Office of the Secretary not later than January, 29, 2007. If you have any questions, please do not hesitate to call us.

Firm contacts: Louis S. Shoichet (lshoichet@tdllp.com); Barbara Y. Wierbicki (bywierbicki@tdllp.com)

Note: The above comments are intended for general information only, and not as legal advice. Legal advice can only be offered after a review of a client's specific facts and circumstances, which may affect the applicability of any general comments contained herein.