

STATE OF NEW JERSEY

Report and Recommendations

of

The Joint Committee of the New Jersey Legislature

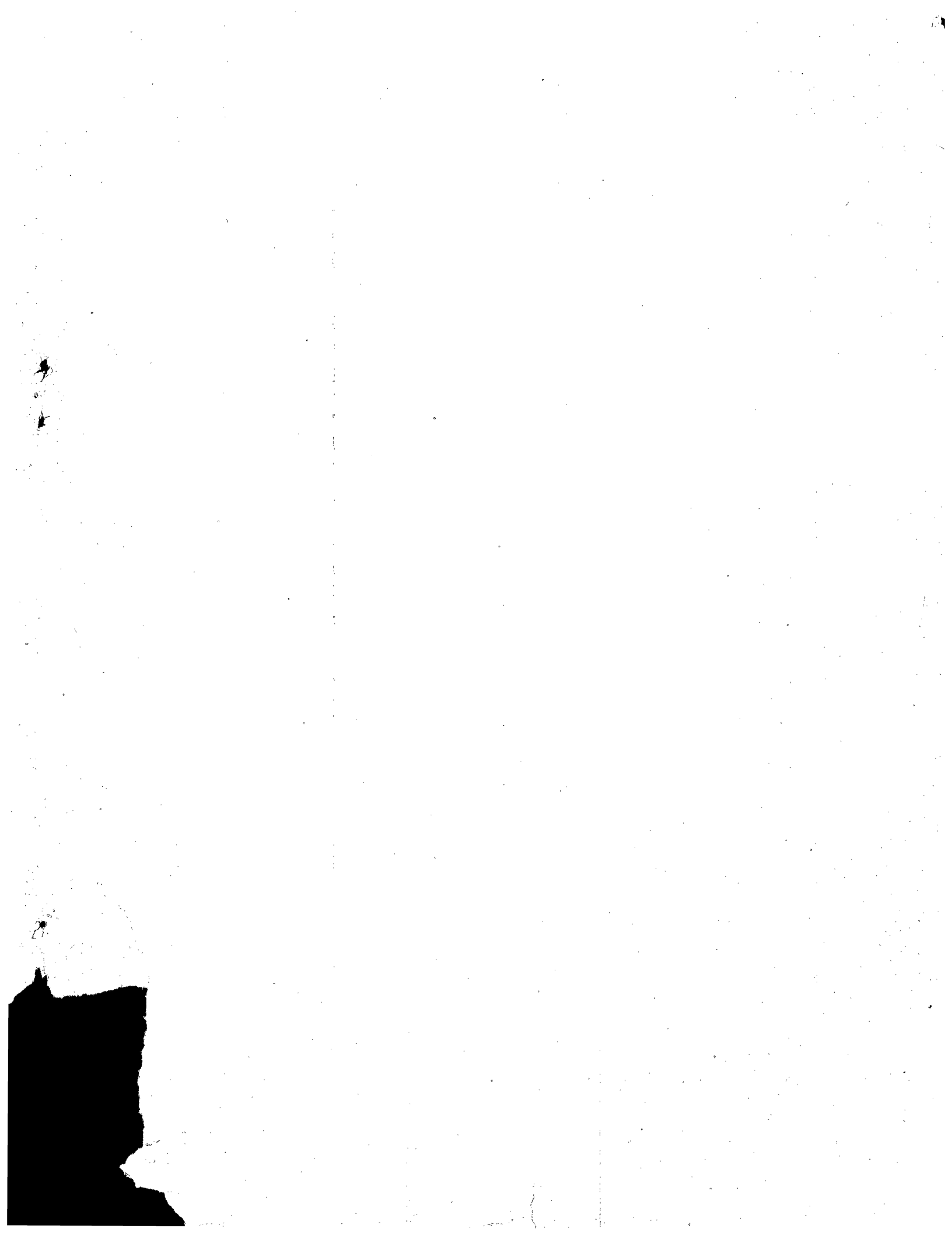
constituted under Assembly Concurrent Resolution No. 8, 1952,

to study the prohibition or regulation of the manufacture,  
sale, distribution and use of brush or brushed rayon and  
other forms inherently dangerous to users thereof.

Submitted to the Legislature

March, 1952

*New Jersey State Library*



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1952

ASSEMBLY CONCURRENT RESOLUTION NO. 8, 1952

A Concurrent Resolution for the creation of a joint legislative committee to study and report to the Legislature upon the subject of prohibiting or regulating the manufacture, sale, distribution and use of brush or brushed rayon and other items in forms inherently dangerous to the users thereof.

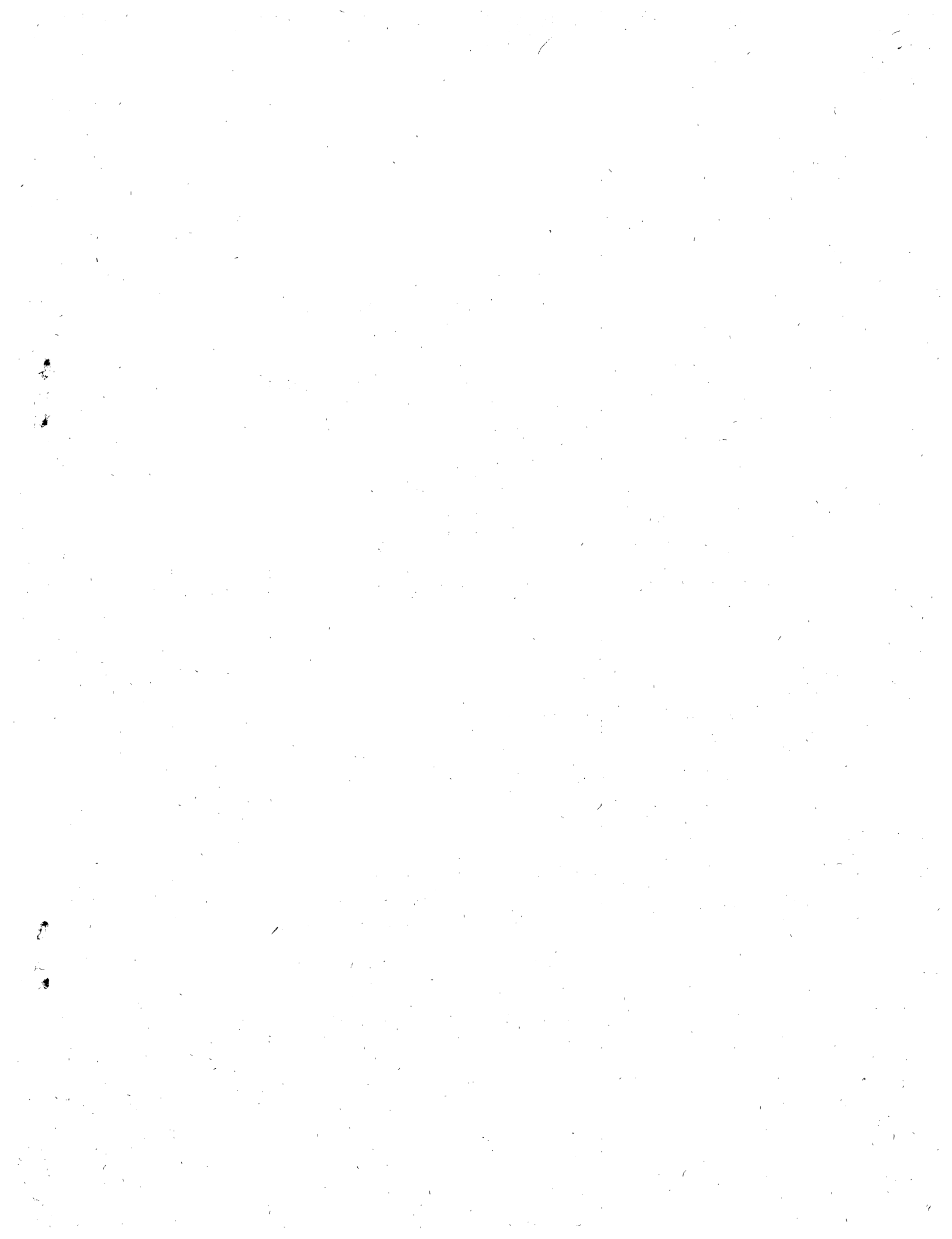
Be It Resolved by the General Assembly of the State of New Jersey (the Senate concurring):

1. There is hereby created a joint legislative committee consisting of three members of the Senate, to be named by the President thereof, and three members of the General Assembly, to be named by the Speaker thereof, to make an immediate investigation of the use of brush or brushed rayon and other material of a highly inflammable nature, in such form as to be capable of rapid combustion, in the manufacture of clothing or other articles of domestic or common use with a view to prohibiting or regulating the manufacture, sale, distribution and use of such items.

2. The committee may hold hearings in any part of the State and is empowered by its subpoena to compel the attendance of witnesses and the production of evidence. Upon the completion of its study, it shall report, with any proposed legislation recommended for adoption, to the present session of the Legislature.

3. The committee is authorized to draft such necessary assistants from the Department of Law and Public Safety, and any other State department, as may be required.

4. This resolution shall take effect immediately.



Members of the Committee

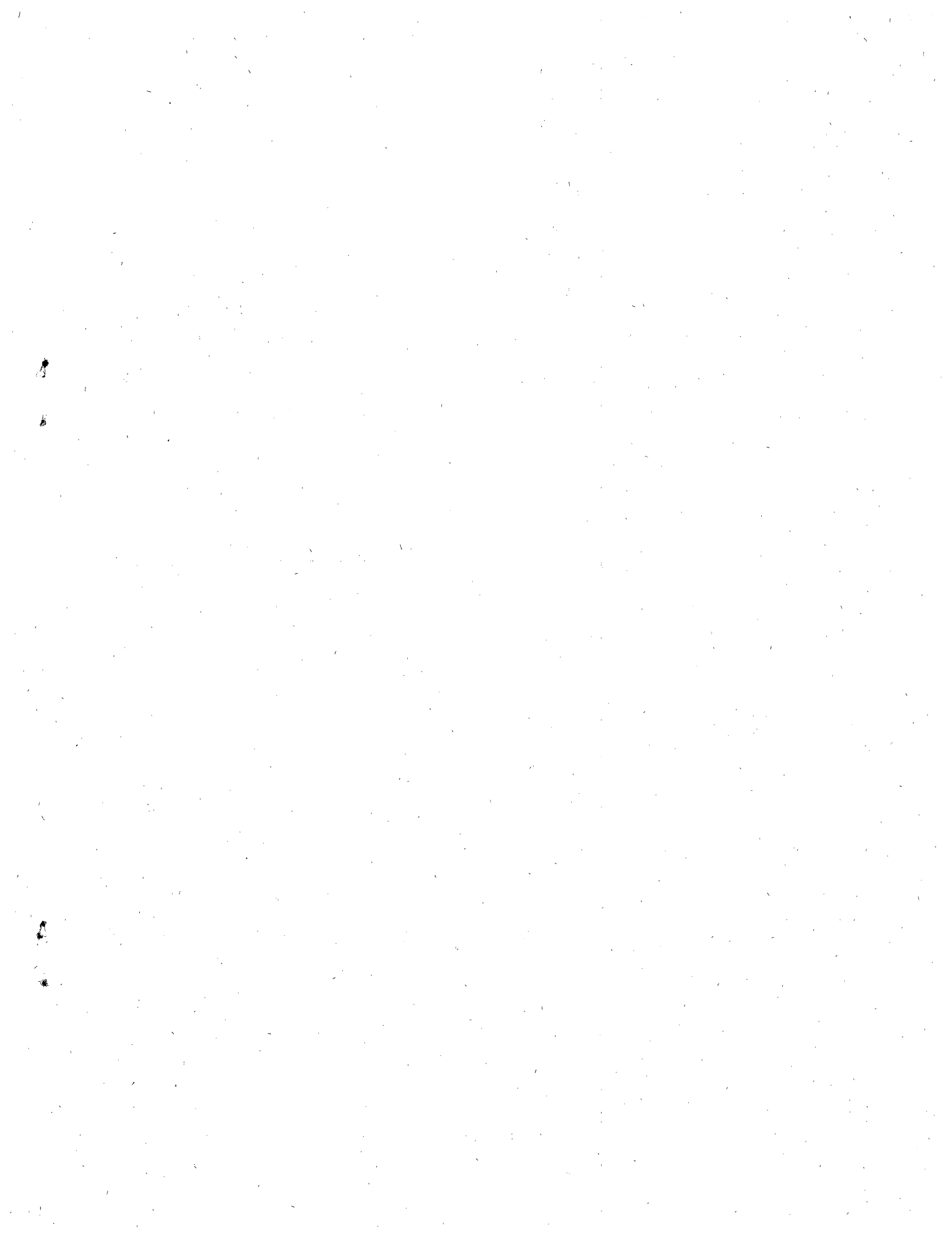
The following were appointed members of the Committee by the  
Honorable Harold W. Hannold, President of the Senate:

Honorable Malcolm S. Forbes, Senator from Somerset County  
Honorable Kenneth C. Hand, Senator from Union County  
Honorable Bernard W. Vogel, Senator from Middlesex County

The following were appointed members of the Committee by the  
Honorable Lawrence A. Cavinato, Speaker of the General Assembly:

Honorable Florence P. Dwyer, Assemblywoman from Union County, Chairman  
Honorable William O. Barnes, Jr., Assemblyman from Essex County  
Honorable Alfred N. Beadleston, Assemblyman from Monmouth County

The Committee met for the purpose of organization on February 19,  
1952 and unanimously elected the Honorable Florence P. Dwyer as its  
Chairman. The Committee designated Margaret E. Coonan, Head, Bureau of the  
Law Library, Division of the State Library, as its Secretary.



Letter of Transmittal

To the Honorable, the Senate and General Assembly of the State of  
New Jersey:

Pursuant to Assembly Concurrent Resolution No. 8, 1952, the Joint Legislative Committee created to study the prohibition or regulation of the manufacture, sale, distribution and use of brush or brushed rayon and other forms inherently dangerous to users thereof, respectfully presents this report.

Florence P. Dwyer, Chairman

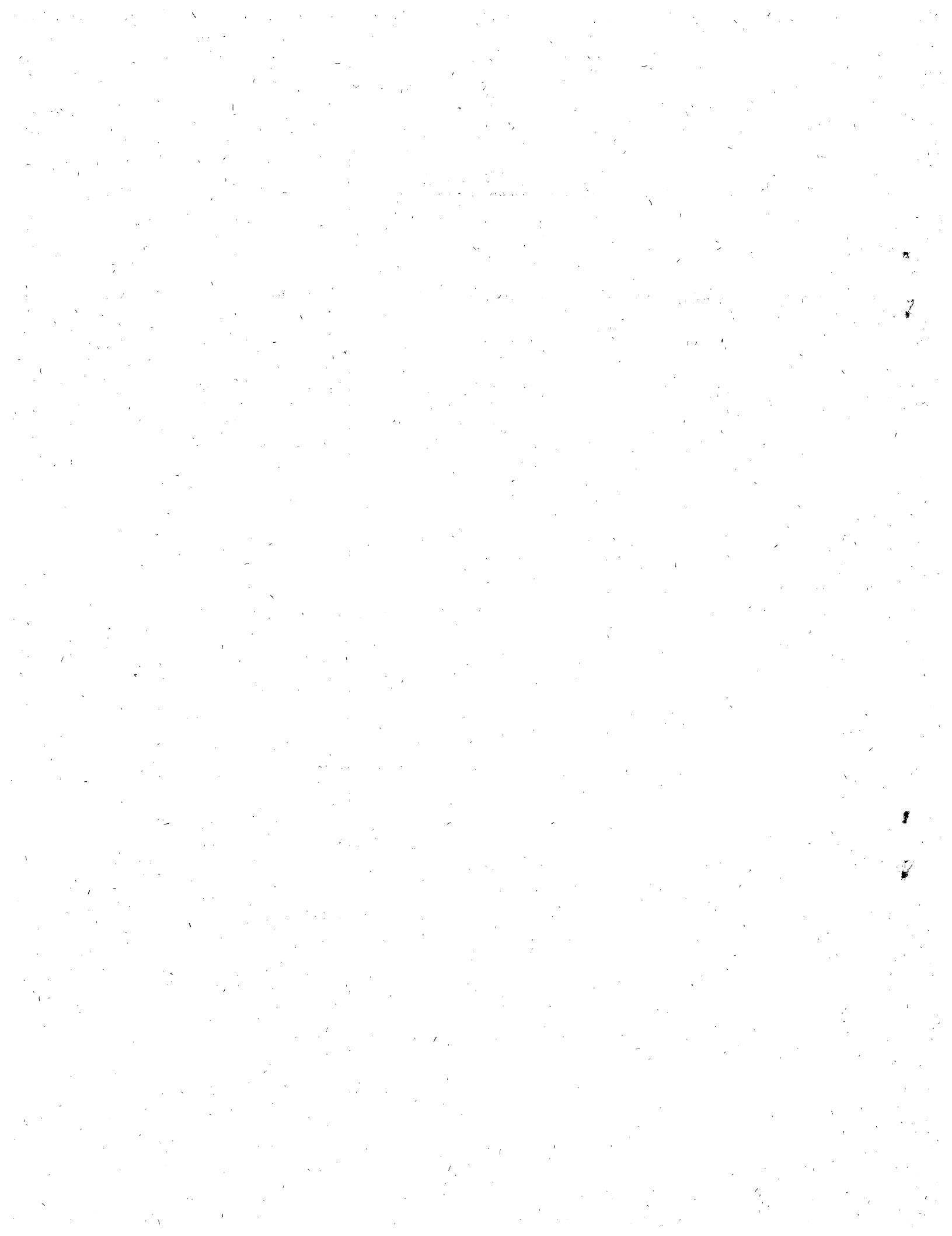
Malcolm S. Forbes

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Alfred N. Beadleston

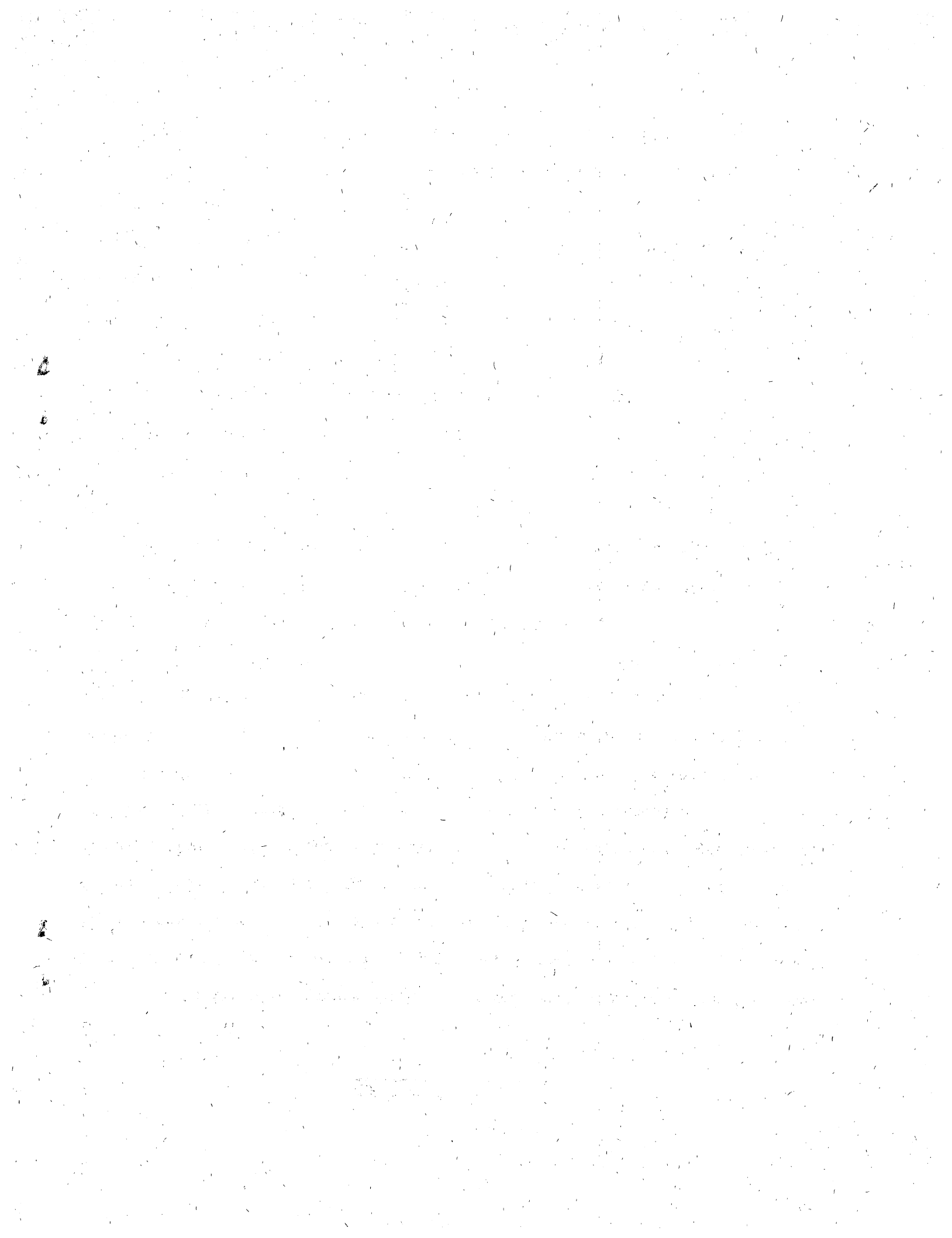


## THE COMMITTEE'S REPORT

The immediate events which led to the creation of this Committee have been reported by press, radio and television. Dramatic accounts of the simultaneous appearance of "torch sweaters" throughout the country have again focused the attention of the public on the peril inherent in certain types of wearing apparel. New Jersey is one of the states in which attempts were made to dispose of these highly flammable brushed rayon sweaters. Quick action of local police averted accidents which surely would have resulted if they had gotten into circulation. Only one New Jersey resident was injured through the dangerous garments but evidence of a widespread attempt to peddle them in New Jersey is furnished by the 600 seized in North Arlington and the numbers discovered by police authorities in Asbury Park, Newark and Elizabeth.

Although the "torch sweater" incidents are the recent manifestation of a danger to public safety, the existence of highly flammable wearing apparel in this country was established as far back as five years ago. In 1946 the flammable quality of rayon fuzz was tragically illustrated when it was used as a "sheepskin" trimming on cowboy playsuits. These cowboy suits, in each case ignited by a tiny spark in the rayon fuzz, served as firetraps which caused the death of six children and the burning of 20 others, some of whom were disfigured for life. Some of these child victims were from northern Jersey and aroused citizens demanded action. Bills were immediately introduced in Congress to outlaw dangerous fabrics. Extensive hearings and investigations were held but no legislation was enacted as a result thereof.

Your Committee does not consider that it would serve any useful purpose to recite here the case histories of the deaths and injuries in the last five

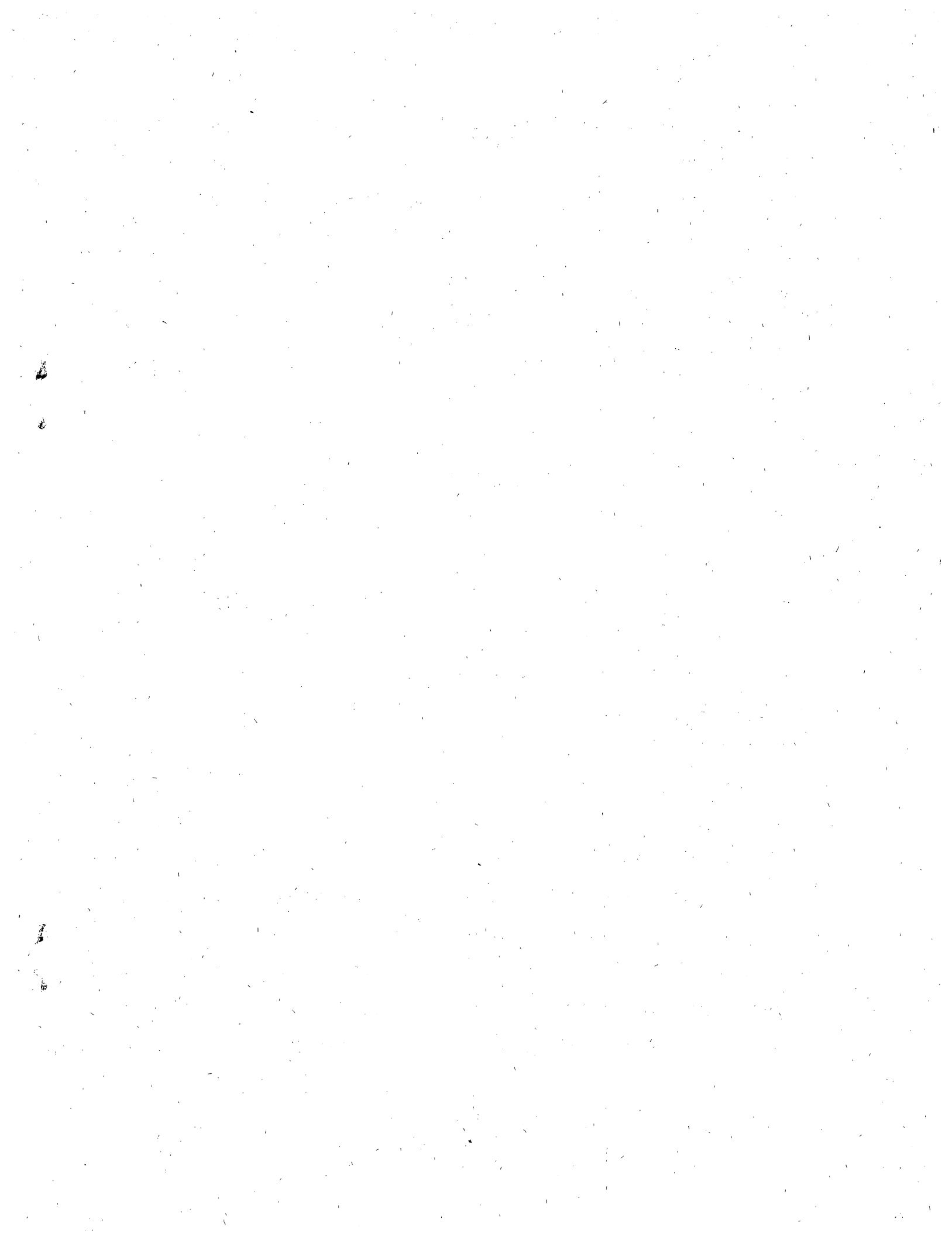


years which have been attributed to the highly flammable nature of the apparel which the victims of these accidents were wearing. A study of the National Bureau of Standards and records of the National Fire Protection Association contain accounts of such cases. In each of them the contributing cause of the accident is found to be the same. Whether the victim was wearing a brushed rayon sweater or cowboy suit or a tufted robe, cotton nap pajamas, a coated apron or an oil treated raincape, in each accident the garment burned with such rapidity and intensity when it came in contact with the source of ignition that it was impossible for the wearer to get out of it quickly enough to escape disaster.

With this history of the last five years, it seemed to the New Jersey Legislature that the recent example of the continuing danger to the safety of its citizens called for investigation by the State which is responsible for their welfare. It was in consideration of the continuing safety hazard to which the sweater incidents pointed that your Committee was created and began its studies.

#### Scope of Committee's Study

The first action of your Committee, after its organization, was to determine the scope of its study and possible resulting recommendations. A rule for identifying flammable textiles was sought. Dr. H. E. Hager, a worker of thirty-five years experience in textiles and Chairman of the Committee on Flammable Textiles of the American Association of Textile Chemists and Colorists, confines such textiles to fabrics of certain construction and states that these dangerous textiles represent only  $1\frac{1}{2}\%$  of the total produced textiles. He describes them as primarily the deep-napped, brushed or tufted cottons or rayons frequently used in dressing gowns, sweaters and pajamas, and the sheer nets used in party

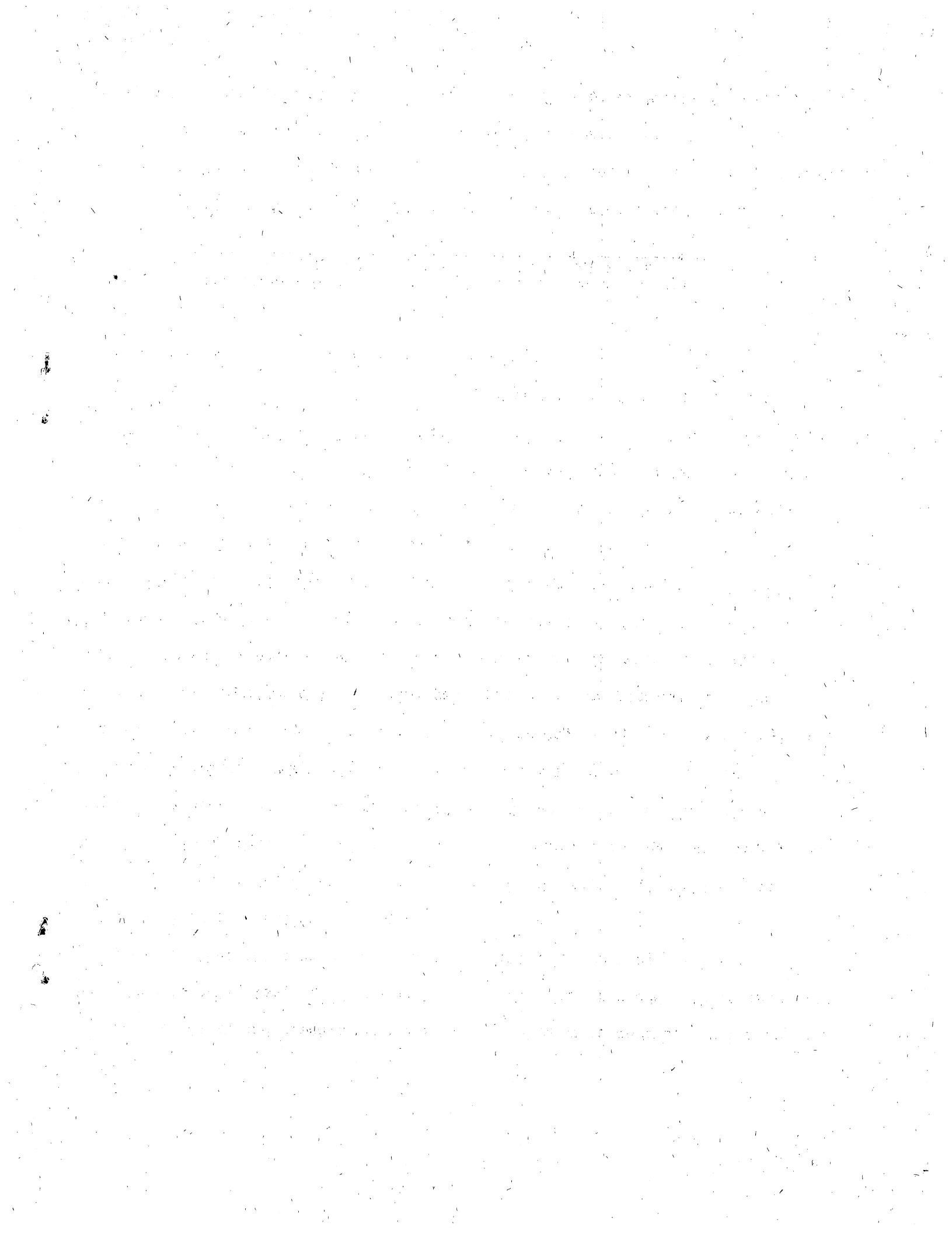


dresses and veils and plastic fabric used for rainwear or aprons. Such fabrics, Dr. Hager reports, tend to ignite rapidly and the flame spreads with an intensity and speed so that the wearer has no time to extinguish or tear off the garment before serious or fatal burns occur.

Based on Dr. Hager's classification of the highly flammable textiles and the accident records showing the result of their use as wearing apparel, the Committee reached the conclusion that it should direct its immediate attention to these articles. By an extensive study, the Committee could have covered household articles, such as rugs, curtains, blankets, etc.; but it was considered wiser to deal promptly with the prime danger which is in garments since when these are highly flammable and the wearers are encased in them, they are, in a real sense, in a fire trap from which there is little possibility of escape without injury. While the Committee does not minimize the danger of flammable fabrics made into curtains, blankets, etc., the danger from these is not, in most instances, inescapable. A person can walk away from a burning curtain and can throw off a burning blanket. We, therefore, call this body's attention to the dangers of highly flammable fabrics for household use and point to the fact that thirty states have legislation on flammable draperies but we have not directed our study or recommendations toward them.

Consultation with Industry and Insurance Representatives  
and with Federal, State and Municipal Agents

The Committee consulted with local police for evidence of traffic in dangerous textiles and asked the advice of the retail and manufacturing industries and insurance groups. Representatives of the State Department of Labor and Industry and a member of the Staff of the State Division of Purchasing, who had



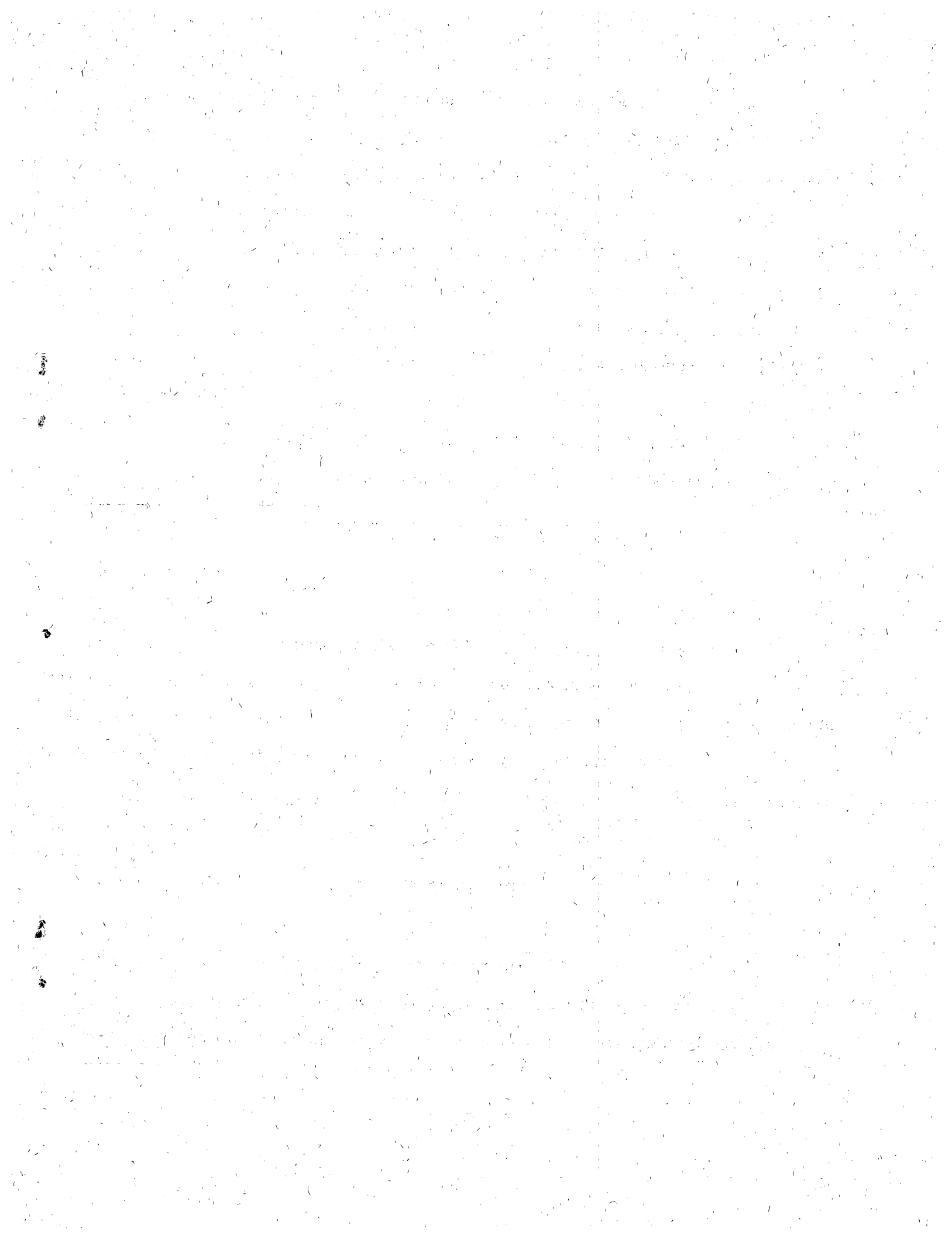
long experience in textiles and who had worked with the American Association of Textile Chemists and Colorists, worked with the Committee and gave it the benefit of their administrative and technical knowledge.

#### Existing Legislation

A search was made for existing federal and New Jersey statutes and no federal or state law was found which prohibits the use of flammable materials for clothing, draperies, tents, etc. The State of New Jersey has given the municipalities power to control fire menaces by local ordinances. In addition, in counties of the second, third and fifth class, with the consent and approval of the Board of Freeholders, a Fire Marshal may set up such regulations as the counties deem advisable.

#### The Necessity for State Legislation

The clear need for legislation to protect the public from the dangers of highly flammable textiles is apparent to this Committee. That federal legislation is highly desirable because it is the only way to insure uniformity and to prevent a variety of state regulations is equally apparent. The Committee is aware that legislation to prohibit the introduction or movement in interstate commerce of articles of an inflammable character dangerous to individuals was introduced in the Congress in January of this year. No action has been taken on these bills and no action was taken on similar bills in similar circumstances when they were introduced in Congress five years ago. Further, industry has not seized the opportunity to police itself in the five year interval in which no federal action has been taken. Most certainly then the State of New Jersey

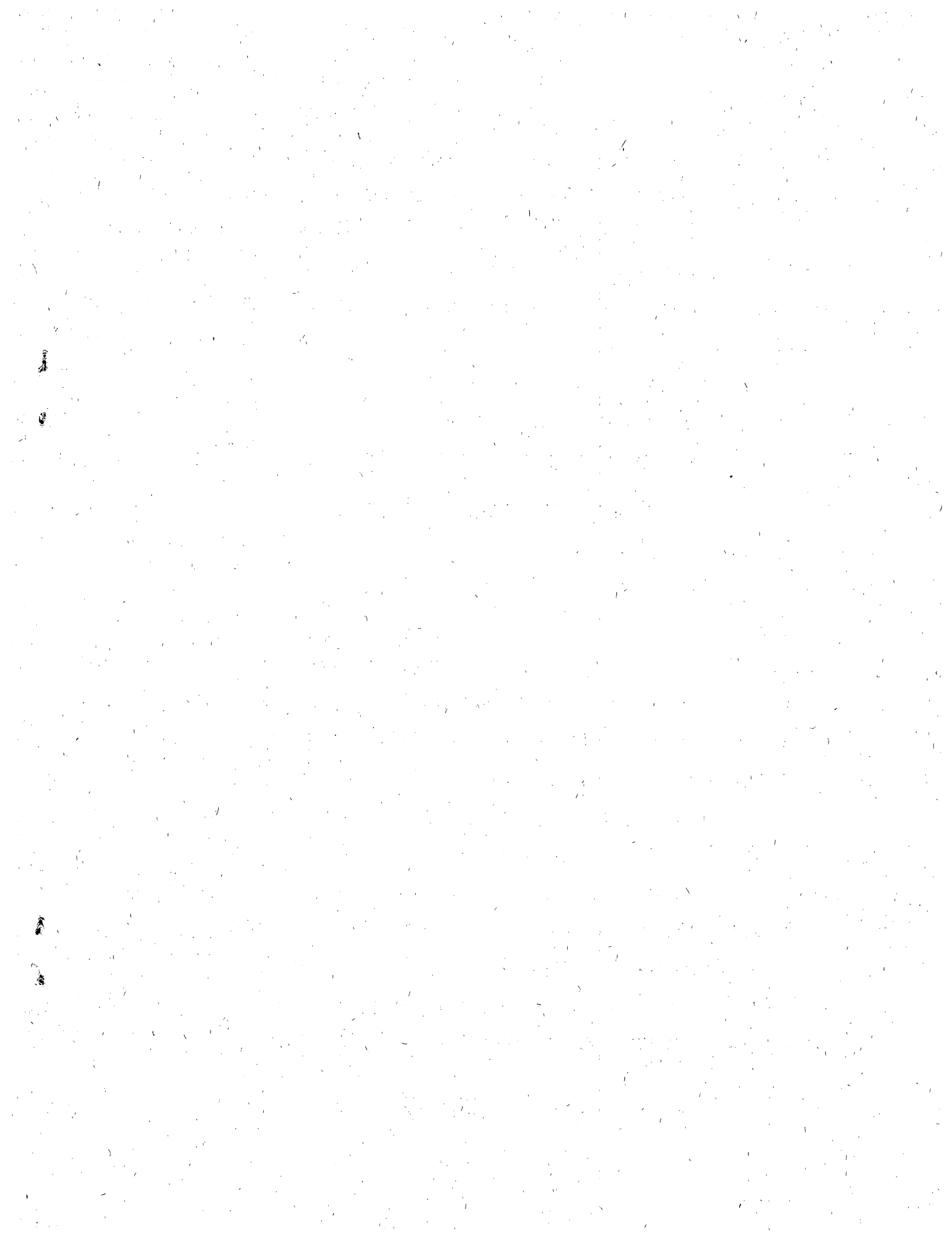


cannot delay action any longer and leave its citizens helpless in a situation which the record shows is sure to produce a yearly toll of human tragedy.

It is our belief that if a workable formula is promulgated by state legislation it will, in a large measure, be preventive and educational. By legislation, we can establish a standard which will indicate the respective rights of the consumer and of the producer. It seems apparent that if textile producers know there is such a standard to which they must conform, some lines of textiles which produce tragedies will not be produced; or if they are, that they will not be introduced in New Jersey. The statute which sets up the standard may need to be invoked only infrequently but it will serve to hold the ground gained by such costly experience. The Committee feels that such a statute should be enacted by the State of New Jersey.

#### Action in Other Countries and States

Having decided that legislation was necessary in New Jersey, the Committee set itself to find whether such legislation existed elsewhere, what led up to it and what had been the experience in its operation. Investigation disclosed that such legislation had existed in England for thirty-nine years. Research showed that this legislation, known as the "Fabrics Misdescription Act," was prompted by a history very similar to instances occurring in this Country. The open grates of England are a source of serious fires and some children have been burned to death through ignition by a spark on cotton flannel sleeping garments. As early as 1912, a symposium was sponsored in England on the flammability and flameproofing of fabrics and in 1913 the mentioned Act was enacted and it has continued in effect until today.

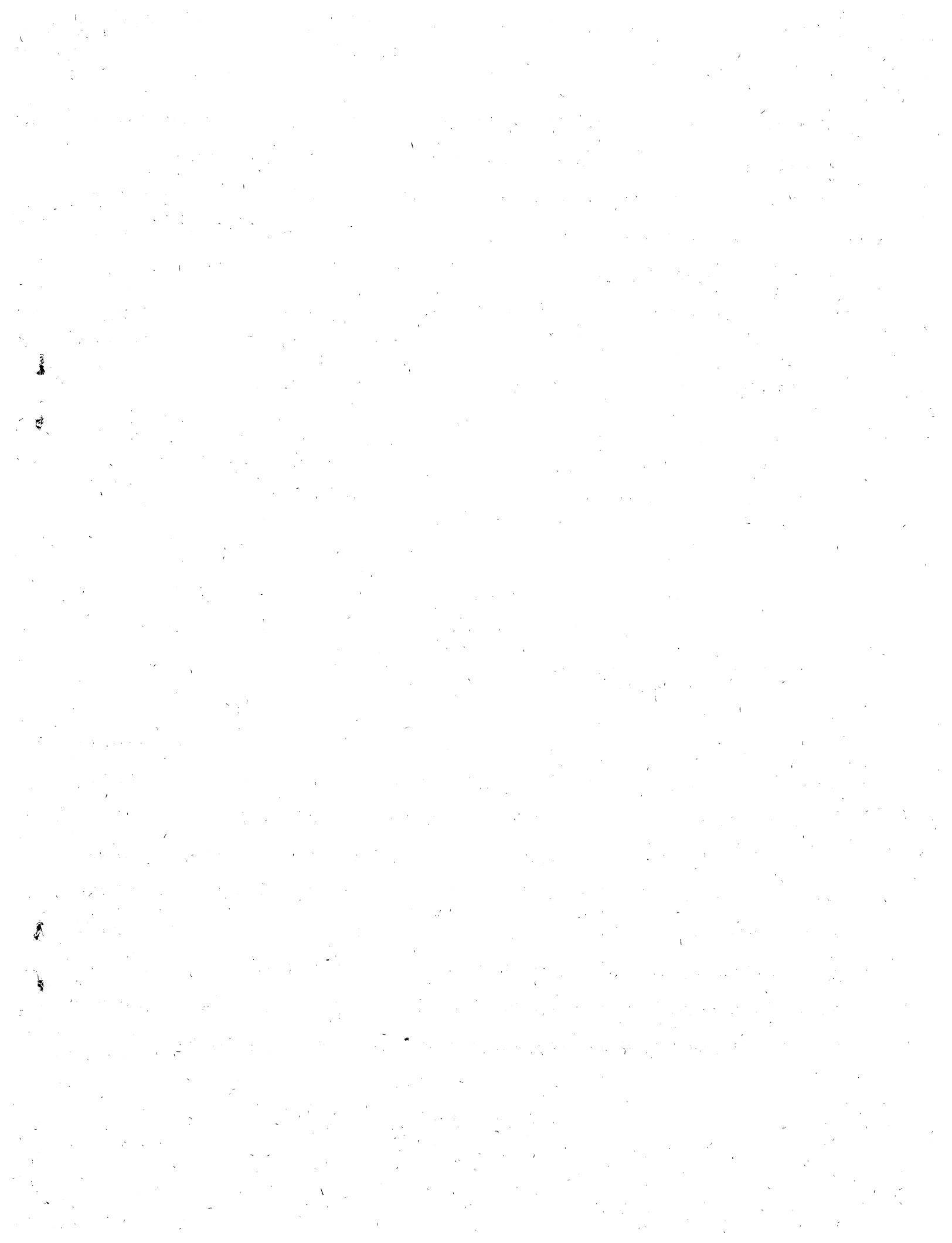


California has had legislation regulating the manufacture and sale of flammable fabrics since 1945. Investigation showed that no legislative or special study preceded the enactment of the California law but correspondence between the Committee and the California Fire Marshal, who has administered the law since its inception, furnished a factual background for its passage and provided up-to-date comments on its operation from 1945 to the present.

The quoted paragraph from the California Fire Marshal's letter to the Committee shows the events which caused legislative action in that state are much the same as the events which have stimulated action in this Legislature.

"Basically, two incidents lead to the passage of this legislation. The first was as follows: a woman in Sacramento purchased a garment for her small child and later noticed that it bore a label warning that the fabric was highly flammable and to keep it away from any open flames. While she appreciated the warning label, she could not understand why a manufacturer would want to put such a garment on the market, especially for use by children. She presented the matter to the local newspaper which immediately wrote editorials on the subject, suggesting that the legislature take some action. The second incident, which aroused national indignation, was the death of three boys and the injury of seven others in Washington, D. C., in April of 1945, when their extremely flammable rayon cowboy chaps became ignited. Many other deaths and injuries from this same cause occurred at about the same time throughout the entire country. This spurred the legislature to take immediate action, resulting in passage of our present law."

The Marshal's letter to the Committee reported that California's Flammable Fabrics Act had remained unchanged since its enactment but that eighteen months after its passage many changes were made in the regulations promulgated under it. These changes were necessary because of scientific advances in the evaluation of textiles during the period after the law became effective. Standards of flammability and measurement tests were not well developed in 1945 and it was most fortunate for consumer and producer as well as the State that no rigid standard had been incorporated in the California law. The record of



changes that became necessary in the California regulations and standards demonstrate the need for providing for a flexible standard in legislation of this type.

A further point of interest is California's report that the textile industry has contributed in every way toward the enforcement of its law. The Fire Marshal stated that administration of the California law had been greatly simplified by the almost 100% voluntary compliance of the textile groups, whether wholesalers, retailers or manufacturers. This report of California's enforcement officer strengthens the Committee's belief which it has previously stated that once a standard is promulgated it will solve the problem through education and prevention and drastic measures will seldom be necessary to enforce the law.

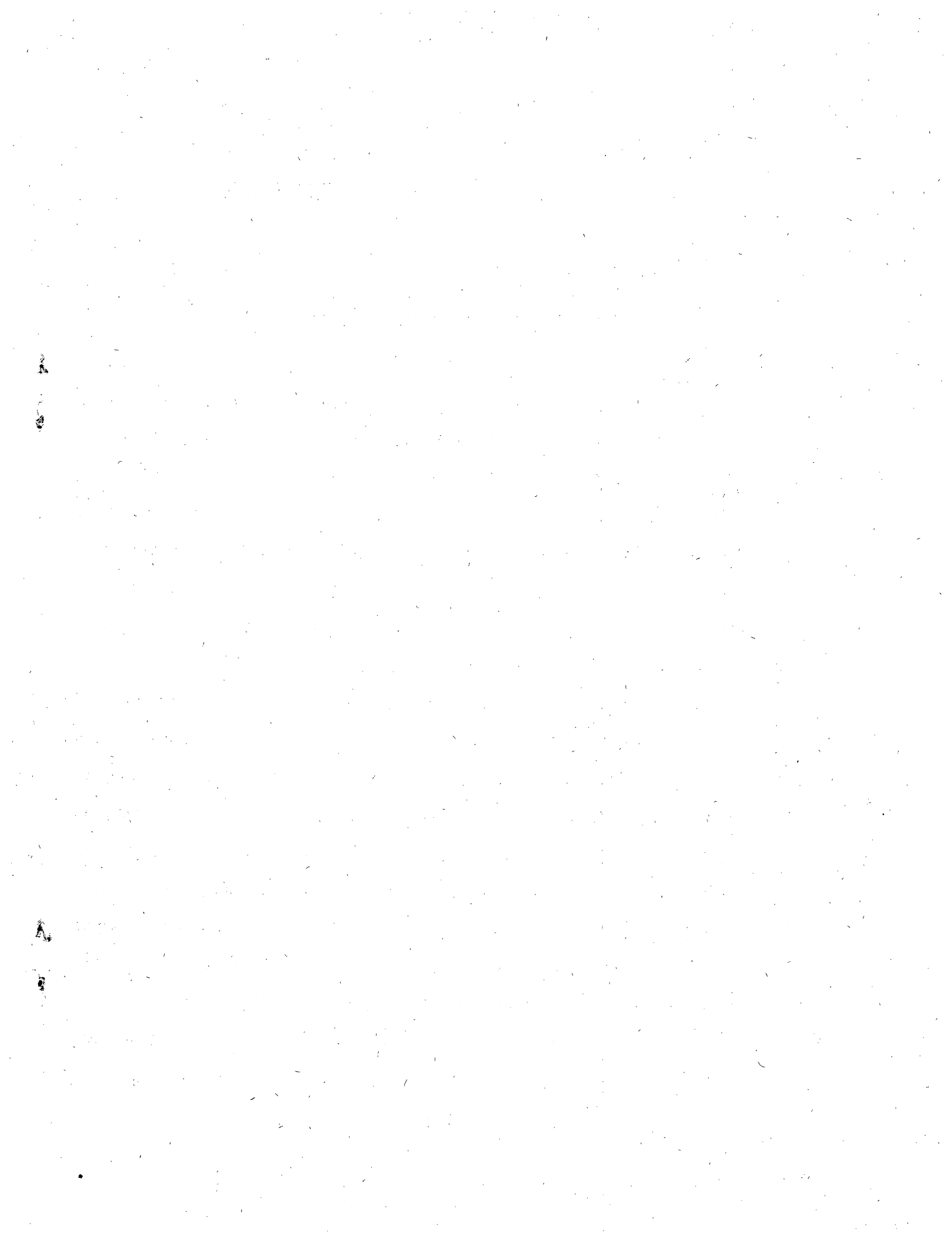
The neighboring State of New York is presently considering legislation to regulate flammable fabrics. The text of this proposed New York legislation has been studied by this Committee with a view to determining its adaptability in this State. Representatives of industry and the state agency which would administer the New Jersey law were asked for comments on all the forms of legislation which the Committee had under consideration. Their comments and suggestions were carefully considered and form the basis of many features of the Committee's recommended legislation.

#### Outline of Proposed Legislation

The principal features of the proposed legislation sponsored by this Committee are:

1. Administration

Administration of the law is placed in the State Department of Labor and Industry.

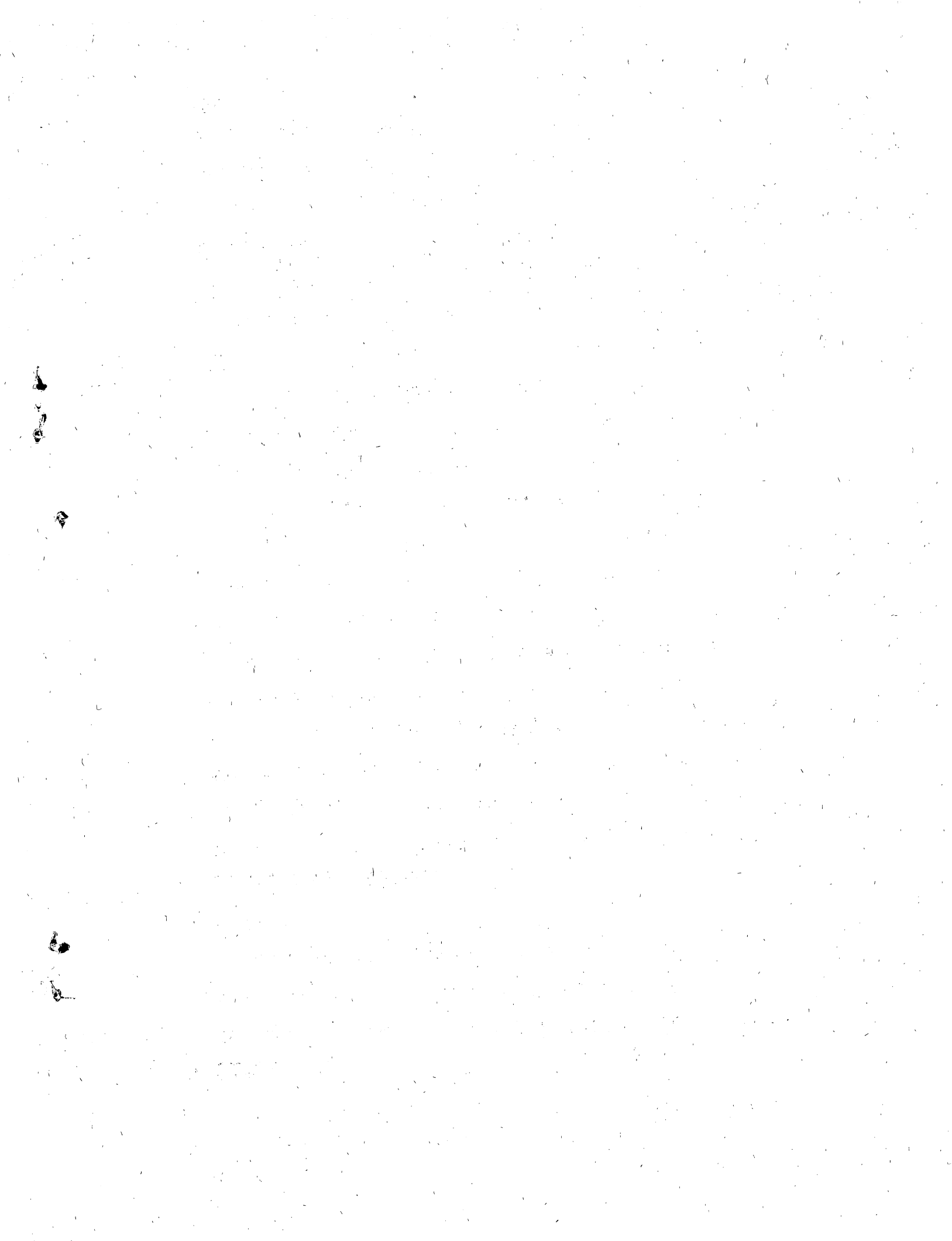


2. Prohibitions

It contains an outright prohibition of the manufacture or sale of any articles of wearing apparel or any fabric which is so highly flammable as to be dangerous when worn by individuals.

3. Standard of Flammability

The section of the bill which deals with this standard is the bill's most important feature and the Committee gave its provisions great consideration. There was every desire to have a simple and definite standard set out in the bill rather than to grant legislative authority to an administrative agency to promulgate rules and standards. However, in adopting legislation on this technical subject, inclusion of a rigid and unyielding standard would result in its becoming ineffective in the light of one, two or ten years of technological development. The sponsored legislation avoids this by providing that the Commissioner of Labor and Industry shall establish the standard of flammability after investigation, public hearings, etc. It provides that in establishing the standard the Commissioner shall consider the present United States Department of Commerce recommended revision of the commercial standard of flammability of textiles and any subsequent modification thereof, or any standard hereafter set by the United States Secretary of Commerce. The bill also sets out a test of flammability which is to be used until a standard is established by the Commissioner.



4. Enforcement

It provides that the Department of Labor shall have the power of inspection of places where articles of wearing apparel and fabrics are manufactured or sold, and that, dependent on circumstances, the Commissioner may make use of an off sale order and further inspection and tests, or he may institute proceedings in the Superior Court for confiscation of suspect articles, or employ injunctive procedure to enjoin violations.

5. Penalties

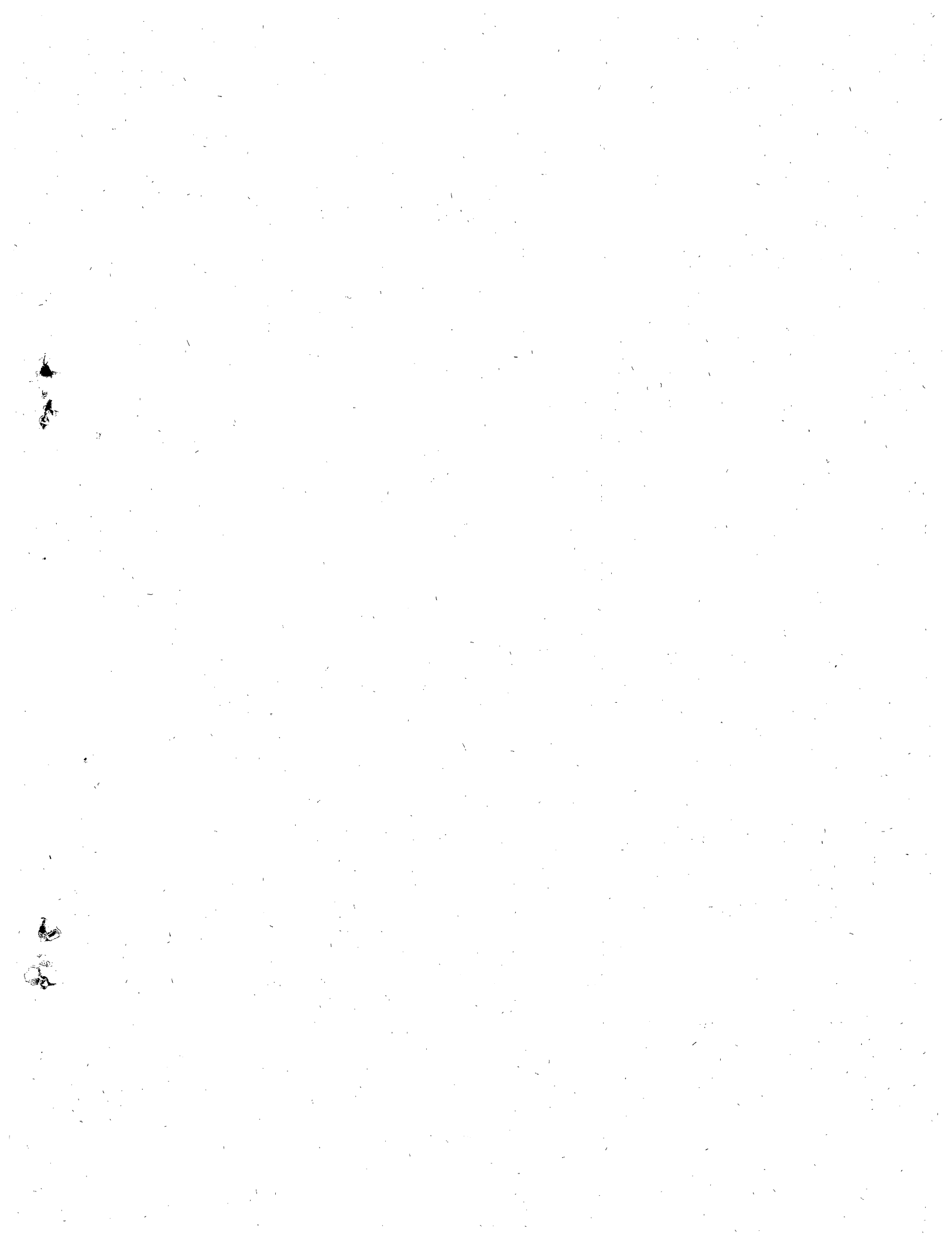
Penalties are made severe enough to be preventative in nature and to discourage illegal traffic in flammable textiles in the State.

6. Effective Date

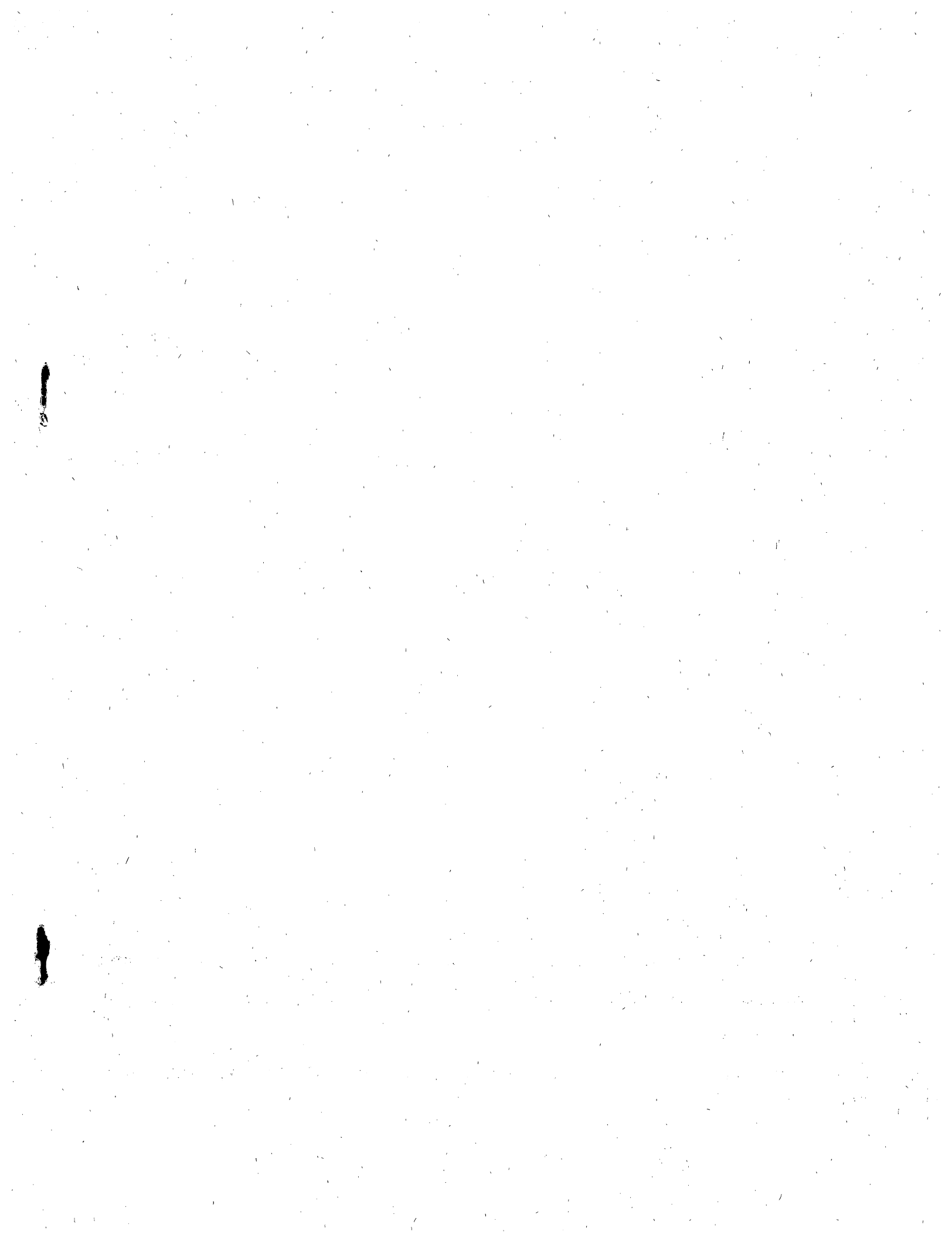
The effective date of the Act is January 1, 1953.

Conclusion

It is the Committee's considered judgment that the legislation which it here proposes is necessary in the interest of the safety of New Jersey citizens. The Committee has made an earnest attempt to offer legislation which is not unnecessarily broad or severe. It has consulted on each step with the industries concerned because of the grave practical problems involved. There are honest differences of opinion on many technical details but these differences do not seem a justification for inaction. We here offer legislation which will



provide a formula for weeding out the type of garments which have caused and will certainly continue to cause loss of life and human misery in this State. We urge that it is the responsibility of each state to act on the safety problems within its borders and to provide all the safeguards which are possible.



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