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13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
14 COUNTY OF SACRAMENTO

15 CHEMTURA CORPORATION, a Delaware) Case No.: 34-2014-80001731
16 corporation,)
17)
Petitioner and Plaintiff,)
18 vs.) DECLARATION OF LOU PAULSON
IN SUPPORT OF MOTION TO
19) INTERVENE
DENISE D. BROWN, *et al*,)
20)
21 Respondents and Defendants,)
22 and)
23 CALIFORNIA PROFESSIONAL FIREFIGHTERS,)
CENTER FOR ENVIRONMENTAL HEALTH,)
24 FRIENDS OF THE EARTH, NATURAL)
25 RESOURCES DEFENSE COUNCIL,)
PHYSICIANS FOR SOCIAL RESPONSIBILITY –)
26 LOS ANGELES)
27 Proposed Intervenors.)
28)

1 I, LOU PAULSON, hereby declare:

2 1. I have personal knowledge of the matters stated herein, and if called as a witness,
3 could and would competently testify thereto.

4 2. I am the President of California Professional Firefighters (“CPF”), a position I have
5 held since 2004. I have extensive experience fighting fires and promoting fire safety. I was first
6 hired by the Contra Costa County fire department in 1984, became a fire captain in the department in
7 1993, and prior to retiring from the department in 2011, had worked in that capacity since taking a
8 leadership role at CPF. I serve as the Chair of the California Fire Foundation, an organization that
9 provides emotional and financial assistance to families of fallen firefighters. I have also served as a
10 consultant for the hazardous materials program of the International Association of Firefighters
11 (“IAFF”), and am a member of the California State Board of Fire Services. In addition, I have
12 testified before the California Legislature, including the California Assembly Environmental Safety
13 and Toxic Materials Committee.

14 3. CPF is a tax-exempt nonprofit organization founded in 1938. CPF is headquartered
15 and incorporated in California, and has offices in Sacramento, California. The organization’s
16 mission is to improve the lives and working conditions of career firefighters in California – the men
17 and women who have made public protection their life’s work. CPF furthers this mission through
18 legislative and regulatory advocacy on behalf of its members in policy areas impacting public safety,
19 such as firefighter health and safety, workers’ compensation, retirement safeguards and employee
20 rights. CPF represents more than 175 local firefighter organizations across California and roughly
21 30,000 career federal, state and local firefighters based in California. CPF serves as the California
22 state council of the IAFF.

23 4. CPF seeks to intervene in this lawsuit to support the revised flammability standard for
24 upholstered furniture contained in “Technical Bulletin 117-2013” (“TB 117-2013”) issued by the
25 California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation
26 (the “Bureau”). CPF supports TB 117-2013, because it provides protection against smoldering
27 ignition sources, like cigarettes, which are the leading source of furniture fires. TB 117-2013 will
28 therefore be more effective than the pre-existing standard at slowing the spread of furniture fires,

1 making it safer and simpler for firefighters to do their jobs. The revised standard also improves fire
2 safety for those in the home at the time of the fire, and it will reduce manufacturers' use of flame
3 retardant chemicals, which threaten the safety and health of firefighters and residents alike.

4 5. Firefighters routinely confront the safety risks caused by reliance on the old
5 flammability standard, set forth in TB 117. The TB 117 flammability standard focused on ensuring
6 that furniture filling would be able to withstand exposure to a small open flame for 12 seconds.
7 However, most furniture fires are caused by exposure of the outside upholstery covering to a
8 smoldering ignition source, like a cigarette. By focusing on the flammability of the furniture filling,
9 the old standard did not ensure that furniture would be able to withstand the most frequent causes of
10 furniture fires. Furthermore, flame retardants provide little real-world protection once furniture fires
11 have already started. Given the heat at which modern structure fires burn, flame retardants offer
12 little, if any, additional protections from fires. Because the TB 117 standard is ineffective in slowing
13 the spread of furniture fires, it did nothing to enhance the safety of firefighters who entered a home
14 where a furniture fire was in progress.

15 6. Many furniture manufacturers rely on flame retardant chemicals to meet California's
16 TB 117 standard. This practice has resulted in increased risks to the firefighters called to combat
17 furniture fires. When a piece of furniture treated with flame retardants burns, it gives off more
18 carbon monoxide, soot and smoke than untreated furniture. Because of these byproducts, firefighters
19 face more dangerous conditions when responding to fires, and are at increased risk of suffering more
20 severe skin and respiratory system burns and other injuries when fighting these types of fires. The
21 toxic haze that is produced when flame retardants burn also endangers the citizens in close proximity
22 to these fires, and also serves a major cause of fire deaths and injuries, since these individuals are at
23 risk of greater smoke and carbon monoxide inhalation.

24 7. As many as one out of every three firefighters is diagnosed with cancer, and strong
25 data links firefighters' on-the-job exposure to flame retardants to adverse health outcomes. Large
26 amounts of cancer-causing dioxins and furans are produced by the combustion of furniture
27 containing flame retardants and the exposure to these compounds likely contributes to the high rates
28 of cancer among firefighters. Bio-monitoring studies show that the bodies of firefighters carry

1 greater loads of these flame retardants, when compared to the average population. For example,
2 100% of the firefighters in one study tested positive for flame retardants such as PBDEs
3 (polybrominated diphenyl ethers), and the byproducts produced when flame retardants burn, such as
4 PCDD/Fs (polychlorinated dibenzo-p-dioxins and dibenzofurans). Firefighters carry these chemicals
5 in concentrations two to three times greater than the load carried by the U.S. population. Many
6 studies involving firefighter exposure to these and other toxic gases conclude that firefighters have a
7 much greater risk of contracting cancer, heart and lung disease and other debilitating diseases as a
8 result of exposure to flame retardant chemicals and their byproducts. Based on the science showing
9 a direct link between cancer risks and firefighter exposures to these flame retardant chemical
10 mixtures, CPF has devoted significant resources to minimizing use of flame retardants in household
11 products so that our members are exposed to fewer of these chemicals when they are fighting fires. I
12 know that firefighter organizations around the country are involved in similar efforts for the same
13 reason.


14 8. In addition to advocating for the improvement of California's flammability standard
15 for upholstered furniture, CPF has actively engaged in a range of legislative and regulatory efforts to
16 improve other aspects of fire safety and to decrease use of toxic flame retardants and other chemicals
17 posing hazards to fire fighters. CPF has supported a range of state legislation which, had it passed,
18 would have reduced the use of toxic chemicals in mattresses and box springs, and exempted
19 "juvenile products" (such as sleeping pads, infant carriers and car seats) from ineffective
20 flammability standards which required the use of flame retardants. CPF is also sponsoring
21 California Senate Bill 1019 this year, which would require improved furniture labeling, so the public
22 is aware of whether California's new furniture flammability standard is being met with or without
23 the use of flame retardants. CPF was instrumental in the passage of California Senate Bill 127,
24 which will require the adoption of regulations reducing the use of toxic flame retardants in building
25 insulation, and maintaining building fire safety and encouraging healthy building practices. CPF is
26 actively involved with the development of regulations implementing this bill and was tapped by the
27 Office of the Fire Marshal to participate in a working group to help formulate related
28 recommendations.

1 9. If TB 117-2013 is overturned, fire fighters in the state of California could continue to
2 face the serious risks posed under the TB 117 flammability standard. CPF seeks to intervene in this
3 case to continue its work promoting the health and safety of fire fighters, and to protect their
4 members' health- and safety-related interests. CPF's members will be harmed if they are not
5 allowed to participate in this lawsuit.

6 10. No other parties in the litigation have worked as long and hard as CPF to promote the
7 health and safety interests of the community of professional firefighters, and its interests, and the
8 interests of its members, cannot be represented by other parties to the litigation.

9 I declare under penalty of perjury that the foregoing is true and correct to the best of my
10 knowledge, information and belief.

11
12 DATED: April 4, 2014



Lou Paulson