



SIMMONS MEETS NEW FEDERAL MATTRESS FLAMMABILITY REGULATION

July 16, 2007

Dear Valued Retail Partner:

Simmons Bedding Company is pleased to confirm that we have fully integrated and initiated our program as it relates to mattress flammability. Simmons would like to assure all of our retail partners and consumers that our products are in full compliance with all of the CPSC (Consumer Products Safety Commission) regulations including the new regulation known as 16 C.F.R. 1633 (1633) that went into effect on July 1, 2007. The company's fire-resistant (FR) barrier meets or exceeds the CPSC's 1633 regulation, and Simmons has integrated it into our product lines over the last year.

- All Simmons® product lines meet or exceed the new CPSC federal 1633 regulation.
- Simmons worked closely with the CPSC to assist in development of the new 1633 regulation. This effort resulted in the most comprehensive FR regulation in the history of the mattress industry.
- Simmons worked with several independent consultants and companies, and evaluated hundreds of possible FR components, to help us develop one of the most comprehensive and effective FR solutions, without compromising the comfort and durability that are hallmarks of the Simmons® brand.
- Simmons has hired independent auditors to test and ensure that our solutions meet the requirements of the 1633 regulation.
- Simmons has developed a rigorous and comprehensive reporting, tracking and processing system to ensure consistency across all United States Simmons factories.

SIMGARD™ Fire Resistant Barrier

The Simmons® FR barrier, called SIMGARD™, uses a proprietary blend of flame-resistant components that are non-toxic and recognized by the CPSC as being safe for consumers.

SIMGARD™ Barrier:

- The SIMGARD™ FR barrier is a **safe, non-toxic** solution developed and produced well in advance of the new 1633 regulation.
- The SIMGARD™ FR barrier includes DuPont™ Kevlar® brand aramid fiber as a component.
- Kevlar® fibers, which uniquely combine high strength with thermal protection, have been used in protective solutions for fire fighters, first responders and the military for over 40 years.
- The SIMGARD™ FR barrier contains **NO** polybrominated diphenyl ether (PBDE). Not only are all of our products currently PBDE free, but have been for several years.

FREQUENTLY ASKED QUESTIONS

Q1. What is the CPSC's 16 C.F.R. 1633 regulation?

A. It is a federal regulation that sets performance, record keeping and labeling requirements for mattress flammability. Mattresses compliant with the 1633 regulation will be more resistant to open flame than non-compliant mattresses.

Q2. What does this mean to retailers?

A. Effective July 1, 2007, it is a prohibited act to sell a mattress manufactured on or after July 1, 2007 that does not meet the new 1633 regulation.

Q3. Can I still sell a mattress only?

A. Yes, you can if the mattress is either made before the effective date of the regulation (July 1, 2007) or if the mattress is labeled for sale as a mattress only or as a set on the new 1633 law tag. Please see the last page for examples of the 1633 law tags with the relevant portions highlighted.

Q4. Can I sell a foundation only?

A. Yes.

Q5. Can a retailer sell a mismatching sleep set?

A. You should follow the manufacturer's intended usage instructions found on the 1633 law tag. According to the July 24, 2006 print version of Furniture Today, "the U.S. Consumer Product Safety Commission said retailers that sell mattresses contrary to test certifications on the federal law label may be in violation of the new federal standard. The label must state whether the mattress is intended for use with a foundation, without a foundation, or either with or without a foundation."

Q6. How does the new FR regulation affect warranty exchanges?

A. Simmons will continue to replace only the defective item. Simmons' warranty policy is to replace the defective piece with the most current/equivalent product. Since all mattress products made by Simmons

now contain the SIMGARD™ barrier, the consumer will receive a 1633 compliant mattress. This could result in a consumer not having a matching set.

Q7. How safe are the materials used to make mattresses that meet the new 16 C.F.R. 1633 regulation?

A. Simmons has engineered a proprietary SIMGARD™ FR barrier, utilizing a blend of flame-resistant components. Our SIMGARD™ barrier is NON-TOXIC and these components are also recognized by the CPSC as being safe for daily consumer use.

Q8. Is the 16 C.F.R 1632 (cigarette ignition test) still in force?

A. Yes. All mattresses produced must also comply with 16 C.F.R. 1632 (commonly referred to as the cigarette ignition test).

Q9. Who is responsible to ensure that all mattresses sold meet the new fire-resistance regulation?

A. Both the manufacturer and the retailer share this responsibility. The manufacturer must ensure that all beds manufactured and sold to a retailer meet both the old regulation 16 C.F.R 1632 and the new 1633 regulation. The manufacturer also must expressly state on the 1633 law tag how the mattress is intended to be sold (STATED ON THE NEW FR LAW TAG) – “THIS MATTRESS IS INTENDED TO BE USED WITH FOUNDATION(S): <FOUNDATION ID>” or “THIS MATTRESS IS INTENDED TO BE USED WITHOUT A FOUNDATION OR WITH FOUNDATION(S): <FOUNDATION ID>”.

The retailer must ensure that all mattresses and sleep sets are sold per the manufacturer’s expressed usage on the 1633 law tags. According to the CPSC, a retailer who sells a mattress without regard to its intended use as specified on the 1633 law tag may be held in violation of the 1633 regulation.

Q10. If I have more questions, where can I go?

A. If you need more information on how the new regulations may affect you please feel free to contact your local Simmons Representative.

Please see the examples of the two different 1633 law tags:

<p>Manufactured by: Company Name Street City, State</p> <p>Date of Manufacture: MM/YYYY</p> <p>Model: <Model ID></p> <p>Prototype ID: <Prototype ID> <Prototype ID></p> <p>This mattress meets the requirements of 16 CFR Part 1633 (federal flammability (open flame) standard for mattress sets) when used without a foundation or with foundations <ID>.</p>
<p>THIS MATTRESS IS INTENDED TO BE USED WITHOUT A FOUNDATION OR WITH FOUNDATION(S):</p> <p><FOUNDATION ID></p>

<p>Manufactured by: Company Name Street City, State ZIP</p> <p>Date of Manufacture: MM/YYYY</p> <p>Model: <Model ID></p> <p>Prototype ID: <Prototype ID></p> <p>This mattress meets the requirements of 16 CFR Part 1633 (federal flammability (open flame) standard for mattress sets) when used with foundation <ID> .</p>
<p>THIS MATTRESS IS INTENDED TO BE USED WITH FOUNDATION(S):</p> <p><FOUNDATION ID></p>