

FOCUS

on Flammability Standards

September 2015

NEW STANDARD AND LABELING LAW IN EFFECT IN CALIFORNIA

Effective January 1, 2015, furniture and toppers made of flexible polyurethane foam and upholstered or reupholstered furniture sold in California must comply with a new flammability standard set forth in California Technical Bulletin 117-2013, a revision to the standard adopted in 1975 by the state's Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI).

The standard, "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture," prescribes test methods to assess the combustion resistance of cover fabrics, barrier materials, resilient filling materials and, in some instances, decking materials in combination after 45-minute exposure to smoldering cigarettes, in accordance with ASTM E1353-08a: "Standard Test Method for Cigarette Ignition Resistance of Components of Upholstered Furniture."

TB 117-2013 eliminates an earlier requirement to make goods that are open-flame resistant, and the related testing. The previous standard focused predominantly on filling materials. The focus has now shifted to the cover fabric where the fire begins and to the interactions of the cover fabric with the filling materials. BEARHFTI's research concluded that the smoldering resistance of a mock-up seating assembly significantly improved when comprised of less smolder-prone fabrics.

The revised bulletin is intended to provide improved fire safety standards while reducing the use of flame retardant chemicals that were used to provide open-flame resistance. Furniture retailers must now purchase goods compliant with this standard.

After the adoption of TB 117-2013, California enacted a new law requiring that furniture labels disclose whether the item contains flame retardant chemicals, and requiring that the documents be kept to support the label statements.

TB 117-2013 SMOLDERING RESISTANCE TEST REQUIREMENTS FOR COVER FABRICS

The new smoldering test methods referenced are an update to California's previous smoldering test methods. Smoldering test requirements in TB 117-2013 are outlined for four components: cover fabrics, barrier materials (the layer of material that lies under

the cover fabric to reduce the smoldering propensity of the seating furniture), resilient filling materials and decking (material that supports loose seat cushions). This issue of FOCUS deals only with cover fabrics.

MOCK-UP ASSEMBLY FOR SMOLDERING IGNITION RESISTANCE TEST OF UPHOLSTERY COVER FABRICS

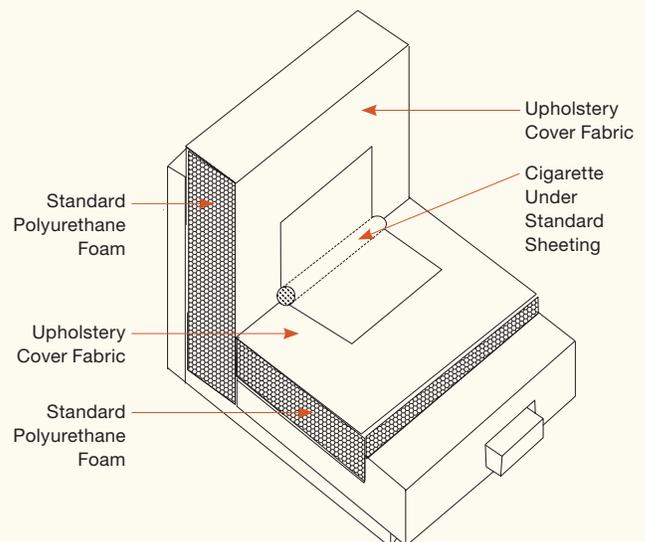


Figure provided courtesy of State of California Department of Consumer Affairs, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation



The cover fabric test involves a miniature assembly consisting of the component to be tested along with other specified materials mounted on a plywood mockup resembling a small chair seat and back. Semi-composite test specimens are prepared as outlined in ASTM E1353-08a to make up one sample, and are exposed to a lighted cigarette. The tests are somewhat similar to the current voluntary industry standard developed jointly by the Upholstered Furniture Action Council and National Fire Protection Association (UFAC/NFPA 260). The use of barrier materials in the final seating assembly is required only if the cover fabrics and/or filling materials fail their corresponding tests.

Unless exempt, furniture sold in California must display a permanently adhered label stating compliance with TB 117-2013, which may be combined with the "law label." This label is the responsibility of the furniture manufacturer.

CALIFORNIA SENATE BILL 1019 LABELING AND RECORDKEEPING REQUIREMENTS

TB 117-2013 is a performance standard only; it does not prescribe or prohibit the use of any specific materials or manufacturing methods necessary to meet the flammability standard. It is the manufacturer's responsibility (along with all other related parties) to determine whether compliance with TB 117-2013 is possible without the use of flame retardants. Therefore, as the regulation was written, consumers would have no way to know whether furniture products had these added chemicals. This led the California legislature to enact SB 1019, setting forth requirements for labeling and recordkeeping with respect to flame retardant chemicals in products covered by TB 117-2013.

SB 1019 requires that the manufacturer of any flexible polyurethane foam and upholstered or reupholstered furniture sold in California attach a label that discloses whether the product contains flame retardant chemicals. Manufacturers must retain documentation to show whether flame retardant chemicals were added. Sufficient documentation for a manufacturer is a written statement by the component supplier attesting that the chemicals were or were not added and/or test results for each component. BEARHFTI can be expected to conduct an unspecified number of requests for documentation or inspections each fiscal year of product samples marked "contain NO added flame retardant chemicals."

OVERLAPPING COMPLIANCE ISSUES CREATE SOME CONFUSION

BEARHFTI has authority to implement regulations to carry out the new law. It is possible that future regulations will clarify two points of confusion that have already arisen. First, SB 1019 provides that upholstery manufacturers and component suppliers will be held

liable for penalties for seating manufacturers' misleading labeling or failure to retain documentation. The fact that component suppliers may have no control over a manufacturer's conduct is not addressed.

Second, confusion has also been created by a potential inconsistency between the labeling requirement of SB 1019 and the requirements of Prop 65, which is administered by a different California agency, the California EPA's Department of Environmental Health Hazard Assessment.

In order to assure individual company compliance with the new rules, it will be important to secure legal advice on (1) the nuances of the regulation and the law and (2) appropriate testing, disclosure and recordkeeping. For additional reading on both TB 117-2013 and SB 1019, consult BEARHFTI's website, which offers a variety of links as shown.

Technical Bulletin 117-2013

- TTB 117-2013 Standard
www.bearhfti.ca.gov/about_us/tb117_2013.pdf
- Back to Basics with the Standard
www.bearhfti.ca.gov/about_us/tb117_factsheet.pdf
- Frequently Asked Questions (FAQs)
www.bearhfti.ca.gov/about_us/tb117_faqs.pdf

Senate Bill 1019 Information

- Industry Advisory – SB 1019
www.bearhfti.ca.gov/about_us/industry_advisory_sb_1019.pdf
- SB 1019 FAQ
www.bearhfti.ca.gov/about_us/sb_1019_info.pdf

Labels under TB 117-2013

- Industry Advisory on Labels
www.bearhfti.ca.gov/about_us/tb117_labeladvisory.pdf
- Label Examples
www.bearhfti.ca.gov/about_us/tb117_labeling.pdf
- Combined Label Examples
www.bearhfti.ca.gov/about_us/tb117_labelingcombined.pdf

