



Understanding California Technical Bulletin 117-2013 Flammability Standard Requirements for Upholstered Furniture

(Updated with addition of SB 1019 Requirements)

California TB 117-2013 eliminates the open flame test for upholstery components including filling materials, such as flexible polyurethane foam, and revises the smolder resistance requirements. The standard covers upholstery cover fabrics and filling materials and tests the interaction of the materials that go into a piece of upholstered furniture. The use of barrier materials is required only if cover fabrics and/or filling materials fail their corresponding tests. The standard also establishes a smolder test requirement for foam sold for use as uncovered mattress pad products with related label requirements. In addition, California Senate Bill 1019 (SB 1019) requires additional information to be displayed on items covered by TB 117-2013 to indicate whether upholstery materials contain added flame retardant chemicals (FRs).

What Manufacturers Need to Know

If you are a manufacturer or fabricator selling or shipping upholstered furniture and/or filling or fabric materials for use in residential upholstered furniture for ultimate sale in California, it's important to understand and comply with California Technical Bulletin (TB) 117-2013, a revision to the previous TB 117, which is now in full effect. Here are background information and details about required actions, labeling, and record-keeping requirements to ensure compliance.

Background

In 2013, California's Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation adopted TB 117-2013, a revision to a flammability standard (TB 117) for home furnishings that was originally issued in 1975. Currently, California is the only state with a residential upholstered furniture flammability standard, but because the state represents a very large market for furniture, and because it may have been costly to make different versions of a product,

some manufacturers historically applied this standard to all the furniture they made.

What is TB 117-2013?

TB 117-2013 is a flammability standard for upholstered furniture. TB 117-2013 mandates that, beginning January 1, 2015, all filling materials, including flexible polyurethane foam (FPF) that can reasonably be expected to be used in or as an article of furniture, or as a mattress pad without a covering, in California must meet the smolder-resistant requirements of the TB 117-2013 Resilient Filling Material Test. The new standard replaces TB 117, which since 1975 has mandated the use of an open flame flammability test for FPF.

What is SB 1019?

For upholstered furniture sold in California, effective January, 1, 2015, SB 1019 requires that additional information about the use of flame retardant chemicals in upholstery materials must appear on the TB 117-2013 flammability label. The exact language is shown here.

<p>NOTICE</p> <p>THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.</p>
<p>THE UPHOLSTERY MATERIALS IN THIS PRODUCT:</p> <p>— CONTAIN ADDED FLAME RETARDANT CHEMICALS</p> <p>— CONTAIN NO ADDED FLAME RETARDANT CHEMICALS</p>
<p>THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.</p>

An extra label is not required for SB 1019. The SB 1019 FR statement should be ADDED to the flammability label. The flammability label can be affixed separately or combined with the required Law Label describing item content. (See Labeling section beginning on page 5.) SB 1019 defines flame retardant chemicals this way: A flame retardant chemical is "any chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire. FRs include, but



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

are not limited to, halogenated, phosphorus-based, nitrogen-based, and nano-scale flame retardants, flame retardant chemicals listed as “designated chemicals” according to the California Environmental Contaminant Biomonitoring Program, and any chemical or chemical compound for which “flame retardant” appears on the Safety Data Sheet (SDS). There is a 1,000 parts per million di minimus threshold.

A “covered product” means any flexible polyurethane foam or upholstered furniture sold in California that is required to meet the test requirements of Technical Bulletin 117-2013.

How Does the TB 117-2013 Standard Differ from the Previous TB 117 Standard?

The TB 117 standard required filling materials to meet an open flame test and a smolder test. In order to meet the standard, flame retardants typically were added to filling materials such as flexible polyurethane foam. The TB 117-2013 standard, fully effective January 1, 2015, discontinues the open flame test and retains a modified version of the smolder test. The smolder test is similar to procedures specified by the Upholstered Furniture Action Council (UFAC) voluntary smolder standard, ASTM 1353-08a and NFPA 260, but there are some differences in the testing procedures and the “standard” testing materials. These differences may make TB 117-2013 more difficult to pass for some borderline cover fabrics and filling materials that may be prone to smolder ignition.

Can Flame Retardant Chemical Additives Still be Used?

Yes. TB 117-2013 does not prohibit the use of flame retardant chemicals nor does it require them. The standard is a smolder performance standard. How one achieves the standard is left up to the manufacturers. However, to comply with SB 1019, a label indicating the possible addition of FRs must now be used for products sold in California.

Timeline for Products Offered for Sale in California

Products made BEFORE January 1, 2015 that were qualified using TB 117	May be sold indefinitely in California
Products made between January 1, 2014 and not after December 31, 2014 that were qualified using UFAC, NFPA 260, or ASTM 1353-08a*	May be sold indefinitely in California
Products made January 1, 2015 and after	All new products must comply with TB 117-2013.
Effective January 1, 2015	Retailers must purchase TB 117-2013 compliant upholstered furniture only

*These tests do not include qualification standards for FPE.

Who is Responsible for Compliance with TB 117-2013 and SB 1019?

Companies that manufacture or import upholstered furniture for sale in California are ultimately responsible for compliance with the standard. As a practical matter, upholstered furniture manufacturers may require certifications from suppliers of filling material and fabric that their products comply with the new standard. They may also need documentation related to the addition of FR chemicals. [SB 1019 imposes joint and severable liability for violation of the documentation requirements.] Bottom line: FPF that can reasonably be expected to be used in or as an article of furniture or mattress pad without a cover must meet the TB 117-2013 Resilient Filling Material Test standard, and must be properly identified as containing/not containing FR chemicals.

“The previous standards focused predominantly on filling materials, where fires don’t actually start. The [TB 117-2013] standards were developed to address where the fire begins, which is the cover fabric, and to focus on the interactions of the cover fabric and filling materials.”
— **Tonya Blood**, former Chief of the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Comparing TB 117 and TB 117-2013

The old TB 117 standard required filling materials to meet an open flame test and a smolder test. In order to meet the standard, flame retardants typically were added to filling materials such as flexible polyurethane foam. The 117-2013 standard discontinues the open flame test and retains a modified version of the smolder test. The smolder test is similar to procedures specified by the Upholstered Furniture Action Council (UFAC) voluntary smolder standard, NFPA 260, or ASTM 1353-08a, but there are some differences in the testing procedures and the “standard” testing materials. These differences may make TB 117-2013 more difficult to pass for some borderline fabrics and filling materials.

What is the Resilient Filling Material Test?

The Resilient Filling Material Test, described in Section 3 of TB 117-2013, measures the smolder ignition resistance of filling materials when they are covered with smolder-resistant Class 1 Fabric and subjected to a smoldering approved non-filter cigarette.

Does FPF have to meet the Resilient Filling Material Test?

There are two separate situations in which FPF must meet the new Resilient Filling Material Test. Effective January 1, 2015, all resilient FPF materials that are contained in upholstered furniture, or added to reupholstered furniture and sold in California, must comply with TB 117-2013. In addition, slabs, blocks, sheets, and shredded (loose or packaged) resilient FPF that is sold in California must meet the requirements of the Resilient Filling Material Test contained in Section 3 of TB 117-2013 if they are offered for sale to the general public through retail outlets; are intended for non-commercial or non-manufacturing purposes; and can be reasonably expected to be used in or as an article of furniture or in or as an uncovered mattress or mattress pad.

For example, FPF sheets sold in a retail outlet that could be used as an uncovered mattress or mattress pad must meet

the requirements of the Resilient Filling Material Test. Such items, including mattress pads, must have a flammability label including the SB 1019 FR chemical statement, and a law label. (See Law Label No. 6 on page 8.)

If slabs, blocks, sheets, or shredded FPF cannot reasonably be expected to be used in or as an article of furniture, or in or as an uncovered mattress or mattress pad, the materials are exempt.

Exemptions: Products Which are not Required to Comply with TB 117-2013 or SB 1019

Bassinets, booster seats, car seats, changing pads, floor play mats, highchairs, highchair pads, infant bouncers, infant carriers, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, and strollers.

- Articles manufactured to fill a written prescription from a physician, chiropractor or osteopath.
- Cushions and pads that only will be used outdoors.
- Articles with a smooth surface containing no more than one-half inch of filling material (as long as the article does not have a horizontal surface meeting a vertical surface) are exempt.

If my products comply with a voluntary standard such as UFAC, will they be in compliance with the new California standard?

For covered items manufactured on January 1, 2015 and thereafter, no other standard is acceptable— newly manufactured products must comply with TB 117-2013.

Keep a Record

It's a good idea to show the manufacture date on a label, stamped on the products, or on an invoice. It is especially important to save compliance documentation for any products that may have been classified using UFAC, NFPA 260, or ASTM 1353-08a equivalent test methods during the transition period. These records should be saved as long as goods remain in commerce.



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Foam suppliers may be asked by customers to provide written statements that flame retardant chemicals are not present in excess of the 1,000 parts per million de minimus threshold.

Penalties

For failure to comply with the flammability regulations, companies may be subject to fines ranging from \$250 to \$2,500 for each inspection. Failure to comply with labeling requirements can result in fines ranging from \$100 to \$1,000. Failure to comply with SB 1019 regulations may incur additional fines ranging from \$2,500 to \$10,000 and compliance testing may be required, at the manufacturer's expense.

Labeling and Label templates see page 4-9.

For Additional Information

This bulletin is not intended to provide legal advice. For information regarding specific questions, consult your legal counsel. You also can contact the California Department of Consumer Affairs, Bureau of Electronic Appliance Repair, Home Furnishings and Thermal Insulation at 916-999-2041, or visit www.bearhfti.ca.gov.

Resource File on Foam ... a series on topics and issues related to flexible polyurethane foam published by the Polyurethane Foam Association. pfa.org



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Labeling and Label Templates

The information on labeling on the following pages is extracted from documents available at the BEARHFTI website and pertains to labeling requirements related to TB 117-2013 and SB 1019 in the California Code of Regulations (CCR).

Overview of Labeling Information

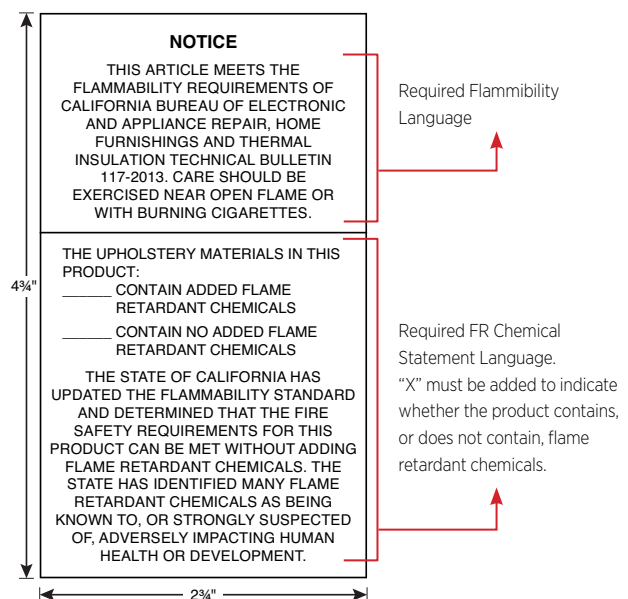
- There are two types of labels for upholstered furniture to be sold in California: flammability/FR chemical statement labels and law labels.
- Articles of upholstered seating furniture, uncovered mattresses and mattress pads sold in the state of California will require a flammability/FR chemical statement label and a law label. Articles that are exempt from requirements of TB 117-2013 (for outdoor use, certain baby products and bedding items – review exemptions on page 3) will only need a law label.
- The flammability/FR chemical statement label and law label may be combined on one label, either horizontally or vertically, as long as they are separated by a bold line and meet the size, letter height and language requirements (see page 9).
- Products to be sold in California that fit the requirements for law label No. 8 “for bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture” do not require a separate flammability/FR chemical statement label because the language that appears on the flammability label is already part of the required language on the law label (see page 9).
- Labels must be securely fastened on articles of upholstered furniture and regulated bulk materials in open view.
- In case of a packaged product such as an uncovered mattress pad, the label information can be printed on the product packaging using a compliant size.

Flammability and FR Chemical Statement Label

A flammability label must be used on upholstered furniture sold in California to indicate compliance with TB 117-2013.

SB 1019 requires that the flammability label also include a Flame Retardant Chemical Statement with a space or check box indicating whether the upholstery materials (including flexible polyurethane foam) contain or do not contain added flame retardants.

All upholstered furniture must also display a law label (see next section). There are nine different law labels to choose from based on the product to be labeled.





Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Law Labels

Type No. 1 Law Label

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items. Use in addition to flammability label (see page 5).

Label must be white, printed in black ink.

<i>(Space for Stitching)</i>		(WHITE LABEL)
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
ALL NEW MATERIAL consisting of _____		Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
(This space for revenue stamp when required)	Registry No. _____	
	Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer _____		Name and address of vendor or manufacturer optional.

Type No. 2 Law Label

For articles of furniture with loose cushions. Use in addition to flammability label (see page 5).

Label must be white, printed in black ink.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		(WHITE LABEL)
ALL NEW MATERIAL consisting of _____		
BODY: _____		Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
BACK CUSHIONS: _____		
SEAT CUSHIONS: _____		
(This space for revenue stamp when required)	Registry No. _____	
	Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer _____		Name and address of vendor or manufacturer optional.

<i>(Space for Stitching)</i>		



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Law Labels (continued)

Type No. 3 Law Label

For owner's own materials/custom upholstery.
Use in addition to flammability label
(see page 5).
Label must be green, printed in black ink.

(Space for Stitching at top or bottom) (GREEN LABEL)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

This Article Not For Sale
OWNER'S MATERIAL — Minimum type size one-eighth inch in height, in capital letters.
Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law, and consist of the following

ALL NEW MATERIAL — Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Renovated or repaired by: — This space optional.

Registry No. _____	Date _____
--------------------	------------

Owner:
Address:

(Space for Stitching at top or bottom)

Type No. 4 Law Label

For bulk filling materials such as batting and pads, if intended to be used in bedding products. If intended to be used in upholstered furniture, use this label in addition to flammability label (see page 5), or use law label No. 8 instead.
Label must be white, printed in black ink.

Space for stitching or tying (method optional)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL — Minimum type size one-eighth inch in height, in capital letters.
— Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

Net Wt. _____

Certification is made by the manufacturer that the materials in this article are described in accordance with law.

REGISTRY NO. _____
Name and address of vendor or manufacturer — This space optional.



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Law Labels (continued)

Type No. 5 Law Label

For packaged filling materials ready for use by the ultimate customer, if intended to be used in bedding products. If intended to be used in upholstered furniture, use this label in addition to flammability label (see page 5), or use law label No. 8 instead.

Label must be white, printed in black ink.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	
ALL NEW MATERIAL	Minimum type size one-eighth inch in height, in capital letters.
_____	Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
REGISTRY NO.	
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer	This space optional.

Type No. 6 Law Label

For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.

Label must be white, printed in black ink.

<i>(Space for Stitching)</i>		(WHITE LABEL)
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
ALL NEW MATERIAL		Minimum type size one-eighth inch in height, in capital letters.
consisting of		Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
Finished Size _____		
	Registry No. _____	Certification is made by the manufacturer that the materials in this article are described in accordance with law.
Name and address of vendor or manufacturer		This space optional.



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Law Labels (continued)

Type No. 7 Law Label

For bedding products such as sleeping bags, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

Label must be white, printed in black ink.

Note: Mattresses (including hybrid sleep systems) must meet federal standard 16 CFR 1633 and must carry a federal 16 CFR 1633 flammability label.

(Space for Stitching)

(WHITE LABEL)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL consisting of

Finished Size _____ Net Wt. of Filling Mat'l _____

Registry No. _____

Certification is made by the manufacturer that the materials in this article are described in accordance with law

Name and address of vendor or manufacturer _____

—Minimum type size one-eighth inch in height, in capital letters.

—Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

—This space optional.

Type No. 8 Law Label

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture. **A separate flammability label is not required with this label.**

No. 8 law label applies both to bulk filling material packaged for consumer use and can also be applied to larger volume bulk goods that may be sold to or distributed by wholesale fabricators. Suppliers may be requested to provide a No. 8 law label in addition to the invoice stating that the materials meet TB 117-2013. It is important for suppliers and downstream customers to keep file copies of the labels and invoices containing the compliance notice.

Label must be white, printed in black ink.

Space for stitching or tying. (Method optional)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL

Net Wt. _____

Certification is made by the manufacturer that the materials in this article are described in accordance with law. This product meets the requirements of Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013.

REGISTRY NO. _____

Name and address of vendor or manufacturer _____

—Minimum type size one-eighth inch in height, in capital letters.

—Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

—This space optional.



Understanding TB 117-2013 and SB 1019 Requirements for Upholstered Furniture Sold in California (continued)

Law Labels (continued)

Type No. 9 Law Label

For bedding articles that contain whole or in part any secondhand (used) filling materials.

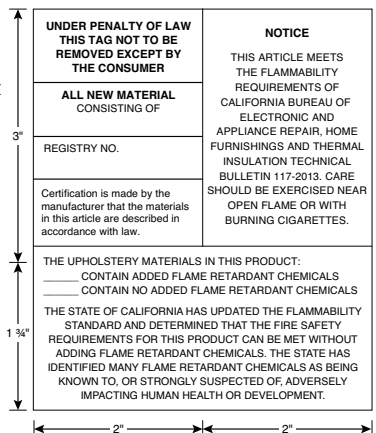
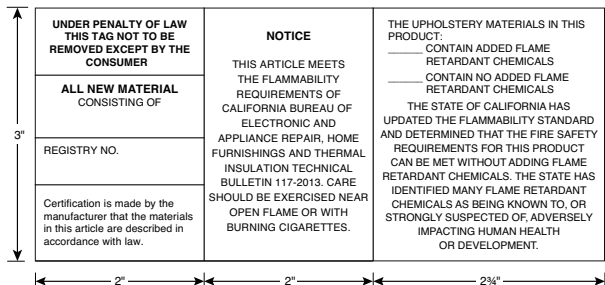
Label must be red, printed in black ink.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER		(Red Label)
THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS		
Minimum type size one-eighth inch in height, in capital letters.		Insert description of any newly added filling materials
Finished Size _____	Net Wgt. Of Filling Mat'l _____ lbs.	
Registry No. _____		optional information
Certification is made by the manufacturer that the materials in this article are described in accordance with the law.		
Name and address of vendor or manufacturer.		

Combining Flammability/FR Chemical Statements and Law Labels

The flammability/FR chemical statement and law label may be combined, either horizontally or vertically, as long as the combined label meets the size, letter height and language requirements shown here.

- The minimum font size required for the flammability and the flame retardant chemical statement is 1/8 inch.
- All cap letters must be used for the flammability label portion.
- All caps, or upper and lower case letters may be used for the FR chemical statement portion, however all caps is recommended because if upper/lower case is used, the smallest lower case letter must measure 1/8", which will necessitate a larger label.
- Use an X on the appropriate line (shown here) or box to indicate whether the product contains, or does not contain, flame retardant chemicals.



This document is not intended to be legal advice. Consult an attorney to seek legal advice on how California Technical Bulletin 117-2013 and California Senate Bill 1019 may apply to your situation.

Learn more about the Polyurethane Foam Association at pfa.org | Contact: rluedeka@pfa.org

