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.

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
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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

<table>
<thead>
<tr>
<th>Products made</th>
<th>May be sold indefinitely in California</th>
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</thead>
<tbody>
<tr>
<td>Products made BEFORE January 1, 2015 that were qualified using TB 117</td>
<td></td>
</tr>
<tr>
<td>Products made between January 1, 2014 and not after December 31, 2014 that were qualified using UFAC, NFPA 260, or ASTM 1353-08a*</td>
<td></td>
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<tr>
<td>Products made January 1, 2015 and after</td>
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<tr>
<td>Effective January 1, 2015</td>
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| Products made before January 1, 2015 that were qualified using TB 117 |
| Products made between January 1, 2014 and not after December 31, 2014 that were qualified using UFAC, NFPA 260, or ASTM 1353-08a* |
| Products made January 1, 2015 and after |
| Effective January 1, 2015 |

*These tests do not include qualification standards for FPF.

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
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, playyards, 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.
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.**
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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.
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.

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.
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.

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.
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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.

**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.
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.

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.
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.

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 caps 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.

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

THE UPHOLSTERY MATERIALS IN THIS PRODUCT:
______ CONTAIN ADDED FLAME RETARDANT CHEMICALS
______ CONTAIN NO ADDED FLAME RETARDANT CHEMICALS

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.

THE UPHOLSTERY MATERIALS IN THIS PRODUCT:
______ CONTAIN ADDED FLAME RETARDANT CHEMICALS
______ CONTAIN NO ADDED FLAME RETARDANT CHEMICALS

Notice
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: rliuedeka@pfa.org