

Flammability Regulations Upholstery Fabrics

ISSUE:

The state of California established a mandatory furniture flammability regulation for smoldering ignition which has additional labeling requirements that address added flame retardant (FR) chemicals. The Upholstery Fabrics Committee members can easily comply with the flammability standard but the FR chemical identification rule is unworkable and is causing considerable confusion in the marketplace. While California was able to establish a flammability standard, the Consumer Product Safety Commission (CPSC) continues unsuccessfully to move forward in promulgating a mandatory furniture flammability rule which would pre-empt regulations from other jurisdictions like California.

BACKGROUND:

California was the first state in the U.S. to establish a mandatory furniture flammability rule in the 1970's. The upholstery fabrics industry was in full compliance with this open-flame requirement and maintained a compliance rate of almost 100%. Then in 2012, California's governor decided to change the requirement to a smolder test and NCTO worked with the State and other industry groups to develop a new mandatory standard that became effective in 2014. Upholstery fabric producers were able to maintain their very high level of compliance without major disruption to the industry.

On the Federal front, the Consumer Product Safety Commission, which has been working to establish a mandatory furniture flammability standard since the 1970's, continues to fail to develop technical correlations that are necessary for developing a mandatory standard, and now has moved toward requiring an FR barrier as a way to improve the flammability performance of furniture. Though this was the solution to the mattress standard which was promulgated several years ago, it is not a practical solution for upholstered furniture due to furniture's almost unlimited shapes and sizes.

POSITION:

NCTO's upholstery fabric manufacturers are working to comply with the FR labeling rule in California but it is complex and difficult to get valid information from some segments of the supply chain. More definitive guidance is needed from the California regulators and this information is being sought.

NCTO is working with other industry segments and regulators to evaluate approaches to developing a mandatory federal furniture flammability standard. The National Institute of Standards and Technology (NIST) has been the primary government researcher in developing a draft mandatory standard for CPSC; however, NIST has not been able to correlate small scale testing with full scale testing, Thus, the government's efforts continue to devise a technically feasible draft standard to propose. In order for a standard to be considered, it must be achievable, technically and economically feasible and cost effective. CPSC is currently having difficulty meeting these criteria; however, research continues in order to develop a sound basis for a mandatory federal upholstered furniture flammability standard.