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## State & Local Regulation of Flame Retardant Chemicals in Upholstered Furniture Components

The Business and Institutional Furniture Manufacturers Association (BIFMA) is the not-for-profit trade association for business and institutional furniture manufacturers. Since 1973, BIFMA has been the voice of the commercial furniture industry and currently has over 300 member companies.

BIFMA strongly supports eliminating flame retardant chemicals in upholstered furniture components. The State of California, and many other specifiers, have moved away from open-flame to smolder requirements such as TB 117-2013. We supported this change and urge adoption of a smolder standard based on TB 117-2013 as a national standard.

In 2015, the State of California enacted Business and Professions (B&P) Code section 19094 (introduced as Senate Bill SB 1019). Whereas,

A manufacturer of covered products shall indicate whether or not the product contains added flame retardant chemicals by including the following “flame retardant chemical statement” on the label:

“The upholstery materials in this product:  
\_\_\_\_\_ contain added flame retardant chemicals  
\_\_\_\_\_ contain NO added flame retardant chemicals

A manufacturer of covered products shall indicate the absence or presence of added flame retardant chemicals by placing an “X” in one of the appropriate blanks.”

California’s requirement for claiming “No Added Flame Retardant Chemicals” is based on levels of flame retardant chemicals measuring below 1000 ppm. This link provides more information regarding the California regulation: [http://www.bearhfti.ca.gov/about\\_us/sb\\_1019\\_info.pdf](http://www.bearhfti.ca.gov/about_us/sb_1019_info.pdf)

While the move to smolder regulations are very helpful to our industry in the removal of flame retardant chemicals, we are now seeing an increase in efforts to regulate the use of flame retardant chemicals in furniture. Current direction on these diverse flame retardant regulations are that they propose to regulate different chemicals, at different concentrations and with different requirements.

**BIFMA believes that the inconsistent proposed State and Local flame retardant regulations place a huge burden on manufacturers. At the same time, nearly all manufacturers have removed these subject chemicals;** others are in the final stages of doing so. To the extent bans are desired to regulate flame retardant chemicals, it is very important to BIFMA that such regulations be consistent in their scope and highly recommend such regulations be limited to the components in scope for California TB117-2013 (i.e., foam, fillings and textiles). It is also critical that any labeling requirements be consistent. If regulation is enacted, BIFMA strongly urges that state/local regulators collaborate to harmonize regulatory language and associated labeling requirements; ultimately, we would prefer national regulation be promulgated.

**If a regulator chooses to enact a regulation, BIFMA recommends harmonization with the current California B&P Code 19094 regarding flame retardant chemicals (1000 ppm threshold) and labeling.**