

CPSC MEETING LOG

UPHOLSTERED FURNITURE & MATTRESSES/BEDDING

2001 MAY 15 P 2 34

CPSC (b)(1) Cleared
No Mfrs/Prvt. Birs
Products Identified
Excepted by
Firms Notified,
Items Processed.

Meeting Between: CPSC staff and members of the Polyurethane Foam Association (PFA 2001 Spring Meeting Technical Program)

Date of Meeting: May 10, 2001

Meeting Site: Marriott Crystal Gateway Hotel, Arlington, VA

Log Entry By: Dale R. Ray, Project Mgr., EC, (301) 504-0962 x1323 *DR*

Participants: Dale Ray, CPSC
Lou Peters, Executive Director, PFA
William Griggs, Leggett & Platt, Technical Program Chairman
plus about 150 representatives of manufacturers, suppliers, and members of related industry groups (attendance list attached)

Summary:

This semi-annual meeting of the Polyurethane Foam Association included a technical session on various matters of interest to the polyurethane foam industry, including CPSC's activities on open flame ignition of upholstered furniture and mattresses/bedding. Mr. Ray presented an overview of the status of these projects. Presentation slides are attached. Mr. Ray responded to a number of questions about the status of upcoming staff briefing packages on furniture and mattresses, and about various aspects of the staff's draft furniture standard.

PFA recently (May 4, 2001) issued a Position Statement on Residential Furniture and Mattress Flammability (also attached). This statement expresses the industry's support for the work of CPSC and the Sleep Products Safety Council (SPSC) in the area of mattress flammability standards development, and support for the work of the furniture industry's Small Open Flame Technical Committee (SOFTC) toward developing a voluntary standard for upholstered furniture. The PFA statement also supports ongoing fire prevention and fire safety education efforts.

In a related matter, John McCormack, of the California Bureau of Home Furnishings & Thermal Insulation, discussed a bill currently in the California state legislature. This bill, Assembly Bill 603 (copy also attached), would impose new flammability requirements for mattresses and certain public-occupancy upholstered furniture sold in the state after January 1, 2004.



Polyurethane Foam Association

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www.pfa.org

**MASTER LIST OF ATTENDEES
PFA SPRING MEETING
CRYSTAL GATEWAY MARRIOTT HOTEL
ARLINGTON, VIRGINIA
MAY 9 & 10, 2001**

NAME

COMPANY

MISC.

Espinola, Armando	Acojinamientos	
Sullivan, Helen	AFPF	
Gallagher, Chris	Air Products	
Kilpatrick, Susan	Air Products	
Kniss, Jane	Air Products	
Ridgway, Don	Air Products	
Santo, Bob	Air Products	
Womack, Frank	Air Products	
Bradford, Larry	AKZO	
Burk, Johst	AKZO	
Halchak, Ted	AKZO	
Jacobs, Barry	AKZO	
Pinzoni, Manny	AKZO	
Woolley, Roger	AKZO	
Yocum, Ron	American Plastics Council	
Lichtenberg, Fran	API	
Price, Alyson	API	
Tamashausky, Albert	Asbury Graphite	
Berkowski, Larry	BASF	
Chang, Patrick	BASF	
Freidinger, Dave	BASF	
Johnston, Dick	BASF	
Mericle, Dick	BASF	
Pask, Roy	BASF	
Wujcik, Steve	BASF	
Buhse, Christian	Bayer	
Busch, Rolf	Bayer	
Cummings, Barbara	Bayer	
D'Mello, Noel	Bayer	
Hager, Stan	Bayer	
Hale, Bob	Bayer	
LeSage, Wayne	Bayer	
Phelps, John	Bayer	
Ryan, Tom	Bayer	
Skorpenske, Richard	Bayer	
Small, Jeremy	Bayer	
Solini, Gerard	Bayer	
Zierden, Dennis	Bayer	

SO-Judy

Zierden, Dennis	Bayer	
Blackwell, Brian	Beamech	
Marsden, Eric	Beamech	
Davis, Greg	Burnett, Wm. T.	
Kelly, David	Burnett, Wm. T.	
Tucker, Jr., Richard	Burnett, Wm. T.	
McCormack, John	Cal. Bureau of Home Furn.	Guest-FW
Duffy, Bob	Cellchem	
Gabelman, Steve	Cellchem	
Spicher, Dennis	Cellchem	
Vijay J., Bhagat	Cleanline	Guest-FW
DiStasio, Tony	Consultant	Guest
Stone, Herman	Consultant	SO-Peggy
Broslaw, Ed	Crest Foam	SO-Fannie
Curti, Mike	Crest Foam	
Calabrese, Ron	Crompton	
Goliak, Joe	Crompton	
Robert Kells	Crompton	
Van der Pol, Paul	Crompton, Inc.	
Marquette, Don	DOW	
Ramazotti, Dario	Edge-Sweets	SO-Lani
Anders, Michaels	Fecken-Kirfel	
Loschiavo, Tom	Ferro	
Thomson, Bob	Ferro	
Wiese, Kevin	Ferro	
Vosburg, Gail	Ferry Industries	SO-Marilyn
Bonaddio, Vinnie	Foamex	
Drap, Steve	Foamex	
Televantos, John	Foamex	
Thompson, Andy	Foamex	
Triolo, Rick	Foamex	SO-Anne Marie
Turnour, John	Foamex	
Heller, Rob	Future Foam	NP
Knudtson, Lynn	Future Foam	NP
Schneider, Bruce	Future Foam	NP
Arce, Oscar	GE Silicones	
Valentine, Jeff	GE Silicones	
Mackay, Walter	General Foam	SO-Lynda
Birnbaum, Ron	Goldschmidt	
Borgogelli, Rob	Goldschmidt	
Taylor, Drew	Goldschmidt	
Thomas, Ray	Goldschmidt	
Witherspoon, Jay	Goldschmidt	
Boinowitz, Tammo	Goldshmidt	
Hagen, Mike	Great Lakes	

Rose, Rich	Great Lakes	
Swing, Martin	Great Lakes	
Bush, Bob	Hickory Springs	
Bush, Bobby	Hickory Springs	
Dounis, Dimitri	Hickory Springs	
Sullivan, Doug	Hickory Springs	
Underdown, David	Hickory Springs	SO-Martha
Luedeka, Bob	Hogan, JP	
McNamara, Pat	Huntsman Corp.	
Hennington, Roger	Huntsman Petro	
Rister, Ernie	Huntsman Petro	
Zimmerman, Bob	Huntsman Petro	
Banks, Greg	Huntsman Polyurethanes	
Basile, Tom	Huntsman Polyurethanes	
Lockwood, Bob	Huntsman Polyurethanes	
Housel, Tyler	Inolex	
Tuszynski, Bill	Inolex	
Gilder, Steve	Leggett & Platt	
Griggs, Bill	Leggett & Platt	
Wahrmund, Gary	Leggett & Platt	SO -Melanie
Yoshida, Ron	Lehigh University	
Bradley, Mark	Lyondell	
McIntyre, Jim	McIntyre Law Firm	
Martel, Bryan	Mobius	
Sanderson, Steve	NCFI	
Snow, Swanson	NCFI	
D'Andrea, Robert	OSi Specialties	
Lawler, Lee	OSi Specialties	
McVey, Susan	OSi Specialties	
Melle, Alberto	OSi Specialties	
Norris, Susan	OSi Specialties	
Simpson, Dave	OSi Specialties	
Dolan, Lynn	PFA	
Peters, Lou	PFA	SO-Dusty
Baughman, Roger	Plastomer	
Gollnitz, Bill	Plastomer	
Dosal, Jorge	Poliuretanos	SO-Susana
Zimmerman, Barry	Pragmatica	SO-Barbara
Wingfield, Joe	Prestige Fab.	
Eisenhower, Susan	Rebus	
Steever, Jim	Rebus	
Creyf, Hubert	Recticel	
Maass, Jim	Reichhold	SO-Bobbi
Stittsworth, Bruce	Rhein-Chemie	
Chew, Hoover	Rhodia	
Keegan, Ron	Rhodia	

Nighman, Claire
Dittrich, Uwe
Kirsch, Claus
Spitzner, Hartmut
Chin, Steve
Miller, Keld
Gay, Kenneth
Yoshimura, Hiroyuka
DeMassa, John
Gelchion, Matthew
Prescott, Brian
Barger, Steve
Loftin, Richard
Sasser, Frank
Van Beijeren, Huub
Himel, Mel
Donato, Frank
Duley, Tony
Harvey, Heather

Rhodia
Saxol Chemie
Saxol Chemie
Saxol Chemie
Shell
Shell
Tosoh
Tosoh
Vanderbilt, RT
Velco
Velco
Vitafoam
Vitafoam
Vitafoam
Vitafoam
Vitafoam-Canada
Woodbridge
Woodbridge
Woodbridge

**U.S. Consumer Product
Safety Commission**



**Fire Safety Activity Update on
Upholstered Furniture & Mattresses**

PFA Spring Meeting
May 10, 2001

**Upholstered Furniture:
Activity Overview**

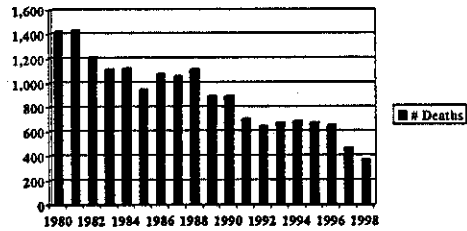
- NASFM Petition
- ANPR - Small Open Flame
- Standards Development & Analysis
- FR Chemicals / NAS
- Regulatory Procedures / GAO
- NASFM Polyurethane Foam Petition
- Decision Briefing Package 2001

**1998 National Fire Loss Estimates for
Upholstered Furniture**

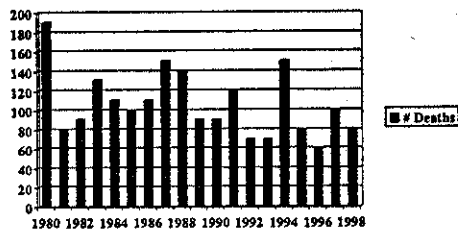
IGNITION SOURCE	FIRES	DEATHS	INJURIES	PROPERTY LOSS \$MIL.
ALL SOURCES	10,200	520	1,420	\$ 207
SMOKING MATERIALS	4,900	370	760	\$ 91
OPEN FLAMES	1,900	100	410	\$ 41

Total Societal Cost = \$3.5 billion
Most open flame losses from childplay fires
(excludes incendiary & suspicious fires)

**Upholstered Furniture Fire Deaths:
Cigarette Ignition
1980-1998**



**Upholstered Furniture Fire Deaths:
Small Open Flame
1980-1998**



CPSC Flammability Testing

- Interlab Study '99-'00
 - Observed consistency & precision
 - Method suitable for use in standard
- UK Chairs / fabrics
- Additional fabrics / barriers

CPSC Staff Draft Standard

- **Primary Goal:** limit ignition / early fire growth
- **Seating Area Test**
 - Mockup; 20 sec. flame; 2 / 15 min. combustion
- **Option under consideration:**
Alternate Seating/Barrier Test
 - Mockup; UK crib #5; 10 / 60 min. combustion
- **Dust Cover Test**
 - Component; 20 sec. Flame; 2 / 15 min. combustion

FR Chemical Evaluation

- CPSC public hearing
- CPSC toxicity reviews
- NAS study
- CPSC risk assessment / environmental review
- NIOSH worker study
- EPA new use rule

NAS Conclusions

- Report to Congress 4/00
- 8 FR chemicals - minimal health risk, even under extreme exposure
- 8 FR chemicals - further exposure data needed

Voluntary Standards Activity

- ASTM E5.15
 - Small open flame work group '96
- Intra-industry Furniture Coalition
 - UFAC Mission Statement 8/00
 - API Position Statement 8/00
 - New method / Test program?
- Fabric Industry Coalition
 - Testing with CPSC method
 - ATMI Position Statement 2/01

PUF Petition Issues

- FR vs. Non-FR foam
 - Role of foam in ignition
- Nature of Risk
 - Smoking fires vs. Childplay fires
- Label Effectiveness
 - Industry labels; UFAC program
- Cost
- Existing ANPR: possible furniture standard

CPSC Briefing Package

- **Options: Small Open Flame Ignition**
 - Draft standard
 - Regulatory analysis / Reg. Flex. Analysis
 - FR chemical risk / Environmental assessment
 - Voluntary alternatives; Cal TB-117 activities
- Cigarette Ignition
- PUF Labeling Petition

Mattresses & Bedding: Activity Overview

- Open flame risk; bedding interaction
- CPSC Chairman's Roundtable
- CCFSM / NASFM Petitions
- Standards development / NIST
- Decision Briefing Package 2001

1997 National Fire Loss Estimates for Mattresses & Bedding

IGNITION SOURCE	FIRES	DEATHS	INJURIES	PROPERTY LOSS \$MIL.
ALL SOURCES	22,200	530	2,380	\$ 338
SMOKING MATERIALS	6,400	260	800	\$ 76
OPEN FLAMES	8,200	120	1,010	\$ 129

Total Societal Cost = \$3.5 billion

Most open flame losses from childplay fires

Mattresses & Bedding: Test Development

- SPSC / NIST Phase 1 (June 2000)
 - Mattress / bedding interaction
 - Gas burner design / new mattress designs
- SPSC / NIST Phase 2 (2001)
 - Size effects, performance levels
 - Small scale test feasibility
- CPSC / NIST Screening test (2001)
 - Bench scale, compliance screening & design

For Further Information:



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Margaret Neily 301-504-0508; <mneily@cpsc.gov>
Project Manager, Mattresses & Bedding

U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD USA 20814-4408

Position Statement on Residential Furniture and Mattress Flammability

May 4, 2001

Since its formation in 1980, the Polyurethane Foam Association (PFA), through its various fire safety efforts and its members' technologies, has been instrumental in helping to educate the users of flexible polyurethane foam (FPF) about the safe use and storage of the product and thereby contribute to reducing loss of life, injuries and property damage due to fires.

As the key comfort component in household furnishings products, FPF has been vital to United States mattress manufacturers by helping them comply with the Federal Flammability Standard for Mattresses (FF4-72) and in helping the residential upholstered furniture industry build products that comply with the voluntary UFAC performance standard. The efforts of the mattress and upholstered furniture industries, along with a reduction in the number of smokers, have been effective in helping to significantly reduce the incidence of household fire fatalities resulting from smoldering ignition by cigarettes. While smoldering ignition remains the most common cause of fires that originate in household furnishings products, it is important to achieve a further reduction in the number of fires that originate in household furnishings ignited by small open flame sources such as matches, disposable lighters and candles.

In addressing small open flame ignition fires with home furnishings, all of the flammable components present in the composite item play an important role. In the case of a smoldering heat source, which burns through the outer layers of a composite, FPF helps reduce the chance of ignition. But, with a small open flame ignition source, those same outer layers can become significant fuel sources contributing to involvement of the composite product. Thus, to properly address ignition by small open flame, the burning characteristics of the composite product must be considered.

PFA position on residential mattress flammability by small flame ignition source

PFA supports the efforts of the Sleep Products Safety Council and the Consumer Product Safety Commission, which are engaged in research with a goal of developing a composite, end product performance-based small open flame ignition standard. PFA members are providing technical counsel and sample materials as part of the research process.

PFA position on residential upholstered furniture flammability

PFA is a member of the Intra-Industry Coalition and is participating in the Coalition's Small Open Flame Technical Committee (SOFTC) in its work to identify a small-scale, composite product bench test that correlates with the real world fire performance of residential upholstered furniture. A possible product of that research could be the creation of a component performance standard that suppliers could certify their products against.

PFA position on small open flame testing

With both residential mattress and residential upholstered furniture flammability testing, PFA will support any resulting small open flame ignition test protocol that is :

- Based on the composite performance of the finished piece including all items of assembly. Mattress testing should include bed clothing*
- Appropriate to the risk of small open flame ignition,
- Without bias toward any component,
- And, reproducible and technically feasible.

Products that comply with any resulting test protocol should be:

- Commercially viable and saleable,
- And, effective in resisting ignition by small open flame without compromising smoldering ignition performance.

PFA position on fire prevention and fire safety education

PFA believes that broad educational efforts conducted on an ongoing basis be effective in preventing household fires. In addition to educational efforts, the installation and use of fire detection (smoke, heat and CO detectors) and suppression systems (extinguishers and sprinklers) are also important elements of a successful fire safety program.

*Bed clothing (bedclothes) is defined as mattress covers, sheets, blankets, comforters, pillowcases and similar articles.

AMENDED IN ASSEMBLY MAY 14, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 603

Introduced by Assembly Member Dutra

February 22, 2001

An act to amend Sections 19089.5, 19161, and 19170 of the Business and Professions Code, relating to home furnishings.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Dutra. Home furnishings.

(1) The Home Furnishings and Thermal Insulation Act, which establishes the Bureau of Home Furnishings and Thermal Insulation, requires, among other matters, that all mattresses manufactured for sale in this state as well as specified furniture sold or offered for sale for use in a place of public accommodation in this state and specified reupholstered furniture be fire retardant. Under the act, the failure to comply with these provisions is a crime.

This bill would require, on and after January 1, 2004, that all mattresses and box springs manufactured for sale in this state, except in specified establishments with automatic fire extinguishing systems, be resistant to an open flame under a standard specified by the bureau. The bill would ~~provide~~ *require* that this requirement ~~is~~ *may* be made applicable to other bedding ~~products~~ if the bureau concludes that they contribute to mattress fires. The bill would make these regulations inoperative if a flame resistance standard for ~~mattresses and box springs~~ *these products* is adopted under federal law and would require the

bureau to report to the Legislature on its progress in developing these regulations summarizing its regulatory findings.

(2) Existing provisions of the act authorize the chief of the bureau to set license fees not exceeding specified amounts for licenses under the act.

This bill would increase the maximum fees that could be set for an importer's license and a furniture and bedding manufacturer's license under the act.

(3) Because a violation of the bill's expanded fire protection standard applicable to mattresses would be a crime, this bill would impose a state-mandated local program by expanding the scope of an existing crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~(a)~~ The Legislature finds and declares all of the
- 2 following:
- 3 ~~(1) On average, 28,000 residential mattress fires occur~~
- 4 ~~annually in the United States, killing 571 people, severely injuring~~
- 5 ~~3,000 others, and causing three hundred thirty-four million dollars~~
- 6 ~~(\$334,000,000) in property damage. Many of these victims are~~
- 7 ~~young children. Nearly one-half of these fires, 13,000, are caused~~
- 8 ~~by small open flame sources.~~
- 9 ~~(2) The single greatest ignition factor in mattress and bedding~~
- 10 ~~fires is a child playing with matches or a lighter. Children under~~
- 11 ~~the age of five years start one-third of all mattress fires, and~~
- 12 ~~children under the age of 14 years caused two-thirds of the open~~
- 13 ~~flame mattress ignitions. On average, 75 percent of all fire deaths~~
- 14 ~~are caused by smoke inhalation.~~
- 15 ~~(3) The resistance of residential mattresses to smoldering~~
- 16 ~~cigarettes was regulated in 1973 by the United States Consumer~~
- 17 ~~Product Safety Commission (CPSC) under the federal Flammable~~

1 Fabrics Act (15 U.S.C. Sec. 1191 et seq.). However, the CPSC
2 standard in Sections 1632 and following of Title 16 of the Code of
3 Federal Regulations did not address the risk of open flame ignition
4 of mattresses or their specific components.

5 (4) Despite the CPSC regulations, the death rate per thousand
6 attributed to open flame mattress fires has actually increased since
7 the adoption of these regulations in 1973. The unregulated, yet
8 highly combustible, foam cushioning components in residential
9 mattresses constitute the primary fuel in a mattress fire. The foam
10 components in the mattress burn rapidly enough to prevent escape
11 and to cause severe burn or inhalation injuries before emergency
12 personnel can respond. There exists no tangible evidence of the
13 effect of CPSC regulations on open flame mattress ignition, or
14 with regard to the foam cushioning fuel component.

15 (5) The State of California recognizes that a proportionate
16 number of the deaths and injuries described in paragraph (1) from
17 mattress fires occur annually in this state. The severe burn victims
18 tend to be members of lower socioeconomic populations and are
19 treated at state-funded burn units under the Medi-Cal program.
20 The cost to initially treat a severely burned child in a state-funded
21 burn unit exceeds two hundred fifty thousand dollars (\$250,000)
22 per month, and this treatment lasts two to four months.

23 (6) The United Kingdom banned the use of foam in residential
24 mattresses in 1988. In the United States, many state and federal
25 facilities, including military facilities, dormitories, prisons,
26 mental health care facilities, and other state institutional buildings
27 are required to be furnished with flame retardant mattresses. The
28 state, therefore, recognizes that an elimination of the fire hazard
29 necessarily requires that the foam cushioning be either flame
30 retardant or isolated from ignition sources through the use of a fire
31 blocking layer known as a barrier. For more than 10 years,
32 mattresses have been made open flame resistant through the use of
33 modified foams and barriers.

34 (7) The State of California, therefore, recognizes that no
35 applicable federal flammability standard exists that either
36 addresses the open flame mattress fire risk or the open flame foam
37 cushioning risk. Further, the state of the art technology in open
38 flame resistant mattress components has advanced to the point that
39 these very risks can be minimized or eliminated by the inclusion
40 of this technology in residential mattresses. The federal cigarette

1 ~~standard in Part 1632 of Title 16 of the Code of Federal~~
2 ~~Regulations has not been revised in accordance with this~~
3 ~~technology in either open flame mattress fire performance or in~~
4 ~~open flame foam cushioning fire performance.~~

5 ~~(b) The Legislature declares that because of an absence of~~
6 ~~federal regulation, this act establishes an open flame flammability~~
7 ~~standard for foam cushioning used in residential mattresses~~
8 ~~manufactured for sale in the State of California.~~

9 *(a) Mattresses are currently subject to federal and state*
10 *flammability requirements. In the early 1970s, the United States*
11 *Consumer Product Safety Commission (the CPSC) established the*
12 *Federal Mattress Flammability Standard, which requires that*
13 *mattresses resist ignition by smoldering cigarettes. In addition, the*
14 *bureau and the mattress industry developed California Technical*
15 *Bulletin 129 (TB-129), which establishes an open-flame standard*
16 *for mattresses used in high-occupancy institutional settings such*
17 *as prisons, dormitories, and hospitals. TB-129, in turn, provided*
18 *the impetus for ASTM E 1590, a consensus standard promulgated*
19 *by the American Society for Testing and Materials to establish*
20 *product performance test methods for mattresses used in*
21 *institutional settings.*

22 *(b) Beginning in the 1990s, national fire statistics indicated*
23 *that the Federal Mattress Flammability Standard did not*
24 *materially affect the incidence of residential mattress fires ignited*
25 *by small open flames. More recent research conducted by the*
26 *CPSC, the fire safety community, and private industry also shows*
27 *that in many mattress fires involving open-flame ignitions, the*
28 *bedding, which includes the pillow, comforter, and bedspread, is*
29 *the first product to ignite, as opposed to the mattress itself.*

30 *(c) As a result, the mattress industry commissioned the*
31 *National Institute of Standards and Technology (NIST) to conduct*
32 *scientific research into the interaction between ignited bedding*
33 *and a mattress. In 2000, NIST published the results of its initial*
34 *research, which indicate that bedding and box springs, also known*
35 *as the mattress foundation, have a material impact on the rate at*
36 *which a mattress ignites and the resulting fire spreads, as well as*
37 *the fire's intensity and the risk that it will spread beyond the*
38 *bedroom. NIST's continuing research will use computer models to*
39 *estimate the number of fire-related casualties that can be avoided*

1 if the fire size and spread rate for bedding and mattress-related
2 fires are reduced to specified levels.

3 (d) Although Section 19161 of the Business and Professions
4 Code, within the Home Furnishings and Thermal Insulation Act
5 (Chapter 3 (commencing with Section 19000) of Division 8 of the
6 Business and Professions Code), requires that all mattresses sold
7 in this state be fire retardant, it does not authorize the bureau to set
8 flammability standards for bedding or box springs. This act would
9 authorize the bureau to better protect the public from open-flame
10 ignited mattress fires by establishing flammability standards for
11 not only mattresses, but also for box springs and bedding, as the
12 bureau considers appropriate.

13 SEC. 2. Section 19089.5 of the Business and Professions
14 Code is amended to read:

15 19089.5. Any upholstered furniture or mattress ~~which~~ that is
16 made from or contains nonflame retardant cellular foam shall be
17 labeled in a manner approved by the chief. On and after January
18 1, 2004, all bedding that is made from or contains nonflame
19 retardant cellular foam shall also be labeled in a manner approved
20 by the chief. *Notwithstanding the provisions of this section, no*
21 *label is required for a product that complies with the regulations*
22 *required by Section 19161 or with applicable federal flammability*
23 *regulations.*

24 SEC. 3. Section 19161 of the Business and Professions Code
25 is amended to read:

26 19161. (a) All mattresses and box springs manufactured for
27 sale in this state shall be fire retardant. The bureau shall adopt
28 regulations no later than January 1, 2004, requiring that fire
29 retardant mattresses and box springs meet ~~the~~ a resistance to open
30 flame test that uses a pass or fail performance criteria based on a
31 test method developed by the bureau or that is based on ASTM E
32 1590. If the bureau concludes that other bedding ~~products~~
33 ~~contribute~~ *contributes* to mattress fires, the regulations shall
34 require the other bedding ~~products~~ to be flame retardant under the
35 resistance to open flame test. If feasible, the ~~bureau~~ *bureau's*
36 regulations shall permit a manufacturer to comply with the
37 resistance to open flame test by testing a small scale version of its
38 product. In developing these regulations, the bureau may contract,
39 cooperate, or otherwise share resources with other government
40 agencies, private organizations, or independent contractors that it

1 considers appropriate for purposes of reviewing test criteria and
 2 methods, equipment specifications, and other relevant subjects.
 3 These regulations shall become inoperative upon the effective date
 4 of any federal law or regulation establishing an open flame
 5 resistance standard for ~~mattresses and box springs~~ *these products*.
 6 The bureau shall submit ~~two reports to the Legislature on its~~
 7 ~~progress in developing these regulations. The bureau shall submit~~
 8 ~~the first report on or before July 1, 2002, and the second report on~~
 9 ~~or before July 1, 2003. a report to the Legislature on or before~~
 10 *January 1, 2004, summarizing its regulatory findings.*

11 (b) Requirements for flame resistant mattresses, box springs, or
 12 other bedding products shall not apply to any hotel, motel, bed and
 13 breakfast, inn, or similar transient lodging establishment that has
 14 an automatic fire extinguishing system that conforms to the
 15 specifications established in Section 904.1 of Title 24 of the
 16 California Code of Regulations.

17 (c) All seating furniture sold or offered for sale by an importer,
 18 manufacturer, or wholesaler for use in this state, including any
 19 seating furniture sold to or offered for sale for use in a hotel, motel,
 20 or other place of public accommodation in this state, and
 21 reupholstered furniture to which filling materials are added, shall
 22 be fire retardant and shall be labeled in a manner specified by the
 23 bureau.

24 (d) "Fire retardant," as used in this section, means a product
 25 that meets the regulations adopted by the bureau. This does not
 26 include furniture used exclusively for the purpose of physical
 27 fitness and exercise.

28 SEC. 4. Section 19170 of the Business and Professions Code
 29 is amended to read:

30 19170. (a) The fee imposed for the issuance and for the
 31 biennial renewal of each license granted under this chapter shall
 32 be set by the chief, with the approval of the director, at a sum not
 33 more nor less than that shown in the following table:

	Maximum fee	Minimum fee
36 Importer's license	\$750	\$120
38 Furniture and bedding manufacturer's 39 license	750	120

1	Wholesale furniture and bedding		
2	dealer's license	540	120
3	Supply dealer's license	540	120
4	Custom upholsterer's license	360	80
5	Sanitizer's license	360	80
6	Retail furniture and bedding dealer's license	240	40
7	Retail furniture dealer's license	120	20
8	Retail bedding dealer's license	120	20

9
10 (b) Individuals who, in their own homes and without the
11 employment of any other person, make, sell, advertise, or contract
12 to make pillows, quilts, quilted pads, or comforters are exempt
13 from the fee requirements imposed by subdivision (a). However,
14 these individuals shall comply with all other provisions of this
15 chapter.

16 (c) Retailers who only sell "used" and "antique" furniture as
17 defined in Sections 19008.1 and 19008.2 are exempt from the fee
18 requirements imposed by subdivision (a). Those retailers are also
19 exempt from the other provisions of this chapter.

20 (d) A person who makes, sells, or advertises upholstered
21 furniture and bedding as defined in Sections 19006 and 19007, and
22 who also makes, sells, or advertises furniture used exclusively for
23 the purpose of physical fitness and exercise, shall comply with the
24 fee requirements imposed by subdivision (a).

25 SEC. 5. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.