



# *Illuminating Label Laws*

2015 Manufacturing Summit  
Franklin Furniture Institute  
Mississippi State University

# The AHFA

- The AHFA is the voice of the residential furniture industry, representing companies large and small, public and private, domestic and import. AHFA is comprised of approximately **400 member companies**.
- These companies manage a sophisticated global supply chain that includes **factories in 31 states and three foreign countries**, and that provides more than **\$11 billion** in wholesale shipments of home furnishings products every year for U.S. households.
- AHFA member companies produce both indoor and outdoor home furnishings, along with a variety of home accents. Although some member companies also produce products for business, commercial and institutional settings, their **primary focus is on the residential market**.
- AHFA also has a division of over **200 suppliers** to the global home furnishings industry. These **“Solution Partners”** offer manufacturing equipment, machinery and component parts, as well as consulting, IT, legal, compliance, transportation and logistics services.

# *The AHFA*

- The AHFA is the world's largest and most influential trade association serving the home furnishings industry.
  - AHFA's *400 member companies* operate numerous domestic manufacturing facilities and comprise an extensive global supply chain that provides a wide variety of home furnishings to American consumers.
  - Member companies provide approximately *300,000 manufacturing* jobs throughout the U.S. and represent a *\$35 billion* segment of the nation's economy.
  - *Joint Industry Coalition* = NAHFA, CFMA, NATCO, UFAC and PFA.

# *AHFA's Coalition Partners*

- On broad legislative and regulatory matters, AHFA frequently collaborates with other trade associations in joint coalitions.
  - North American Home Furnishings Association (Retail)
  - California Furniture Manufacturers Association
  - Polyurethane Foam Association
  - Upholstered Furniture Action Council (UFAC)
  - National Council of Textile Organizations (NCTO)
  - The California Retailers Association (CRA)
  - The California Chamber of Commerce

# 'Lay of the Land'

- **Regulatory Oversight**
  - BHFTI & DTSC
- Does not require testing
- Does not prohibit FR's
- **New Test Method**
  - NFPA 260, UFAC, ASTM E-1353
  - Precision/Bias Statement
  - No small open flame test method
  - Post-test char length/45 sec test
- **SB 1019 Label**
  - Consumer notification
  - Applies to all covered components: fabric, foam, etc.
- CPSC
  - Barrier Approach
  - Focus on open flame ignition
  - NFPA Data 2<sup>nd</sup>/3<sup>rd</sup> 'item'
- NFPA
  - Open Flame Test Method
- BHFTI
  - Barrier test method
  - Focus on open flame
  - 2 YR study/stakeholders
  - MOU with DTSC/Fall '15
- UL Fire Study
  - Promotes barriers



# TB 117-2013 General Regulatory Overview

# TB-117-2013

- Important Dates
  - Effective January 1, 2014
  - Full Implementation/enforcement begins **January 1, 2015**
- All fabrics must meet the 'new test method' by January 1, 2015 ... **includes prequalified fabrics** (grandfathered).
  - The regulation is prospective in view and the date manufactured is the key compliance date.
  - There is no 'sell through provision' and legacy inventory can be sold until exhausted.
  - Retailers must purchase upholstered products that meet the requirements of the new regulation.
    - Legacy inventory is permitted if there is existing qualifying test data and manufactured before 1-1-15.

# TB-117-2013

- *Appropriately addresses smolder ignition*, the leading cause of upholstered furniture fires.
  - Attachment #9, BHFTI Regulatory Package, Table 4 pg.3 states that *86% of all residential smoking related fires resulted from cigarette ignition.*
- Balances the burden of risk between cover fabrics and filling materials with *no bias against any individual component.*
  - Composite Test Method that evaluates the effectiveness of cover fabrics.
  - Composite Test Method utilizes a *non-FR foam.*
- Does not prohibit the use of FR chemicals or other components but allows flexibility based on consumer preferences and available technology.
  - SB 1019 requires manufacturers to indicate if the product contains a component with any *'added FR chemicals'.*



# ***TB-117-2013***

- Mandates a ***proven and effective approach to smolder ignition*** (ASTM/UFAC) thereby increasing the level of compliance.
- Allows for the continued evaluation of small open flame risk.
  - The Bureau's Barrier Test Method Project
- Provides a ***'drop in solution'*** with minimal economic effect.
  - ***'Grandfathering'*** of current fabrics with appropriate qualifying test data.
  - ***'Due Diligence'*** against new test method
- Allows the use of protective barriers with fabrics that fail.
  - Barriers must pass barrier test method and composite test

# ***TB-117-2013***

- Testing, Record Keeping & Certification
  - Frequency of testing ***is not specified.***
    - The Bureau recommend frequency of testing is ***every 2 years*** if the manufacturer has a ***quality assurance program*** in place.
  - The Bureau recommends relevant documents pertaining to the upholstered good be ***retained for the product's lifetime.***
  - The standard test report should contain and be formatted as specified in ***ASTM pg.3, item 9-9.1.1 through 9.1.6.***
  - The Bureau maintains a list of laboratories capable of conducting the required testing.

# ***TB-117-2013***

## ***COM Fabrics***

- COM fabrics **must meet** the requirements of Section 1 of the regulation.
- Three ways to demonstrate/assure compliance
  - The customer provides the manufacturer with documentation.
  - Manufacturer undertakes testing.
  - The use of a barrier: ***must pass cover fabric and barrier test.***
- The ***manufacturer is ultimately responsible*** for compliance but the importer of record, retailer, or distributor is also held accountable.



# Labeling Requirements of TB 117-2013 and Senate Bill 1019

# *Labeling Requirements*

- SB 1019 does not prohibit the use of flame retardant chemicals in upholstered goods.
- SB 1019 modifies the existing labeling requirements of TB-117-2013.
  - The intent is to provide transparency/clarity in order for the consumer to make an **informed purchasing decision**.
  - Discloses if the upholstered product **contains any added flame retardant chemicals**.
    - SB 1019 defines added FRs at levels above 1,000 ppm

# *Labeling Requirements*

- You can combine the law label and flammability label, creating a 'billboard.'
  - You must clearly distinguish between the law label language and the TB 117-2013 compliance language on the label. Side-by-side and stacked layouts are both permitted.
- SB 1019 does not speak to an implementation date and its legislative language is permissive.
  - The Bureau has publically suggested they *can and would begin enforcement January 1, 2015* without implementing regulations.
  - The Bureau has also publically stated it will focus on “education and outreach” in the first quarter of 2015 rather than on testing and enforcement.

# *Language required by CA SB 1019*

The upholstery materials in this product:

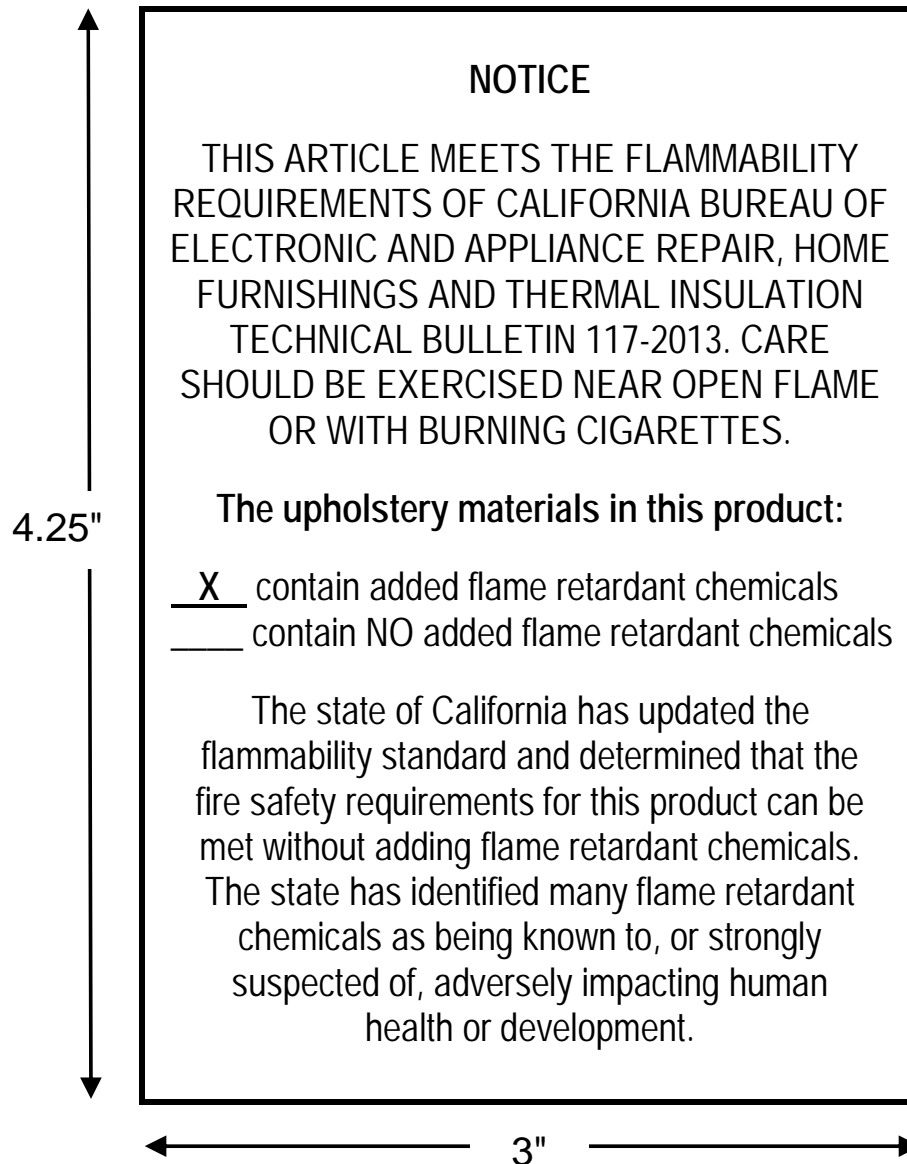
\_\_\_\_\_ contain added flame retardant chemicals

\_\_\_\_\_ 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, or strongly suspected of, adversely impacting human health or development.

- *This is additional language on the TB117-2013 label – NOT a separate label.*
- *SB 1019 does not impact the law label in any way.*



*THIS EXAMPLE SHOWS THE TB 117-2013 LABEL ALONE.*

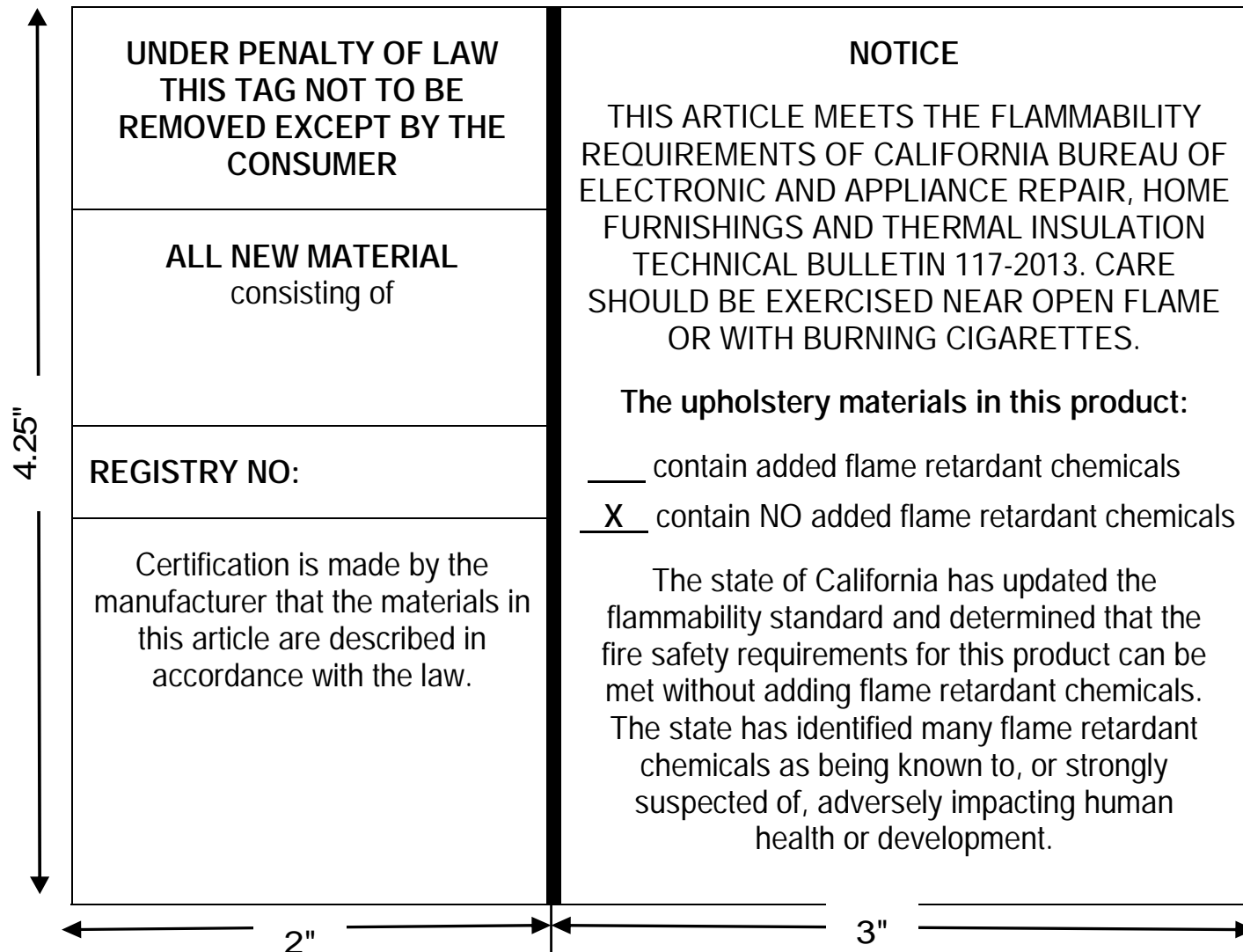
*Dimensions and fonts listed are suggestions only – not required.*

*However...*

- Minimum label size is 2x3 inches*
- Minimum type size is 1/8-inch (measure capital letters)*
- The TB 117-2013 portion must be in ALL CAPS.*



This example shows the “billboard” format, with the law label language and the TB 117-2013 compliance language separated by a 6-point black line.



# Law label clarification for “COM”

- The Bureau’s definition of “owner’s own material” is ***NOT the same as the furniture industry’s definition*** of “COM” or “customer’s own material”.
- The GREEN law label is for “owner’s own materials” – meaning the article of furniture has been received from the consumer (or “owner”) for the purpose of re-upholstery or repair.
  - The re-upholsterer must insert a description of any new materials added to the piece in the process of re-upholstery or repair.
  - GREEN labels are not intended for new merchandise.
- Furniture produced using the “Customer’s Own Material” – meaning the customer has supplied the upholstery FABRIC – ***requires a WHITE law label as long as the piece is constructed of ALL NEW MATERIAL.***

# Possible Enforcement Scenarios

*TB-117-2013 and SB 1019*

# *Possible Enforcement Scenarios*

- The Bureau has primary regulatory oversight.
  - DTSC will test the filling materials to determine compliance to the 'check box' requirement of the label added by SB 1019.
  - The Bureau will test cover fabrics etc. to the prescribed test methods found in TB-117-2013.
  - The point of enforcement begins at retail.
  - All enforcement actions will be issued by the Bureau.
  - Documentation is key!

# *Contact*

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