



NEWSLETTER APRIL 2018

MORE STATES to Ban Flame Retardant Chemicals on January 1,2019

Currently a few States have issued new regulations to ban ALL* flame retardant chemicals in upholstered furniture, effective in January 1, 2019.

These states include:

- 1)-Maine HP-138-passed Effective January 1, 2019
- 2)-The City of San Francisco-Ordinance Chapter 28 Amended Environmental code.-passed effective January 1,2019
- 3)-Virginia HB-951 Failed
- 4)-Washington State- Bill HB-2545

passed effective July,1 2017 passed for five specific flame retardant chemicals in residential upholstery.*

5)-Rhode Island-Amended Chapter 23-26-3.1 of the general laws Health and Safety-upholstered furniture passed effective July 1,2019

6)- Massachusetts- a bill to ban eleven different flame retardants from children's products and residential upholstered furniture on was approved in the senate by a 39 to 0 vote but was rejected in the house.Politics we,assume had a role in this one sided result.The legislature will debate this bill again later this year.

Many other States have announced plans to issue similar bans in particular

the use of organohalates a class of flame retardant chemicals.

In the history of the use of certain flame retardant chemicals, there have been substitutions developed by producers that were only similar to the particular chemicals banned and therefore diluted the effectiveness of the regulation. To avoid this same outcome future bans have simply proposed banning ALL flame retardant chemicals for use in upholstered furniture.

States like Maine have defined what a flame retardant chemical is, again to avoid the substitution of one dangerous chemical for another.

Maine has scheduled their regulation for implementation on January 1, 2019 with

no extension provision or grace period.

Manufactures and retailers are now faced with the the possibility of not being able to sell off inventory and floor samples before January 1,2019 with few alternatives but to move inventory out of the state, if at all possible or face fines if continuing the sales of upholstery in 2019.

However all of this can be avoided if manufacturers act on the demand by retailers, advocacy groups,fire fighters and concerned citizens to stop using flame retardant chemicals in upholstered furniture.Studies have shown that the effectiveness of these chemicals is minimal in eliminating fires but the danger lies in the exposure to

these chemicals themselves. According to the “San Francisco Environment” (a department of the city and county) in their published Fact Sheet on flame retardant chemicals they state “studies have linked exposure to flame retardant chemicals to causing hormone disruption, lower IQ, attention problems, reproductive issues and cancer”. These exposures happen over time when the chemicals morph into substances released into the air we breath and the dust that settles in homes after use of upholstery items. These chemicals introduced in 1976 to comply with the original regulation CAL-117 have been in homes in California for over 40 years with the

unintended consequences of causing more harm than the intended protection from fires.

The California Regulation for flammability CAL-117-2013 has now been in effect since January of 2014 where compliance is done by TB-117-2013 the technical bulletin where no flame retardant chemicals are required but not banned. This California standard uses a “smolder test” of all layers of the upholstered item including;the cover fabric,batting,barriers (if used), foam,other filling material,and the decking.Compliance to this current standard has been accomplished by most all upholstery manufacturers since 2014.

In Cal-117-2013 though there is no ban on the use of these chemicals since they are not necessary, so this has become a moot point. HOWEVER the State plans to change Cal-117-2013 to ban all chemical flame retardant chemicals used in upholstered furniture on January 1, 2020. Upholstery manufacturers exist worldwide and some factories, to increase their products fire protection have still added some flame retardant chemicals to the polyurethane foam or to the cover fabrics or to other areas of the finished upholstered goods. These factories and the retailers who sell their products in California and in the other states that have adopted the California Standard Cal-117-2013 are now still

liable to fines and penalties if they sell their upholstered items using banned chemical flame retardants in certain states in 2019 and in California in 2020 and beyond.

An example of this is the City of San Francisco where an ordinance goes into effect on January 1,2019 for any business in San Francisco or **online retailer** or distributor selling new upholstered furniture, must not use any flame retardant chemical to comply with the current CAL-117-2013 by compliance to TB 117-2013 the Technical Bulletin.

But the STATE law does not ban the use of flame retardant chemicals until January 2020? So there is a disconnect here.

The City is one year ahead of the State since California will also have the same ban on all flame retardant chemicals effective on January 1,2020.Any overlapping of these laws will have to be explained by officials at the California Bureau of Home Furnishings and San Francisco City officials.We will continue to cover this story as we proceed.

So this is the direction of future flammability regulations eventually in most all US States.This will lessen the confusion on individual chemicals like organohalates and it will be clear that all chemical flame retardants are banned.

This action by individual States and cities does create confusion.These state

laws are not all the same they differ in some of the particular language written into the legislation and retail furniture stores and manufacturers might be challenged to keep track of these subtle differences.

What we need is a national standard and this standard already exists in the current CAL-117-2013 which will be changed in 2020 as mentioned above.

None the less a Federal standard similar to the flammability regulation for mattresses 16CFR 1633 Must be developed to keep the regulations uniform and understandable so that manufacturers can comply with one U.S.Standard that probably will eventually be adopted by all

manufacturers worldwide selling upholstered furniture into the United States.

THE CPSC FLAMMABILITY REGULATION

In 2006 after developing the regulation for the flammability of mattresses in 16CFR 1633.A proposal for the flammability of residential furniture was initiated in 2008, the regulation 16CFR 1634.

However this Federal regulation has still not become the national standard that is needed today.It would have avoided confusion because of different individual state regulations that we see today.These state actions are now growing with potentially 32 states

issuing their own regulations.

The CPSC for a number of reasons and because of the different studies and opinions offered over the past decade is still debating in discussions with the various related industries, environmental groups, interested stakeholders and other parties in attempting to resolve differences in the many studies and presentations. This includes existing and in progress standards potentially to result in a new uniform standard that could be a national standard for flammability of residential upholstered furniture.

On May 16, 2018 the CPSC will host a joint Technical Meeting on Upholstered Furniture Topics. This will be a one day

meeting open to the public hosted by CPSC staff. The purpose is to bring together all stakeholders for an open discussion of current topics related to residential upholstered furniture flammability. Including topics of hazard data, state of the art technology, existing standards and future considerations to improve consumer safety.

The meeting will be held at the CPSC National Product Testing product evaluation Center in Rockville, MD.

Hopefully this meeting will result in some movement on the long overdue adoption of 16CFR 1634. Or the complete adoption of CAL-117-2013 the current regulation that is working as intended evidenced by its adoption by almost all

producers of upholstery furniture.

Factories worldwide intending to sell their products in the U.S. are now in compliance with this regulation that does not require the use of dangerous flame retardant chemicals a true benefit to the health of consumers. Thanks to the development of this regulation by Said Nurbakhsh at the California Bureau of Home Furnishings and the many supporters of this endeavor to rid consumers of the long term effects of upholstery containing dangerous flame retardant chemicals.

FORMALDEHYDE STANDARDS

The two standards, one by CARB currently for sales of furniture in

California #93120 and the New Federal Standard by the US EPA covering all states, TSCA Title VI 40 CFR 770.

The new US EPA standard takes effect on June 1,2018.The CARB standard remains in effect.

Both standards have the same emission levels for composite wood but each also require certification by third party certifiers in the form of documentation by certificates of each approved mill producing the initial panels.Then a chain of custody is required showing the movement of goods starting at the source mill to the fabricator(the factory using the raw panels in the construction of finished furniture goods) then to the distributor or direct to the retailer's

warehouse or store receiving the goods.

Then after certification is obtained furniture shipments can then be labeled, each with both the CARB label and the US EPA label on the carton and on the item inside the carton. A combination of both labels can be used to accomplish this requirement. Examples of these labeling statements are available in the Bulletins that we sent to all clients recently, or available upon request.

The reason the two labels are needed is because the two standards differ in some minor but important sections of each regulation and the authorities have created a table instructing manufacturers which section to comply with, the answer being to comply with

the more stringent section of the two regulations. This is explained in the table listed in our bulletins.

Please contact us for access to the two bulletins, just send an email to “schoenfeldrobert@comcast.net” .

Best Regards,

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