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A Guide to United States Furniture Compliance Requirements

NIST
National Institute of Standards and Technology
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Lisa M. Benson
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A Guide to United States

Furniture Compliance Requirements

How To Use This Guide

- Regulations are mandatory
- Standards are voluntary (unless "Incorporated by Reference" in a regulation)
- Guidelines may be voluntary (but are often *de facto* industry standards)
- "**Red**" text highlights mandatory requirements
- "**Blue**" text indicates a hyperlink to a website, page or document on the web

Scope

This guide addresses children's furniture, upholstered furniture and other types of furniture. This document does ***NOT*** address mattresses or other home furnishings such as carpets and rugs.

Overview of U.S. Federal Regulatory Framework

Once a law has been enacted by Congress, the appropriate federal agency (e.g., the Consumer Product Safety Commission, the Federal Trade Commission, the National Highway Traffic and Safety Administration, *et al*.) may create the regulations to implement the law. Before such regulations can be adopted, the appropriate federal agency ordinarily will issue a notice of proposed rulemaking (NOPR) to solicit public comments on the proposed rules. To provide opportunity for public comment, the appropriate federal agency must issue draft regulations or "Proposed Rules" that are published in the *Federal Register* and as a WTO TBT notification. The agency reviews the comments and can then issue a "Final Rule" that also is published in the *Federal Register*, and later, published annually in the *Code of Federal Regulations (CFR)*. Together, the enabling acts/laws [published in the *United States Code (USC)* once passed] and the final regulations (published in the *Code of Federal Regulations*) provide a framework for the implementation and enforcement of most federal laws in the United States.

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Federal Regulatory Authorities and Technical Regulations (Mandatory)

Several U.S. federal agencies administer regulations associated with furniture.

Agency	Scope
Consumer Product Safety Commission (CPSC)	Flammability of upholstered furniture (proposed); lead containing surface coatings; children's furniture
Customs and Border Protection (CBP)	Country of origin for most imported products
Environmental Protection Agency (EPA)	Formaldehyde in wood
Federal Trade Commission (FTC)	Labeling
United States Department of Agriculture (USDA)	Organic claims

Consumer Product Safety Commission (CPSC)

Consumer Product Safety Act (CPSA)
Title 15, United States Code, Chapter 47, Sections 2051-2089
The Consumer Product Safety Act, entered into law on October 27, 1972, was enacted to establish the Consumer Product Safety Commission and define its authority with the purpose of protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products, developing uniform safety standards for consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

Consumer Product Safety Improvement Act of 2008 (CPSIA)
Public Law 110–314, August 14, 2008
On August 14, 2008, President Obama signed into law Public Law 110-314 (Consumer Product Safety Improvement Act of 2008). On August 12, 2011, he signed into law amendments to the Act, Public Law 112–28, August 12, 2011. The Act provided CPSC with significant new regulatory and enforcement tools as part of amending and enhancing several CPSC statutes, including the Consumer Product Safety Act.

Certificates and Mandatory Third-Party Testing
Section 102 of the CPSIA **requires every manufacturer or importer of all consumer products that are subject to a consumer product safety rule enforced by the CPSC to issue a general certificate of conformity based on testing of the product** and stating that the product complies with the applicable standard, regulation, or ban. The certificate must accompany the product and be furnished to the retailer or distributor. Section 102 also **requires the manufacturers or importers of children's products (products designed and intended primarily for children age**

12 years or younger) to certify that the products comply with all relevant product safety standards by issuing a children's product certificate supported by tests performed by a CPSC-accepted third-party testing laboratory that has been accredited. CPSC also has regulations pertaining to certificates of compliance; they can be found at 16 CFR 1110.

Rules for furniture products that require third party testing and children's certificate include:

- 15 USC 1278a: Lead in Children's Products
- 16 CFR 1217, Safety Standard for Toddler Beds
- 16 CFR 1218, Safety Standard for Bassinets and Cradles
- 16 CFR 1219, Safety Standard for Full-Size Cribs
- 16 CFR 1220, Safety Standard for Non-Full-Size Cribs
- 16 CFR 1222, Safety Standard for Bedside Sleepers
- 16 CFR 1513, Requirements for Bunk Beds

For more detailed information, see CPSC's:
Detention of Products at Import (updated June 30, 2010) and Certificate of Conformity

Children's Furniture Items

The Consumer Product Safety Commission (CPSC) regulates lead in consumer goods, especially children's products. The Consumer Product Safety Improvement Act of 2008 (CPSIA) establishes new lead content limits for children's products **(for most children's products the limit is 100 parts per million (ppm))** and a lower lead limit for paint and surface coatings on furniture and children's products.

16 CFR 1303, Lead in Paint on Certain Furniture Articles (Children's Furniture)

The Consumer Product Safety Commission declares that paint and similar surface-coating materials for consumer use that contain lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.009 percent (90 ppm) of the weight of the total nonvolatile content of the paint or the weight of the dried paint film (such paint and similar surface-coating materials are referred to hereafter as "lead-containing paint") are banned hazardous products under Sections 8 and 9 of the Consumer Product Safety Act (CPSA), *15 USC 2057 and 2058*. (Note also Section 101(f) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314; and **children's furniture articles for consumer use that bear "lead-containing paint" are declared to be banned hazardous products under Section 2(g) of the Federal Hazardous Substances Act (FHSA)).**

Toddler Beds

16 CFR 1217 establishes a standard for toddler beds. **Each toddler bed must comply with all applicable provisions of ASTMF1821-13, *Standard Consumer Safety Specification for Toddler Beds,*** which has been incorporated by reference. The safety standard addresses entrapment in

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bed end structures, entrapment between the guardrail and side rail, entrapment in the mattress support system, and component failures of the bed support system and guardrails. The standard also addresses corner post extensions that can catch items worn by a child.

Bassinets and Cradles

16 CFR 1218 establishes a safety standard for bassinets and cradles. **The rule requires that each bassinet and cradle comply with all applicable provisions of ASTM F2194–13, Standard Consumer Safety Specification for Bassinets and Cradles with the exclusions and additions laid out in the rule.** The standard addresses entrapment between ridged side components, entrapment of fingers and toes in mesh, structural integrity, stability, safety mechanisms, mattress and/or sleeping pad hazards, and labeling among others. Exceptions and additions to the ASTM standard include a change to the stability test, additional testing for removable bassinet beds, more stringent mattress flatness requirements, and an exemption from mattress flatness for bassinets that are less than 15 inches across.

Full-Size Cribs and Non-Full-Size Cribs

The CPSC has set standards for full-size cribs and non-full-size cribs in 16 CFR 1219 and 16 CFR 1220, respectively. **It is a prohibited act to manufacture, sell, contract to sell or resell, lease, sublet, offer, provide for use, or otherwise place in the stream of commerce a crib that is not in compliance with the required standards.**

16 CFR 1219, Safety Standard for Full-Size Baby Cribs establishes a standard for full-size cribs. **Each full size crib sold must comply with all applicable provisions of ASTM F1169-13, *Standard Consumer Safety Specification for Full-Size Baby Cribs,*** which has been incorporated by reference.

16 CFR 1220, Safety Standard for Non-Full-Size Baby Cribs establishes a standard for non-full-size cribs. **Each non-full size crib sold must comply with all applicable parts of ASTM F 406-10a*, Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards*,** which has been incorporated by reference, with the exceptions and additions outlined in 16 CFR 1220.

Bedside Sleepers

16 CFR Part 1222 establishes the safety standard for bedside sleepers. **Every bedside sleeper must comply with all applicable provisions of ASTM F2906-13, Standard Consumer Safety Specification for Bedside Sleepers**, which has been incorporated by reference, with the exceptions and additions outlined in 16 CFR 1222.

Bunk Beds

16 CFR Part 1213, Safety Standards for Entrapment Hazards in Bunk Beds and and 1513, requirements for Bunk Beds **prohibit the manufacture for sale, offer for sale, distribute in**

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commerce, or import into the United States a bunk bed subject to the standard that does not meet the standard's requirements. See *15 USC Section 2068*.

In addition to the CPSC's regulation, there is a voluntary standard, ASTM F 1427, that addresses additional hazards, for example, foundation and guardrail structural integrity. For hazards other than entrapment that are addressed in the ASTM standard, CPSC staff will consider the ASTM standard when investigating whether a bunk bed presents a substantial risk of injury to children that may require some type of corrective action under the statutes administered by the Commission. Bunk beds are also subject to tracking label requirements, certification requirements, and lead content requirements.

Manufacturers and importers of children's bunk beds must certify in a Children's Product Certificate (CPC) that the bunk beds comply with the standard and the additional requirements after the bunk beds have been tested for compliance at a CPSC-accepted, third-party laboratory.

Manufacturers and importers of adult bunk beds must certify in a General Certificate of Conformity (GCC) that the bunk beds comply with the standard after the bunk beds have been subjected to testing or a reasonable testing program to ensure compliance.

For more detailed information, see CPSC's:
Bunk Bed Regulatory Summary,
Bunk Bed Test Manual, and Bunk Bed Business Guidance

Tracking Labels for Children's Products

Tracking labels are required for all products that are designed and intended primarily for children ages 12 and younger. The tracking label must be affixed to the product (to the extent practical) and packaging, visible, legible, and provide certain basic identifying information, including:

- Manufacturer or private labeler name;
- Location and date of production of the product;
- Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics; and
- Any other information to facilitate ascertaining the specific source of the product.

For more detailed information, see CPSC's:
Tracking Label Requirements for Children's Products

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Federal Hazardous Substances Act (FHSA)
Title 15, United States Code, Chapter 30, Sections 1261-1278
16 CFR 1500, Federal Hazardous Substances Act (FHSA) Regulations
FHSA regulations set forth requirements for hazardous household substances in products. The FHSA **requires** household substances that meet the definition of hazardous (as defined in the Act) **to bear cautionary labeling to warn the consumer of the hazard(s) associated with the use of the product, that would enable the consumer to safely use and store the product, first aid instructions where applicable, and the statement "Keep out of the reach of children."** Whether a product must be labeled depends on its formulation and the likelihood that consumers will be exposed to any hazards it presents in reasonable and foreseeable customary use which includes ingestion by children. The FHSA also defines as banned hazardous substances those products that are intended for use by children that present an electrical, mechanical, or thermal hazard, with some exceptions. The Act also allows the Consumer Product Safety Commission to ban through rulemaking certain products that are so dangerous or the nature of the hazard is such that the cautionary labeling requirements are not adequate to protect consumers.

Sharp Points and Edges on Children's Products
16 CFR 1500.48 "Technical requirements for determining a sharp point in toys and other articles intended for use by children under 8 years of age" sets forth the test method for determining if a sharp point, exposed in normal use or through reasonably foreseeable damage or abuse, on toys and other articles intended for use by children under 8 years of age presents a potential risk of injury by puncture or laceration under section 2(s) of the Federal Hazardous Substances Act.

Likewise 16 CFR 1500.49 "Technical requirements for determining a sharp metal or glass edge in toys and other articles intended for use by children under 8 years of age" provides the sharp edge test method used to make a determination if metal or glass edges, exposed in normal use or as a result of reasonably foreseeable damage or abuse, on toys and other articles intended for use by children under 8 years of age present a potential risk of injury by laceration or avulsion under section 2(s) of the Federal Hazardous Substances Act. **Children's furniture may not contain sharp points and edges.**

> ***For more detailed information, see CPSC's:***
> Regulatory Summary for Requirements under the Federal Hazardous Substances Act: Labeling and Banning Requirements for Chemicals and Other Hazardous Substances

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Pending Regulations of Note

The CPSC has published in the *Federal Register Notices of Proposed Rulemaking* (NPRM). Each notice provides specifics as to the amendments under consideration and makes a request for comments. See:

- Notice of Proposed Rulemaking: Standard for the Flammability of Residential Upholstered Furniture (March 4, 2008)
- Notice of Proposed Rulemaking: Safety Standard for Portable Hook-On Chair (July 2, 2015)
- Notice of Proposed Rulemaking: Safety Standard for Children's Folding Chairs and Stools (October 15, 2015)
- Notice of Proposed Rulemaking: Safety Standards for High Chairs (November 9, 2015)

Pending Notices of Note:

- Notice: Petition Requesting Revision of Bunk Bed Standard to Incorporate Requirements for Head and Neck Entrapment Testing in Spaces Created by Side Structures, Including Ladders
- Note of Petition for Rulemaking: Petition Requesting Rulemaking on Products Containing Organohalogen Flame Retardants
- Announcement of Meeting and Request for Comments: Upholstered Furniture Fire Safety Technology (March 20, 2013)

Customs and Border Protection (CBP)

Country or Origin: Marking of Imported Articles and Containers

Title 19, United States Code, Chapter 4, Section 1304

All products imported into the U.S. **must conform** to 19 CFR 134, Country of Origin Marking regulations. This regulation requires that every article of foreign origin (or its container) imported into the U.S. be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, and in such a manner as to indicate to the ultimate purchaser in the U.S., the English name of the country of origin of the article at the time of importation.

For more detailed information, see CBP's:

Terminology and Methods for Marking of Country of Origin on U.S. Imports

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Environmental Protection Agency (EPA)

Antimicrobial Textiles: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Title 7, United States Code, Chapter 6, Section 136
This Act provides for federal regulation of the distribution, sale, and use of pesticides to protect human health and the environment. Products that kill or repel bacteria or germs are considered pesticides, and must be registered with the EPA prior to distribution or sale. The EPA will not register a pesticide until it has been tested to show that it will not pose an unreasonable risk when used according to the directions. This includes pesticides used on textiles to provide antimicrobial or other pesticidal characteristics.

FIFRA does not allow companies to make public health pesticidal claims for any product distributed or sold unless the product has been approved and registered by EPA or is covered by an exemption from registration. The EPA will take action against companies that make such claims.

> **For more detailed information, see EPA's:**
> Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
> Consumer Products Treated with Pesticides,
> Pesticide Registration Notices by Year
> Pesticides Registration
> Pesticide Product Labels

Toxic Substances Control Act (TSCA)
The Toxic Substances Control Act of 1976 (15 USC 2601-2692) provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides.

EPA has promulgated a significant new use rule (SNUR) for the use of hexabromocyclododecane and 1,2,5,6,9,10-hexabromocyclododecane (HBCD) as flame retardants in consumer textiles (other than for use in motor vehicles). The rule, effective November 23, 2015, will add a section to 40 CFR 721 to require persons who intend to manufacture (including import) or process these chemicals for the above stated use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if appropriate, to prohibit or limit that activity before it occurs. EPA is also finalizing a SNUR for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances that are used as part of carpets or for treating carpet (e.g., for use in the carpet aftercare market).

In addition, EPA is proposing to designate polybrominated diphenyl ethers (PBDEs), which are used as flame retardants, and benzidine dyes, which are used to dye textiles, as SNURs.

For more detailed information see EPA's:
Hexabromocyclododecane (HBCD),
Perfluorooctanoic acid (PFOA), Perfluorooctyl Sulfonate (PFOS), and Other Long-Chain Perfluorinated Chemicals (LCPFCs),
PBDE Action Plan, and
Benzidine Dyes Action Plan

Wood in Furniture: Formaldehyde in High Density Fiberboard (HDFB)
On July 7, 2010, President Obama signed the Formaldehyde Standards for Composite Wood Products Act into law. This legislation, [which adds a Title VI (Limiting Formaldehyde Emissions) to the Toxic Substances Control Act (TSCA)], establishes limits for formaldehyde emissions from composite wood products: hardwood plywood, medium-density fiberboard, and particleboard. The national emission standards in the Act mirror standards previously established by the California Air Resources Board for products sold, offered for sale, supplied, used, or manufactured for sale in California. **The U.S. Congress passed legislation that directs EPA to promulgate final regulations implementing the Act.** These regulations will address the following topics, among others:

- sell-through provisions (including a prohibition on stockpiling),
- ultra-low emitting formaldehyde (ULEF) resins,
- no-added formaldehyde (NAF)-based resins,
- finished goods,
- third-party testing and certification,
- auditing of and reporting for third-party certifiers,
- chain of custody requirements,
- recordkeeping,
- labeling,
- enforcement,
- laminated products,
- hardboard,
- other provisions aside from the emissions limits.

On June 10, 2013, EPA proposed two regulations:

- The first proposal would establish a framework for a third-party certification program to ensure that composite wood panel producers comply with the formaldehyde emission limits established under TSCA Title VI. This proposed regulation is known as the Third-Party Certification Program Framework Rule.
- The second proposal would implement formaldehyde emission standards under Title VI of TSCA and would apply to hardwood plywood, medium-density fiberboard, particleboard, and finished goods containing these products that are sold, supplied, offered for sale, or manufactured (including imported) in the United States. This regulation is referred to as the Implementation Rule.

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For more detailed information, see EPA's:
Formaldehyde Emissions from Pressed Wood Products
Formaldehyde Emission Standards for Composite Wood Products

See also Federation of America Scientists' whitepaper:
The Toxic Substances Control Act (TSCA): A Summary of the Act and its Major Requirements

Federal Trade Commission (FTC)

Federal Trade Commission Act (FTC Act)
15 United States Code, Chapter 2, Subchapter I, Sections 41-58
The FTC Act broadly prohibits unfair or deceptive acts or practices in or affecting commerce. The commission will find deception if, either by the inclusion or exclusion of information, it is likely to:

- Mislead consumers acting reasonably under the circumstances, or
- Affect the consumer's choice or conduct, thereby leading to injury.

The FTC Act allowed the FTC to enact several Acts and Regulations intended to prohibit unfair or deceptive act or practices.

Used or Secondhand Stuffing
Textile Fiber Products Identification Act
16 CFR 303, Rules And Regulations Under The Textile Fiber Products Identification Act
Any **upholstered product, mattress, or cushion which contains stuffing which has been previously used as stuffing in any other upholstered product, mattress, or cushion shall have securely attached thereto a substantial tag or label**, at least 2 inches (5.08 cm) by 3 inches (7.62 cm) in size, and statements thereon conspicuously stamped or printed in the English language and in plain type not less than 1/3 inch (8.38 mm) high, indicating that the stuffing therein is composed in whole or in part of "reused stuffing," "secondhand stuffing," "previously used stuffing," or "used stuffing."

***For more detailed information, see FTC's*:**
Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts

Environmental Marketing Claims
16 CFR 260, Guides for the Use of Environmental Marketing Claims
These guides apply to environmental claims included in labeling, advertising, promotional materials and all other forms of marketing, whether asserted directly or by implication, through words, symbols, emblems, logos, depictions, product brand names, or through any other means, including marketing through digital or electronic means, such as the Internet or

electronic mail. The guides apply to any claim about the environmental attributes of a product, package, or service in connection with the sale, offering for sale, or marketing of such product, package or service for personal, family or household use, or for commercial, institutional, or industrial use.

In 2012, an update by the FTC modified the existing guide sections on general environmental benefit, compostable, degradable, ozone, recyclable, and recycled content claims. It also added new sections on carbon offsets, certifications and seals of approval, free-of claims, non-toxic claims, made with renewable energy claims, and made with renewable materials claims.

> ***For more detailed information, see FTC's:***
> Environmental Claims: Summary of the Green Guides

United States Department of Agriculture (USDA)

Organic Fibers: Organic Foods Production Act of 1990 (OFPA)
Title 7, United States Code, Chapter 94, Organic Certification, Sections 6501-6523
The USDA regulates the term organic as it applies to agricultural products through the National Organic Program (NOP) Regulation, 7 CFR Part 205. Raw natural fibers, such as cotton, wool, and flax are agricultural products and are covered under the NOP crop and livestock production standards. Any textile product produced in full compliance with the NOP regulations, including being certified by an approved third party, may be labeled as NOP certified organic and display the USDA organic seal. Products produced in accordance with the Global Organic Textile Standard (GOTS) may be sold as organic in the U.S. but may not refer to NOP certification or display the USDA organic seal.

> ***For more detailed information, see USDA's:***
> Policy Memorandum - Labeling of Textiles That Contain Organic Ingredients and
> National Organic Program Handbook

The Lacey Act

- Title 16, United States Code, Chapter 53, Control of Illegally Taken Fish and Wildlife (sections 3371-3378)
  Amendments:
- Food, Conservation & Energy Act of 2008, Public Law No: 110-234, Section 8204, Preventing illegal logging practices
- Food, Conservation, and Energy Act of 2008, Public Law 110–246, Sec. 8204. Prevention of illegal logging practices

The Lacey Act was enacted to prevent trade in illegally harvested lumber and prevent trade in wood products made from illegally harvested lumber. It is unlawful to import certain plants and

plant products without an import declaration. Imports from all countries are subject to the provisions of the Lacey Act. This includes imports of materials whose origin is the United States.

For more detailed information, see USDA's webpage:
Lacey Act

Overview of U.S. State Regulatory Frameworks

A growing number of areas are covered by both state and federal statutes, including consumer protection, employment, and food and drug regulation. (State laws give way to stricter federal laws that address the same issue.) When a state's Governor signs a bill, it becomes a state law. Once a law has been enacted by a state, it is the responsibility of the appropriate state agency to create the regulations necessary to implement the law.

State Regulatory Authorities and Technical Regulations (Mandatory)

In the U.S., some state laws and regulations are enacted which are more stringent that the federal laws. These laws include regulations for products, labeling, packaging, chemical restrictions, etc. California and New York are heavily regulated for many consumer products.

Agency/Organization	Scope
State Authorities Responsible for Weights and Measures	Labeling
Toxics in Packaging Clearinghouse (TPCH)	Packaging
International Association of Bedding and Furniture Law Officials (IABFLO)	Labeling
California Air Resources Board (ARB or CARB)	Formaldehyde emissions from wood
California Bureau of Electronics and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI)	Flammability of upholstered furniture
California Office of Environmental Health Hazard Assessment (OEHHA)	Toxic chemicals
California Department of Consumer Affairs	Made in the USA claims
Illinois Department of Public Health	Lead labeling
Minnesota Department of Commerce	Formaldehyde in children's products
Several States	Flame retardants

Packaging and Labeling

UPLR

The Uniform Packaging and Labeling Regulations (UPLR) contained in *Uniform Laws and Regulations in the areas of Legal Metrology and Engine Fuel Quality, NIST Handbook 130*, have been adopted into law in 45 of the 50 U.S. states. The purpose of these regulations is to provide accurate and adequate information as to the identity and quantity of contents of packages so that purchasers can make price and quantity comparisons.

UPLR requires that consumer packaging bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; and the net quantity of contents in terms of weight or mass measure, or numerical count in a uniform location upon the principal display panel.

Toxics in Packaging Legislation

This model legislation was originally drafted by the Source Reduction Council of the Coalition of Northeastern Governors (CONEG) in 1989. It was developed in an effort to reduce the amount of heavy metals in packaging and packaging components that are sold or distributed throughout the United States. The law is designed to phase out the use and presence of mercury, lead, cadmium, and hexavalent chromium in packaging. The legislation has been successfully adopted by nineteen states.

> ***For more detailed information, see Toxics in Packaging Clearinghouse white paper:***
> Toxics in Packaging Fact Sheet

Uniform Law Label

Filled bedding, furniture, sleeping bags and toys sold in the United States require a special label. Thirty-one states, including California, Massachusetts, New York, Ohio, and Pennsylvania, have established laws requiring labeling of bedding and upholstered furniture. In order to simplify compliance with the various state bedding and upholstered furniture labeling laws, the International Association of Bedding and Furniture Law Officials (IABFLO), an association made up of state officials responsible for the enforcement of bedding and furniture laws in their respective states, established a uniform law labeling system to assist manufacturers.

Law labels must describe the filling materials of the article as a percentage of those filling materials by weight. Example: 80% Polyurethane Foam, 20% Polyester Fibers. It also specifies that "UNDER PENALTY OF LAW THIS TAG IS NOT TO BE REMOVED EXCEPT BY CONSUMER" when used for bedding and furniture. Thirty-one states require law labels. The products requiring law labels in each state vary, as do the labeling requirements. Uniform law labels can be produced to satisfy the different requirements of each state.

Law labels are **also required in most states to display a Uniform Registry Number** which identifies the manufacturing facility that produced the product. This can be any company in the

world whose products are sold in the United States. A law label may **NOT** be combined with another label. However, it is acceptable to have a bold black line between a law label and the California flammability label (printed side by side to show as two separate labels).

International Association of Bedding and Furniture Law Officials (IABFLO)
IABFLO is made up of U.S. state officials who are responsible for the enforcement of consumer-oriented bedding and furniture laws in their respective states.

> ***For more detailed information, see***
> *IABFLO's:* Bedding & Furniture and Sample Bedding Label Law
> American Law Labels white paper*:* American Law Label, Inc. (includes applicable products and exemptions)
> Bureau Veritas white paper: Uniform Law Label FAQ

State of California

California Air Resources Board (CARB) - Formaldehyde Emissions
On April 26, 2007, the state Air Resources Board (CARB) approved an airborne toxic control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (MDF), and also furniture and other finished products made with composite wood products. For manufacturers of HWPW, PB, and MDF, **compliance with emission standards specified in the ATCM must be verified by using a third-party certifier approved by CARB.** Third-party certifiers **are required to ensure that manufacturers of composite wood products verify compliance with the applicable emissions standards** under the ATCM for their manufactured products.

17 CCR 93120 - ATCM to Reduce Formaldehyde Emissions from Composite Wood Products
Adopted: April 18, 2008
The ATCM applies to all hardwood plywood (HWPW), particleboard (PB), and medium density fiberboard (MDF), including thin MDF (≤ 8 mm), and finished goods that contain these products, that are sold, offered for sale, supplied, used, or manufactured for sale in California.

> ***For more detailed information, see CARB's:***
> - Frequently Asked Questions (FAQs) on Formaldehyde Emission Regulations
> - Test Methods for Composite Wood Products
> - Final versions of the approved Regulation Order and fact sheets in five languages (Chinese, Indonesian, Portuguese, Russian, and Spanish)

Lead and Other Toxic Substances
California regulates lead and numerous other substances and chemicals, in both adult and children's products through their Safe Drinking Water and Toxic Enforcement Act of 1986, more popularly known as **Proposition 65 or Prop 65** (California Health and Safety Code. Section 25249.6, et seq.) There have been several settlements relative to chemicals such as lead, DEHP (phthalates), and flame retardants in furniture. These settlements provide guidelines for suggested limits. Prop 65s List of Hazardous Substances is maintained and updated as new chemicals are identified.

The following warning language **is required on products sold in California if they contain chemicals on the Proposition 65 list** and the amount of exposure caused by the product is not within defined safety limits.

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

For more detailed California official information on Proposition 65, see:
Office of Environmental Health Hazard Assessment (OEHHA), Proposition 65 in Plain Language

Also see *Prop 65 News*

Upholstered Furniture Flammability Requirements
The Home Furnishings and Thermal Insulation Act, Issued by California Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation (BEARHFTI), regulates the flammability of upholstered furniture. These regulations include **specific testing and labeling requirements** which are specified in the regulations and Technical Bulletin 117-2013 - Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture.

California Chapter 862, signed into law September 30, 2014, requires a manufacturer of covered products, as defined, to **indicate on the label whether or not the product contains added flame retardant chemicals** by including a specified statement on that label. The statement must immediately follow the TB 117 labeling requirements on the same label. **The law also requires manufacturers to retain documentation supporting the information on the label.**

In addition, Bulletin CA 133 Flammability Test Procedure for Seating Furniture for Use in Public Occupancies is **mandatory for products falling under its scope**. In addition, California Technical Bulletin 116 is a voluntary standard that specifies requirements, test procedure and apparatus for testing the flame retardance of upholstered furniture.

For more detailed information, see BEARHFTI's:
Technical Bulletin 117-2013 Frequently asked Questions (FAQs),
Rules and Regulations and
Order of Adoption -- Criteria for Exemptions

Safer Consumer Products Regulations
The Safer Consumer Product Regulations applies to all consumer products placed in the stream of commerce in California. It requires manufacturers or other responsible entities to seek safer alternatives to harmful chemical ingredients in widely used products. The regulations require the Department of Toxic Substance to adopt regulations that will establish a process for identifying and prioritizing chemicals in consumer products and to establish a process for evaluating chemicals of concern in consumer products and their potential alternatives.

For more detailed information, see:
What are the Safer Consumer Products Regulations?

Made in the USA
A recent law relaxed California's strict "Made in USA" Law. Under the revised law "Made in the USA", "Made in America", "U.S.A." or similar labels are allowed even if a product has some foreign components. The labeling is permitted if any foreign component or part does not constitute more than 5% of the final wholesale value of the product or any foreign component or part does not constitute more than 10% of the final wholesale value of the product AND the manufacturer can show that those components cannot be obtained or produced domestically.

State of Illinois

Lead
Public Act 097-0612, The Lead Poisoning Prevention Act
The Act makes it illegal to sell, have, offer for sale, or transfer children's products that contain a total lead content in any component part of the item that is more than 0.004% (40 parts per million) but less than 0.06% (600 parts per million) by total weight (or a lower federal or State standard for lead content if applicable) **unless that item bears a warning statement that indicates that at least one component part of the item contains lead.** The warning statement must contain at least the following:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH FEDERAL STANDARDS."

The Act also makes it illegal to sell, or give away any lead-bearing substance that may be used by the general public, **unless it bears a warning statement as prescribed below, or as prescribed by any other federal regulation.** The statement shall be located in a prominent place on the item or package (16 CFR 1500.121).

If no regulation is prescribed, the warning statement shall be as follows when the lead-bearing substance is a lead-based paint or surface coating:

"WARNING-CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF REACH OF CHILDREN."

If no federal regulation is prescribed, the warning statement shall be as follows when the lead-bearing substance contains lead-based paint or a form of lead other than lead-based paint:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF REACH OF CHILDREN."

The warning statements do not apply to any product for which federal law governs warning in a manner that preempts state authority.

Minnesota

Formaldehyde in Children's Products

Minnesota bans the sale of certain products intended for children aged 8 and under that contain intentionally added formaldehyde or ingredients that degrade into formaldehyde. Children's product is defined as a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child's body, including any article used as a component of such a product. This state ban does not apply to a food, beverage, dietary supplement, pharmaceutical product or biologic, children's toys (covered by CPSC rules), or a medical device (covered by FDA rules).

State of Washington

Lead, Cadmium, and Phthalates in Children's Products

Washington's Children's Safe Products Act restricts the sale of children's products containing more than 0.009 percent by weight of lead; more than 0.004 percent by weight of cadmium, or 0.10 percent by weight of phthalates, individually or in combination.

The limits and scope of this law is more stringent than the current federal requirements. Products included under this Act include children's cosmetics, jewelry, toys, car seats, and childcare articles, including clothing and footwear.

See Washington Department of Ecology's:
Children's Safe Products Act Webpage

Multiple States

Flame Retardant Regulations
Several U.S. states have legislation **banning the use of flame retardants, such as** PentaBDE, OctaBDE, DecaBDE, TCEP, and Tris (1,3-dichloro-2-propyl) phosphate (chlorinated tris), in products, including upholstered furniture and children's products. The states include: Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, New York Oregon, Rhode Island, Vermont, and Washington. Legislation has been proposed in the following states: Alaska, California, Connecticut, Delaware, Massachusetts, New York, North Carolina, Ohio, Rhode Island, and Washington.

Chemicals of Concern
Several states, including Oregon, Washington, Vermont, and Maine, **require manufacturers selling children's products that contain a chemical that is included on the state's chemicals of concern list to provide notice to the state prior to sale in that state.** In some cases, the manufacturer must remove or make a substitution for the chemical.

Overview of the U.S. Voluntary Standards Framework

The U.S. system of standards development is driven by the private sector. The majority of U.S. standards are voluntary and developed through consensus methods that reflect the needs of producers and manufacturers, users and consumers, and the government. The American National Standards Institute (ANSI) (a non-governmental, not-for-profit organization) coordinates much of the private sector activities of the voluntary standards development community in the U.S. There are hundreds of voluntary standards developing organizations in the United States responsible for standardization in many different industries and business sectors. The National Institute of Standards and Technology (NIST), a part of the U.S. Department of Commerce, is the national metrology laboratory for the United States. NIST provides the technical measurement infrastructure to support global trade and the commercial measurement system. NIST, through its Standards Coordination Office, advises on and coordinates federal participation in standards setting.

STANDARDS DEVELOPING ORGANIZATIONS (SDOS)

ASTM International (ASTM) is the main standards developer that develops and maintains consensus standards and test methods pertaining to furniture. A number of the ASTM standards or test methods are "Incorporated By Reference" in the *CFR* (as cited above under CPSC), and are **mandatory**.

ASTM International

100 Barr Harbor Drive
P.O. Box C700
West Conshohocken, PA 19428-2959 USA
Telephone: + 1.610.832.9500
Staff Directory

The ASTM Committee responsible for furniture is Committee F15 on Consumer Products.

The following ASTM Subcommittees are relevant to furniture:

F15.16	High Chairs, Hook-On Chairs and Expandable Gates
F15.17	Carriages, Strollers, Walkers, and Stationary Activity Centers
F15.18	Cribs, Toddler Beds, Play Yards, Bassinets, Cradles, and Changing Tables
F15.30	Bunk Beds
F15.42	Furniture Safety
F15.50	Baby Changing Tables - Commercial
F15.59	Children's Folding Chairs

Examples of ASTM furniture standards include:

F404	Standard Consumer Safety Specification for High Chairs
F1169	Standard Consumer Safety Specification for Full-Size Baby Cribs
F1427	Standard Consumer Safety Specification for Bunk Beds
F1561	Standard Performance Requirements for Plastic Chairs for Outdoor Use
F1821	Standard Consumer Safety Specification for Toddler Beds
F1838	Standard Performance Requirements for Child's Plastic Chairs for Outdoor Use
F1858	Standard Performance Requirements for Multipositional Plastic Chairs with Adjustable Backs or Reclining Mechanisms for Outdoor Use
F1988	Standard Performance Requirements for Plastic Chaise Lounges, With or Without Moving Arms, With Adjustable Backs, for Outdoor Use
F2057	Standard Safety Specification for Clothing Storage Units
F2194	Standard Consumer Safety Specification for Bassinets and Cradles
F2388	Standard Consumer Safety Specification for Baby Changing Tables for Domestic Use
F2598	Standard Consumer Safety Specification for Clothing Storage Chests

F2613	Standard Consumer Safety Specification for Children's Chairs and Stools
F2813	Standard Specification for Glass Used as a Horizontal Surface in Desks and Tables
F406	Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards

In addition, Committee EO5 on Fire Standards has standards under its jurisdiction relevant to furniture, including standards:

E1352	Standard Test Method for Cigarette Ignition Resistance of Mock-Up Upholstered Furniture Assemblies
E1353	Standard Test Methods for Cigarette Ignition Resistance of Components of Upholstered Furniture
E1474	Standard Test Method for Determining the Heat Release Rate of Upholstered Furniture and Mattress Components or Composites Using a Bench Scale Oxygen Consumption Calorimeter
E1537	Standard Test Method for Fire Testing of Upholstered Furniture
E2280	Standard Guide for Fire Hazard Assessment of the Effect of Upholstered Seating Furniture Within Patient Rooms of Health Care Facilities
WK21353 (Draft)	New Test Methods for Standard Test Methods for Fire Testing of Components and Composites of Upholstered Furniture Using Flaming Ignition Sources
WK42727 (Draft)	New Test Methods for Determining the Effectiveness of Treatments for Natural Christmas Trees to Improve Fire Performance Characteristics

Business and Industrial Furniture Manufacturing Association (BIFMA International)

678 Front Avenue, NW, Suite 150
Grand Rapids, MI 49504-5368 USA
Telephone: +1.616.285.3963
E-mail: email@bifma.org

ANSI/BIFMA Safety and Performance Standards are developed by the BIFMA Engineering Committee. BIFMA is accredited by ANSI to be the administrator of the U.S. Technical Advisory Group (TAG) to the ISO Technical Committee (TC) 136 on Furniture.

ANSI-approved standards include:

- ANSI/BIFMA X5.1-2011 General Purpose Office Chairs - Tests
- ANSI/BIFMA X7.1-2011 Standard for Formaldehyde and TVOC Emissions of Low-Emitting Office Furniture and Seating
- ANSI/BIFMA M7.1-2011 Standard Test Method for Determining VOC Emissions from Office Furniture Systems

For more detailed information, see BIFMA's:
Standards in Development **and** Complete List of Standards

ANSI/BIFMA e3 Furniture Sustainability Standard

BIFMA International and NSF International have released an open, consensus-based method to evaluate the sustainable attributes of furniture products. The standard includes criteria for evaluating materials selection and usage; energy and atmosphere; human and ecosystem health; and social responsibility impacts.

The e3 standard represents a structured methodology to evaluate the "sustainable" attributes of furniture products and constitutes the technical criteria of BIFMA's "the level™ product certification program."

A copy of the e3 standard may be obtained from BIFMA using their Order Form. BIFMA's Sustainability Guidelines are available online.

Furniture Product Category Rules in Development

BIFMA International, in conjunction with NSF International, plans to develop Product Category Rules for the furniture industry. The National Center for Sustainability Standards (NCSS), founded by NSF, will serve as the Program Operator for developing the furniture Product Category Rules (PCR). PCRs help meet the growing demand for science-based support to verify environmental product claims and eliminate false and misleading claims. Product Category Rules (PCRs) define how to conduct a lifecycle assessment (LCA) for a particular product group and what to include in the resulting report. A lifecycle assessment measures inputs, outputs, and environmental impacts of a product across its lifespan, from cradle to grave. An Environmental Product Declaration (EPD) is the ISO-compliant third-party-verified report that functions like a nutrition label to explain the data generated from a lifecycle assessment. Adopted by European countries and growing in recognition in the U.S., PCRs and EPDs provide an international method of communication to compare and report a product's environmental impact throughout its entire lifecycle.

> ***For more detailed information, see BIFMA'S press release:***
> BIFMA International Partners with NSF International to Develop Product Category Rules for Furniture

National Fire Protection Association (NFPA)

1 Batterymarch Park
Quincy, MA 02169-7471 USA
Telephone: +1.617.770.3000
Email: custserv@nfpa.org

NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. Those relevant to furniture include:

- NFPA 260 – Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261 – Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition By Smoldering Cigarettes
- NFPA 266 – Standard Method of Test for Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source

Upholstery Furniture Action Council (UFAC)

UFAC's Voluntary Action Program requires furniture manufacturers that wish to participate to produce furniture in accordance with UFAC construction criteria. To meet these criteria, UFAC has developed voluntary test methods. Although voluntary, these test methods are in general use throughout the United States. UFAC's test methods include:

- Fabric Classification
- Interior Fabrics
- Barrier Test
- Decking Materials
- Filling / Padding Component : Part A
- Filling / Padding Component : Part B
- Decorative Trims
- Welt Cord
- Standard Method of Laundering
- Materials Specifications

TESTING AND CERTIFICATION BODIES

Testing

For children's furniture, see the list of Labs Recognized by the CPSC. Labs can be searched by product (e.g., children's bunk beds, cribs, lead in paint, etc.).

Numerous laboratories test furniture to recognized industry standards; some may be accredited. A listing of accredited testing laboratories can be found at A2LA Listing of Accredited organizations. Listings of other testing laboratories can be found at ASTM Directory of Testing Laboratories and BIFMA Listing of Testing Labs. Search on the keyword 'furniture' or on a specific ASTM or BIFMA standard.

Certification

California Air Resources Board (CARB) Third-Party Certification Program

In California, manufacturers of hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (MDF), and also furniture and other finished products made with composite wood products **must demonstrate compliance with emission standards specified in the ATCM, and which must be verified by using a third-party certifier approved by CARB.** Third-party certifiers **are required to ensure that manufacturers of composite wood products verify compliance with the applicable emissions standards** under the ATCM for their manufactured products.

For more detailed information, see CARB's: List of Approved Third-Party Certifiers

Consumer Products Subject to a Product Safety Rule

Section 102 of the CPSIA **requires every manufacturer or importer of all consumer products that are subject to a consumer product safety rule enforced by the CPSC to issue a certificate** stating that the product complies with the applicable standard, regulation, or ban. The certificate must accompany the product and be furnished to the retailer or distributor. Section 102 also **requires the manufacturers or importers of children's products (age 12 years or younger) to certify that the products comply with all relevant product safety standards by issuing a children's product certificate** supported by tests performed by a CPSC-accepted third-party testing laboratory.

BIFMA Sustainability Certification Level®

As a multi-attribute, sustainability standard developer, and third-party certification program for the furniture industry, BIFMA-approved certifiers include:

- Bureau Veritas
- Intertek
- LGA
- Scientific Certification Systems (SCS)
- UL Environment

For more testing laboratories, see BIFMA's:
Lab Test Search

Juvenile Products Manufacturers Association (JPMA)

15000 Commerce Parkway
Suite C
Mt. Laurel, NJ 08054 USA
Telephone: +1.856.638.0420
Fax: +1.856.439.0525
E-mail: jpma@jpma.org

Currently, more than 2,000 products are JPMA Certified in 20 categories. The JPMA Certification Seal on a product tells consumers this product has been verified as conforming to the requirements established by ASTM, through independent laboratory testing and follow-up onsite inspection of the manufacturer's production line. In order for a manufacturer to be JPMA Certified, they must submit an application and contract to the Juvenile Products Manufacturers Association (JPMA) to participate in the certification program. They can be either a member or non-member of the association. They must have all of their models in a product category tested by the official certification laboratory. The testing is done to voluntary standards that are developed and published by ASTM International.

For more detailed information on JPMA certification, see JPMA's:
Certification Program

RELEVANT U.S. GOVERNMENT AGENCIES

U.S. Customs and Border Protection (CBP)

1300 Pennsylvania Avenue, NW
Washington, D.C. 20229 USA
Telephone: +1.703.526.4200
Email Online Form

For more detailed information, see U.S. International Trade Commission's (USITC):
Harmonized Tariff Schedule of the United States – Chapter 94 on Furniture

U.S. Consumer Product Safety Commission (CPSC)

4330 East West Highway
Bethesda, MD 20814 USA
Telephone: +1.301.504.7923
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U.S. Environmental Protection Agency (EPA)

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2000 Traverwood Drive
Ann Arbor, MI 48105 USA
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List of Contacts

Federal Trade Commission

600 Pennsylvania Avenue, NW
Washington, DC 20580 USA
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List of Contacts

U.S. Department of Agriculture

1400 Independence Avenue, SW
Washington, DC 20250 USA
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U.S. Furniture Industry and Market Data

Trade Associations

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Furniture Market Data

Business and Institutional Furniture Manufacturer's Association
Historical Industry Growth Data: The U.S. Office Furniture Market

Office of Household Consumer Goods (OHCG)
International Trade Administration (ITA)
U.S. Department of Commerce
2010 Industry Assessment for Consumer Goods (Includes Furniture)

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