



# Upholstered Furniture Standard 16 C.F.R 1640 (TB 117-2013)

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# U. S. Consumer Product Safety Commission

- Independent, federal agency
- Established in 1973
- 5 Commissioners
- Over 530 staff
- Jurisdictional Authority in 6 Congressional Acts
  - Consumer Product Safety Act (CPSA)\*
  - Federal Hazardous Substances Act (FHSA)
  - Flammable Fabrics Act (FFA)
  - Poison Prevention Packaging Act of 1970 (PPPA)
  - Refrigerator Safety Act (RSA)
  - Consumer Product Safety Improvement Act (CPSIA)
  - HR2715(Public Law 112-28), VGBPS&SA, & others
  - Children's Gasoline Burn Prevention Act (CGBPA)
  - Child Nicotine Poisoning Prevention Act (CNPPA)

*CPSC's Mission:*  
**Keep consumers safe**



# CPSC's Mission

- To protect the public against unreasonable risks of injuries and deaths associated with consumer products
- Develop voluntary standards with industry
- Issuing and enforcing mandatory standards
- Provide comparative safety information
- Promote research and investigation into the causes and prevention of injuries



# 16 CFR Part 1640: Key Points

- In December 2020, the U.S. Congress passed a bill mandating nationwide compliance with California's flammability standard for upholstered furniture, "[California Technical Bulletin 117-2013](#)" (or TB 117-2013) and added a labeling requirement.
- CPSC will call the regulation 16 CFR part 1640 Standard for the Flammability of Upholstered Furniture.
- Effective dates are **June 25, 2021** for the regulation's flammability performance requirements and **June 25, 2022** for its labeling requirement



# TB 117-2013 and 16 CFR Part 1640

- TB 117-2013 sets forth the requirements, test procedure, and apparatus for testing the smolder resistance of materials used in upholstered furniture from hazards associated with smoldering ignition. 16 CFR 1640 codifies those requirements.
- The new 16 CFR part 1640 federal regulation refers specifically to TB 117-2013, which was originally published in 2013.
- Future changes or updates to TB 117-2013 will not change the requirements for 16 CFR Part 1640.



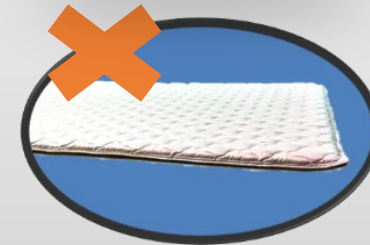
# 16 CFR Part 1640 and State and Local Flammability Laws

- The new law adopted in 16 CFR part 1640 preempts U.S. States and other jurisdictions from establishing or continuing in effect their own flammability regulations designed to protect against the risk of occurrence of fire with respect to upholstered furniture.
- The new law adopted in 16 CFR part 1640 does not preempt any State or local law, regulation, code, standard, or requirement that concerns other risks associated with upholstered furniture.



# What products are covered in 16 CFR Part 1640?

- The new flammability regulation applies to upholstered furniture made in whole or in part of fabric or related material intended for use or that may reasonably be expected to be used in homes or other places of assembly or public accommodation where consumers will customarily use the upholstered furniture
- The new regulation does not apply to the following products:
  - Bedding products
  - Mattresses/Mattress Pads
  - Mattress foundations
  - Outdoor furniture
  - Furniture used exclusively for physical fitness and exercise
  - Products obtained by a written prescription from a healthcare professional





# What Is Upholstered Furniture Under 16 CFR Part 1640?

- An article of seating furniture that
  - Is intended for indoor use; and
  - Is movable or stationary; and
  - Is constructed with an upholstered seat, back, or arm; and
  - Is made or sold with a cushion or pillow, whether or not that cushion or pillow is attached or detached to the article of furniture, or is stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or concealed by fabric or another covering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and
  - Together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet on an individual, when the individual sits in an upright or reclining position





# Examples of Upholstered Furniture





# What is a “bedding product”?

- Bedding products are not covered in 16 CFR part 1640.
- A bedding product is:
  - An item that is used for sleeping or sleep-related purposes
  - Any component or accessory with respect to an item that is used for sleeping or sleep-related purposes, without regard to whether the component or accessory, as applicable is used alone, along with, or contained within a sleeping or sleep-related item
- Foundations and Mattresses are defined in Section 1633.2 of title 16, Code of Federal Regulations and have their own specific requirements.





# 16 CFR Part 1640: Labeling Requirements

- Starting June 25, 2022, all upholstered furniture manufactured, imported, or reupholstered for U.S. consumers must have a permanent label with the following statement:
  - **“Complies with U.S. CPSC requirement for upholstered furniture flammability”**
- The label should be located prominently on the product and be conspicuous to the consumer.



# 16 CFR Part 1640: Labeling Statement Requirements

- The label's statement should be at least 1/8-inch high (0.32 cm) and not smaller than other text on the label.
- It should be in **black text** on a **white background** and surrounded by a **black border**.
- The statement must appear on the front of the label in English.
- The label may be a separate label or can be added to the bottom of an existing California TB 117-2013 label.
  - The new CPSC labeling requirement is in addition to any other law labeling requirements including California's TB 117-2013 requirement.



# 16 CFR Part 1640: Labeling Statement Examples



**Example of a Separate Label**

## Example of a Combined Label





# 16 CFR Part 1640: Record Keeping

- 16 CFR Part 1640 does not require a general certificate of conformity or recordkeeping requirements.
  - The new permanent label will operate as the certification that the product is compliant with the flammability regulation.
- It is recommended, as a best practice, to maintain records for at least as long as the product remains in production.



# Testing Requirements: Introduction

- This is a component standard.
- There are multiple paths a manufacturer can take that will result in a compliant design for their product, depending on which components comply.
- For example:
  - Compliant cover fabric + compliant filling materials = a compliant construction
  - Any cover fabric + compliant barrier material = a compliant construction
  - Compliant cover fabric + compliant barrier material + any filling material = a compliant construction
- **Disclaimer: The examples above are generalities and do not represent an exhaustive list. Please refer to [California Technical Bulletin 117-2013](#) for a detailed description of each components' test method and the various paths that will result in a compliant design**



# Testing Requirements Introduction

- Each test involves a miniature bench-scale assembly consisting of the component to be tested along with other specified materials.
- The assembly is exposed to a lighted cigarette as an ignition source.
- The test fails if:
  - the mock-up test specimen continues to smolder after 45 minutes,
  - a char length greater than a specified amount for each type of component test is measured,
  - or the mock-up test specimen transitions to open flaming



Example of TB 117-2013-style mockup posttest. Char length is measured up from the crevice vertically.





# Testing Requirements Summary - Main Upholstery

	Compliant Constructions*					
Cover Fabric	Passes Section 1: Cover Fabrics Test	Passes Section 1: Cover Fabrics Test	Passes Section 1: Cover Fabrics Test	FAILS Section 1: Cover Fabrics Test	Passes Section 1: Cover Fabrics Test	FAILS Section 1: Cover Fabrics Test
Barrier (interliner) material	Passes Section 2: Barrier Materials Test	(no barrier used)	FAILS Section 2: Barrier Materials Test	Passes Section 2: Barrier Materials Test	Passes Section 2: Barrier Materials Test	Passes Section 2: Barrier Materials Test
Resilient filling material	Passes Section 3: Resilient Filling Material Test	Passes Section 3: Resilient Filling Material Test	Passes Section 3: Resilient Filling Material Test	Passes Section 3: Resilient Filling Material Test	FAILS Section 3: Resilient Filling Material Test	FAILS Section 3: Resilient Filling Material Test

\*This is a non-exhaustive chart for illustration purposes. See the Standard for the Flammability of Upholstered Furniture for more information.



# Testing Requirements Summary - Main Upholstery

	<b>Non-Compliant Constructions*</b>			
<b>Cover Fabric</b>	Fails Section 1: Cover Fabrics Test	Fails Section 1: Cover Fabrics Test	Passes Section 1: Cover Fabrics Test	Fails Section 1: Cover Fabrics Test
<b>Barrier (interliner) material</b>	(no barrier used)	Fails Section 2: Barrier Materials Test	Fails Section 2: Barrier Materials Test	Fails Section 2: Barrier Materials Test
<b>Resilient filling material</b>	Fails Section 3: Resilient Filling Material Test	Fails Section 3: Resilient Filling Material Test	Fails Section 3: Resilient Filling Material Test	Passes Section 3: Resilient Filling Material Test

\*This is a non-exhaustive chart for illustration purposes. See the Standard for the Flammability of Upholstered Furniture for more information.



# 16 CFR Part 1640 and Children's Furniture

- Both general-use upholstered furniture and upholstered furniture intended to be used by children must comply with 16 CFR Part 1640.
- However, the requirements of 16 CFR part 1640 are not subject to the testing and certification requirements of Section 14(a) of the Consumer Product Safety Act (CPSA).
  - This means U.S. manufacturers and importers of children's products do not have to certify, in a written Children's Product Certificate (CPC) based on test results from a CPSC-accepted laboratory, that their children's products comply with 16 CFR Part 1640.
  - They *do*, however, have to certify, in a written CPC based on test results from a CPSC-accepted laboratory, that their product complies with all other [applicable children's product safety rules](#).



# 16 CFR Part 1640 and Children's Products Conclusion

- Other children's products that meet the definition of upholstered furniture (see 16 CFR §1640.3) must comply with:
  - The flammability and labeling requirements of 16 CFR Part 1640
  - Third-party testing for Lead in Surface Coatings if there are surface coatings and/or Total Lead Content if there are applicable accessible materials
  - Any other requirements applicable to the specific product
- Please see the CPSC's [Children's Products Education Page](#) for more information.



# Flammability Testing: Finding a Testing Lab

- **16 CFR 1640 Testing**
  - Find a lab accredited for testing to California TB 117-2013.
  - Testing for Upholstered Furniture Flammability is not required to be conducted at a CPSC-accepted lab.
  - CPSC does not list accepted labs for Upholstered Furniture Flammability Testing.
- **For other CPSC requirements applicable to your product, find a CPSC-accepted lab via our website:**  
[www.cpsc.gov/labsearch](http://www.cpsc.gov/labsearch)



# Questions and Contact Information

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Thanks!