



CPSC Publishes Direct Final Rule for Upholstered Furniture Flammability Standard with the Federal Register

On Friday April 9, 2021, the Consumer Product Safety Commission (CPSC) staff published within the Federal Register a Direct Final Rule (DFR) for a standard for the Flammability of Upholstered Furniture. The DFR will be codified in the Code of Federal Regulations for the COVID-19 Regulatory Relief and Work From Home Safety Act that was signed by the President in December of 2020. The CPSC staff also published a Notice of Proposed Rulemaking (NPR) for the Flammability of Upholstered Furniture Standard.

Introduction

On December 27, 2020, the President signed into law the COVID-19 Regulatory Relief Work From Home Safety Act. The Act declared California Technical Bulletin 117-2013 to be a mandatory flammability standard for upholstered furniture with an effective date of June 25, 2021.

In April 2021, The CPSC staff briefed the Commission on the upholstered furniture flammability standard and the Commission voted 4-0 in favor of adopting a DFR and an NPR. The DFR states that the furniture flammability standard will become effective on June 25, 2021 unless the CPSC receives any significant adverse comments prior to May 10, 2021. If adverse comments are received on the DFR, the CPSC may withdraw the DFR and the rule will not take effect. The NPR is being published to provide an opportunity for public comment.

The standard shall be cited as 16 CFR 1640 Standard for the Flammability of Upholstered Furniture and will apply to upholstered furniture as defined within the standard. The standard shall apply to upholstered furniture manufactured or imported on or after June 25, 2021. Compliant upholstered furniture will be required to carry a certification label permanently located on the product, however, compliance with the labeling requirement will not be effective until June 25, 2022. The certification label shall state "Complies with the U.S. CPSC requirements for upholstered furniture flammability". Compliance to 16 CFR 1640 will not need to be declared on a General Conformity Certificate.

Additional information or guidance on the Standard for the Flammability of Upholstered Furniture will be issued out in follow-up bulletins as it becomes available.

Additional Information:

To view the Direct Final Rule:

<https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-06977.pdf>

To view the Notice of Proposed Rulemaking:

<https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-06976.pdf>

How Does this Impact You? Contact Us to Discuss

Bureau Veritas offers a full range of testing and quality solutions for toys and juvenile products. If you have any questions about these proposed revisions, please contact your customer service representative or email: cps.info@us.bureauveritas.com

Bureau Veritas Consumer Products Services, Inc. ("BVCPS") provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided "as is." BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.