

# HOUSE BILL REPORT

## ESHB 2318

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*As Passed House  
February 11, 1992*

**Title:** An act relating to fire retardant requirements for mattresses, upholstered furniture and filling materials for upholstered furniture and polyurethane foam.

**Brief Description:** Establishing fire retardant requirements.

**Sponsor(s):** By House Committee on Commerce & Labor (originally sponsored by Representatives Jones, Heavey, Winsley, Wilson, Franklin, Brough, Prentice, Paris, Orr, Sheldon and Sprenkle).

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, January 21, 1992, DPS;  
Passed House, February 11, 1992, 71-24.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

**Staff:** Chris Cordes (786-7117).

**Background:**

Washington law does not set flammability requirements for home furnishings. Under federal law, mattresses must meet certain flammability requirements. In California, home furnishings must meet test requirements established by the Department of Consumer Affairs.

In a report to the U.S. Consumer Product Safety Commission (CPSC) in 1990, it was noted that upholstered furniture and mattresses were the consumer products regulated by the CPSC that were associated with the largest number of estimated fire deaths for 1988. The report cited cigarette ignition as the leading cause of residential fire deaths.

### ***Summary of Bill:***

Fire retardant requirements are established for mattresses sold or manufactured for sale for use in Washington and for upholstered furniture sold or offered for sale by manufactures or wholesalers intended for use in habitable structures in Washington. The requirements are administered by the director of Fire Protection in the Department of Community Development. The director is responsible for adopting fire retardant standards and other rules to implement the requirements.

#### Requirements for mattresses

Mattresses must be fire retardant and meet the standards established by the director of Fire Protection. These standards must meet the flammability requirements of federal law in effect on the effective date of the act. The mattress may have a label showing that the mattress is designed to resist combustion from a smoldering cigarette.

#### Requirements for upholstered furniture and filling materials sold by manufacturers or wholesalers

Upholstered furniture, and reupholstered furniture to which filling materials have been added, must be fire retardant. The furniture must have a label showing that only the resilient filling materials meet California standards for flammability.

Filling materials contained in the furniture or added to reupholstered furniture must meet or exceed the test requirements established by the California Bureau of Home Furnishings (January 1980).

#### Requirements for foam materials

All foam sold at retail outlets must be fire retardant, except for foam sold as carpet underlayment or foam that cannot reasonably be expected to be used in furniture. The standard for foam must meet or exceed the test requirements established by the California Bureau of Home Furnishings, (January 1980).

#### Exemptions

The director may exempt upholstered furniture that is deemed not to pose a serious life hazard without the fire retardant requirements. Exempted furniture must have a label showing that the furniture does not meet the California flammability requirements.

**Fiscal Note:** Requested January 13, 1992.

**Effective Date:** The bill takes effect January 1, 1993.

**Testimony For:** Foam furniture is a hazard because it sustains its own ignition and produces toxic fumes as it burns. The California standard is the minimal standard that should be adopted. Fire deaths continue to increase despite safety codes. Although foam cannot be made flame proof, it can be made fire retardant. Even if all new furniture begins to use treated foam, it will be 25 years before all the old, untreated furniture is phased out of homes. There is a small increase in cost, but the benefit justifies the cost.

**Testimony Against:** The states are required to adhere to the mattress flammability standards established in federal law. The bill should be amended to reflect this requirement. For other furniture, most manufacturers comply with voluntary flammability guidelines and with the California standard. It is not necessary to put these requirements into state law. It will increase the cost of furniture without adding to the fire safety of the furniture, because the typical problem is a smoldering cigarette, not an open flame.

**Witnesses:** (In favor) Representative Evan Jones, prime sponsor; Larry Glenn and Gordon Walgren, Washington State Association of Fire Chiefs; and Frank Ratajczyk, Crain Industries. (Opposed) John McHugh. (Not opposed with amendments) Joseph Carman, International Sleep Products Association.