
ENGROSSED SUBSTITUTE HOUSE BILL 2318

State of Washington

52nd Legislature

1992 Regular Session

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

Read first time 01/21/92.

1 AN ACT Relating to fire retardant requirements for mattresses,
2 upholstered furniture and filling materials for upholstered furniture,
3 and polyurethane foam; adding a new chapter to Title 70 RCW; and
4 providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** For the purposes of this chapter:

7 (1) "Fire retardant" means a product that meets the standards
8 adopted by rule by the director of fire protection.

9 (2) "Habitable structure" means a building or edifice of any kind,
10 including a public building, that is constructed and used or intended
11 to be used for human occupancy.

12 (3) "Upholstered furniture" means any furniture, including
13 children's furniture, movable or stationary, that is made or sold with
14 cushions or pillows, loose or attached, or is itself stuffed or filled

1 in whole or in part with any material, is or can be stuffed or filled
2 in whole or in part with any substance or material, hidden or concealed
3 by fabric or any other covering, including cushions or pillows
4 belonging to or forming a part thereof, together with the structural
5 units, the filling material and its container and its covering that can
6 be used as a support for the body of a human being, or his or her limbs
7 or feet when sitting or resting in an upright or reclining position.

8 NEW SECTION. **Sec. 2.** (1) All mattresses sold or offered for
9 sale, or manufactured for sale, for use in the state of Washington,
10 including any mattress sold or offered for sale, or manufactured for
11 sale, for use in a hotel, motel, or place of public accommodation in
12 the state, shall be fire retardant. Mattresses shall meet the
13 standards established by the director of fire protection, which
14 standards shall meet the standards required in 16 C.F.R. Sec. 1632, as
15 existing on the effective date of this act. Each mattress may have a
16 label attached to its top stating, "Notice. This mattress is designed
17 to resist combustion which may result from a smoldering cigarette."

18 (2) All upholstered furniture sold or offered for sale by a
19 manufacturer or wholesaler intended for use in a habitable structure in
20 the state, including any upholstered furniture sold or offered for sale
21 for use in a hotel, motel, or other place of public accommodation in
22 this state, and reupholstered furniture sold, offered for sale, or
23 reupholstered for a customer, to which filling materials are added and
24 which is intended for use in a habitable structure, shall be fire
25 retardant and shall have a label attached to the surface area of the
26 article, in plain view, stating the following: "NOTICE: ONLY THE
27 RESILIENT FILLING MATERIALS CONTAINED IN THIS ARTICLE MEET CALIFORNIA
28 BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS -- TECHNICAL
29 BULLETIN NO. 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAMES OR WITH

1 BURNING CIGARETTES." The minimum size of the label shall be two inches
2 by three inches and the minimum size of the type shall be one-eighth
3 inch in height. All type shall be in capital letters.

4 (3) All flexible polyurethane foam in the form of slabs, blocks, or
5 sheets, or that is shredded, either loose or packaged, except
6 polyurethane foam sold for use as carpet underlayment and polyurethane
7 foam that cannot reasonably be expected to be used in or as an article
8 of furniture or a mattress, that is sold or offered for sale to the
9 general public at retail outlets in the state of Washington for
10 commercial or nonmanufacturing purposes, shall be fire retardant and
11 shall meet the standards established by the director of fire
12 protection. Those established standards shall meet or exceed the test
13 requirements set forth in section A, part I, section A, part II, and
14 section B, part II of the California bureau of home furnishings
15 technical bulletin No. 117, "Requirements, test procedures and
16 apparatus for testing the flame retardants of filling materials used in
17 upholstered furniture," January 1980.

18 (4) All filling material contained in any article of upholstered
19 furniture subject to subsection (2) of this section, and all filling
20 material added to reupholstered furniture, shall meet the standards
21 established by the director of fire protection. Those established
22 standards shall meet or exceed the test requirements set forth in
23 California bureau of home furnishings technical bulletin No. 117,
24 "Requirements, test procedures and apparatus for testing the flame
25 retardants of filling materials used in upholstered furniture," January
26 1980. Filling materials labelled as "flame resistant," "flame
27 retardant," or words of similar import shall be tested in accordance
28 with and shall meet the "fire retardant" standard adopted by the
29 director.

1 NEW SECTION. **Sec. 3.** (1) The director of fire protection may,
2 in his or her discretion, exempt items of upholstered furniture that
3 are deemed not to pose a serious life hazard without the fire retardant
4 requirements of this chapter.

5 (2) Articles exempted from fire retardant requirements of this
6 chapter shall have a label attached to the surface area of the article,
7 in plain view, stating the following: "NOTICE: THIS ARTICLE DOES NOT
8 MEET CALIFORNIA BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS --
9 TECHNICAL BULLETIN NO. 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAMES
10 OR WITH BURNING CIGARETTES." The minimum size of the label shall be
11 two inches by three inches and the minimum size of the type shall be
12 one-eighth inch in height. All type shall be in capital letters.

13 NEW SECTION. **Sec. 4.** The director of the department of
14 community development shall adopt rules to carry out the purposes of
15 this chapter.

16 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act shall
17 constitute a new chapter in Title 70 RCW.

18 NEW SECTION. **Sec. 6.** This act shall take effect January 1,
19 1993.