
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) "Upholstered furniture" means any furniture, including
10 children's furniture, movable or stationary, that is made or sold with
11 cushions or pillows, loose or attached, or is itself stuffed or filled
12 in whole or in part with any material, is or can be stuffed or filled
13 in whole or in part with any substance or material, hidden or concealed
14 by fabric or any other covering, including cushions or pillows

1 belonging to or forming a part thereof, together with the structural
2 units, the filling material and its container and its covering that can
3 be used as a support for the body of a human being, or his or her limbs
4 or feet when sitting or resting in an upright or reclining position.

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

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

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

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

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

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

9 NEW SECTION. **Sec. 4.** The director of the department of
10 community development shall adopt rules to carry out the purposes of
11 this chapter.

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

14 NEW SECTION. **Sec. 6.** This act shall take effect January 1,
15 1993.