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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 173 Session of  
2007

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INTRODUCED BY MUSTO, RAFFERTY, FONTANA, KITCHEN, C. WILLIAMS,  
FERLO, TARTAGLIONE AND WASHINGTON, MARCH 6, 2007

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REFERRED TO LABOR AND INDUSTRY, MARCH 6, 2007

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AN ACT

1 Providing for flammability and labeling standards for certain  
2 upholstered furniture, mattresses, box springs and other  
3 bedding products, for duties of the Department of Labor and  
4 Industry and for enforcement.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Fire  
9 Protection Standards Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) Mattresses are currently subject to Federal  
13 flammability requirements. In the early 1970s, the United  
14 States Consumer Product Safety Commission established the  
15 Federal Mattress Flammability Standard, which requires that  
16 mattresses resist ignition by smoldering cigarettes. In  
17 addition, a standard promulgated by the American Society for  
18 Testing and Materials establishes product performance test  
19 methods for mattresses used in institutional settings.

1           (2) Beginning in the 1990s, national fire statistics  
2 indicated that the Federal Mattress Flammability Standard did  
3 not materially affect the incidence of residential mattress  
4 fires ignited by small open flames. More recent research  
5 conducted by the Consumer Product Safety Commission, the fire  
6 safety community and private industry shows that in many  
7 mattress fires involving open-flame ignitions, the bedding,  
8 which includes the pillow, comforter and bedspread, is the  
9 first product to ignite, as opposed to the mattress itself.

10          (3) As a result, the mattress industry commissioned the  
11 National Institute of Standards and Technology to conduct  
12 scientific research into the interaction between ignited  
13 bedding and a mattress. In 2000, the National Institute of  
14 Standards and Technology published the results of its initial  
15 research, which indicate that bedding and box springs, also  
16 known as the mattress foundation, have a material impact on  
17 the rate at which a mattress ignites and the resulting fire  
18 spreads, as well as the fire's intensity and the risk that it  
19 will spread beyond the bedroom. The National Institute of  
20 Standards and Technology's continuing research uses computer  
21 models to estimate the number of fire-related casualties that  
22 can be avoided if the fire size and spread rate for bedding  
23 and mattress-related fires are reduced to specified levels.

24          (4) This act authorizes the Department of Labor and  
25 Industry to better protect the public from open-flame ignited  
26 mattress fires by establishing flammability standards for not  
27 only mattresses, but also for box springs and bedding, as the  
28 department considers appropriate.

29 Section 3. Definitions.

30          The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "ASTM." The American Society for Testing and Materials.

4 "Department." The Department of Labor and Industry of the  
5 Commonwealth.

6 "Fire retardant." A product that meets the regulations  
7 adopted by the Department of Labor and Industry under this act.  
8 The term does not include furniture used exclusively for the  
9 purpose of physical fitness and exercise.

10 Section 4. Label.

11 Any upholstered furniture or mattress that is made from or  
12 contains nonflame-retardant cellular foam shall be labeled in a  
13 manner approved by the department. On and after January 1, 2008,  
14 all bedding that is made from or contains nonflame-retardant  
15 cellular foam shall be labeled in a manner approved by the  
16 department. Notwithstanding the provisions of this section, no  
17 label is required for a product that complies with the  
18 applicable Federal flammability regulations.

19 Section 5. Fire retardant standards.

20 (a) General rule.--Mattresses and box springs manufactured  
21 for sale in this Commonwealth shall be fire retardant.

22 (b) Regulations.--The department shall adopt regulations no  
23 later than January 1, 2008, requiring that fire retardant  
24 mattresses and box springs meet a resistance to open-flame test  
25 that uses a pass or fail performance criterion based on a test  
26 method developed by the department or that is based on ASTM E  
27 1590. If the department concludes that other bedding contributes  
28 to mattress fires, the regulations shall require the other  
29 bedding to be flame retardant under the resistance to open-flame  
30 test. If feasible, the regulations shall permit a manufacturer

1 to comply with the resistance to open-flame test by testing a  
2 small scale version of its product. In developing these  
3 regulations, the department may contract, cooperate or otherwise  
4 share resources with other government agencies, private  
5 organizations or independent contractors that it considers  
6 appropriate for purposes of reviewing test criteria and methods,  
7 equipment specifications and other relevant subjects. These  
8 regulations shall become inoperative upon the effective date of  
9 any Federal law or regulation establishing an open-flame  
10 resistance standard for these products.

11 (c) Report.--The department shall submit a report to the  
12 General Assembly on or before January 1, 2008, summarizing its  
13 regulatory findings.

14 (d) Nonapplicability.--Requirements for flame-resistant  
15 mattresses, box springs or other bedding products shall not  
16 apply to any hotel, motel, bed and breakfast, inn or similar  
17 transient lodging establishment that has an automatic fire  
18 extinguishing system that conforms to the specifications  
19 established by law.

20 (e) Seating furniture.--All seating furniture sold or  
21 offered for sale by an importer, manufacturer or wholesaler for  
22 use in this Commonwealth, including any seating furniture sold  
23 to or offered for sale for use in a hotel, motel or other place  
24 of public accommodation in this Commonwealth, and reupholstered  
25 furniture to which filling materials are added shall be fire  
26 retardant and shall be labeled in a manner specified by the  
27 department.

28 Section 6. Violation.

29 A violation of this act shall be deemed a violation of the  
30 act of December 17, 1968 (P.L.1224, No.387), known as the Unfair

- 1 Trade Practices and Consumer Protection Law.
- 2 Section 7. Effective date.
- 3 This act shall take effect in 60 days.