

**PART 1640—STANDARD FOR THE  
FLAMMABILITY OF UPHOLSTERED  
FURNITURE**

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AUTHORITY: Sec. 2101, Pub. L. 116–260, 15 U.S.C. 1193.

SOURCE: 86 FR 18443, Apr. 9, 2021, unless otherwise noted.

**§ 1640.1 Purpose and scope.**

(a) *Purpose.* This part establishes the standard for the flammability of upholstered furniture, as set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin 117–2013, entitled “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture,” published June 2013 (for availability, see § 1640.6).

(b) *Scope.* All upholstered furniture as defined in § 1640.3 manufactured, imported, or reupholstered on or after the effective date of this standard is subject to the requirements of this part.

**§ 1640.2 Effective date and compliance date.**

(a) *Effective date.* This part (the standard) is effective June 25, 2021, and shall apply to all upholstered furniture, as defined in § 1640.3, manufactured, imported, or reupholstered on or after that date.

(b) *Compliance date.* Compliance with the labeling requirement in § 1640.4 shall be required by June 25, 2022, and shall apply to all upholstered furniture, as defined in § 1640.3, manufactured, imported, or reupholstered on or after that date.

**§ 1640.3 Definitions.**

- (a) *Bedding product* means
- (1) An item that is used for sleeping or sleep-related purposes; or
  - (2) Any component or accessory with respect to an item described in this paragraph (a), without regard to

whether the component or accessory, as applicable, is used—

- (i) Alone; or
- (ii) Along with, or contained within, that item;

(b) *California standard* means the standard set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin 117–2013, entitled “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture”, published June 2013 (see § 1640.6).

(c) *Foundation* has the meaning given that term in § 1633.2 of this chapter.

(d) *Mattress* has the meaning given that term in § 1633.2 of this chapter.

(e) *Upholstered furniture.* (1) Means an article of seating furniture that—

- (i) Is intended for indoor use;
- (ii) Is movable or stationary;
- (iii) Is constructed with an upholstered seat, back, or arm;
- (iv) Is:

(A) Made or sold with a cushion or pillow, without regard to whether that cushion or pillow, as applicable, is attached or detached with respect to the article of furniture, or

(B) Stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or concealed by fabric or another covering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and

(v) Together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet of an individual, when the individual sits in an upright or reclining position;

(2) Includes an article of furniture that is intended for use by a child; and

- (3) Does not include—
  - (i) A mattress;
  - (ii) A foundation;
  - (iii) Any bedding product; or
  - (iv) Furniture that is used exclusively for the purpose of physical fitness and exercise.