

Union Calendar No. 277

116TH CONGRESS
1ST SESSION

H. R. 2647

[Report No. 116-348]

To adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Ms. MATSUI (for herself, Mr. GRIFFITH, Mr. RUSH, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 16, 2019

Additional sponsors: Ms. SCHAKOWSKY, Mr. SOTO, Ms. ESHOO, Ms. KUSTER of New Hampshire, Ms. NORTON, and Mr. KELLY of Mississippi

DECEMBER 16, 2019

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safer Occupancy Fur-
5 niture Flammability Act” or “SOFFA”.

6 **SEC. 2. ADOPTION OF CALIFORNIA FLAMMABILITY STAND-**
7 **ARD AS A FEDERAL STANDARD.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “bedding product” means—

10 (A) an item that is used for sleeping or
11 sleep-related purposes; or

12 (B) any component or accessory with re-
13 spect to an item described in subparagraph (A),
14 without regard to whether the component or ac-
15 cessory, as applicable, is used—

16 (i) alone; or

17 (ii) along with, or contained within,
18 that item;

19 (2) the term “California standard” means the
20 standard set forth by the Bureau of Electronic and
21 Appliance Repair, Home Furnishings and Thermal
22 Insulation of the Department of Consumer Affairs of
23 the State of California in Technical Bulletin 117–
24 2013, entitled “Requirements, Test Procedure and
25 Apparatus for Testing the Smolder Resistance of

1 Materials Used in Upholstered Furniture”, originally
2 published June 2013, as in effect on the date of en-
3 actment of this Act;

4 (3) the terms “foundation” and “mattress”
5 have the meanings given those terms in section
6 1633.2 of title 16, Code of Federal Regulations, as
7 in effect on the date of enactment of this Act; and

8 (4) the term “upholstered furniture”—

9 (A) means an article of seating furniture
10 that—

11 (i) is intended for indoor use;

12 (ii) is movable or stationary;

13 (iii) is constructed with a contiguous
14 upholstered—

15 (I) seat; and

16 (II)(aa) back; or

17 (bb) arm;

18 (iv) is—

19 (I) made or sold with a cushion
20 or pillow, without regard to whether
21 that cushion or pillow, as applicable,
22 is attached or detached with respect
23 to the article of furniture; or

24 (II) stuffed or filled, or able to be
25 stuffed or filled, in whole or in part,

1 with any material, including a sub-
2 stance or material that is hidden or
3 concealed by fabric or another cov-
4 ering, including a cushion or pillow
5 belonging to, or forming a part of, the
6 article of furniture; and

7 (v) together with the structural units
8 of the article of furniture, any filling mate-
9 rial, and the container and covering with
10 respect to those structural units and that
11 filling material, can be used as a support
12 for the body of an individual, or the limbs
13 and feet of an individual, when the indi-
14 vidual sits in an upright or reclining posi-
15 tion;

16 (B) includes an article of furniture that is
17 intended for use by a child; and

18 (C) does not include—

19 (i) a mattress;

20 (ii) a foundation;

21 (iii) any bedding product; or

22 (iv) furniture that is used exclusively
23 for the purpose of physical fitness and ex-
24 ercise.

25 (b) ADOPTION OF STANDARD.—

1 (1) IN GENERAL.—Beginning on the date that
2 is 180 days after the date of enactment of this Act,
3 and except as provided in paragraph (2), the Cali-
4 fornia standard shall be considered to be a flamma-
5 bility standard promulgated by the Consumer Prod-
6 uct Safety Commission under section 4 of the Flam-
7 mable Fabrics Act (15 U.S.C. 1193).

8 (2) TESTING AND CERTIFICATION.—A fabric,
9 related material, or product to which the California
10 standard applies as a result of paragraph (1) shall
11 not be subject to section 14(a) of the Consumer
12 Product Safety Act (15 U.S.C. 2063(a)).

13 (c) PREEMPTION.—

14 (1) IN GENERAL.—Notwithstanding section 16
15 of the Flammable Fabrics Act (15 U.S.C. 1203) and
16 section 231 of the Consumer Product Safety Im-
17 provement Act of 2008 (15 U.S.C. 2051 note), and
18 except as provided in subparagraphs (B) and (C) of
19 paragraph (2), no State or any political subdivision
20 of a State may establish or continue in effect any
21 provision of a flammability law, regulation, code,
22 standard, or requirement that is designed to protect
23 against the risk of occurrence of fire, or to slow or
24 prevent the spread of fire, with respect to uphol-
25 stered furniture.

1 (2) PRESERVATION OF CERTAIN STATE LAW.—
2 Nothing in this Act or the Flammable Fabrics Act
3 (15 U.S.C. 1191 et seq.) may be construed to pre-
4 empt or otherwise affect—

5 (A) any State or local law, regulation,
6 code, standard, or requirement that—

7 (i) concerns health risks associated
8 with upholstered furniture; and

9 (ii) is not designed to protect against
10 the risk of occurrence of fire, or to slow or
11 prevent the spread of fire, with respect to
12 upholstered furniture;

13 (B) sections 1374 through 1374.3 of title
14 4, California Code of Regulations (except for
15 subsections (b) and (c) of section 1374 of that
16 title), as in effect on the date of enactment of
17 this Act; or

18 (C) the California standard.

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