

# Daily Journal

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### SB 1019: Disclosures for chemicals in upholstery

By Amy Lally

Chemical flame retardants used on upholstered furniture to impede the spread of fires in homes came under attack over the past few years. In response, the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation adopted a new flammability standard, set forth in Technical Bulletin 117-2013, which sets forth the requirements and procedure for testing the smolder resistance of upholstery materials.

The prior standard tested the resistance of upholstered furniture to an open flame. The new standard tests resistance to cigarettes. It was widely believed that chemical flame retardants were necessary to meet the “open flame” test. The new “smolder resistance” test may be met with or without chemical flame retardants, but existing law did not require manufacturers to disclose whether those chemicals were in their products. Senate Bill 1019 was introduced to provide consumers with the information needed to make an informed choice regarding these flame retardant chemicals.

SB 1019 requires manufacturers of upholstered furniture to indicate on the



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product’s law label whether the product contains added flame retardant chemicals. The bill mandates labels indicate whether the upholstery materials of a product contain flame retardant chemicals as well as the following language: “The State of California has updated the flammability standard and determined that the fire safety requirements for this product can be met without adding flame retardant chemicals. The state has identified many flame retardant chemicals as being known to, or strongly suspected of, adversely impacting human health or development.” It also requires manufacturers to maintain documentation, obligates the bureau to ensure compliance with the la-

beling and documentation requirements, and establishes fines for mislabeling.

SB 1019 takes effect Jan. 1, 2015, as Business and Professions Code Section 19094. The bureau has stated that the law “will not be retroactive and the existing furniture ... can be sold without the flame retardant chemical labeling.”

The bureau may implement regulations to carry out the new law. Regulations would help flesh out some of the questions that remain which chemicals should be tested for and how they should be tested. In a November 2014 publication of FAQs, the bureau announced that it has begun discussions with the Department of Toxic Substances Control to prepare a memorandum of understanding to test samples of products that are marked as containing no flame retardant chemicals. The bureau stated that it anticipates that the memorandum and process will be in place by the fall of 2015. The precise contours of the new law will continue to be developed even after the law takes effect.

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