## 116TH CONGRESS 1ST SESSION H.R. 2647

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

## 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.

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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-

- ARD AS A FEDERAL STANDARD.
- 8 (a) DEFINITIONS.—In this section—

1	(1) the term "bedding product" means—
2	(A) an item that is used for sleeping or
3	sleep-related purposes; or
4	(B) any component or accessory with re-
5	spect to an item described in subparagraph (A),
6	without regard to whether the component or ac-
7	cessory, as applicable, is used—
8	(i) alone; or
9	(ii) along with, or contained within,
10	that item;
11	(2) the term "California standard" means the
12	standard set forth by the Bureau of Electronic and
13	Appliance Repair, Home Furnishings and Thermal
14	Insulation of the Department of Consumer Affairs of
15	the State of California in Technical Bulletin 117–
16	2013, entitled "Requirements, Test Procedure and
17	Apparatus for Testing the Smolder Resistance of
18	Materials Used in Upholstered Furniture", originally
19	published June 2013, as in effect on the date of en-
20	actment of this Act;
21	(3) the terms "foundation" and "mattress"
22	have the meanings given those terms in section
23	1633.2 of title 16, Code of Federal Regulations, as
24	in effect on the date of enactment of this Act; and
25	(4) the term "upholstered furniture"—

1	(A) means an article of seating furniture
2	that—
3	(i) is intended for indoor use;
4	(ii) is movable or stationary;
5	(iii) is constructed with a contiguous
6	upholstered—
7	(I) seat; and
8	(II)(aa) back; or
9	(bb) arm;
10	(iv) is—
11	(I) made or sold with a cushion
12	or pillow, without regard to whether
13	that cushion or pillow, as applicable,
14	is attached or detached with respect
15	to the article of furniture; or
16	(II) stuffed or filled, or able to be
17	stuffed or filled, in whole or in part,
18	with any material, including a sub-
19	stance or material that is hidden or
20	concealed by fabric or another cov-
21	ering, including a cushion or pillow
22	belonging to, or forming a part of, the
23	article of furniture; and
24	(v) together with the structural units
25	of the article of furniture, any filling mate-

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1	rial, and the container and covering with
2	respect to those structural units and that
3	filling material, can be used as a support
4	for the body of an individual, or the limbs
5	and feet of an individual, when the indi-
6	vidual sits in an upright or reclining posi-
7	tion;
8	(B) includes an article of furniture that is
9	intended for use by a child; and
10	(C) does not include—
11	(i) a mattress;
12	(ii) a foundation;
13	(iii) any bedding product; or
14	(iv) furniture that is used exclusively
15	for the purpose of physical fitness and ex-
16	ercise.
17	(b) Adoption of Standard.—
18	(1) IN GENERAL.—Beginning on the date that
19	is 180 days after the date of enactment of this Act,
20	and except as provided in paragraph (2), the Cali-
21	fornia standard shall be considered to be a flamma-
22	bility standard promulgated by the Consumer Prod-
23	uct Safety Commission under section 4 of the Flam-
24	mable Fabrics Act (15 U.S.C. 1193).

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

6 (c) PREEMPTION.—

7 (1) IN GENERAL.—Notwithstanding section 16 8 of the Flammable Fabrics Act (15 U.S.C. 1203) and 9 section 231 of the Consumer Product Safety Im-10 provement Act of 2008 (15 U.S.C. 2051 note), and 11 except as provided in subparagraphs (B) and (C) of 12 paragraph (2), no State or any political subdivision 13 of a State may establish or continue in effect any 14 provision of a flammability law, regulation, code, 15 standard, or requirement that is designed to protect 16 against the risk of occurrence of fire, or to slow or 17 prevent the spread of fire, with respect to uphol-18 stered furniture.

19 (2) PRESERVATION OF CERTAIN STATE LAW.—
20 Nothing in this Act or the Flammable Fabrics Act
21 (15 U.S.C. 1191 et seq.) may be construed to pre22 empt or otherwise affect—

23 (A) any State or local law, regulation,
24 code, standard, or requirement that—

1	(i) concerns health risks associated
2	with upholstered furniture; and
3	(ii) is not designed to protect against
4	the risk of occurrence of fire, or to slow or
5	prevent the spread of fire, with respect to
6	upholstered furniture;
7	(B) sections 1374 through 1374.3 of title
8	4, California Code of Regulations (except for
9	subsections (b) and (c) of section 1374 of that
10	title), as in effect on the date of enactment of
11	this Act; or
12	(C) the California standard.

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