Flammability Requirements: Upholstered Furniture in Hospitals

September 2014

Some states enforce a state-specific flammability standard for upholstered seating furniture located in public occupancy buildings, including hospitals, although many states have no requirements specific to their jurisdiction. In either case, hospitals must comply with the requirements of the Centers for Medicare and Medicaid Services (CMS) and the Joint Commission. This fact sheet is intended to provide a basic understanding of the existing flammability standards for upholstered furniture in the hospital setting, in addition to describing the requirements for those states that, based on our research, enforce standards beyond that required by CMS and the Joint Commission.

Explaining the Standards
The California Bureau of Home Furnishings and Thermal Insulation, a government body under the California Department of Consumer Affairs, enforces regulations governing upholstered furniture, which reference Technical Bulletins (TB) describing performance-test methods for specific fire conditions. ASTM International develops international voluntary consensus standards, covering a wide range of technical and management areas. The National Fire Protection Association (NFPA) develops consensus codes and standards, aimed at minimizing the possibility and effects of fire and other risks. Each of these entities maintains a flammability standard for upholstered seating furniture. Different state and local jurisdictions reference the California, ASTM, or NFPA standard in their statutes and regulations, but for practical purposes the standards are compatible. Although the standards may have subtle differences, the effect of the differences only becomes relevant when a material or product exhibits borderline or marginal performance in one test. When passes or failures are clear and definite, the standards will likely yield the same results. To help understand how the different upholstered furniture flammability standards compare, the chart below draws parallels across the standards developed by California, ASTM, and NFPA.
## Flammability Standards for Upholstered Furniture*

<table>
<thead>
<tr>
<th>California Standard</th>
<th>Performance Test</th>
<th>Similar To</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>TB 133</td>
<td>Large open-flame test of mock-up or finished piece of furniture</td>
<td>NFPA 266, ASTM E-1537</td>
<td></td>
</tr>
<tr>
<td>TB 117-2013</td>
<td>Smoldering cigarette, semi-composite test</td>
<td>NFPA 260, ASTM 1353 (component tests)</td>
<td>Expected that TB 117-2013 furniture will meet TB 116 and NFPA 261</td>
</tr>
<tr>
<td>TB 117</td>
<td>Small open flame test and smoldering cigarette test for component materials</td>
<td></td>
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</tr>
<tr>
<td>TB 116</td>
<td>Smoldering cigarette test with finished piece of furniture</td>
<td>NFPA 261 (smoldering cigarette test with furniture mock-up)</td>
<td>In some cases, may pass NFPA 261 but fail TB 116</td>
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</tbody>
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*Note: several states incorporate by reference the California standards

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**CMS and Joint Commission:**


Newly introduced upholstered furniture within health care occupancies shall meet (1) NFPA 261, and (2) NFPA 266 or ASTM E-1537. If the newly introduced upholstered furniture is located in rooms or spaces protected by an approved automatic sprinkler system, it does not need to meet these standards.

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**State Jurisdictions**

**CA:** Upholstered seating furniture sold for use in public occupancies must meet TB 133. Upholstered furniture in fully-sprinklered public occupancies may meet either TB 133 or TB 117. Effective January 1, 2015, the reference to TB 117 will change to TB 117-2013. In the interim, furniture can meet TB 117 or TB 117-2013.

**IL:** Upholstered seating furniture used in public occupancies that are protected throughout by an approved automatic sprinkler system must meet the test requirements as set forth in TB 116 (1980) and TB 117 (1980). Upholstered furniture used in public occupancies that
are not protected throughout by an approved automatic sprinkler system must meet the test requirements set forth in TB 133 (1991 edition).

**MA:** In the absence of complete protection by automatic sprinklers, upholstered furniture and molded seating located in buildings in the specific use groups described below must meet TB 133. For occupancies protected throughout with automatic sprinklers, regulated seating must meet TB 133 or TB 117. (Effective January 1, 2015, the reference to TB 117 will change to TB 117-2013.)

Regulated use groups:
- Assembly (e.g., theaters, restaurants, churches, libraries, arenas, stadiums);
- Educational (through the 12th grade);
- Institutional (e.g., hospitals, assisted living facilities, group homes, social rehabilitation facilities, alcohol and drug facilities, convalescent facilities, nursing homes, prisons); and
- Specified Residential.

Upholstered seating is not regulated in the following use groups and, therefore, does not need to meet a specific standard for Massachusetts:
- Business (e.g., outpatient clinics, banks, educational occupancies above 12th grade, laboratories, professional services such as physicians, dentists, architects, attorneys), and
- Mercantile (e.g., retail stores, markets, sales rooms).

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**Choose flame retardant free furniture**

To meet certain flammability standards, flame retardant chemicals are added to a wide range of products, including computers, couches, hospital beds, waiting-room chairs, and hospital privacy curtains. Unfortunately, many of these flame retardant chemicals do not remain in the product and slowly offgas into the air, dust, and water, eventually entering the food chain and building up in our bodies. Many flame retardants are linked to a range of negative health effects. Depending on the flame retardant, effects include reproductive, neurocognitive, and immune system impacts, among others. Three common flame retardants appear on California’s Proposition 65 list as human carcinogens.

**MN:** Newly introduced upholstered furniture must meet (1) NFPA 261 or NFPA 260, and (2) ASTM E-1537 or TB 133, with exceptions for upholstered furniture in rooms or spaces protected by an approved automatic sprinkler system. Upholstered furniture with approved sprinkler systems does not need to meet any specific flammability standard under state law.

**NJ:** Newly introduced upholstered furniture must meet (1) NFPA 261 or NFPA 260, and (2) ASTM E-1537 or TB 133, with exceptions for upholstered furniture in rooms or spaces protected by an approved automatic sprinkler system. Upholstered furniture with
approved sprinkler systems does not need to meet any specific flammability standard under state law.

**OH:** Newly introduced upholstered furniture must meet NFPA 261 or NFPA 260. Newly introduced upholstered furniture also must meet ASTM E-1537 or TB 133, except for upholstered furniture in rooms or spaces protected by an approved automatic sprinkler system.

### Local Jurisdictions

**Boston:** Upholstered seating and solid plastic chairs located in buildings in the following specific use groups must meet TB 133 or ASTM E-1537:
- Assembly (e.g., theaters, restaurants, churches, libraries, arenas, stadiums);
- Educational (through the 12th grade);
- Institutional (e.g., hospitals, assisted living facilities, group homes, social rehabilitation facilities, alcohol and drug facilities, convalescent facilities, nursing homes, prisons); and
- Specified Residential.

*There are no exemptions based on automatic sprinklers.*

Upholstered seating is not regulated in the following use groups and, therefore, does not need to meet a specific standard for Boston:
- Business (e.g., outpatient clinics, banks, educational occupancies above 12th grade, laboratories, professional services such as physicians, dentists, architects, attorneys), and
- Mercantile (e.g., retail stores, markets, sales rooms).

If a residential space is located above the Business (B) or Mercantile (M) use, upholstered seating furniture must meet TB 133 or ASTM E-1537 in the B or M space. Also, if an assembly space with occupancy for 49 people or more exists within the B or M space, TB 133 or ASTM E-1537 must be met.

*For more information, please contact Health Care Without Harm’s Safer Chemicals Program Director, Rachel Gibson, at rgibson@hcwh.org.*