



## Statement Regarding Flame Retardant and Biocide Removal in Upholstered Furnishings

After years of advocacy by public health groups, TB-117 flame requirements were revised at the direction of CA lawmakers. The change allows manufacturers to phase out certain flame retardants without compromising fire safety requirements. As a result, multiple laws and mandates have rapidly been changing material requirements for manufacturers of upholstered furnishings, several of which are conflicting, beginning January 1, 2020.

- January 1, 2015, specifications for TB117 were changed. The standard was republished as TB117-2013 effective 1/1/2015 and is recognized by all 50 states.
- January 22, 2019, the state of California rescinded Cal-133 as of January 22, 2019 indicating a more relaxed regulatory stance to support removal of FR additives.
- January 1, 2020, CA enacted AB2998 prohibiting the sale and distribution of upholstered furnishing and replacement parts that contain FR additives above 1,000ppm. (condensed version)
- California, New Hampshire, Maine, Washington DC and the City of Anchorage AK have halted sales of NEW upholstered furniture that contain all Flame Retardant chemicals.
- Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, Oregon, Rhode Island, Vermont, Washington State have laws banning specific Flame Retardants in RESIDENTIAL upholstered furniture. Residential definitions include group homes or facilities with sleeping accommodation.
- Virginia, West Virginia, Tennessee, New Jersey, Mississippi, and Connecticut have more restrictive FR bans pending along with the states listed above that are working on total bans. Total bans of all FR's typically apply to Residential, Nursing facilities, and sleeping accommodations.

### How is Winco Responding?

- 1) Several states and Municipalities have, to date, retained their requirements to meet the (now rescinded) **TB-133 standard** (Equivalent NFPA 101 and **ASTM E1537-16**). Winco currently offers upholstered furnishings with appropriate options for these markets. These chairs DO have added flame Retardants in the vinyl in order to meet the standard. The TB-133 option is required to be ordered by the customer; this requirement is unchanged from previous Winco practice. There is an upcharge for these modifications in order to comply with **TB/NFPA/ASTM** requirements. Winco will continue to offer this option while there are municipalities that maintain the requirement. Be advised that raw material manufacturers are phasing out vinyl's and components that contain FR chemicals, and availability may be limited in the future.
- 2) **Customers in CA, ME, NH, Washington D.C., and the City of Anchorage AK** must order product compliant with current mandates prohibiting FR chemicals of all kinds. Winco offers solutions for these requirements, however there is an upcharge to cover the materials and process required to meet this requirement. All products shipping into these areas must have an appropriate part number (**NR/N1/N2/N3** etc.) reflecting use of the raw products required to meet the standard. The charge for this option is equivalent to the previously levied TB-133 option charge. This is due to the same additional steps and materials needed to assure compliance that must be added to the current manufacturing process.

Winco will continue to monitor requirements by state. Winco is moving to remove ALL flame retardants, as well as Anti-Microbial additives from all our upholstered products no later than January 2021. Winco Engineering is constantly evaluating new technologies allowing a Flame Retardant chair without chemical additives should that become necessary to support markets that require NFPA 101 and ASTM E1537-16 standards.

5516 SW 1st Lane  
Ocala, FL 34474

**WEB** wincomfg.com  
**PHONE** 800 237 3377  
**FAX** 352 854 9544

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