

105 CMR 620.000: BEDDING, UPHOLSTERED FURNITURE AND RELATED PRODUCTS

Section

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620.001: Definitions

Bedding means any quilted pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, cushion, or any bag or container made of leather, cloth or any other material, or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units and filling material used and its container, all of which is designed or constructed for use by any human being for sleeping, resting or reclining purposes.

Filling Material means cotton, wool, kapok, feathers, down, hair, sisal, jute, glass fiber, rubber, silk, rayon, or any other material or any combination thereof, loose, carded, felted or in batting form, pads or in any other prefabricated form, concealed or not concealed, to be used or which can be used in articles of bedding, upholstered furniture or in stuffed toys. Filling Material includes the following classifications, which are provided by the International Association of Bedding and Furniture Law Officials (IABFLO):

- (1) Cotton;
- (2) Down;
- (3) Feathers;
- (4) Foam;
- (5) Hair;
- (6) Man Made or Manufactured Fibers;
- (7) Miscellaneous Vegetable Fibers;
- (8) Rubber;
- (9) Various Fiber By-products and Other Filling Materials; and
- (10) Wool.

IABFLO means the International Association of Bedding and Furniture Law Officials.

Label means the label which is required to be attached to upholstered furniture, bedding, and stuffed animals. Examples of such labels can be found on the IABFLO website at <http://iabflo.org>.

Manufacturer means a person who, either by himself or herself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstering or covering of any structural unit thereof, using either new or secondhand material.

Person means individuals, partnerships, associations, firms, auctioneers, trusts and corporations, and their agents, servants and employees.

Pillow means a bag or case of cloth or other soft material filled or stuffed with feathers, down, kapok, cotton, hair, wool, glass fiber, rubber, silk, rayon or other sanitary filling not prohibited by M.G.L. c. 94, §§ 271 through 276 to be used as a rest or support in reclining or sleeping.

Remade or Renovated mean an article of bedding or upholstered furniture which has been remade or renovated, and which is not to be resold or offered for resale but is to be returned to the original owner.

Renovator, Reupholsterer, Remaker or Repairer mean a person who, either by himself or through employees or agents, is engaged primarily in the remaking or renovating of upholstered furniture, and shall also mean a person who, incidental to the business of remaking or renovating upholstered furniture, renovates or manufactures articles of bedding or furniture to be sold by him at retail. Such person shall not be bound by any provision of 105 CMR 620.000; provided, however, that if he or she manufactures upholstered furniture or bedding to be sold by him or her at retail, or renovates articles of bedding, he or she shall also comply with the labeling provisions under M.G.L. c. 94, § 272 and 105 CMR 620.000 pertaining to such furniture or bedding.

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Retailer means a person who sells, offers or exposes for sale, or has in his or her possession with intent to sell, to a consumer or user an article of bedding, upholstered furniture or stuffed toys.

Secondhand, Used or Used Material means any material which has been previously used for any purpose. Manufacturing processes shall not be considered as previous use. An article of upholstered furniture returned by the purchaser for exchange, alteration or correction within 30 days from date of delivery after original sale at retail shall be deemed to be a new article; but after 30 days from date of such delivery, such article shall be deemed to be secondhand. Any article of upholstered furniture or bedding or any stuffed toy shall be deemed secondhand if it contains any secondhand material, in whole or in part.

Sell means sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner.

Sterilizer means a person licensed by the Department to sterilize any upholstered furniture, bedding or stuffed toys and filling material or component parts thereof.

Stuffed Toy means any article intended for use by infants or children as a toy and which is filled with any filling material. All materials used in stuffed toys shall be new and free from dangerous or harmful chemicals or other substances. Manufacturers using filling material in stuffed toys containing products of animal origin shall have said material sterilized in accordance with Massachusetts law.

Supply Dealer means a person licensed by the department to manufacture, process or sell at wholesale any felt, batting, pads or other filling, loose, in bags, in bales, or in containers, concealed or not concealed, to be used or which can be used in articles of bedding or upholstered furniture, or in stuffed toys.

Upholstered Furniture means any furniture, including children's furniture, movable or stationary which:

- (1) is made or sold with cushions or pillows, loose or attached; or
- (2) is itself stuffed or filled, in whole or in part, with any material, hidden or concealed by fabric or any other covering, including cushions or pillows belonging to or forming part thereof, together with the structural units, the filling material and its covering and its container, which can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

Upholstery Jobber means a person whose primary business is the wholesaling of fabrics used in the upholstery trade. Such a person may also sell the basic supplies used in the trade, including new filling materials purchased from a licensed supply dealer. An upholstery jobber shall be excluded from the licensing provisions of M.G.L. c. 94, § 271 and 105 CMR 620.000.

620.002: Labeling

(A) Attachment of Labels. All labels required by 105 CMR 620.000 shall be securely attached to the article during the process of manufacture at the factory. Such labels shall be fixed in such position that they may be conveniently examined. On top of all labels shall be inscribed the following:

**"DO NOT REMOVE THIS LABEL UNDER PENALTY OF LAW" or
"DO NOT REMOVE THIS TAG UNDER PENALTY OF LAW."**

(B) Label Fabric. The label material shall be Tyvek, Valeron, Vellum cloth or a material of comparable quality, which shall not flake when abraded.

(C) Printing. All printing shall be in the English language. Color of the print shall be black on a white label. The minimum type size shall be 1/8" inch in height or not less than 9 point type in capital letters for the "UNDER PENALTY OF LAW" Section and the "All NEW MATERIAL" section. There shall be no printing on the back of the label.

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(D) Size. The minimum size of the label shall not be less than two inches by three inches, but may be larger as need demands. A label on a stuffed toy may be smaller than two inches by three inches, provided that the information on the label is clearly legible and in sufficient size type, so that it can be readily discerned.

(E) Description. The description of the filling materials shall include its true generic name in accordance with 105 CMR 620.001. The description of the filling materials shall also include the grade, if applicable. When more than one kind of filling material is used, the percent by weight of each shall be listed in order of their predominance.

(F) Other Information. On the bottom of the label is where all federal requirements and any additional information shall be listed, such as:

- (1) Serial number of the manufacturer (assigned by the Department);
- (2) Date of delivery;
- (3) Federal RN number; and
- (4) Made in (US Customs requirement).

(G) Special Requirements. The following specific information is required on a label in the following instances:

- (1) If the filling materials are wholly new, the heading shall read "All New Material";
- (2) If the filling materials are in whole or in part secondhand, the heading shall read "Secondhand Material";
- (3) In the case of feathers and mixtures thereof or articles containing such mixtures, the label shall specify the kind of fowl from which the feathers were obtained and the physical condition of such feathers;
- (4) If an article contains down, the term down may be used without further description if the contents consist wholly of said material. If, however, the article is labeled goose or duck down it shall consist wholly of down derived from said fowl. If the article is labeled as containing a mixture of goose and duck down, the label shall specify the percentage of each;
- (5) In the case of mattresses, upholstered furniture or stuffed toys containing hair, the label shall specify the animal source of such hair; and
- (6) If sterilized, the statement "Contents Sterilized".

(H) Stuffed Toys. The labeling of a stuffed toy shall bear the following information:

- (1) A statement that "ALL NEW MATERIAL" (with type of material) or "ALL NEW (type) MATERIAL" was used in the manufacture of the toy;
- (2) The name and address, or Massachusetts license number of the manufacturer or vendor; and
- (3) The form, design, color or size of the label, printed so as to be clearly legible and in sufficient size type, so that it can be clearly read.

620.003: Sterilization

(A) When Necessary. If an article of bedding and upholstered furniture is repaired or renovated for any private or public hospital, jail or other institution or which has been used by any person suffering from an infectious or contagious disease, it must be sterilized and the permit number of the sterilizer must appear on the label.

(B) Methods of Sterilization.

- (1) Hot Air. The apparatus shall be so constructed as to safely produce a temperature of at least 230°F and shall be equipped with automatic control to maintain such temperature. Articles sterilized by this method shall be so treated for a period of not less than 2½ hours and shall be so separated from each other during such process as to allow free circulation of hot air for at least four inches on all sides thereof. There shall be attached to such sterilizer an accurate recording thermometer and a mercury in glass indicating thermometer accurate to 0.5°F. Upon each day that the apparatus is used, the licensee shall cause to be placed upon the recording thermometer a chart which had not been previously used and dated with the year, the month and the day of the month. Each licensee shall cause the recording thermometer to be checked against the indicating thermometer during the 2½ hour period of sterilization and shall record or cause to be recorded upon the chart the readings of each such thermometer and the time of observation. Each licensee shall keep such charts on file for a period of not less than six months upon the premises covered by the license.

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(2) Steam Pressure. Material may be sterilized by treatment by live steam at a pressure of 15 pounds for a period of 30 minutes or at a pressure of 20 pounds for 20 minutes. The chamber shall be steam-tight and shall be equipped with a steam gauge so located as to be easily read.

(3) Streaming Steam. Material may be sterilized by two applications of streaming steam maintained for a period of one hour each with an interval between treatment of at least six hours and not more than 24 hours. The chamber shall have outlet valves at the top and bottom which shall be kept open to prevent pressure in the chamber. The room in which the chamber is situated shall be steam-tight and provisions shall be made for the removal of condensed steam.

(4) Sterilization of Feathers. New feather must be washed with a solution suitable for cleansing and subsequently be rinsed until free from the cleansing solution. All feathers shall be washed, rinsed and sterilized either by live steam or by dry heat. All feathers shall also be put through a process to remove dust. This method can also be used to sterilize secondhand feathers and down.

(5) Sodium Cyanide and Sodium Chlorate Brick Form Method. Not less than 37% of sodium cyanide and not less than 10% of sodium chlorate shall be used in this method. The chamber shall be airtight and shall have an inlet and an outlet, and the outlet shall be equipped with a fan to expel the gas. When 1¼ lb. brick is used, sterilization shall take place for three hours; 2½ lb. brick, 12 hours; five lb. brick, 12 hours; ten lb. brick, 24 hours. CAUTION: Sodium cyanide and sodium chlorate shall not be mixed in liquid state, since it may cause fire or explosion. This process is not to be used for sterilizing new feathers.

(6) Renovation of Secondhand Feather Pillows. An ultraviolet irradiation process together with ozone gas, may be used to sterilize the contents of secondhand feather pillows for renovation only, *i.e.*, not for sale but for return to the owner. The feathers must be removed from the old ticking and sterilized in the loose state. The loose feathers must be agitated, dusted and exposed to an effective concentration and intensity of ultraviolet rays for at least four minutes, with an additional exposure to ozone gas of at least two minutes. The contents of each renovated pillow must be sterilized separately. After sterilization, the feathers should be enclosed in a new ticking, unless the old ticking has been laundered. The ultraviolet tubes should be kept clean and should be replaced periodically in order to maintain effective radiation intensities. This process shall not be approved for use in establishments, where there is a possibility of formation of poisonous phosgene gas by the interaction of ozone with carbon tetrachloride or other chemical compounds, unless adequate mechanical exhaust ventilation is provided, so that these vapors will be vented to the outside air. This method shall not be used to sterilize new feathers and down.

(C) Danger Warning. All sterilization chambers using an approved gas method shall have a warning sign in letters not less than four inches high, on the door, as follows: DANGER -- DO NOT OPEN -- POISON GAS.

(D) Records. All persons operating sterilization processes, who sterilize material for others, shall keep an accurate record of the names of such persons, the amount and kind of material sterilized and the date of sterilization. All records required to be kept shall be open to inspection by any officer, agent or inspector of the Department of Public Health for a period of two years.

(E) Other Processes. Other processes of sterilization not specifically enumerated herein may be approved by the Department.

(F) Chambers Not in Use. All sterilization chambers when not in use shall be clear, and not be used for storage or any other purposes. There shall be clear access to these chambers at all times.

620.004: Licensing

All licenses shall be posted or placed so as to be readily available at all times, and shall be produced for examination upon demand by any inspector made upon the person or persons in charge of the establishment, or premises, where articles of upholstered furniture, bedding, related products or filling materials are manufactured, sold or stored.

620.005: General

(A) When any article of bedding or upholstered furniture or related products or filling materials has been exposed to any fire, water, flood or exposed or subjected to any contamination in any way, the owner or his agent shall within 24 hours notify the Department of Public Health. No article or filling material described as above shall be sold, nor shall the contents thereof be altered or removed in whole or in part, nor shall the articles or contents thereof or material be removed or permitted to be removed from the premises, until such articles or materials are released by the Department. The Department shall release such articles or materials which in its opinion are fit for use.

(B) No container, overwrap, trade label or the like used in conjunction with any article of bedding or upholstered furniture shall bear any statement which is contradictory with the statement on the label.

(C) For the purpose of enforcing the provisions of this law, persons manufacturing, shipping, selling, remaking or repairing, or storing or having in possession with intent to sell an article of bedding or upholstered furniture or related products or filling materials shall upon the request of the Department or inspector permit said Director or inspector at reasonable times, to have access to and to copy all records showing the movement of any such articles or holding thereof during or after such movement, and the quantity, shipper and consignee thereof.

(D) All articles of bedding and upholstered furniture shall be marked on the label or container with the date of receipt.

(E) Any person who receives an article of bedding and/or upholstered furniture from a private or public hospital, jail or other institution, or an article which has been used by any person suffering from an infectious or contagious disease, for the purpose of remaking or repairing, shall notify the Department immediately upon receipt of such article.

(F) All articles of upholstered furniture or bedding which do not bear a label as required by M.G.L. c. 94, § 272 and 105 CMR 620.000, and whose contents are unknown shall be labeled with a red tag bearing the statement, "Contents Unknown, Secondhand Material".

(G) All articles of upholstered furniture or bedding, salvaged to the satisfaction of the Department from damage resulting from water, fire or flood, shall have affixed thereto a label with the word "Salvage" stamped thereon. The word "Salvage" may be stamped on the law label.

REGULATORY AUTHORITY

105 CMR 620.000: M.G.L. c. 94, § 274.