



U.S. CONSUMER PRODUCT SAFETY COMMISSION

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OFFICE OF COMPLIANCE AND FIELD OPERATIONS

December 21, 2018

Updated Interim Enforcement Policy for Mattresses and Mattress Pads Subject to 16 CFR Part 1632

CPSC's Office of Compliance and Field Operations (Compliance) is implementing an Updated Interim Enforcement Policy for mattresses and mattress pads subject to 16 CFR part 1632 – Standard for the Flammability of Mattresses and Mattress Pads (the Standard), due to a shortage of standard reference material (SRM) cigarettes. The policy allows additional flexibility for testing mattresses and mattress pads subject to the Standard. This Interim Enforcement Policy supplements two previous interim enforcement policies: the [Interim Enforcement Policy for Mattresses Subject to 16 CFR Parts 1632 and 1633, May 15, 2006](#) and the [Interim Enforcement Policy for Mattress Pads Subject to 16 CFR part 1632, November 1, 2018](#).

Background

In 2008, cigarettes meeting the specifications of the ignition source in part 1632, then specified at 16 CFR § 1632.4(a)(2), stopped being produced. As a result, mattress and mattress pad manufacturers and testing organizations expressed concerns to CPSC that the unavailability of the specified test cigarettes would hinder compliance testing.

In September 2011, the Commission amended the Standard to specify SRM 1196 cigarettes developed by the National Institute of Standards and Technology (NIST) as the ignition source at 16 CFR § 1632.4(a)(2). The SRM 1196 cigarette has the approximate ignition strength of the original unfiltered cigarettes. Testing laboratories and manufacturers purchase the SRM 1196 cigarettes through NIST.

On November 1, 2018, after learning that the inventory of SRM 1196 cigarettes was critically low, and that NIST could not identify a source to produce new SRM 1196 cigarettes, Compliance issued the *Interim Enforcement Policy for Mattress Pads* (noted above). The *Interim Enforcement Policy for Mattress Pads* stated that Compliance would exercise enforcement discretion and allow mattress pad manufacturers to reduce testing from six mattress pad surfaces to two mattress pad surfaces for each new prototype tested to the Standard. The

Interim Enforcement Policy for Mattress Pads also stated that Compliance would not enforce the requirement that only unopened packages of SRM cigarettes can be used for each series of tests as provided at 16 CFR § 1632.4(b)(3).

The Standard

The Standard requires pre-market prototype testing for each new mattress and mattress pad design. In addition, prototype testing must be performed when there has been a change in materials of an existing prototype design that could influence the cigarette ignition resistance. Six mattress and mattress pad surfaces must be tested for each prototype. The prototype test consists of exposing each mattress pad surface to a minimum of 18 lighted cigarettes—nine in the bare mattress pad tests and nine in the two-sheet tests (16 CFR § 1632.4(d)). The prototype is accepted if the char length of each individual cigarette location on all six surfaces is not more than 2 inches in any direction from the nearest point of the cigarette.

In March 2006, the Commission issued a new open-flame mattress standard (16 CFR part 1633) which required manufacturers to test existing and new mattress prototypes to the provisions of the new open-flame standard. In May 2006, Compliance issued an *Interim Enforcement Policy for Mattresses* (noted above), which allowed the qualification of a mattress prototype with a reduced number of testing surfaces. Specifically, in the 2006 *Interim Enforcement Policy for Mattresses*, Compliance exercised its enforcement discretion to permit manufacturers to reduce the required testing surfaces from six surfaces to two surfaces. However, mattress pads were not included in the 2006 *Interim Enforcement Policy for Mattresses* because mattress pads are not subject to the open-flame standard.

Enforcement Policy

CPSC is now aware that many test labs no longer have sufficient inventory of SRM 1196 cigarettes to conduct the required tests under the Standard, even with the reduced testing allowed under the May 15, 2006 and November 1, 2018 Interim Enforcement Policies. Recently, NIST issued a Request for Quotation (RFQ) for a contract for a new production of SRM 1196 cigarettes. However, when new SRM 1196 cigarette production will begin remains uncertain. Therefore, given the extreme shortage of SRM cigarettes, Compliance is exercising its enforcement discretion to address this shortfall by allowing another means for testing to the Standard (16 CFR § 1632.4(a)(2)). Specifically, if SRM 1196 cigarettes are not available for testing, Compliance will permit testing using commercially available cigarettes which are king-size (85mm ± 2 mm), non-filtered and filled only with natural tobacco.

Due to the proprietary, design-specific properties of reduced-ignition propensity cigarettes that are currently required by all 50 states, Compliance will not enforce the requirement that the test be repeated if a cigarette extinguishes before burning its full length for both mattresses and mattress pads (16 CFR § 1632.4(d)(iii)). Similarly, when conducting ticking classification testing, Compliance will not enforce the requirement that the test be repeated if a cigarette extinguishes before burning its full length (16 CFR § 1632.6(c)((4)(iii))).

The 2006 *Interim Enforcement Policy for Mattresses* and the *Interim Enforcement Policy for Mattress Pads* remain in effect for testing mattresses and mattress pads to the Standard using SRM 1196 cigarettes. Under these Interim Policies, when using SRM 1196 cigarettes, Compliance will allow manufacturers to reduce their testing to two mattress and two mattress pad surfaces, respectively.

However, if the specified commercial cigarettes are used instead of SRM 1196 cigarettes when testing to the Standard, six mattress pad surfaces should be tested to qualify a prototype. Because mattresses remain subject to open flame testing, Compliance will allow reduced testing to two mattress surfaces, even when using the specified commercial alternative cigarettes.

In addition, consistent with the *Interim Enforcement Policy for Mattress Pads*, Compliance will continue to allow the use of opened packages of SRM cigarettes for each series of tests (16 CFR § 1632.4(b)(3)).

No other provisions in the Standard are affected by this *Updated Interim Enforcement Policy for Mattresses and Mattress Pads*.

Effective Date

This updated policy will become effective on December 21, 2018, and remain in effect until further notice. The Office of Compliance may modify or suspend this *Updated Interim Enforcement Policy for Mattresses and Mattress Pads* at any time. CPSC intends to provide at least 30 days' notice on the CPSC website before making any changes to this interim policy. Any information associated with the *Updated Interim Enforcement Policy for Mattresses and Mattress Pads* will also be provided through the CPSC Mattress listserv. Join the CPSC Mattress listserv by selecting Mattress Information for Businesses at the CPSC Newsroom Subscription Web page (<https://www.cpsc.gov/Newsroom/Subscribe/>), and provide contact information.

CPSC will continue to monitor the situation and adjust the *Updated Interim Enforcement Policy for Mattresses and Mattress Pads*, if necessary. CPSC staff is continuing to work closely with NIST to re-establish a supply of SRM ignition sources.

Contact Information

For additional information regarding this policy, please contact the Office of Compliance and Field Operations:

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