6b ok 4/7/83

#152

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: November 12, 1974

6(b) CLEARED: 6/4/84

_____No Mfrs Identified

_____Excepted

_____Mfrs Notified

Comments Processed

TO : James T. Holman, Compliance Officer
New Orleans Area Office, CPSC

FROM: Michael A Brown, General Counsel

SUBJECT: Regulation of Mattresses by CPSC

This is in response to your memorandum of October 10, 1974 requesting an advisory opinion on jurisdiction by the Commission over mattresses to be used on ships, commercial marine vessels and offshore oil rigs. In our view these may be regulated by the Commission under the Flammable Fabrics Act, and therefore such mattresses would be covered by the Standard for the Flammability of Mattresses, FF 4-72, 38 FR 15095, June 8, 1973.

Section 30(d) of the Consumer Product Safety Act (CPSA) provides that, "A risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the...Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of [that Act.]"

Section 3(a) of the Flammable Fabrics Act (FFA) prohibits the manufacture for sale, the sale, or the offering for sale of any product which fails to conform to an applicable standard issued under the FFA. The applicable standard in this case is, of course, FF 4-72 which provides at section 2(b) that, "All mattresses as defined...are subject to the requirements of this Standard."

Under FFA, a mattress is an "interior furnishing", which is defined at section 2(e) of the Act as, "...any type of furnishing made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used, in homes, offices, or other places of assembly or accommodation." The legislative history of the amendment to FFA which broadened the coverage of FFA in 1967 to include interior furnishings, does not indicate that any special meaning was intended by Congress for the phrase, "places of assembly or accommodation". In ordinary understanding, of course, a place of assembly would be any kind of site where people gather. A place of accommodation would be any kind of a place which provides for needs such as food or lodging. Thus, it appears that mattresses

ADVISORY OPINION

used in any environment would be regulated under FFA unless such regulation was precluded by other laws.

As you indicate, the Coast Guard is the agency responsible, under law, for enforcing ship safety, both for commercial vessels and pleasure boats. It appears that they are also responsible for the safety of oil rigs located in the Gulf of Mexico where such rigs are outside state territorial limits. (See 33 Code of Federal Regulations, Part 140, Subpart N, entitled, "Artifical Islands and Fixed Structures on the Outer Continental Shelf.")

To the best of our knowledge, the Coast Guard has not regulated and does not now intend to regulate the flammability of mattresses used in the situations you enumerated. Moreover, informal consultation and historical experience indicate that, after a period of time, the Coast Guard generally adopts applicable specifications or standards which have their origin in private organizations or other government agencies. (See 46 Code of Federal Regulations 2.75-17, entitled, "General Policy Regarding Acceptance and Use of Industry Specifications, Standards and Codes.")

In the unlikely event that the Coast Guard would, in the future, desire to regulate the flammability of mattresses used in environments subject to their protection, the matter of possible overlapping jurisdiction would then be the subject of discussion between the Coast Guard and the Consumer Product Safety Commission. Until such time, mattresses manufactured for sale or sold for use in offshore locations and ships may be regulated as other mattresses are regulated.

Accordingly, it is our view that mattresses manufactured for sale or sold for use on ships, commercial vessels and offshore oil rigs are subject to the requirements of the Flammable Fabrics Act and the Standard for the Flammability of Mattresses.

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: October 10, 1974

TO : Michael A. Brown
General Counsel

FROM: New Orleans Area Office

SUBJECT: Request for an Advisory Opinion

Along the Gulf Coast there are a number of small mattress manufacturers that produce mattresses for ships, commercial marine vessels, and for offshore oil rigs.

Basically, these mattresses are constructed either of solid foam rubber or solid cotton. They do not have inner springs, since the men like to double them up and carry them out on deck when the weather is hot.

We have learned that the oil companies have their own specifications for mattresses. Also, we understand that the Coast Guard has specifications for everything that is used on commercial vessels. (We have not been able to prove this, however.)

We would like to know if these mattresses do come under our jurisdiction, and if they must comply with FF-4-72.

James T. Holman

James T. Holman
Compliance Officer

ADVISORY OPINION

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U. S. DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

SPECIFICATION

FOR

MATTRESSES; URETHANE FOAM, UNCORED

Specification No. 27-MA-52
Issued: October 19, 1964

1. Scope - This specification describes an uncored urethane foam mattress, with a cotton ticking cover for marine use.

2. Applicable Specifications - The indicated sections, as noted herein of the following documents, of the issue in effect on date of invitation-to-bid, shall form a part of this specification.

American Society for Testing Materials (ASTM)

ASTM D626, D1564, D1692
Federal Specification CCC-C-436
Federal Standard No. 601

3. Requirements

3.1 Material - Core

3.1.1 Urethane Foam - The basic materials shall be a resin combined with an isocyanate, and a blowing agent.

3.2 Density - The density of the material shall be between 1.7 to 2.0 lbs. p.c.f., and shall be tested in accordance with paragraphs 42-46 of ASTM D1564. Permissible tolerances shall be ± 0.1 lb.

3.3 Indentation Load Deflection - The indentation load deflection value at 25% deflection shall be 34 ± 4 lbs., and at 65% deflection, the resulting value shall be at least 1.9 times greater than the 25% value. This test shall be conducted in accordance with ASTM D1564, paragraphs 24-29.

3.4 Compression Set - The compression set shall not exceed 15% when compressed 80% of the original height, and tested in accordance with ASTM D1564, paragraphs 18-23.

3.5 Autoclave Test

3.5.1 Change In Compression Load Deflection - The maximum change in compression load deflection shall not exceed ± 20%. The test shall be in accordance with ASTM D1564, paragraphs 13-17 for 5 hours at 225°F.

3.5.2 Compression Set - The compression set, after the autoclave test, shall not exceed 20% of the original height. The test shall be in accordance with ASTM D1564, paragraphs 18-21, using 80% deflection.

3.6 Tear Resistance - The tear resistance of the material shall be not less than 2.0 lbs. per inch and shall be tested in accordance with ASTM D1564, paragraphs 47-52.

3.7 Tensile Strength - The tensile strength of the material shall be not less than 12 p.s.i., and shall be tested in accordance with ASTM D1564, paragraphs 53-58.

3.8 Ultimate Elongation - The ultimate elongation shall be not less than 180%, and shall be tested in accordance with ASTM D1564, paragraphs 53-58.

3.9 Fire Resistance - The material shall be either self-extinguishing or non-burning, and shall be tested in accordance with ASTM D1692.

3.10 Flex Fatigue - The flex fatigue test shall be conducted on a sample 12 inches by 12 inches by the thickness of the unit in accordance with Federal Test Method Std. No. 601, Method 12111, and the set shall not exceed 10%.

3.11 Toxicity - The material shall be non-toxic, and shall not cause any disagreeable or harmful effects when subjected to prolonged contact with the skin.

3.12 Odor - The material shall be free from any objectionable odor, when wet or dry.

3.13 Dimensions - The maximum sizes shall be as specified in the invitation-to-bid.

3.14 Tolerances - Cont'd

3.14.1 Length - Permissible tolerances for length shall be ± 5/8"

3.14.2 Width - Permissible tolerances for width shall be ± ½"

3.14.3 Thickness - Permissible tolerances for thickness shall be +3/16" or - 1/16".

3.2.1 Requirements

3.2.2 Mattress Finishing - The finishing shall conform to CCC-C-436, Type I, and the covers so constructed that the end flap shall be fitted with an interlocking slide zipper of corrosion resistant material with a short tab pull. The zipper shall extend from the full length of one side, across the width of the cover, and three inches up the opposite side. Covers shall be preshrunk and shall fit mattresses snugly.

3.2.3 Fire Resistance - The covers shall be tested for fire resistance in accordance with ASTM D[illegible], and the average char length shall not exceed 4 inches.

3.3.1 Workmanship - All materials and workmanship shall be in accordance with good commercial practice, and the finished products shall be free from defects affecting appearance or serviceability.

4. Quality Assurance Provisions - Manufacturer shall submit test reports and hand carry to the Materials Section, Washington, D. C., 20235, showing compliance with all requirements of this specification for review prior to acceptance for placement on the Approved Manufacturers' List. These tests are to be conducted at a Maritime Administration approved laboratory.

4.1 Inspection and Tests

4.2 Samples - Samples of the material, representative of the manufacturer's product, shall be used for the tests.

4.3 Test Conditions - Unless [illegible] the atmospheric conditions specified in the test methods. If they are not stipulated, the tests shall be conducted at 73.4 ± 1.8°F. and 50 ± 2% relative humidity. Specimens shall be conditioned at the above temperature and relative humidity, in an unstretched and undeflected condition for not less than 24 hours prior to testing.

5. Packaging and Marking - Commercial packages are acceptable and shall be marked as defined in the purchase order.

5.1 Mattress Labels - When required, labels complying with the legal requirements of the State in which the product is manufactured, shall be attached to each mattress. In addition, a label shall be firmly secured to the mattress, showing specification number, size, density, manufacturer's name, date of manufacture, and contract number.

6. Procurement Documents Should Specify

(a) Title, number, and date of this specification
(b) Number required
(c) Dimensions

6.1 After approval has been given for material of a particular brand or designation, it will not be necessary to secure samples prior to the award to determine compliance with this specification. If, for any particular purpose, samples with bids are necessary, they should be specified in the invitation-to-bid.

6.2 All inquiries regarding technical requirements and/or matters concerning testing and inspection methods under this specification should be directed to the Materials Section, Office of Ship Construction, Maritime Administration, U.S. Department of Commerce, Washington, D. C. 20235, referring to this specification by title and number.