

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to Furniture Flammability

4

5 Rules as Adopted

6 7510.5500 PURPOSE.

7 The purpose of parts 7510.5500 to 7510.5570 is to establish
8 minimum flammability and labeling standards for seating
9 furniture in public occupancies.

10 7510.5510 SCOPE.

11 The standards and requirements in parts 7510.5500 to
12 7510.5570 are intended to be consistent with Minnesota Statutes,
13 sections 299F.840 to 299F.848, and apply to seating furniture
14 manufactured on or after March 1, 1993, that is sold, used, or
15 intended for use in public occupancies.

16 7510.5520 DEFINITIONS.

17 Subpart 1. **Scope.** The terms used in parts 7510.5500 to
18 7510.5570 have the meanings given them in this part.

19 Subp. 2. **Child day care center.** "Child day care center"
20 means a child day care facility required to be licensed by the
21 Department of Human Services under parts 9503.0005 to 9503.0175
22 and classified as a Group E, Division 3, Occupancy under section
23 9.117 of the Minnesota Uniform Fire Code, as adopted in part
24 7510.3120.

25 Subp. 3. **Filling material.** "Filling material" has the
26 meaning given it in Minnesota Statutes, section 299F.841,
27 subdivision 4.

28 Subp. 4. **Group I Occupancies.** "Group I Occupancies" means
29 institutional occupancies as set forth in section 9.117 of the
30 Minnesota Uniform Fire Code, as adopted in part 7510.3120.

31 Subp. 5. **Hotel.** "Hotel" means a building containing six
32 or more guest rooms intended or designed to be used, or which is
33 used, rented, or hired out to be occupied, or which is occupied
34 for sleeping purposes by guests, and includes buildings commonly

1 known as motels and lodging houses, but does not include
2 buildings commonly known as dormitories or apartments.

3 Subp. 6. **Manufacturer.** "Manufacturer" means a person or
4 the person's employee or agent who makes or reupholsters an
5 article of seating furniture in whole or in part.

6 Subp. 7. **Public assembly area of a hotel.** "Public
7 assembly area of a hotel" means a lobby, restaurant, lounge,
8 meeting or board room, pool area, or similar public space that
9 is generally accessible to all guests or to the public.

10 Subp. 8. **Public auditorium.** "Public auditorium" means a
11 building or portion of a building having a capacity of 50 or
12 more persons in fixed seats and used or intended to be used by
13 the general public for such purposes as stage and film
14 presentations, concerts, recitals, lectures, audio-visual
15 presentations, and similar educational, instructional, or
16 entertainment purposes.

17 Subp. 9. **Public occupancies.** "Public occupancies" means:

- 18 A. Group I Occupancies;
 - 19 B. child day care centers;
 - 20 C. public auditoriums and stadiums; and
 - 21 D. public assembly areas of hotels containing more
- 22 than ten articles of seating furniture.

23 Public occupancies do not include home and community-based
24 waiver sites and intermediate care facilities for the mentally
25 retarded with fewer than 16 beds.

26 Subp. 10. **Public stadium.** "Public stadium" means a
27 building, structure, or portion of a building or structure
28 having a capacity of 50 or more persons in fixed seats and used
29 or intended to be used by the general public for watching indoor
30 or outdoor sporting events.

31 Subp. 11. **Reupholster.** "Reupholster" means to replace
32 filling material or material encasing or covering filling
33 material on an article of seating furniture.

34 Subp. 12. **Seating furniture.** "Seating furniture" ~~has the~~
35 ~~meaning given it in Minnesota Statutes, section 299F.841,~~
36 subdivision 3: means movable or stationary furniture, including

1 children's furniture, that satisfies the following conditions:

2 A. It is manufactured on or after March 1, 1993.

3 B. It is made of or with loose or attached cushions
 4 or pillows or is itself filled, or able to be filled, in whole
 5 or in part with filling material, hidden by fabric or other
 6 covering. Cushions or pillows belonging to or forming part of
 7 the furniture also satisfy this condition.

8 C. The components described in item B, together with
 9 the structural units, the filling material, and the container
 10 and covering, can be used as a support for a person's body or a
 11 person's limbs and feet when sitting or resting in an upright or
 12 reclining position.

13 Seating furniture does not include infant or child car
 14 seats and infant carriers.

15 Subp. 13. **Sell.** "Sell" has the meaning given it in
 16 Minnesota Statutes, section 299F.841, subdivision 2.

17 Subp. 14. **Sufficient cause to believe.** "Sufficient cause
 18 to believe" means grounds put forth in good faith that are not
 19 arbitrary, irrational, unreasonable, or irrelevant and that make
 20 the proposition asserted more likely than not, provided the
 21 grounds are based on at least one of the following sources:

22 A. written information from an identified person;

23 B. facts or statements supplied by the owner or
 24 manufacturer of an article of seating furniture;

25 C. facts or statements supplied by the owner or
 26 operator of a public occupancy;

27 D. court documents, police records, or fire safety
 28 records; and

29 E. facts of which the fire marshal or the fire
 30 marshal's employees have personal knowledge.

31 7510.5530 PERFORMANCE STANDARDS ADOPTED BY REFERENCE.

32 Seating furniture manufactured on or after March 1, 1993,
 33 that is sold, used, or intended for use in public occupancies
 34 must meet the requirements of either item A or B.

35 A. Seating furniture meeting the requirements of this

1 item must meet the test requirements set forth in Technical
 2 Bulletin 133 of the state of California, "Flammability Test
 3 Procedure for Seating Furniture for Use in Public Occupancies,"
 4 published in January 1991 by the California Bureau of Home
 5 Furnishings and Thermal Insulation which is incorporated by
 6 reference, is not subject to frequent change, and is available
 7 at the State Law Library, 25 Constitution Avenue, Minnesota
 8 Judicial Center, Saint Paul, Minnesota 55155.

9 B. Seating furniture meeting the requirements of this
 10 item must be constructed using upholstery fabric and filling
 11 materials that meet the test requirements set forth in Technical
 12 Bulletin 117 of the state of California, "Requirements, Test
 13 Procedures and Apparatus for Testing the Flame Retardance of
 14 Filling Materials Used in Upholstered Furniture," published in
 15 January 1980 by the California Bureau of Home Furnishings and
 16 Thermal Insulation which is incorporated by reference, is not
 17 subject to frequent change, and is available at the State Law
 18 Library, 25 Constitution Avenue, Minnesota Judicial Center,
 19 Saint Paul, Minnesota 55155.

20 7510.5540 EXEMPT ARTICLES.

21 Subpart 1. Statutory exemption. Articles of seating
 22 furniture exempted by Minnesota Statutes, section 299F.842, from
 23 compliance with Minnesota Statutes, sections 299F.840 to
 24 299F.848, are exempt from compliance with parts 7510.5500 to
 25 7510.5570.

26 ~~Subp. 2. Sprinklered buildings. An article of seating~~
 27 ~~furniture is exempt from the requirements of part 7510.5530 if~~
 28 ~~the following criteria are met:~~

29 ~~A. the article is used in a public occupancy that is~~
 30 ~~protected throughout by an automatic sprinkler system in~~
 31 ~~conformance with the Minnesota Uniform Fire Code as set out in~~
 32 ~~part 7510.3120 or the Minnesota Building Code as set out in part~~
 33 ~~1305.6910;~~

34 ~~B. all filling materials contained in the article~~
 35 ~~meet the test requirements set forth in Technical Bulletin 117~~

1 of-the-state-of-California,"Requirements,-Test-Procedures-and
 2 Apparatus-for-Testing-the-Flame-Retardance-of-Filling-Materials
 3 Used-in-Upholstered-Furniture,"-published-in-January-1900-by-the
 4 California-Bureau-of-Home-Furnishings-and-Thermal-Insulation
 5 which-is-incorporated-by-reference,-is-not-subject-to-frequent
 6 change,-and-is-available-at-the-State-Law-Library,-25
 7 Constitution-Avenue,-Minnesota-Judicial-Center,-Saint-Paul,
 8 Minnesota-55155,-and

9 C.---the-article,-if-it-is-a-finished-article-of
 10 upholstered-furniture,-meets-the-test-requirements-set-forth-in
 11 Technical-Bulletin-116-of-the-state-of-California,"Test
 12 Procedures-and-Apparatus-for-Testing-the-Flame-Retardance-of
 13 Upholstered-Furniture,"-published-in-January-1900-by-the
 14 California-Bureau-of-Home-Furnishings-and-Thermal-Insulation
 15 which-is-incorporated-by-reference,-is-not-subject-to-frequent
 16 change,-and-is-available-at-the-State-Law-Library,-25
 17 Constitution-Avenue,-Minnesota-Judicial-Center,-Saint-Paul,
 18 Minnesota-55155.

19 Subp. 3. 2. Reupholstered furniture. An article of
 20 seating furniture manufactured before March 1, 1993, that is
 21 reupholstered after March 1, 1993, may not be used in a public
 22 occupancy unless it meets the requirements of part 7510.5530,
 23 item A or B, or unless it meets all one of the following
 24 criteria:

25 A. ~~the-article-was-in-use-in-a-public-occupancy~~
 26 ~~before-January-1,-1993;~~

27 B.---~~the-article-has-never-met-the-requirements-of-part~~
 28 ~~7510.5530;~~

29 C. all replacement and additional filling material is
 30 fire-retardant; and the fabric used to reupholster the article
 31 meet the requirements of part 7510.5530, item B; or

32 D. B. all filling material is completely encased in
 33 material designed to slow the spread of fire, increase escape
 34 time, prevent rapid combustion, insulate internal materials, and
 35 restrict generated gases.

36 Subp. 4. 3. Health care, beauty, and barber furniture.

1 The owner or operator of a public occupancy may apply for an
 2 exemption from compliance with parts 7510.5500 to 7510.5570 for
 3 an article of furniture. The fire marshal shall grant an
 4 exemption if the article of furniture is necessary to provide
 5 health care, beauty, barber, or other important service to the
 6 occupants of the public occupancy, if a complying article of
 7 furniture is not commonly available on the market, and if the
 8 fire marshal determines that the noncomplying article of
 9 furniture will not unreasonably compromise fire safety.

10 Subp. 4. Personal furniture. An article of seating
 11 furniture in a nursing care or convalescent home is exempt from
 12 the requirements of part 7510.5530 if the following criteria are
 13 met:

14 A. the article is used in accordance with Minnesota
 15 Statutes, section 144.651, subdivision 22, and Code of Federal
 16 Regulations, title 42, part 483.10;

17 B. the article belongs to a resident;

18 C. the article is used in the resident's personal
 19 living area; and

20 D. the resident has no more than one such exempt
 21 article in the nursing care or convalescent home.

22 For purposes of this subpart, a Group I Occupancy that is a
 23 certified or uncertified boarding care facility or an
 24 intermediate care facility for the mentally retarded with 16 or
 25 more beds is considered a nursing care or convalescent home.

26 For purposes of this subpart, a chair and accompanying
 27 footstool are considered one article of seating furniture.

28 7510.5550 LABELING REQUIREMENTS.

29 Subpart 1. **Standard TB 133** label. An article of seating
 30 furniture conforming to the requirements of part 7510.5530, item
 31 A, shall have a label permanently attached to the surface of the
 32 article, in plain view, stating as a minimum the following:

33 "NOTICE

34 THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC

35 OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF

1 CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL
2 BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN
3 FLAME OR WITH BURNING CIGARETTES."

4 The fire marshal shall permit another label upon request,
5 if the person making the request shows that the label indicates
6 compliance with Technical Bulletin 133 and the label is accepted
7 by another jurisdiction as an indication of meeting the
8 requirements of Technical Bulletin 133.

9 Subp. 2. TB 117 label for-furniture-in-sprinklered
10 buildings. An article of seating furniture ~~that-is-exempt-from~~
11 conforming to the requirements of part 7510.5530 because-it
12 ~~meets-the-requirements-of-part-7510.5540, subpart-2, item B,~~
13 must have a label permanently attached to the surface of the
14 article, in plain view, stating as a minimum the following:

15 "NOTICE

16 ONLY THE RESILIENT FILLING MATERIALS CONTAINED IN THIS
17 ARTICLE MEETS-~~ALL-FLAMMABILITY-REQUIREMENTS-OF~~ MEET
18 CALIFORNIA BUREAU OF HOME FURNISHINGS BULLETINS-~~116~~
19 AND-~~117~~ FLAMMABILITY REQUIREMENTS. CARE SHOULD BE
20 EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES."

21 The fire marshal shall permit another label upon request,
22 if the person making the request shows that the label indicates
23 compliance with Technical ~~Bulletins-116-and~~ Bulletin 117 and the
24 label is accepted by another jurisdiction as an indication of
25 meeting the requirements of Technical ~~Bulletins-116-and~~ Bulletin
26 117.

27 Subp. 3. Label for reupholstered furniture. A
28 reupholstered article of seating furniture that meets the
29 requirements of part 7510.5540, subpart 3 2, and that is exempt
30 from the requirements of part 7510.5530 shall have a label
31 permanently attached to the surface of the article, in plain
32 view, stating as a minimum the following:

33 "NOTICE

34 THIS ARTICLE HAS BEEN REUPHOLSTERED FOR USE IN PUBLIC
35 OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF
36 MINNESOTA RULES, PART 7510.5540, SUBPART 3 2. THIS

1 ARTICLE IS EXEMPT FROM THE FLAMMABILITY REQUIREMENTS
2 OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL
3 ~~BULLETIN~~ BULLETINS 117 and 133. HOWEVER, CARE SHOULD
4 BE EXERCISED NEAR OPEN FLAME AND WITH BURNING
5 CIGARETTES."

6 Subp. 4. **Size of label.** Required labels must be a minimum
7 of two inches by three inches in size. All wording must be in
8 plainly legible capital letters not less than one-eighth inch in
9 height.

10 7510.5560 TESTING; DOCUMENTATION.

11 Subpart 1. **Testing not required.** Parts 7510.5500 to
12 7510.5570 do not require a manufacturer to test every article of
13 seating furniture manufactured. A manufacturer may establish
14 classification systems appropriate to its specific products and
15 may use representative tests of samples of furniture within
16 those classifications to establish compliance with the fire
17 safety requirements of parts 7510.5500 to 7510.5570.

18 Subp. 2. **Documentation required.** When a manufacturer
19 labels an article of seating furniture under part 7510.5550,
20 subpart 1, the manufacturer shall maintain a record documenting
21 the basis upon which it determined that the article met the
22 requirements of part 7510.5530. The documentation must include
23 test data showing that at least one article of seating furniture
24 in the same classification as the labeled article was tested in
25 conformance with and met the requirements of Technical Bulletin
26 133. The documentation must also clearly demonstrate that the
27 labeled article would meet Technical Bulletin 133 based on
28 comparisons to the test data.

29 7510.5570 ENFORCEMENT.

30 Subpart 1. **Proof of compliance or removal.** When the state
31 or local fire marshal has sufficient cause to believe that an
32 article of seating furniture does not comply with parts
33 7510.5500 to 7510.5570 and that the article is used or intended
34 for use in a public occupancy, the fire marshal shall order
35 proof of compliance or removal of the article as may be

1 necessary for the enforcement of parts 7510.5500 to 7510.5570
2 and for the safeguarding of life and property from fire.

3 Subp. 2. **Inspect, audit, and review.** When the state fire
4 marshal has sufficient cause to believe that the testing of
5 seating furniture does not comply with parts 7510.5500 to
6 7510.5570 and that the seating furniture is used or intended for
7 use in a public occupancy, the fire marshal shall inspect or
8 audit the testing and shall review records as necessary to
9 ascertain compliance with parts 7510.5500 to 7510.5570. When
10 requested by the state fire marshal, a manufacturer of seating
11 furniture shall permit the state fire marshal to inspect or
12 audit the testing of the manufacturer's seating furniture and to
13 review the manufacturer's documentation that an article complies
14 with ~~Technical-Bulletin-133~~ parts 7510.5500 to 7510.5570.

15 Subp. 3. **Injunction.** When the state fire marshal has
16 sufficient cause to believe that an article of seating furniture
17 does not comply with parts 7510.5500 to 7510.5570 and that the
18 article is being sold for use in a public occupancy, the state
19 fire marshal shall institute a civil action to enjoin the seller
20 from selling the article. When the state fire marshal is unable
21 to verify whether an article of seating furniture complies with
22 parts 7510.5500 to 7510.5570 because the manufacturer of the
23 seating furniture did not permit inspection, audit, or review
24 under subpart 2, the state fire marshal shall institute a civil
25 action to enjoin the seller from selling the article.