

Interim Enforcement Policy for Mattress Pads Subject to 16 C.F.R. Part 1632

November 1, 2018

CPSC's Office of Compliance and Field Operations (Compliance) is implementing an Interim Enforcement Policy for mattress pads subject to 16 C.F.R. Part 1632 – Standard for the Flammability of Mattresses and Mattress Pads (the Standard) due to a shortage of standard reference material (SRM) cigarettes. This policy allows reduced testing for mattress pads and is consistent with a previously announced policy permitting reduced testing for mattresses. (See [Interim Enforcement Policy for Mattresses Subject to 16 CFR Parts 1632 and 1633, May 15, 2006](#)).

Background

In February 2008, the manufacturer of conventional unfiltered Pall Mall cigarettes stopped producing the non-reduced ignition propensity (non-RIP) version of this cigarette that had been specified at 16 C.F.R. § 1632.4(a)(2) as the ignition source for flammability testing of mattresses and mattress pads subject to the Standard. 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 voted to revise the ignition source in 16 C.F.R. § 1632.4(a)(2) to a standard reference material (SRM) cigarette developed by the National Institute of Standards and Technology (NIST). The SRM 1196 cigarette has the approximate ignition strength of the original unfiltered Pall Mall cigarettes, and testing laboratories and manufacturers purchase the SRM 1196 cigarettes through NIST.

CPSC recently learned that the inventory of SRM 1196 cigarettes is critically low, and NIST does not currently have a source to produce new SRM 1196 cigarettes and will be looking for a new producer. Due to this known shortage, CPSC is granting relief through this interim enforcement policy.

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 C.F.R. § 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 2007, with the enactment of the new open-flame mattress standard (16 C.F.R. part 1633) and the requirement to test existing and new mattress prototypes to the provisions of the

new open-flame standard, 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, the *Interim Enforcement Policy for Mattresses* reduced the required testing surfaces from six surfaces to two surfaces. However, mattress pads were not included in the *Interim Enforcement Policy for Mattresses* because mattress pads are not subject to the open-flame standard.

Enforcement Policy

Given the shortage of SRM cigarettes, Compliance will exercise its enforcement discretion and allow mattress pad manufacturers to reduce testing from six mattress pad surfaces to two mattress pad surfaces for each new prototype that is tested to the Standard. While testing six surfaces is required in the Standard, a reduction to two surfaces will still provide useful safety information concerning a mattress pad's propensity to ignite through smoldering ignition. A prototype will be accepted if the char lengths of the 18 individual cigarettes are not more than 2 inches in any direction from the nearest point of the cigarette on two mattress pad surfaces. Mattress pads must be tested to the bare surface and sheeted surface requirements. The *Interim Enforcement Policy for Mattresses* continues to be in effect for mattress prototypes.

In addition, Compliance will no longer require the use of only unopened packages of SRM cigarettes for each series of tests (16 C.F.R. § 1632.4(b)(3)). Relaxing this requirement will allow partial packs (or leftovers from prior testing) of SRM cigarettes to be used when conducting the tests to maximize the limited available supply.

Effective Date

This policy will become effective on November 1, 2018, and will remain effective until further notice. CPSC may modify or suspend this *Interim Enforcement Policy for Mattress Pads Subject to 16 C.F.R. Part 1632* at any time. We intend, however, to provide at least 30 days' notice on the CPSC website before making any changes to this interim policy. We will continue to monitor the situation and adjust the interim enforcement policy, if necessary.

Contact Information

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

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