

Description of Proposed Amendments to Ontario's Upholstered and Stuffed Articles Regulation

1. Introduction

The Ministry of Government and Consumer Services is seeking input on changes that would modernize the Upholstered and Stuffed regulation (Ontario Regulation 218/01) under the Technical Standards and Safety Act, 2000. The changes are intended to maintain public safety while reducing unnecessary burden on business.

A key proposed change to the regulation is that its requirements would only apply to manufacturers, renovators and retailers of bedding, including mattresses, and upholstered furniture. Other changes being proposed include:

- The annual licensing requirement would no longer apply to home hobbyists and craft operators who produce less than 1,000 beddings or pieces of upholstered furniture per year at home.
- Second-hand material would be permitted as stuffing if the stuffing material complies with the sterilization standards in the regulation.
- The labelling requirements would be simplified to give businesses greater flexibility to comply.
- Mandatory incident reporting would be introduced.

It is anticipated that the changes to the regulation, if approved by government, would come into force on July 1, 2018.

2. Application of the regulation

Under the current regulation, all persons engaged in the manufacture, renovation and sale of upholstered or stuffed articles must comply with the regulation's licensing, labelling and safety requirements with limited exceptions. Under the proposed regulation, only those persons engaged in the manufacture, renovation and sale of bedding and upholstered furniture, as defined in the regulation, would have to comply with the regulation.

3. Home hobby and craft operators

Under the current regulation, home hobby and craft operators who produce fewer than 1,000 bedding or pieces of upholstered furniture in their home must apply and pay for an annual license in order to operate. Under the proposed regulation, home hobby and craft operators would no longer have to obtain this annual license, but would still have to comply with the regulation's other requirements.

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4. Second-hand material

The current regulation prohibits the use of second-hand material as stuffing. The proposed regulation would allow second-hand material as stuffing in bedding and upholstered furniture. However, the material must be first cleaned by a process that thoroughly sterilizes and disinfects the material and is safe for the prospective consumer. TSSA will determine what this process is prior to the implementation of any changes.

5. Labelling requirements

The current regulation prescribes the format of the label (e.g., size, material, ink colour) to which businesses must comply. The proposed regulation would instead set broad performance-based standards for the label that must be met. These standards are:

- The labels on bedding and upholstered furniture would need to be
 - securely attached to the article
 - easy to read
 - clearly visible and easy to access
- In addition, the labels would need to identify:
 - The generic names of all stuffing material in order of predominance
 - If the article is second-hand
 - If the article is renovated
 - If the article and/or second-hand stuffing was disinfected or sterilized according to the regulation
 - If the article contains all new material or all second-hand material
 - If some of the stuffing material is second-hand and some of the stuffing material is new
 - The licence number of the license holder and if the manufacturer or renovator wants to its business name and address
 - The business name and address if not a licensed manufacturer under the regulation

The result would be labels that display information that is useful and easily accessible to the consumer but in a format that is largely chosen by the manufacturer or renovator as long as they meet the proposed standards in the regulation.

6. Mandatory incident reporting

There is currently no requirement to report incidents related to stuffing material in

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Ontario's Upholstered and Stuffed Articles regulation. Under the proposed regulation, any person who manufactures, renovates or sells bedding or upholstered furniture where the stuffing material caused an injury or death would be required to report the incident in writing within two days of becoming aware to TSSA.

In addition, a manufacturer, renovator or retailer would have to report to TSSA within two days of becoming aware of bedding or upholstered furniture that:

- Has been in contact with a person suffering a communicable disease
- Is soiled
- Is in such condition that it is likely to adversely affect a person's health
- Contains vermin
- Contains products that have not been processed, cleaned or sterilized in accordance with the requirements of the regulation
- Shows signs of corrosion or other degradation
- Is not labelled as per the regulation

7. Other

The regulation currently requires manufacturers to assess the cleanliness of down and feather products using a specific Canadian General Standards Board (CGSB) procedure. This procedure has been withdrawn by the CGSB and may be replaced in the proposed regulation by another standard that will be determined by TSSA.

8. Summary of changes

Current Regulation	Proposed Changes
All manufacturers, renovators and sellers of upholstered or stuffed articles must comply with the regulation with limited exceptions.	Only manufacturers, renovators and sellers of bedding, including mattresses, and upholstered furniture would have to comply with the regulation.
Home hobby and craft operators must obtain an annual license.	Home hobby and craft operators would no longer have to obtain the license but would still have to meet the regulation's other requirements.
No person can use second-hand material as stuffing in the manufacture or renovation of an upholstered or stuffed article.	Second-hand material could be used as stuffing if the material is sterilized by the appropriate sterilization process.
The regulation prescribes the format of the label (e.g., size, material, ink colour).	The regulation would set broad standards for the label that must be met (i.e., label

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Current Regulation	Proposed Changes
	must be legible and visible, label must identify generic name of stuffing materials).
There is no requirement to report incidents.	<p>Manufacturers, renovators and sellers would have to report the following incidents in writing to TSSA within two days:</p> <ul style="list-style-type: none"> • Incidents of injury or death caused by the stuffing in bedding, mattresses, and upholstered furniture • Incidents of unclean or unsafe bedding and upholstered furniture

9. Discussion questions

Do you support the proposed changes to the Upholstered and Stuffed Articles regulation? If so, why or why not and which proposals do you support or oppose? Please provide details for your rationale.

Do you have any specific evidence that demonstrates that the stuffing material in any other article poses a risk to public safety? If so, please provide it to the ministry for review.

Do you support the proposed changes to the labelling requirements? Would they make things better for your business or worse? Please describe.

Is the proposed reporting requirement fair and practical?

10. Privacy statement

Please note that unless requested and agreed otherwise by the Ministry of Government and Consumer Services, all materials or comments received in response to this consultation will be considered public information and may be used and disclosed by the ministry to assist the ministry in developing the proposed regulatory amendments. This may involve disclosing materials or comments, or summaries of them, to other interested parties during and after the request for public comment process.

An individual who provides materials or comments and who indicates an affiliation with

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an organization will be considered to have submitted those comments or materials on behalf of the organization so identified. Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by the individual. However, materials or comments from individuals may be used and disclosed by the ministry to assist in developing the proposed regulatory amendments.

Personal information of those who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the ministry without the individual's consent unless required by law. If you have any questions about the collection of this information, please contact PublicSafetyBranch@ontario.ca.