

43 N.J.R. 1310(a)

NEW JERSEY REGISTER  
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VOLUME 43, ISSUE 11

ISSUE DATE: JUNE 6, 2011

**RULE PROPOSALS**

**COMMUNITY AFFAIRS  
DIVISION OF FIRE SAFETY**

43 N.J.R. 1310(a)

**Proposed New Rule: N.J.A.C. 5:70-2.25**

**Uniform Fire Code**

**Mattresses**

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: [N.J.S.A. 52:27D-198.16](#).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-125.

Submit written comments by August 5, 2011 to:

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The agency proposal follows:

**Summary**

P.L. 2007, c. 141, designated as the "Matthew Albrecht Act," requires the Department to adopt and enforce as a State safety requirement the Federal mattress flammability standard codified at Title 16 of the Code of Federal Regulations Part 1633, as amended and supplemented, and known as the "Standard for the Flammability (Open Flame) of Mattress Sets." The proposed rule would adopt by reference Title 16 of the Code of Federal Regulations, Part 1633, which establishes a

flammability requirement that mattresses must meet before sale or introduction into commerce and labeling attesting to the same, thereby making it enforceable by fire officials. The purpose of the standard is to reduce deaths and injuries associated with mattress fires by limiting the size of the fire generated by a mattress set during a 30-minute test. The permanent labeling assures the public that the product being purchased is in compliance with and meets Federal safety regulations.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to [N.J.A.C. 1:30-3.3\(a\)5](#).

### **Social Impact**

The Department anticipates that the proposed new rule would have a beneficial social impact in the reduction of fire related injuries and damages generated through mattress burnings.

### **Economic Impact**

The Department does not anticipate that the proposed rule would have an economic impact on any seller of mattresses manufactured in compliance with the Federal standard. It would have an adverse economic impact on anyone seeking to sell mattresses not meeting those standards. The adverse impact would be that such sellers would be subject to penalty for violation of the Uniform Fire Code.

### **Federal Standards Statement**

The technical provisions of the proposed new rule are the same as those imposed by Federal law (Title 16 of the Code of Federal Regulations, Part 1633) that requires all mattresses for sale or sold in commerce to meet the promulgated flammability requirements and exhibit labeling attesting to same. The proposed new rule is not otherwise subject to any standards or requirements imposed by Federal laws. Therefore, a Federal standards analysis is not required.

### **Jobs Impact**

The Department does not anticipate that any jobs would be created or lost as a result of the proposed new rule.

### **Agriculture Industry Impact**

The Department does not anticipate that the proposed new rule would have any impact on the agriculture industry.

### **Regulatory Flexibility Analysis**

All mattresses sold in the United States, regardless of the size or form of organization of the business offering them for sale, are required to conform to Federal safety standards. Such records as may be necessary in order to provide evidence of compliance must similarly be maintained by all businesses, regardless of size or form of organization, for purposes of ensuring protection of public safety. No separate provisions applicable to "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 55:14B-16 et seq., would therefore be

appropriate. It is not anticipated that small businesses would need to employ professional services in order to comply with the proposed new rule.

### **Smart Growth Impact**

The Department does not expect that the proposed new rule would have any impact upon either achievement of smart growth or implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact Analysis**

Since the proposed new rule concerns only flammability standards for mattresses sold in New Jersey, it is most unlikely that it would have any impact upon housing production costs or affordability.

### **Smart Growth Development Impact Analysis**

Since the proposed new rule concerns only flammability standards for mattresses sold in New Jersey, it is most unlikely that it would have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

**Full text** of the proposed new rule follows:

[page=1311] 5:70-2.25 Mattresses

All mattresses offered for sale or sold in New Jersey must meet the fire performance standards codified at Title 16 of the Code of Federal Regulations, Part 1633, incorporated herein by reference, as amended and supplemented.