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Quick Answers to Key Questions Concerning the New Federal Safety Standard for Clothing Storage Furniture

On Wednesday, April 19, the U.S. Consumer Product Safety Commission (CPSC) voted to adopt the revised ASTM International voluntary stability standard, F2057-23, **as the mandatory federal safety standard for clothing storage units required by the STURDY Act.**

The agency's action included a stay of the existing CPSC Final Rule that was adopted in November 2022 and was slated to take effect May 24, 2023. The stay voids that rule and its May 24 effective date.

The new Safety Standard for Clothing Storage Units (16 CFR Part 1261) was published in the *Federal Register* on May 4, 2023, giving it an effective date of **September 1, 2023.**

The Stop Tip-overs of Unstable Risky Dressers on Youth Act, better known as STURDY, was signed by President Biden on December 29, 2022, as part of the 2023 Omnibus spending bill. STURDY directed the CPSC to develop a mandatory consumer product safety regulation for CSUs within one year of the date it was signed.

The new federal safety standard published May 4, 2023 fulfills that requirement.

What is the scope of the new federal standard?

The scope of the new federal safety standard for CSUs encompasses free-standing clothing storage units, including *but not limited to* chests, chests of drawers, armoires, bureaus, door chests and dressers that:

- are 27 inches or greater in height; AND
- are 30 pounds or greater in weight; AND
- contain 3.2 cubic feet or greater of enclosed storage volume.

Units must meet ALL three of the above criteria to fall within the scope of the rule. These criteria were developed to cover children up to 72 months of age, which account for approximately 80 percent of all deaths related to CSU tip-overs.

What is excluded from the scope of the new standard?

The new standard does not cover shelving units such as bookcases or entertainment furniture. It does not cover office furniture, dining room furniture, underbed drawer storage units, jewelry armoires, laundry storage/sorting units or occasional/accent furniture that is not intended for bedroom use. Many of these categories fell within the much broader scope of the CPSC's original Final Rule.

When will the new federal safety standard for CSUs take effect?

The new rule takes effect **120 days after its publication in the *Federal Register***, unless the Commission receives a significant adverse comment within 30 days of publication (by June 2, 2023). If the Commission receives such a comment, it will withdraw the final rule and commence a new rulemaking.

No adverse comments are anticipated, and the rule is expected to take effect September 1, 2023. It will apply to all units within the scope of the rule with a manufacturer date on or after September 1, 2023.

What are the new testing requirements?

Compliant units must pass three performance tests. The set-up, equipment required and precise procedure for each test are detailed in the rule, available online at [federalregister.gov/d/2023-08997](https://www.federalregister.gov/d/2023-08997). The three tests include:

1. **Simulated Clothing Load.** All extendible elements and spaces behind doors are loaded with 8.5 pounds per cubic foot. All doors and loaded drawers are opened. The loaded unit must remain upright for 30 seconds. (There is a separate test for units with drawer interlocks that prevent 50 percent or more of the extendible elements from opening.)
2. **Simulated Horizontal Dynamic Force.** With all doors open and all elements extended, a 10-pound horizontal force is applied to the highest handhold, not to exceed 56 inches. The unit must not tip while the force is applied to the top edge of a drawer or to the center of the pull area of the extendible element and held for 10 seconds.
3. **Simulated Carpet Test *with* Child Weight.** A test block of 0.43 inches is placed under the rear legs or base of the unit to simulate the impact of units placed on carpet. All doors are open and all elements extended. A test weight of 60 pounds is applied gradually over the top of the door or extendible element most likely to cause tip-over and remains in place for 30 seconds without causing the unit to tip over.

Is third-party testing required?

Third-party testing is not required, unless the product is marketed for use by children (as required by the Consumer Product Safety Act). For companies that need or want

third-party verification of test results, AHFA is working with the industry's top labs to ensure global uniformity in testing procedures.

Is there a new labeling requirement?

Yes. All covered units must carry a warning label in a “conspicuous location when the product is in use.” The rule includes a detailed description of placement options for the warning label. The warning message, specifications for size and style of font, and downloadable icons required in the label all are included in the rule. *All of these, including the text of the warning label, are identical to the warning label requirement in ASTM International F2057-19.*

Is there a new hang tag requirement?

NO. There is no hang tag required in the new safety standard.

Is there a tip restraint requirement?

YES. An anti-tip device that meets the requirements of ASTM F3096 must be included with each item of furniture covered by the safety standard.

Is there a stockpiling provision?

NO. There is no stockpiling provision.

What is the status of existing non-compliant inventory?

The new federal safety specification for clothing storage furniture is **prospective**, covering all products with a manufacture date on or after the effective date of the rule.

Manufacturers, importers, distributors and retailers may continue to sell non-compliant products with a manufacture date **before** the new rule's effective date (September 1).

However, any product involved in a tip-over incident is subject to recall and companies will continue to face additional enforcement costs (and liability) for products that fail to comply with the voluntary standard that was in effect at the time of manufacture.

What does the new federal rule require of retailers?

Retailers who import bedroom furniture directly from overseas suppliers are responsible for ensuring those products meet all federal safety and environmental regulations, including the new stability standard for clothing storage units.

Who will enforce the new standard?

The U.S. Consumer Product Safety Commission. Non-compliant products are subject to recall. Upon adoption of F2057-23 as the mandatory safety standard required by STURDY, CPSC Chair Alexander Hohen-Saric noted: “CPSC will be monitoring the marketplace and actively enforcing this standard.”