

## **CHAPTER 215. BEDDING REGULATIONS**

[**Authority:** 63 O.S., §§ 1-1001 et seq.]

[**Source:** Codified 12-31-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **310:215-1-1. Purpose**

The rules in this Chapter implement the Bedding act, 63 O.S. Supp. 1996, Section 1-1001.1 et seq.

[**Source:** Amended at 14 Ok Reg 2254, eff 6-12-97]

#### **310:215-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Act"** means Title 63 O.S. Supp 1996, Section 1001.1 et seq.

**"Bedding"** means mattresses, upholstered springs, sleeping bags, pads, comforters, pillows, and cushions. The term "bedding" also includes dual purpose furniture such as sofa beds, studio couches, and futons.

**"Cat tail plant fiber"** mean plant fibers from the named plant used as fill.

**"Cellulose"**, **"cellulose fiber"**, and **"cellulose"** mean cellulosic products containing not more than four per cent (4%) lignin and twelve per cent (12%) pentosans.

**"Cellulose fiber pad"** means a pad made of cellulose.

**"Chicken feathers"** mean feathers of any kind of chicken, which are whole in physical structure.

**"Chopped feathers"** in conjunction with the name of the fowl from which the feathers came means the feathers which have been processed through a chopping machine which has cut the feathers into small pieces, e.g., "chopped duck feathers."

**"Comber"** means the tangled fibers removed during the combing process of textile fibers.

**"Cotton by-products"** mean the by-products removed from the various machine operations necessary in the manufacture of cotton yarn up to but not including the process of spinning, and shall include the following materials commonly known in cotton-mill terms as cotton card strips or cotton vacuum strips, cotton comber, cotton fly, and cotton picker.

**"Cotton linters"** mean the fibrous growth removed from cottonseed subsequent to the usual process of ginning.

**"Cotton waste"** means any material of cotton origin containing more than ten per cent (10%) of hull, leaf, stem, and pulp.

**"Crushed feathers"** in conjunction with the name of the fowl from which the feathers came mean feathers which have been processed through a so-called curling machine which has changed the original form of the feathers, but has not removed the quill, e.g., "crushed duck feathers."

**"Down"** means the soft undercoating of waterfowl, consisting of the light fluffy filaments grown from one quill-point but without any quill-shaft.

**"Duck feathers"** means feathers of any kind of duck, which are whole in physical structure, with the natural form and curvature of the feather.

**"Excelsior"** means curled wood shreds.

**"Excelsior pad"** means a pad made of curled wood shreds.

**"Felt"** means material that has been carded in layers or sheets by a garnett or felting machine.

**"Filling" "filling material" and "materials"** mean materials used as filling in the manufacture, repair, or renovation of bedding.

**"Fly"** means the fibers which come off the machines during carding, drawing, or similar textile operations.

**"Goose feathers"** means feathers of any kind of goose, which are whole in physical structure, with the natural form and curvature of the feather.

**"Hair"** means the course filamentous epidermal outgrowth of such mammals as horses, cattle, sheep, hogs, and goats.

**"Jute fibers"** mean jute of which no prior use has been made.

**"Jute pad"** means a pad made from jute fibers.

**"Kapok"** means the fibers obtained from the seeds of the kapok tree.

**"Label"** means a label required to be on or affixed to bedding products by the Act and Regulations and on which the information required is to appear.

**"Latex foam rubber"** means foam products made from rubber latex which previously has not been coagulated or solidified.

**"Mattress"** includes padding or cushioning material which is used in conjunction with water bed liners, bladders or cylinders, but does not include water bed liners, bladders or cylinders.

**"Mixed cotton"** means a mixture of staple cotton, cotton linters, and cotton by-products in any proportion which has not been garnetted or felted.

**"Napper"** means the lint removed during the process of raising the face of a cloth.

**"Noils"** means the short fibers removed during the combing process.

**"Paper"** means wood pulp materials used as fill material.

**"Quill"** means the main shaft or axis of a feather.

**"Quill feather"** means a flight feather or tail feather.

**"Rubber"** as used in these regulations shall apply to synthetic rubber as well as natural rubber.

**"Second-hand"**, as defined in the Act, does not apply to new materials subjected to manufacturing processes or to new materials which are the by-product of manufacturing processes.

**"Sisal fibers"** means sisal of which no prior use has been made.

**"Sisal pad"** means a pad made from sisal fibers.

**"Sponge rubber"** means sponge products made from rubber which has previously been coagulated or solidified.

**"Staple cotton"** means the staple fibrous growth as removed from the cottonseed in the usual process of ginning (first-cut from the seed) containing no foreign material.

**"Steel batting"** means steel fibers that have been passed through some form of garnetting machine and carded in layers or sheets.

**"Steel fiber pads"** means steel fibers that have been passed through some form of garnetting machine and carded in layers or sheets.

**"Steel fibers"** means steel fibers that have not been garnetted.

**"Synthetic fibers"** mean manufactured fibers as opposed to natural fibers from animal, fowl, or plant origin.

**"Synthetic foam"** means a polymerized cellular material made from an organic base other than rubber.

**"Textile by-products"** means any of the fibrous by-products produced during the processing of textile fibers up to but not including the spinning of yarns.

**"Turkey feathers"** mean feathers of any kind of turkey, which are whole in physical structure.

**"Water-fowl feathers"** mean any mixture of goose and duck feathers.

**"Wool"** or "virgin wool" means the fleece of the sheep or lamb, which has been scoured or scoured and carbonized. It shall not be the by-product of any process of manufacture nor shall it have sustained prior use.

**"Wool waste"** means all by-products and wastes of machines in any process of manufacture employing only new wool fibers and shall also include wool pills and shank and tag wools.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

### **310:215-1-3. Adopted statutory terms**

The definition of terms contained in the Bedding act shall be applicable also to such terms when used in rules promulgated under the Act.

### **310:215-1-4. Applicability; general tagging requirements; use of percentages in rules**

(a) **Application.** The regulations of this Chapter shall apply to all persons, partnerships, corporations, and associations engaged in the business of manufacturing, repairing, renovating, germicidally treating, and selling items of bedding. These regulations do not apply to persons who make, renovate, and germicidally treat bedding for their own use.

#### **(b) Labels.**

(1) Each item of bedding shall be labeled in conformity with the requirements of the Act and Regulations. All labels shall be attached at the factory. Space shall be provided on the label for the affixation of a revenue stamp and the permit holder's registration number shall appear on the label. Articles of bedding that are packaged in clear packaging material shall have the label visible without opening the packaging. Articles of bedding that are packaged in packaging material that cannot be seen through shall attach a duplicate label outside the package.

(2) It shall be unlawful to make any false or misleading statement on the label required by the Act and Regulations; it shall be unlawful for any person to remove, deface, or alter any label or statement thereon, or cause the same to be done, for the purpose of defeating the provisions of the Act and Regulations.

(3) The terms used on the label to describe materials used in filling shall be restricted to those defined in the regulations (Chapter 215) or in the Act.

(4) The presence of an innerspring unit in an article of bedding shall be designated on the label. If the number of coils is stated, the statement must be true and correct.

(5) If an article of bedding contains more than one kind of filling material, the percentage of each material shall be clearly stated on the label.

(6) Filling materials in pre-built border constructions used in the manufacture of mattresses and similar bedding products need not be stated on the label provided the filling material does not exceed ten per cent (10%) of the material in the article to which the border construction is affixed.

(7) When the filling material contained in a quilted ticking affixed to the cover of an article of bedding is in excess of ten per cent (10%) of the weight of the entire filling material of the article of bedding, such material shall be designated on the label and its percentage given.

(8) Burlap, muslin, webbing, and tape, when less than ten per cent of the filling material, need not be stated on the label.

(9) The terms "all," "pure," "100%," or terms of similar import are permitted only if the material is as stated.

(10) Any new stiffening material, such as fiberboard, wood, or paper when present in an amount exceeding ten per cent (10%) by weight of the entire filling material of an article of bedding shall be designated on the label and its percentage given.

(11) Any filling material containing more than 5% oil shall be designated on the label as "oily".

(12) The presence of silicates in excess of 5% in any filling material shall be designated on the bedding-label as "clay" and the actual percentage thereof contained in the filling material shall be stated on the label.

**(c) Percentages.**

(1) When percentages are required in the regulations of this Chapter it shall mean percentage by weight in lieu of percentage by volume. Wood frames, metal springs, and parts shall be excluded when calculating percentages.

(2) To allow for unintentional variations, a tolerance or variation not in excess of ten per cent (10%) by weight from the amount stated on the label shall be allowed.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

**SUBCHAPTER 3. LABELING**

**310:215-3-1. Label requirements and recommendations**

The following are label requirements and recommendations for bedding:

**(1) Hair.**

(A) When used in the manufacture of bedding, hair (including wool products) shall be clean, properly cured, free from epidermis, excreta, or foreign or objectionable substances or odors.

(B) Hair used in the manufacture of bedding shall be identified on the label as to the animal origin of the hair. When hair of different origins is used in a blend, the kind and percentage by weight of each shall be stated on the label.

(C) When any material of whatever origin other than hair is used, in a mixture or blend with hair, the kind and percentage weight of each such material shall be designated on the label.

**(2) Feathers and down.**

(A) The presence of loose down fibers in excess of ten per cent (10%) shall be designated as "down fibers."

(B) Feather mixtures shall be designated by the name, character, and percentage of each material used or the entire mixture shall be designated by the name of the lowest grade of material used. The grades of materials in descending order are as follows: goose down, duck down, goose feathers, duck feathers, turkey feathers, chicken feathers.

(C) Articles of bedding containing feathers and down shall be labelled to indicate the feathers have been germicidially treated and the permit number of the facility providing the treatment.

### (3) **Rubber and foam.**

(A) Generic terms together with the word "foam" may be used in lieu of the term "synthetic foam." If generic terms are used, they must be true and correct, e.g., "urethane foam," "polystyrene foam," "vinyl foam."

(B) When latex foam rubber, sponge rubber or synthetic foam is cut, broken or shredded, they shall be preceded by the term "pieces of" or "shredded".

(C) When any one of the materials described in (B) of this paragraph have been molded into the form in which they are intended to be used, they may be further defined as "molded".

(D) When any one of the materials described (B) of this paragraph have been either cut or broken into pieces of indefinite size or subjected to a shredding process and subsequently cemented together, whether or not this is done in a mold, the resulting product shall be further defined as "cemented." The term "molded" shall not be used.

(4) **Synthetic fibers.** Generic terms for manufactured fibers may be used in lieu of the term "synthetic fibers." If generic terms are used, they must be true and correct.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

### **310:215-3-2. Felt padding**

The following requirements apply to labelling felt padding used in bedding:

#### (1) **Felt.**

(A) The term "felt" or "felted" by itself shall not be used but shall be combined with the name of the material from which it is made. The use of the term "batting" instead of "felt" is permissible, e.g., "blended cotton felt," "jute felt," "wool batting."

(B) Felt shall not include felt scraps or repicked felt.

(C) Felt made of "mixed cotton" may be designated on the tag as "blended cotton felt."

(D) Felt made entirely of staple cotton shall be designated as "staple cotton felt."

(2) **Vinyl treatment.** Felt impregnated with vinyl or any other resin shall be defined as designated on the tag with the words "resin-treated blended cotton felt."

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

### **310:215-3-3. Statutory label requirements**

The following described labels are required by these regulations as authorized by the Act:

(1) **All new material.** Bedding meeting all requirements for new materials shall carry the white "New Materials Label," and no other label is required.

(2) **Second-hand material.** The original label shall be removed and a yellow label to be affixed by the manufacturer or renovator only is required on all second-hand materials renovated, remade, manufactured, germicidially treated, or offered for sale regardless of whether they have been

renovated or remade. This label is required on all articles manufactured, renovated, or remade, using second-hand materials. A bedding stamp shall be affixed to this label.

(3) **Second-hand material sanitized.** A yellow label is to be attached by the person holding germicidal treatment permit to every article of bedding or material undergoing the process of sterilization, regardless of the conditions requiring sterilization. A bedding stamp must be affixed to this label when treatment is performed for an article intended to be sold at retail.

(4) **Owner's own material.** A yellow label is required on all articles of bedding to renovated or remade for the owner. Bedding stamp must be affixed by the renovator permit holder.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

## **SUBCHAPTER 5. GERMICIDAL TREATMENT**

### **310:215-5-1. General requirements**

(a) A person shall not sell, offer for sale, or include in a sale any article of second-hand bedding or any article of bedding manufactured in whole, or in part, from second-hand material, unless such bedding has been cleaned, stains and odors removed, and germicidally treated by a method approved by the Department. Articles of bedding removed from a retail establishment to be used as bedding and returned to the establishment are considered second-hand bedding.

(b) A person shall not use in the manufacture, renovation or repair of bedding any material which has been obtained from dump grounds, landfills, junk yards, or hospitals within or without the State of Oklahoma.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

### **310:215-5-2. Methods of treatment**

#### **(a) Washing and drying.**

(1) **Pillows.** Feather pillows will be considered as having been germicidally treated when the feathers and ticking are kept intact without opening, and washed by a commercial laundry method with subsequent drying to remove moisture.

(2) **Mattresses.** Hair mattresses will be considered as having been germicidally treated when the hair is removed from the ticking and washed by a commercial laundry method and subsequently dried to remove all moisture, and where the ticking is washed and subsequently dried.

(b) **Other methods.** Any other method of germicidal treatment may be used in germicidally treating bedding and materials, provided it has first been approved by the Department. The methods for germicidal treatment of used or soiled articles of bedding for lease or resale, are approved by the Oklahoma State Health Department, as provided by Sections 310:215-5-1 and 310:215-5-2. Any person desiring to use either of these methods of germicidal treatment shall apply to the Consumer Protection Service, Oklahoma State Health Department for a permit and for approval of the techniques they plan to use. The following wording shall be printed or stamped on the "Second-Hand Material, Sanitized" label, below the word "Sanitized": THE SURFACE OF THIS SECOND-

HAND ARTICLE HAS BEEN CLEANSED AND GERMICIDALLY TREATED BY THE METHOD INDICATED BELOW.

(c) **Dry/wet physical cleansing.** The following Dry/Wet Physical Cleansing methods for germicidal treatment of used or soiled articles of bedding for lease or resale shall consist of:

- (1) A physical cleaning technique followed by,
- (2) the application of a germicidal agent and an insecticide and
- (3) adequate drying before lease or resale.

(d) **Dry method.** The dry method shall include the following:

- (1) The article(s) of bedding shall be physically brushed so as to dislodge loose dirt and debris. This brushing shall be followed by a thorough vacuuming so as to remove this dirt and debris.
- (2) An approved germicidal agent shall be applied to thoroughly dampen the surface of the article(s) of bedding.
- (3) An approved insecticide shall be applied to the surface of the article of bedding.
- (4) The article(s) of bedding shall be thoroughly aired and dried before offering for lease or resale.
- (5) This method shall not be used if the article(s) of bedding is stained with body fluids and/or excrement. If particles of soil (not stain) can not be removed by this dry method, the wet method must be used.

(e) **Wet method.** The wet method shall include the following:

- (1) The surface of the article(s) of bedding shall be washed thoroughly with detergent and warm or hot water. This washing may be accomplished by hand brush, rug or furniture shampoo or steam-cleaning type applicators or other similar applicators.
- (2) One or more clear water rinses shall be applied to the surface of the article(s) of bedding so as to remove all accumulated detergent and dislodged soil. The application may be by similar applicators as the wash cycle.
- (3) An approved germicidal agent shall be applied to the article(s) of bedding so as to thoroughly dampen the surface.
- (4) An approved insecticide shall be applied to the article of bedding so as to thoroughly dampen the surface.
- (5) The article(s) of bedding shall be thoroughly aired and dried before offering for lease or resale.

(f) **Germicidal and insecticidal agents.**

- (1) The germicidal and insecticidal agents may be added to the wash water, the rinse water or may be applied separately. These agents must be applied to the article of bedding so as to cause total surface contact. The agents shall be registered with the U.S Environmental Protection Agency and the Oklahoma State Department of Agriculture for these intended purposes.



(2) Any approved germicidal agent used for treating articles of bedding must have an additive product which provides florescent particles when viewed under ultraviolet light (black light) and magnification. The purpose for this requirement, is to provide a uniform method for detection of the presence of the germicidal treatment agent on articles of bedding, by enforcement officials.

(3) Records shall be kept by the permit holder to show the amount of germicidal and/or insecticidal agent used on each article of bedding in addition to other applicable records required under Rule VI, Section "L". The words "Physical Cleaning-Dry" or "Physical Cleaning-Wet," shall be used to describe these methods on the label "Second-hand Material Sanitized" which shall be affixed to each article of bedding.

**(g) Treatment devices.**

(1) Germicidal treatment devices shall be properly housed to afford protection to the device and to allow for adequate working space around the device. Adequate space shall be provided for storage and segregation of treated and untreated bedding and materials. All rooms shall be clean, and germicidal treatment devices shall be cleaned and maintained in good repair and proper working condition.

(2) Accurate records shall be kept by the operator of the germicidal treatment device, and such records shall show the following information concerning each article treated.

(A) Date germicidally treated

(B) Lot number (chart number)

(C) Tag number (article number)

(D) Name and address of buyer, if any

(3) All records and charts and/or information thereon shall be available to the Department.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

## **SUBCHAPTER 7. PREMISE, PERMIT AND IDENTIFICATION REQUIREMENTS**

### **310:215-7-1. Sanitary premises**

Every person engaged in the business of manufacturing, repairing, or renovating bedding shall keep his place of business in a sanitary condition by complying with the rules that follow.

(1) Adequate housing and floor space shall be provided to prevent crowding of materials and equipment and to allow for the practice of cleanliness and sanitation.

(2) All work rooms shall be well ventilated.

(3) All work rooms shall be lighted.

(4) The floors of all rooms in which materials are stored, processed, or otherwise used in the manufacturing or renovating of bedding, shall be of such construction as to be easily cleaned, and shall be kept clean and in good repair.

(5) Walls and ceilings of all rooms where materials are stored, processed, or otherwise used in the manufacturing or renovating of bedding, shall be of such construction as to be easily cleaned, and shall be kept clean and in good repair.

(6) All buildings, rooms therein, and immediate surroundings shall be kept in neat and clean condition. All rooms and surroundings shall be free of rubbish, trash, discarded equipment, or other unnecessary articles which may promote insanitary conditions.

(7) There shall be no living quarters in the rooms, or opening directly into the rooms, where materials are stored, processed, or otherwise used in the manufacturing of bedding.

(8) Clean toilet facilities of a type approved by the Department shall be provided.

(9) Adequate and clean hand washing facilities shall be provided. One lavatory (wash basin) with adequate and acceptable water supply shall be provided for every twenty (20) employees or portion thereof up to one hundred (100) persons and one lavatory (wash basin) for each additional twenty-five (25) persons or portion thereof. Soap or a suitable cleaning agent shall be provided at each lavatory.

[Source: Amended at 14 Ok Reg 2254, eff 6-12-97]

### **310:215-7-2. Permits**

(a) A person shall not engage in the business of manufacturing, repairing, and selling bedding unless he has obtained an authorizing permit from the Department.

(b) A person shall not germicidally treat bedding unless he has obtained an authorizing permit from the Department.

(c) Permits required by the Act and Regulations must be renewed annually on a fiscal year basis, i.e., July 1.

(d) Permit fees are as follows:

(1) Initial Bedding Permit -\$ 5.00

(2) Renewal Bedding Permit -\$ 5.00

(3) Initial Germicidal Treatment Permit -\$ 25.00

(4) Renewal Germicidal Treatment Permit -\$ 5.00

### **310:215-7-3. Adhesive revenue stamps**

(a) A person shall not manufacture, renovate, and/or sell, or have in his possession with intent to sell, any bedding unless there be affixed to the label required by the Act and Regulations an adhesive stamp prepared and issued by the Department. Adhesive stamps shall be affixed to label by the person manufacturing, renovating, selling, or germicidally treating items of bedding.

(b) Adhesive revenue stamps are valued at 5 cents each and shall be issued to authorized permit holders by the Department in multiples of 100. The smallest quantity of stamps which can be issued is 100 for \$5.00.

(c) Persons applying for initial permits shall also purchase not less than 100 adhesive stamps unless the applicant has stamps on hand as the result of a previously assigned permit.

(d) A non-stamp bedding permit can be obtained for establishments that sell 100 articles or more per quarter in the State.

**[Source:** Amended at 14 Ok Reg 2254, eff 6-12-97]

**310:215-7-4. Material identification**

(a) Persons engaged in the manufacture, repair, and renovation of bedding shall keep new and second-hand materials segregated and identified; when new and second-hand materials are mixed, the entire mixture shall be regarded as second-hand.

(b) Persons engaged in the manufacture, repair, renovation and/or germicidal treatment of bedding shall label or mark all second-hand bedding and materials prior to manufacture, renovation, or germicidal treatment to show name and address of owner and reason for possession.

**[Source:** Amended at 14 Ok Reg 2254, eff 6-12-97]