



## **Vendor Compliance Guide**

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## I. INTRODUCTION

### A. A Note to Our Business Suppliers

Thank you for being a valued partner in delivering a unique, easy and inspiring shopping experience for our guests. Living Spaces commitment to 1) a large selection curated by lifestyle, 2) extraordinary value, 3) same day delivery, 4) consistent quality, 5) simplified processes, and 6) speed to market with new product introductions truly sets us apart in an ever more competitive retail landscape.

In order to deliver on our commitment, we partner with a small number of suppliers to provide meaningful and lasting business relationships. In turn, we require that you follow our processes, procedures and policies, which are outlined in detail throughout this Vendor Compliance Guide.

### B. Purpose of this Vendor Compliance Guide

Living Spaces is committed to ensuring that the products sold at Living Spaces are safe for their intended use, and comply with all applicable standards, requirements, rules, and regulations. This guide is intended to provide you with an overview of many of the requirements applicable to the products Living Spaces offers for sale in its stores, as well as Internet links to references to sources of additional information. This guide also identifies specific procedures you must follow in providing products to Living Spaces when applicable.

This guide is not intended to be a complete catalog of all applicable product regulations. It is your responsibility to ensure that all products comply with all applicable federal, state, and local statutes, rules, and regulations. Moreover, standards and regulations regarding consumer products are continually changing, and Living Spaces expects all of its business suppliers to remain current on requirements that apply to your products. This guide also will be updated periodically; business suppliers are expected to monitor for updates.

Be sure to carefully review the information and contact our Vendor Relations Manager with any questions.

Thank you for your cooperation and support. We truly value our relationship and look forward to a rewarding future as partners.

## II. CODE OF CONDUCT

Living Spaces is committed to maintaining the highest ethical standards in all of our business dealings and relationships. This commitment to ethical conduct starts at the highest levels of the organization and extends to every team member.

Business suppliers are expected to comply with all applicable laws and regulations of the federal, state, and local governments of the United States, as well as all applicable laws and regulations in the jurisdictions in which your merchandise is being manufactured and distributed. Living Spaces also requires that your operations comply with applicable national and international standards, including but not limited to child labor, forced labor, wages and hour, harassment and unsafe working conditions.

### A. Labor Standards

Business suppliers must comply with applicable national and international laws and regulations with regard to their employment practices and policies, including minimum wage, overtime, and benefits requirements relating to the business suppliers and to any contractors or subcontractors. No business supplier shall use forced or child labor. Business suppliers must not subject workers to corporal punishment, physical, sexual, psychological, or verbal harassment, or other forms of mental/physical coercion, abuse, or intimidation. Business suppliers must maintain procedures by which workers may report violations of the standards without fear of reprisal.

To the extent contractors or subcontractors play a role in the production of the goods you supply to us, you must ensure that they, too, adhere to these laws and regulations. More information on the use of subcontractors based in the United States can be found at the [U.S. Department of Labor website](#).

#### 1. *Child Labor*

Living Spaces does not tolerate child labor or any other form of exploitation of young employees by business suppliers. The minimum age for employment must be the oldest of (a) age, (b) the age at which compulsory education ends or (c) the youngest age allowed by applicable law. Subject to the exemptions granted under ILO, national regulations designed to protect children and young employees must be strictly observed. Compliance with the ban on child labor and the limitations imposed on the employment of young employees must be ensured. In particular, but without limiting the restrictions imposed, young employees must not be exposed to dangerous, unsafe or hazardous conditions. In the event of violations against this ban, the business supplier shall promptly take, and document, remedial action on behalf of any endangered children or young employees. In addition, the business supplier shall take such actions and implement such processes as may be necessary to see to the rehabilitation and social integration of any endangered children and young employees and must further enable them to finish school in accordance with domestic regulations. ILO Conventions 79, 138, 142, 182 as well as ILO Recommendation 146 apply.

## **2. *Forced Labor***

Living Spaces will not continue a relationship with any business supplier that uses or permits the use of forced labor in any of its facilities. “Forced labor” is that which is not offered voluntarily and is extracted from a person under the threat of penalty, including but not limited to prison labor, indentured labor, and bonded labor.

## **3. *Harassment or Abuse***

Business suppliers must ensure all workers are treated with dignity and respect, and not subject to harassment or abuse in their employment, including physical, verbal, sexual, or psychological harassment or abuse.

## **4. *Free Association***

Business suppliers must recognize and respect rights of workers to freedom of association and collective bargaining.

## **5. *Health and Safety***

Each business supplier shall provide a safe and healthy working environment. Business suppliers shall adopt the measures needed to prevent any accidents and/or health hazards as may arise in connection with work. For this purpose, business suppliers must put into place systems capable of detecting, avoiding and responding to potential health and safety hazards. In addition, each business supplier must guarantee, and document, that employees are periodically updated and trained on applicable health and safety laws and regulations and any necessary precautions or procedures to maintain a safe and healthy working environment. Access to clean toilets and to clean drinking water must be provided in sufficient quantities throughout all working hours. Insofar as dormitories or housing are available, they must be kept clean and safe and cover basic needs, including without limitation clean toilet and bathing facilities and clean drinking water, and the charge for any such dormitories or housing must be reasonable and if mandatory must not reduce the employees’ wages below the minimum. ILO Convention 155 applies.

## **6. *Wages and Benefits***

Business suppliers must comply with applicable laws regarding worker wages and benefits, as well as applicable local manufacturing or industry practices. Business suppliers must compensate workers for overtime at legal premium rates. In the absence of such laws, vendors must pay overtime wages at a minimum equal to regular hourly wage rates.

## **7. *Women’s Rights***

Business suppliers must ensure that women are treated equally in all facets of employment.

## **8. Working Hours**

Business suppliers must operate based on prevailing local work hours and observe applicable laws regarding vacation time, leave period, and holidays. Any time worked beyond the norm must be compensated according to local labor laws.

## **9. Discrimination**

Any form of discrimination in hiring and employment practices, including any distinction, exclusion or preference based on race, caste, skin color, gender, age, religious belief, political opinion, membership in workers' organizations, physical or mental disability, ethnic, national or social background, nationality, sexual orientation or any other personal characteristic protected by applicable law, is prohibited.

## **10. Anti-Corruption Policy**

Business suppliers must comply with Living Spaces Anti-Corruption Policy, which requires business to be conducted in an honest and ethical manner and in compliance with all applicable laws and regulations, including anti-corruption and anti-bribery laws such as the U.S. Foreign Corrupt Practices Act ("FCPA"), the United Kingdom Bribery Act ("UKBA"), local anti-corruption laws, and other applicable laws that prohibit corruption and bribery. In doing business anywhere in the world, business suppliers shall not directly or indirectly offer, pay, promise, authorize or receive any bribe, kickback or other illicit payment or benefit in violation of Living Spaces Anti-Corruption Policy, the FCPA, the UKBA or the anti-corruption laws of any other country in which Living Spaces or the business supplier does business. Among other things, the U.S. Foreign Corrupt Practices Act prohibits giving money or anything of value to foreign government officials, foreign political parties, or foreign political candidates for the purpose of influencing a foreign government. This includes giving payments or anything of value to intermediaries, such as sales representatives.

Business suppliers are responsible for complying with Living Spaces Anti-Corruption Policy, which may be amended from time to time. You have been provided with a copy of such Policy. If you need another copy, please contact our Vendor Relations Manager. Additional information on the U.S. Foreign Corrupt Practices Act can be found on the [United States Department of Justice—Foreign Corrupt Practices Act website](#).

## **11. Intellectual Property**

Any Business supplier selling Living Spaces branded merchandise must ensure it is authorized to sell such merchandise to Living Spaces and that selling such merchandise to Living Spaces will not interfere or infringe on the intellectual property or other rights of any third party, including the brand owner.



# Vendor Compliance Guide

## **B. Indemnification**

In order to business with Living Spaces, business suppliers must adhere to Living Spaces vendor terms and conditions, which may be amended from time. You have been provided with a copy of such terms and conditions. If you need another copy, please contact our Vendor Relations Manager. As part of such terms and conditions, all business suppliers must indemnify Living Spaces and its affiliates, for, among other things, failure to comply with such terms and conditions and Living Spaces Operations Guide and Compliance Guide and products supplied by business partners violating any applicable laws.



### III. PRODUCT REQUIREMENTS

At Living Spaces, our customers and their safety are extremely important to us. For this reason, it is of utmost importance that our products are safe and comply with all regulations in all locations that we do business.

We are aware that there are many rules and regulations regarding product safety, performance and composition and that many of these regulations may vary based on manufacturing processes and product type. Living Spaces expects all business suppliers to be aware of and comply with all legal requirements for the product they supply to Living Spaces Furniture.

As a starting point, all business suppliers must comply with all applicable requirements listed in the [Code of Federal Regulations](#) (CFR) as well as all regulations listed in [A Guide to United States Furniture Compliance Requirements \(NISTIR 8119\)](#).

Legislation is constantly under review and in development. It is ultimately the responsibility of business supplier to stay up to date with revised and new regulations that are put in to place as well as making sure that your products are compliant. Below is a list of some of the main U.S. legal requirements that our vendors must comply with before we can do business together.

Many of the statutes, regulations, standards, and requirements discussed in this guide contain provisions on recordkeeping. It is your responsibility to know when recordkeeping provisions apply to the products you sell to Living Spaces. Similarly, Living Spaces has recordkeeping responsibilities in certain situations. You must provide Living Spaces with records it requests within a reasonable time of Living Spaces requests.

#### A. Reporting and Recalls

If you learn of any information, including but not limited to a consumer complaint, other incident, warranty claims, or in-house quality control information, which indicates that your product may not comply with an applicable federal, state, or local consumer product safety law, standard, or regulation, you may need to file a report with appropriate governmental authorities, including, but not limited to, the CPSC under Section 15(b) of the Consumer Product Safety Act.

Section 15(b) requires that you report to the CPSC upon obtaining information which reasonably supports the conclusion that a product (1) does not comply with a consumer product safety rule or (2) contains a defect that could create a substantial risk of injury or presents an unreasonable risk of serious injury or death.

More information on Section 15(b) reporting can be found at CPSC's [Recall Guidance webpage](#).

Similarly, you may be required to recall a product from consumers if it fails to comply with applicable consumer product safety laws, standards, or regulations, including, but not limited to, the CPSIA and California's Proposition 65.

If you learn of an issue in which reporting or recall obligations may arise, you must report this to Living Spaces immediately.

## **B. U.S. Consumer Product Safety Improvement Act (“CPSIA”) Requirements**

### **1. *Certificates of Conformity***

Section 102 of the CPSIA requires domestic manufacturers and importers of products to certify that each of their products complies with each applicable rule, ban, standard, regulation, or law administered by the Consumer Product Safety Commission (“CPSC”). A conformity certificate must be based on testing of the actual product in question or a reasonable testing program, and failure to comply with this requirement can lead to rejection of product imports into the United States, product recalls, and civil and criminal penalties. Children’s products must be tested for compliance by a CPSC-approved third party testing lab, as described in greater detail below. Vendors are responsible for monitoring and remaining in compliance with CPSC updates. Products that currently require a conformity certificate include, but are not limited to:

- Children’s products
- Bunk beds
- Toddler Beds
- Furniture
- Mattresses
- Carpets and rugs

Information on certificates of conformity can be found at the [Consumer Product Safety Commission - General Certificate of Conformity website](#).

Additional information on third party testing and certification requirements is available at the [CPSC Testing & Certification website](#).

### **2. *Reasonable Testing Programs for General Use Products***

As noted above, CPSIA Section 102 requires all domestic manufacturers and importers of all consumer products subject to regulations enforced by CPSC to certify compliance with all applicable regulations.

For products that are not children’s products as defined in the CPSIA, a conformity certificate currently may be based either on a test of the finished product, or on a reasonable testing program (for children’s products, all testing must be performed by a CPSC-accredited lab, as discussed more fully in Section 2 below). CPSC has issued a proposed rule setting forth CPSC’s position on the requirements for a reasonable testing program. While the proposed rule is unlikely to become a Final Rule, it offers insight into CPSC’s perspectives on an appropriate reasonable testing program. The proposed rule defines a reasonable testing program as having the following components: (1) a product specification; (2) initial certification testing; (3) periodic production testing; (4) a remedial action plan if a product fails testing;

and (5) recordkeeping requirements. Although the rule has not been finalized, it offers helpful guidance and insight into the regulator's perspective.

Information on the proposed rule regarding reasonable testing programs can be found at [Consumer Product Safety Commission - Certification and Testing](#) (reasonable testing program) and [Consumer Product Safety Commission - Component Part Testing](#) (component parts testing).

### **3. Children's Products Requirements**

The CPSIA has created a number of standards and requirements for children's products. The CPSIA defines "children's products" as "consumer products designed or intended primarily for children 12 years of age or younger." In addition, some of the CPSIA requirements apply to the more specific children's product categories of "toys," and "child care items" (a "consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.").

All children's products you supply to Living Spaces must comply with the applicable standards and requirements of the CPSIA, many of which are discussed in this Section. CPSC's CPSIA Guidance webpage provides information on CPSIA.

#### **a. Mandatory Third Party Testing**

Section 102 of CPSIA requires all manufacturers, domestic importers, and private labelers of all consumer products subject to regulations enforced by CPSC to certify compliance with all applicable regulations. For children's products, CPSC-approved third-party testing is required, consistent with CPSC's rules on testing and certification of children's products. Information is available at [CPSC's Third Party Testing Guidance webpage](#) provides additional information.

#### **b. Tracking Labels**

Section 103 of CPSIA requires manufacturers of children's products to place permanent labels on the product and its packaging, to the extent practicable, that will enable:

- The manufacturer to determine:
  - the location and date of production of the product
  - cohort information (including the batch, run number, or other identifying characteristic); and
  - any other information needed by the manufacturer to aid in determining the specific source of the product.
- The consumer to determine:
  - the manufacturer;
  - production date and location; and
  - cohort information (including the batch, run number, or other identifying characteristic).

All children's products you supply to Living Spaces must include compliant tracking labels. Information on this requirement is available at [CPSC's Tracking Label Guidance webpage](#).

#### **4. CPSC Consumer Product Safety Standards**

##### **a. Lead in Substrates and Surface Coatings**

Under Section 101 of the CPSIA, no accessible component of a children's product may contain more than 100 ppm lead, and no surface coating may contain more than 90 ppm lead. The lead limit excludes inaccessible components, which are defined as those parts inaccessible to a child through normal and foreseeable use and abuse. The use of paint, coatings, or electroplating does not render a component inaccessible.

Third party testing is required to demonstrate compliance with CPSC's lead limits. Information on Section 101 of CPSIA is available at [CPSC's Lead Guidance webpage](#).

##### **b. Phthalates**

CPSIA bans any toy or child care article containing more than 0.1 percent DEHP, DBP, DINP, DPENP, DHEXP, DCHP or BBP.

A "toy" is a product designed or intended by the manufacturer to be used by children when they play. A "child care article" is a product designed or intended by the manufacturer to facilitate sleep, relaxation, the feeding, sucking, or teething.

Third party testing is required to demonstrate compliance with CPSC's lead limits. Information on Section 108 of CPSIA is available at [CPSC's Phthalates Guidance webpage](#).

##### **c. Lead Paint on Furniture**

All pieces of moveable children's furniture that contain a surface coating, such as beds, bookcases, chairs, chests, tables, dressers, and console televisions, must meet the requirements of the Lead Paint Regulation, 16 CFR 1303, which prohibits more than 90 parts per million lead in any surface coating. Manufacturers and importers must certify compliance with the lead standard in a Children's Product Certificate ("CPC") based on testing by a CPSC-accepted, third party laboratory.

All general use moveable furniture that contains a surface coating must be certified as compliant with lead surface coating limit, as well.

Additional information is available at:

[CPSC's Lead Paint on Furniture Guidance webpage](#)

**d. Flammability of Mattresses**

All children’s mattresses, mattress pads, and other covered products must meet applicable safety standards for flammability, 16 CFR 1632 (Standard for the Flammability of Mattresses and Mattress Pads) and 1633 (Standard for the Flammability of Mattress Sets). Manufacturers and importers must certify compliance with the standard in a Children's Product Certificate (“CPC”) based on testing by a CPSC-accepted, third party laboratory. A bunk bed is defined as a bed in which the underside of any foundation is over 30 inches (760 mm) from the floor.

All general use mattresses, mattress pads, and other covered products must be certified as compliant with the applicable safety standards, 16 CFR 1632 (Standard for the Flammability of Mattresses and Mattress Pads) and 1633 (Standard for the Flammability of Mattress Sets).

Additional information is available at [CPSC’s Mattress Flammability guidance webpage](#).

**e. Flammability of Carpets and Rugs**

All carpets and rugs must be certified as compliant with the applicable safety standard, 16 CFR 1630 (Standard for the Flammability of Mattresses and Mattress Pads) and 1633 (Standard for the Flammability of Mattress Sets).

Additional information is available at [CPSC’s Carpets and Rugs guidance webpage](#).

**f. Standard Consumer Safety Specification for Bunk Beds**

All children’s bunk beds must meet the safety specification for children’s bunk beds, 16 CFR 1513. Manufacturers and importers must certify compliance with the standard in a Children's Product Certificate (“CPC”) based on testing by a CPSC-accepted, third party laboratory. A bunk bed is defined as a bed in which the underside of any foundation is over 30 inches (760 mm) from the floor.

All general use bunk beds must be certified as compliant with the safety standard for bunk beds, 16 CFR 1213 (this standard is substantially similar to the standard for children’s bunk beds).

Additional information is available at [CPSC’s Bunk Bed guidance webpage](#).

**g. Anti-Tipping Safety Specifications—ASTM F2057-19**

The U.S. Consumer Product Safety Commission deems furniture that does not comply with ASTM F2057-19 as defective and posing a substantial product hazard subject to Section 15(b) reporting and possible recall. Every supplier is responsible for ensuring that all case good items sold to Living Spaces are in compliance with ASTM Anti-Tipping Standard Safety Specifications F2057-19. F2057-19 applies to all units intended for storage of clothing 27 inches and above in height. The standard establishes tip over performance and labeling requirements. Suppliers are also responsible for ensuring that the tip over restraints used for clothing storage units, as defined in F2057-19, follow ASTM F3096 specifications.



**Note- This label is not to scale**



The label and hardware pack must be placed on the RSF side panel of the top drawer.

## **C. Appliance Efficiency Standards**

Federal and California law establish efficiency requirements for certain types of appliances, including portable luminaires (e.g., corded table and floor lamps) and battery charging systems. Covered products must meet efficiency limits and be certified as compliant.

### **1. *U.S. Department of Energy Appliance Efficiency Requirements***

Under the Energy Policy and Conservation Act of 1975, the Department of Energy sets minimum energy efficiency standards for approximately 60 categories of commercial and consumer appliances and equipment, including lighting products and battery charger systems. Covered products must comply with applicable efficiency standards, and manufacturers must certify compliance to DOE and provide specified efficiency information on the product label. More information on DOE appliance efficiency standards is available at the [DOE program webpage](#).

### **2. *California Appliance Efficiency Requirements***

California's Appliance Efficiency Regulations establish efficiency requirements for a variety of appliance products offered for sale in California, ranging from kitchen appliances to plumbing fixtures to battery chargers. Some of these requirements overlap with the federal requirements, while others are in addition to the federal requirements. In general, covered products must be:

- Compliant with product-specific energy performance standards;

- Tested by a CEC-approved third party test lab to demonstrate compliance;
- Certified as compliant and listed in the CEC's database of compliant products; and
- Marked in accordance with product-specific marking requirements.

Certification information is available at [California - Appliance Efficiency Program](#).

### **3. California RoHS Law – Light Bulbs and General Lighting Products**

California has adopted the EU's Reduction of Hazardous Substances Directive (RoHS) for light bulbs. RoHS, which California references directly in the California Health & Safety Code, prohibits light bulbs with hazardous substances, such as lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), and polybrominated diphenyl ethers (PBDE) above certain limits by weight. Information on California's RoHS law can be found at [California - Restrictions on the Use of Certain Hazardous Substances \(RoHS\) in Electronic Devices](#). General lighting products you provide to Living Spaces must comply with California's RoHS law.

### **4. UL Compliance for Electric Products**

Underwriters Laboratories Inc. is an independent product safety certification organization that tests products and writes safety standards for those products. Many of these standards are in turn utilized by the CPSC as voluntary safety standards. These standards relate largely to electric products and include, but are not limited to, batteries, electric heaters, and smoke alarms. Your products must comply with all applicable UL safety standards, and be labeled accordingly.

Information on the UL process is available at [UL - Certification](#).

#### **D. Chemical Management**

##### **1. California Proposition 65**

Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or that are released into the environment. By requiring that this information be provided, Proposition 65 enables Californians to make informed decisions about their exposures to these chemicals. Living Spaces require that all products shipped to Living Spaces are in compliance with Proposition 65.


You can find more information about Proposition 65 online at [California - Office of Environmental Health Hazard Assessment – Proposition 65](#).



a. **Revised Proposition 65 “Safe Harbor” Warning Requirements for Products—Effective August 30, 2018**

Recently, amendments to the Proposition 65 clear and reasonable warning regulations became final. The revised requirements apply to products manufactured on and after August 30, 2018. More information is available at [California - Prop 65 Amendments](#).

Key changes include:

- Warnings must identify at least one chemical in the product associated with the toxicological endpoint (cancer or reproductive harm) for which the warning is being given.
- Warnings must include a warning symbol () and link to OEHHA’s Proposition 65 information page: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
- Specific warning methods for certain product types, including furniture.
- Products sold online must include a warning on the product display page or in association with the product prior to purchase.

You can find additional information on the Proposition 65 Amendments at [California – Proposition 65 Warning Amendments](#).

**See Appendix A for additional information and instructions on Prop 65.**

2. ***State Children’s Product Chemical Requirements***

a. **Washington Children’s Safe Products Act**

You must assure that all children’s products you provide to Living Spaces comply with the Washington Children’s Safe Products Act (RCW § 70.240.010 et seq.) (“CSPA”) when they are sold to consumers in Washington. The CSPA: (1) prohibits lead, cadmium, and phthalates above certain levels in children’s products; and (2) requires reports to the Washington Department of Ecology for children’s products offered for sale in Washington that contain certain chemicals on the Department’s list.

Children’s products covered by the Washington Children’s Safe Product Act (Washington CPSA), but not specifically covered by CPSIA limits on lead, cadmium, or phthalates, may not contain more than:

- 90 ppm lead
- 40 ppm cadmium
- 1,000 ppm phthalates - either individually or in combination

Annual reports are required for products containing covered chemicals if the chemical is intentionally added to the product or is a contaminant above 100 ppm.

More information is available at [Washington – Children’s Safe Products Act](#).

## **b. Oregon Toxic-Free Kids Act**

You must ensure that all children’s products you provide to Living Spaces comply with the Oregon Toxic-Free Kids Act when they are sold to consumers in Oregon. The Act establishes a list of high priority chemicals of concern (HPFCCs) that are used in the manufacture of products intended for use by children under the age of 12.

The Act defines “children’s products” as:

- Car seats
- Childcare products intended to facilitate sucking, teething, sleep, relaxation, feeding or drinking
- Clothing and footwear
- Cosmetics
- Jewelry
- Toys

If your children’s products sold in Oregon contain one or more of the HPFCCs, you will be required to report on a biennial basis starting **January 1, 2018**. Reporting is required if the HPCCs are:

- Intentionally added and exceeds the practical quantitation limit (PQL) or
- A contaminant that exceeds 100 ppm.

More information is available at [Oregon Health Authority](http://www.oregon.gov/oha/ohahd/chemicals/chemicalsafety/Pages/oregon-toxic-free-kids-act.aspx).

## **c. Vermont Toxic Free Families Act**

The Vermont Toxic Free Families Act requires manufacturers (including any person selling a product to a retailer in Vermont where the manufacturer or brand holder does not have a presence in the United States) who use certain chemicals in children’s products in accessible components to disclose information about these chemicals to the Vermont Department of Health. Every two years, manufacturers of children’s products must submit a notice for each Chemical of High Concern to Children, as designated by the state, in a children’s product it manufactures if the chemical is intentionally added to the product or is a contaminant above 100 ppm.

Information on the Vermont Toxic Free Families Act and the Online Reporting System can be found at <http://healthvermont.gov/enviro/chemical/cdp.aspx>.

## **d. Maine Toxic Chemicals in Children’s Products Act**

The Maine Toxic Chemicals in Children’s Products Act restricts the sale of designated children’s products containing chemicals identified by the state as Priority Chemicals. Manufacturers (including importers if the manufacturer or brand holder does not have a presence in the United States) selling designated children’s products containing these Priority Chemicals must provide certain information to the Maine Department of Environmental Protection. The Act also authorizes Maine to prohibit the sale of children’s products containing Priority Chemicals.

Information on the Maine Toxic Chemicals in Children's Products Act can be found at <http://www.maine.gov/dep/safechem/index.html>.

## e. California Safer Consumer Products Regulation

Under the California Green Chemistry Initiative, the California Department of Substance Control (the "Department") is required to issue regulations that

- identify chemicals that are hazardous to human health and/or the environment;
- identify specific products ("priority products") where specific chemicals ("chemicals of concern") are found; and
- require responsible parties to remove the product from sale in California, remove the chemical from the product, or conduct an analysis to determine what alternatives can be used in place of the identified chemical.

The manufacturer bears the primary responsibility for compliance. However, compliance obligations also extend to others who place the product into the stream of commerce in California if the manufacturer does not comply with the requirements.

If you supply Living Spaces products subject to final regulations now or in the future, you are responsible for compliance. You can find further information at [California Department of Toxic Substances Control - Safer Consumer Products](#).

## 3. *Model Toxics in Packaging Legislation*

The Model Toxics in Packaging Legislation limits the amount of lead, cadmium, hexavalent chromium, and mercury allowed in retail and shipping packaging materials including, but not limited to, corrugated boxes, cartons, staples, and tape. A number of states, including California, have adopted the model legislation. Information on the model legislation can be found at [Toxics in Packaging Clearinghouse](#).

Under this standard, packaging containing cadmium, lead, mercury, or hexavalent chromium that was intentionally introduced during manufacture or distribution is barred from production, sale, or promotion. Packaging containing these metals is permissible if they are incidentally present at not more than 100 parts per million by weight. Manufacturers are required to maintain a certificate of compliance. All product packaging used in supplying products to Living Spaces must comply with these requirements.

## 4. *Illinois Lead Poisoning Prevention Act*

You must assure that all products you provide to Living Spaces comply with the Illinois Lead Poisoning Prevention Act ("ILPPA") (410 ILCS 45/1 et seq.) when they are sold to consumers in Illinois. ILPPA prohibits the sale, offer for sale, or transfer of any children's jewelry, child article, or toy containing paint that contains any component with more than 40 ppm lead and less than 600 ppm unless it includes the following warning on the product or package:

WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH FEDERAL STANDARDS

The ILPPA also prohibits the sale, offer for sale, or transfer of any other non-children's lead-bearing product containing more than 600 ppm lead unless it contains the following warning on the product or package:

WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.

Additional information on the Illinois Lead Poisoning Prevention Act is available at:

- [Illinois General Assembly - Lead Poisoning Prevention Act](#)
- [Illinois General Assembly - Lead Poisoning Prevention Act \(2012 Amended\)](#)

## **E. State Flammability Requirements**

### **1. *California Filling Material Flammability***

You must ensure that all upholstered furniture and bedding products you provide to Living Spaces comply with California requirements regarding flammability. The Bureau of Electronic Appliance Repair, Home Furnishings and Thermal Insulation (BHFTI) issues regulations governing flammability in filling materials.

Filling material is defined as any material, substance, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed to be used or that could be used in articles of bedding or upholstered furniture.

You are required to make sure all filling material utilized in articles of bedding or upholstered furniture is compliant with BHFTI regulations. Please be aware that the BHFTI regulations changed in 2014.

Information on the requirements is available at [California - BEARHFTI Licensing and Testing](#).

### **2. *State Restrictions on Flame Retardants in Certain Children's Products***

Several states, and some cities ban or restrict the use of flame retardants in certain product categories, particularly children's products and furniture. The requirements frequently change as states consider new or modified legislation regarding flame retardants. Commonly restricted flame retardants includes:

- Deca-BDE
- HBCD (HBCDD)
- TDCPP
- TCEP
- Additive TBBPA

You must ensure that all of your products comply with all applicable state requirements regarding these restrictions or bans. For products to which these flame retardant restrictions apply, Living Spaces will not attempt to segregate inventory destined for these locations, absent specific pre-purchase order written notice to the Living Spaces Legal Department and written approval from an appropriate Living Spaces Representative. Living Spaces relies on vendors to provide compliant products, which include compliance with all applicable state and local restrictions on the use of flame retardants.

States and cities that have restrictions, or are considering restrictions, include (additional information links provided as available):

- [California](#)
- Hawaii
- Illinois
- Maryland
- Michigan
- [Minnesota](#)
- Washington, D.C.
- New York
- [Oregon](#)
- [Washington](#)
- [San Francisco](#)

## **F. Labeling Requirements**

### **1. *Imported Products – Country of Origin Labeling***

Imported products (or their containers) must be labeled to show the country of origin. Labels must be conspicuously placed and as legible, indelible, and permanent as possible given the nature of the product, so as to inform the ultimate purchaser of the origin of the product.

Additional information is available at [Customs and Border Protection - Country of Origin Marking](#).

### **2. *Labeling of Textile and Wool***

Regulations of the Federal Trade Commission (“FTC”) require the labeling of textile and wool products, including fiber content, country of origin, and identity of the manufacturer. The labeling requirements are set forth in the regulations issued pursuant to the Textile Fiber Products Identification Act and the Wool Products Labeling Act, respectively.

Information on these requirements is available at the following websites:

- [Federal Trade Commission - Textile Products Identification Act](#)
- [Federal Trade Commission - Threading Your Way through the Labeling Requirements under the Textile & Wool Acts](#)
- [Federal Trade Commission - Wool Product Labeling Rules](#)

**a. Country of Origin**

Most textile and wool products must be labeled to show the country of origin. Imported products must identify the country where they were processed or manufactured. Products made entirely in the U.S. of materials also made in the U.S. must be labeled “Made in U.S.A.,” or with an equivalent phrase. Products manufactured in the U.S. from imported materials must be labeled to show the processing or manufacturing that takes place in the United States, as well as the imported component. Products manufactured in part in the U.S. and in part abroad must identify both aspects. The label must be securely attached to the product such that it remains until it reaches the consumer. However, it need not be permanent.

**b. Fiber Content**

Most textile and wool products must be labeled to show the fiber content. The generic fiber names and percentages by weight of each constituent fiber must be listed in descending order of predominance. The label must be securely attached to the product such that it remains until it reaches the consumer. However, it need not be permanent.

**3. *Quantity Labeling for Packaged Consumer Products***

The federal Fair Packaging and Labeling Act (“FPLA”) requires that certain consumer products sold in product packaging be labeled to identify the manufacturer or distributor of the product, as well as the quantity, including weight/volume and count. The FPLA, and regulations issued under it, sets forth a number of requirements for labeling, such as identification of the proper unit of measurement for a given product and font size and presentation on labels.

Information on the FPLA is available at [Federal Trade Commission - Fair Packaging & Labeling Act](#).

In addition, many states have adopted the Uniform Packaging and Labeling Regulation (“UPLR”), which, similar to the FPLA, requires a packaging label to include the name and place of business (city, state and zip code) of the manufacturer, packer, or distributor, and the net quantity of the commodity contained in the package in terms of weight, measure, volume, or count. The label should be affixed to the packaging so that it remains intact until the unit reaches the ultimate consumer. All labeling must be prominent, definite, plain, and conspicuous as to size and style of letters and numbers, contrasting with the background and other printing that may appear on the packaging.

Information on the UPLR is available at [Uniform Packaging & Labeling Regulations](#).

You must ensure that product you supply to Living Spaces comply with the FPLA or any other applicable state requirements.

## **G. Registration, Licensing, and Labeling of Bedding and Furniture**

### **1. *Registration and Licensing***

Manufacturers of bedding and furniture products including, but not limited to pillows, mattresses, comforters, sofas, upholstered chairs, sleeping bags, children’s car seats and reclining chairs are required to obtain a Uniform Registry Number (URN). The URN identifies the company as the manufacturer of the products and must be printed on any required law labels.

Currently, URNs may be obtained from one of the following states/cities:

- California
- Connecticut
- Delaware
- City of Detroit, Michigan
- Massachusetts
- New York
- North Carolina
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- Utah
- Virginia
- West Virginia

After registering in one of the states listed above, the issued URN must then be licensed and registered in the remaining states. The types of products requiring registration, associated fees and renewal vary from state to state. Vendors are responsible for ensuring their products are properly registered.

### **2. *Uniform Bedding and Upholstery Label Requirements***

Living Spaces requires all vendors to be in compliance of the Uniform Law Label requirements. Filled bedding, sleeping bags, and furniture sold in the USA require a uniform law label to be attached to the item. The purpose of the labels is to inform customers on the content of the stuffing. In addition, many states will require that the label to have a registration number. Below are some samples of the law labels. For more details and complete list of requirements regarding the Uniform Law Label visit <http://iabflo.org/>.

# Vendor Compliance Guide

<b>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</b>
<b>ALL NEW MATERIAL consisting of</b>
<b>REG. NO.</b>
Certification is made by the manufacturer that the materials in this article are described in accordance with law
<b>MADE BY [or MADE FOR]</b> Name and address of manufacturer, importer or distributor as appropriate
Date of Delivery _____ Finished Size: in. x in. Net Wgt. of Filling Mat 'l': lbs. oz. Cover: <b>MADE IN</b>

Sample Bedding Law Label

<b>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</b>
<b>ALL NEW MATERIAL consisting of</b>
<b>REG. NO.</b>
Certification is made by the manufacturer that the materials in this article are described in accordance with law
<b>MADE BY [or MADE FOR]</b> Name and address of manufacturer, Importer or distributor
<b>MADE IN</b>

Furniture Law Label Sample

<b>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER</b>
<b>ALL NEW MATERIAL consisting of</b> BODY: BACK CUSHION: ( x ) SEAT CUSHION: ( x )
<b>REG. NO.</b>
Certification is made by the manufacturer that the materials in this article are described in accordance with law
<b>MADE BY [or MADE FOR]</b> Name and address of manufacturer, Importer or distributor
<b>MADE IN</b>

Furniture Law Label Sample



<p><b>NOTICE</b></p> <p><b>THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013.</b></p> <p><b>CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.</b></p>	<p>The upholstery materials in this product:</p> <p>_____contain added flame retardant chemicals</p> <p>_____contain NO added flame retardant chemicals</p> <p>The State of California has updated the flammability standard and determined that the fire safety requirements for this product can be met without adding flame retardant chemicals. The state has identified many flame retardant chemicals as being known to, or strongly suspected of, adversely impacting human health or development.</p>
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California TB 117-2013 WITH SB1019 Chemical Statement

**H. Miscellaneous**

**1. *Label for Motion Lift Tops***

Living Spaces requires that all tables with a lift top have a caution attached on the lift table top. The label must follow the criteria listed below.

- Label size 3.5" x 3.5"
- This label must be printed in red wording
- This label must be placed on the underside of the lift table top



2. ***Formaldehyde in Composite Wood Products***

a. **U.S. Environmental Protection Agency Formaldehyde Standard for Composite Wood Products**

Under the Formaldehyde Standards for Composite Wood Products Act, products containing composite wood, such as furniture, picture frames, and other home décor items, you supply to Living Spaces must comply with certain formaldehyde emission standards. The requirements apply to products made from hardwood plywood, particleboard, and medium density fiberboard. Products must be made from composite wood that meets formaldehyde emissions standards and is verified through third-party testing. Products and their invoices/bills of lading must be labeled with specified certification language, including a compliance statement and date and year of manufacture.

More information is available at [EPA's webpage on Formaldehyde Emission Standards for Composite Wood Products](#).

b. **California Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products**

California's Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products is substantially similar to EPA's requirements, mandating that composite wood products sold in or supplied to California meet emissions limits and comply with testing and labeling requirements. Information on the Composite Wood ATCM is available at [California Air Resources Board - Formaldehyde Emissions in Composite Wood Products](#).

### **3. *State Bans or Restrictions on Polystyrene Products***

Several states, cities, and other local jurisdictions have enacted legislation or are considering legislation banning, restricting or limiting the sale of products containing polystyrene or other types of easily breakable foam, including packing peanuts.

You must ensure that all of your products comply with all applicable state, city, and local requirements regarding these restrictions or bans. For products to which these restrictions apply, Living Spaces will not attempt to segregate inventory destined for these locations, absent specific pre-purchase order written notice to the Living Spaces Legal Department and written approval from an appropriate Living Spaces Representative. Living Spaces relies on vendors to provide compliant products, which include compliance with all applicable state and local restrictions on the use of polystyrene and other similar foam substances.



# Vendor Compliance Guide

## IV. RECORDS & CERTIFICATES

It is imperative that all vendors comply with all requirements in this Vendor Compliance Guide. As requested by Living Spaces representatives from time to time, you will provide all required certifications and proof of adherence to all applicable laws.

**\*Please note that the Living Spaces Vendor Compliance Guide is subject to change as deemed necessary by Living Spaces. If you are doing business with us, you must comport to this Guide.**

## Appendix A


### NEW CALIFORNIA PROPOSITION 65 “SAFE HARBOR” WARNINGS

**July 2018**

As you should be aware, California’s Proposition 65 (also known as the Safe Drinking Water and Toxic Enforcement Act of 1986) requires businesses to give a “clear and reasonable warning” to individuals in the state before knowingly and intentionally exposing those individuals to significant levels of a chemical on the state’s list of known carcinogens and reproductive toxins.

The new Prop 65 requirements will take effect for products manufactured on and after **August 30, 2018**. More information regarding these revisions is available at <http://oehha.ca.gov/proposition-65/cnr/notice-adoption-article-6-clear-and-reasonable-warnings>

Key revisions to Proposition 65 include:

- Warnings must now identify at least one chemical in the product associated with the toxicological endpoint (cancer or reproductive harm) for which the warning is being given.
- Warnings must include a warning symbol () and link to OEHHA’s Proposition 65 information page: [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).
- Warnings for products sold online must be included on the product display page.
- Specific warning methods for certain product types, including furniture.

You are responsible for ensuring that your products are labeled with Proposition 65 warnings (including any warnings required by the recent revisions to Proposition 65), per the terms under which you supply your products to Living Spaces. Living Spaces will not accept shelf signs or tags, or otherwise label products for you, without advanced written approval.

If your product is labeled with a Proposition 65 warning and is offered for sale online by Living Spaces, you must provide us with the warning language to be used for online sales. Inspection, approval, or assistance by Living Spaces of your warning or warning method does not relieve you from any of your obligations to comply with Proposition 65. These obligations survive inspection, installation, acceptance and payment by Living Spaces and Living Spaces customers.

At this time, we ask that you use the accompanying spreadsheet to identify all products that you supply to Living Spaces that require warnings, and provide the exact warning language, so that Living Spaces may reproduce the warning on [livingspaces.com](http://livingspaces.com). You may optionally provide specific information on the Prop 65 Listed Chemicals within your products.

**Please send the completed spreadsheet, as well as any inquiries, to:**

**[[Prop65@livingspaces.com](mailto:Prop65@livingspaces.com)]**

Thank you for your time and attention to this important matter.