

**BUREAU OF ELECTRONIC AND APPLIANCE
REPAIR HOME FURNISHINGS AND
THERMAL INSULATION**

Meeting Materials

**ADVISORY COUNCIL MEETING
Tuesday, March 3, 2015, 9:00 a.m.**

**PUBLIC WORKSHOP REGARDING IMPLEMENTATION OF
SENATE BILL 1019
(LENO, CHAPTER 862, STATUTES OF 2014)
Tuesday, March 3, 2015, 1:00 p.m.**

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**BUREAU OF ELECTRONIC AND APPLIANCE REPAIR
HOME FURNISHINGS AND THERMAL INSULATION**
4244 S. Market Ct, Suite D, Sacramento, CA 95834-1243
P (916) 999-2041 F (916) 921-7279 / www.bearhfti.ca.gov

**ADVISORY COUNCIL MEETING
NOTICE & DRAFT AGENDA
Teleconference Meeting**

Tuesday, March 3, 2015, 9:00 a.m.

Bureau of Electronic and Appliance Repair,
Home Furnishings and Thermal Insulation
4244 South Market Court, Suite D (Main Conference Room)
Sacramento, California 95834-1243
Teleconference Phone Number: 866-842-2981
Participant Passcode #: 4598662

Advisory Council Members

Sharron Bradley, Industry	David Spears, Industry
Burt Grimes, Industry	Joanne Mikami, Public
Linda Hinojosa, Industry	<i>Vacant, Public</i>
David Velasquez, Industry	<i>Vacant, Public</i>
Timothy Hawkins, Industry	

Unless noticed for a specific time, items may be heard at any time during the period of the Council meeting.

The Bureau welcomes and encourages public participation in its meetings. The public may take appropriate opportunities to comment on any issue before the Bureau at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Welcome and Introductions
 - a. New Chief Introduction
 - b. Council Member Introductions
 - c. Future Meeting Dates

2. Regulatory Update
 - a. Overview of Regulatory Priorities for 2015
 - b. Advertising Regulations Concept
 - c. Update on Thermal Insulation Regulations

3. Legislative Update

4. Bureau Operations
 - a. CPS and Legislative Report Update
 - b. Licensing Update
 - c. TB 117-2013 Compliance Update
 - d. Enforcement Update
 - i. Telephone Disconnect Authority
 - ii. SB 1019 Labeling and Documentation Requests
5. Bureau Outreach Efforts: Update and Solicitation for other Activities
6. Public Comment for Items not on the Agenda
7. Adjournment

This meeting facility is accessible to the physically disabled. A person who needs a disability-related accommodation or modifications in order to participate in the meeting may make a request by contacting Victoria Hernandez at (916) 999-2055 or, for the hearing impaired, TDD (800) 326-2297; or by sending a written request to the Bureau at 4244 South Market Court, Suite D, Sacramento, CA 95834-1243, Attention: Victoria. Providing at least five working days' notice before the meeting will help ensure the availability of accommodations or modifications.

Interested parties should call the Bureau at (916) 999-2055 to confirm.



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**PUBLIC WORKSHOP REGARDING IMPLEMENTATION OF
SENATE BILL 1019 (LENO, CHAPTER 862, STATUTES OF 2014)**

NOTICE & AGENDA

Teleconference Meeting

Tuesday, March 3, 2015, 1:00 p.m.

Bureau of Electronic and Appliance Repair, Home Furnishings
and Thermal Insulation Headquarters

4244 South Market Court, Suite D (Main Conference Room)
Sacramento, California 95834-1243

Teleconference Phone Number: 866-842-2981

Participant Passcode #: 4598662

Background

In 2014 the Governor signed SB 1019 (Leno, Chapter 862, Statutes of 2014). SB 1019 establishes disclosure requirements of upholstered furniture. Specifically, upholstered furniture manufactured after January 1, 2015 must identify whether chemical flame-retardants were added to components of the product.

Implementation has been underway since the start of the year. Several interested parties have requested clarification of several provisions within the new law. The Bureau has addressed these questions, when it could, on a case-by-case basis. However, interested parties have expressed a desire to update the Bureau's Frequently Asked Questions (FAQ) document on SB 1019 (http://www.bearhfti.ca.gov/about_us/sb_1019_faq.pdf), or adopt regulations to provide further direction to industry, or both.

The purpose of this workshop is for the Bureau to brief interested parties on: 1) Questions and answers the Bureau has provided thus far on SB 1019 implementation, 2) to solicit feedback on the Bureau's FAQ document to determine if an update is required, and 3) to solicit feedback on ambiguities in the law to determine if regulations are required at this time.

Draft Agenda

1. Bureau Update on SB 1019 Implementation
 - a. Collaboration with Department of Toxic Substances Control
 - b. Current Enforcement Efforts
 - c. Questions Received and Answers Provided Thus Far
2. Request for Stakeholder Comment on Bureau's FAQs
3. Request for Stakeholder Comment for Need of Regulatory Clarification
4. Adjournment

DRAFT BEARHFTI Regulation Priorities for 2015

Subject	Issue	CCR Section	Status
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Noticed Regulations

Interlock Ignition Devices	Allows service dealers to install ignition interlock devices.	16 CCR 2744 et seq.	Noticed with The Office of Administrative Law. Regulatory Hearing March 24, 2015.
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In Development

Fee Increase – Manufacturers, Importers	Raise the fee to the maximum (\$100 increase)	4 CCR 1107	Bureau Developing
Citation Cap Increase – EAR	Align the citation fees in conjunction with general provisions	16 CCR 2771	Bureau Developing
Citation Cap Increase – HFTI	Align the citation fees in conjunction with general provisions	4 CCR 1383.2	Bureau Developing
Disciplinary Guidelines – EAR	Update with additional probationary provisions	16 CCR 2775	Bureau Developing
Disciplinary Guidelines – HFTI	Update with additional probationary provisions	4 CCR 1379	Bureau Developing
Advertising – HFTI	Update advertising regulations	4 CCR 1300 et seq.	Bureau Seeking Input
Service Contract Application - EAR	Update for existing law changes	16 CCR 2756	Bureau Developing
Thermal Insulation	Potential revisions based on AB 127 (Skinner, Ch. 579, Stats of 2013) implementation and potential Energy Commission efficiency updates	Building Standards	Bureau Seeking Input

Home Furnishings Sale Price Advertising & Going Out of Business Sale Regulations

4 CCR §§1300 et seq.

Existing HFTI Regulations Regarding Markdowns: Several provisions within Article 10 of the home furnishings regulations are vague. For example, under section 1302, a former price must be established as the prevailing market price in the area for the purposes of marking an article down on sale. Given the variety of furniture, and each article's variations in style and color, complying with these regulations is difficult as is enforcing them.

The Bureau believes the intent of these regulatory provisions was to prevent untruthful percentage markdowns of prices on furniture. However, in the real market, furniture differs considerably according to the areas and types of furniture.

Possible Solution for Discussion: Change section 1302 so that the pricing of items with a percentage markdown is based off the suggested retail price of the article. Therefore, there is a solid measure here if the advertising is genuine.

Existing HFTI Regulations Regarding “Going Out of Business” and “Liquidation” Sales: Section 1305, regarding closing business sales, may also benefit since any markdown would have to be associated with suggested retail price of the article. However, for purposes of this section and section 1312, regarding liquidation sales, can also be sources of abuse when a business is not genuinely going out of business.

Possible Solution for Discussion: For purposes of advertising, sales of these types cannot extend past 90 days, the business must be in the process of closing, and no new stock or merchandise can be delivered to prolong the sale.

Barrier Research Study

Open Flame Test Method for Barrier Materials – Work Plan

Background:

As part of adopting Technical Bulletin 117-2013 regulations, the Bureau states the following in its initial statement of reasons:

The Bureau understands that fire-barrier technology is still evolving and that fire data, trends and studies of residential fires continue to emerge. In view of that, the Bureau will continue its ongoing efforts to evaluate and re-evaluate its flammability standards through research, testing and keeping abreast of new technologies. As part of this ongoing effort, the Bureau will commence a two-year study on available and emerging fire barrier materials and other relevant technologies to examine their open flame fire resistant properties, to monitor and evaluate cost effectiveness, and determine their applicability in open flame testing of upholstered furniture. These efforts will be in-conjunction with other governmental agencies and interested stakeholders.

Proposed Work Plan:

Phase 1 (Complete):

- Send an email invitation to all interested parties requesting comments and ideas regarding the draft test method developed referred to as "Proposed Open Flame Test for Barrier Materials."
- Consider responses before implementing this test method to be used for research on barriers available in the marketplace.

Timeline: Completed October 31, 2014.

Phase 2:

- Select a representative workgroup that will be productive and manageable to enable the collecting of existing and emerging barrier materials and technologies available in the marketplace (Complete).
- Work in conjunction with the barrier industry to collect existing barrier materials.
- Examine the barriers utilizing the proposed open flame test standard and the smoldering test standard (TB117-2013 Section 2).
- Conduct correlation studies; compare actual real-life furniture scenarios to the draft open flame test for barrier materials.
- Conduct inter-laboratory testing (once a robust regiment is established).

Timeline: Commence March 2015 and complete by December 31, 2015 (approximately 9 months).

Phase 3:

- Determine if a representative work group is needed. If so, select membership.
- Address concerns of the test method: feasibility and ease of use of barriers in the manufacturing world.
- Address national studies and data regarding open-flame issues, justification, regulatory aspects, and consumer costs.
- Perform flame retardant chemical evaluation of barriers.
- Consider lifecycle analysis of barrier usage in furniture.
- Depending on the Bureau's budget condition, a cost benefit analysis will be sought to comprehensively evaluate the impact of barrier usage in furniture to the market and consumers.

Timeline: Complete by May 31, 2016 (approximately 5 months).

Phase 4:

- Outcome; what is achievable, working hypothesis; all interested parties.

Timeline: Complete by September 30, 2016 (approximately 4 months).

Phase 5:

- Final conclusion and implementation; all interested parties.

Timeline: Complete by December 31, 2016 (approximately 3 months).

Other Considerations:

- Are barriers available that meet both open flame and smoldering test standards / methods?
- How will the small open flame test method correlate with large scale testing?
- Can manufacturers use a barrier that encases the entire product effectively, considering consumer comfort and still be acceptable for the consumer and industry?
- Can industry provide barrier materials that are economically feasible?

Stakeholder feedback and assistance will be sought in every phase of this project and the Bureau plans to continually publish draft findings and analysis at the conclusion of each phase of the project to ensure open discussion and transparency. However, the performance of the study and drafting of the final report will be performed by Bureau personnel or contractors whenever feasible.

Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation – Barrier Research Study Phase 2 Working Group

The Bureau has selected the following individuals to serve on its Barrier Research Study Phase 2 Working Group:

Kyle Bullock, Preferred Furnishings, Inc.

Will Clark, Sumlin Group

Sarah Janssen, University of California San Francisco

Rik Khanna, Consumer Products Safety Commission

Judy Levin, Center for Environmental Health

Michael Lipsett, California Department of Public Health (Ret.)

Donald Lucas, Lawrence Berkeley National Laboratory

Tim Meade, Milliken & Company

Harrison Murphy, Ventex, Inc.

David Panning, Business and Institutional Furniture Manufacturers Association

Mark Pedroia, California Professional Firefighters Association

Bill Perdue, American Home Furnishings Alliance

Steve Wolf, Jones Fiber Products, Inc.

The purpose of Phase 2 of the study is to:

- Select a representative workgroup that will be productive and manageable to enable the collecting of existing and emerging barrier materials and technologies available in the marketplace.
- Work in conjunction with the barrier industry to collect existing barrier materials.
- Examine the barriers utilizing the proposed open flame test standard and the smoldering test standard (TB117-2013 Section 2).
- Conduct correlation studies: compare actual real-life furniture scenarios to the draft open flame test for barrier materials.
- Conduct inter-laboratory testing (once a robust regiment is established).