

# December 7, 2017 Advisory Council Meeting Materials Packet

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## **BUREAU ADVISORY COUNCIL MEETING NOTICE & AGENDA**

**December 7, 2017, 9:00 a.m.**

### **Meeting Location**

Department of Consumer Affairs  
Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation  
4244 South Market Ct., Suite D, Sacramento, CA 95834

Or by Teleconference (866) 842-2981 Participant Passcode #: 4598662

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### **General Bureau Business Agenda Items**

1. Welcome and Introductions
  - a. Roll Call of the Council
  - b. Introductions (New Bureau Chief and Advisory Council Members)
  - c. Review meeting dates for 2018
  
2. Operations Update
  - a. Sunset Review/Preparation and Report
  - b. California Public Utility Commission, Home Movers Integration
  - c. Personnel Update
  - d. Field Operations
  - e. Outreach
  
3. Open Discussion for Items to address in 2018

### ***Public Comment on General Business Agenda Items***

### **Special Projects Update**

4. Technical Bulletin 133
5. Barrier Study

### ***Public Comment on items 4 & 5***

### ***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.

Agenda Item 2b: California Public Utility Commission,  
Household Movers

### **California Public Utility Commission, Home Movers Division to the Bureau**

Senate Bill 19 (Hill, Chapter 421, Statutes of 2017) was signed into law on October 2, 2017, moving the regulation of household movers from the California Public Utilities Commission (CPUC) to the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation (Bureau), effective July 1, 2018. The bill also creates a Division of Household Movers (Division) within the Bureau and the Household Movers Fund within the Professions and Vocations Fund. All monies collected from the regulation of this industry are to be deposited in this fund, as will the balance of the PUC's fund on July 1, 2018, and is to be used for the regulation of household movers.

The Bureau has, in conjunction with CPUC, begun the process of mapping the logistics behind the transfer of authority. An inter-agency agreement has been drafted to outline responsibilities and commitments of the two entities to facilitate the transfer of the authority and oversight of the program. Some of the elements include the orderly transfer of files, procedure manuals, workload data, and other related materials, as well as establish a training plan and provide access to the portion of CPUC's Transportation Information System that houses the household mover's records. This system will continue to be used by the Division for licensing, enforcement, and data reporting related to Household Movers until a new system is developed. The Bureau will work with the Department of Consumer Affairs' Office of Information Services to ensure the new system accommodates existing Bureau needs along with incorporating the unique requirements of the home movers program.

The Bureau is in the process of evaluating the current business model and identifying what additional resources and personnel will be needed to integrate household movers into Bureau operations. The PUC is transferring eleven (11) positions to the Bureau and will recruit for a manager, and licensing and enforcement staff as we establish what we need to administer the program as effectively as possible. The costs associated with the additional staff will be paid for from the Household Movers Fund.

Proceeding forward, the Bureau will be reaching out to a variety of resources to gain a better understanding of the industry and its challenges. We will be contacting both consumer and industry related organizations to build relationships and assist us in identifying opportunities for improvement. Legal services for the Bureau will be expanded to expedite the drafting and submission of regulations for administration of this program. While SB 19 allows for the collection of licensing fees, it also requires that, on or before January 1, 2023, the Bureau engage in a fee study, public workshops, and a formal rulemaking to adopt a new fee schedule.

The chaptered bill may be viewed at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB19](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB19)

## Agenda Item 2e: Outreach



## WHAT IF SOMETHING GOES WRONG?



If, after attempting to follow the terms and conditions of the contract, you feel that the service contract administrator is not properly honoring the contract that you have purchased, contact the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation. Our Compliance Unit will attempt to assist you or recommend other avenues that may be available to you.



STATE OF CALIFORNIA  
**dcca**  
DEPARTMENT OF CONSUMER AFFAIRS

# BEARHFTI

BUREAU OF ELECTRONIC & APPLIANCE REPAIR,  
HOME FURNISHINGS & THERMAL INSULATION

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PCE 12-181

## SERVICE CONTRACT

## WHAT YOU SHOULD KNOW ABOUT SERVICE CONTRACTS

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# KNOW YOUR TERMS, KNOW YOUR RIGHTS: SERVICE CONTRACTS



## WHAT'S A SERVICE CONTRACT?

A service contract, commonly referred to as an extended warranty contract, is defined by the California Business and Professions Code section 9855 as:

*"... a contract in writing to perform, over a fixed period of time or for a specified duration, services relating to the maintenance, replacement, or repair of an electronic set or appliance, as defined by this chapter, and their accessories or of furniture, jewelry, lawn and garden equipment, power tools, fitness equipment, telephone equipment, small kitchen appliances and tools, optical products, or home health care products ..."*

These contracts cover your purchased items and can provide added value or peace of mind. However, it's important that you read and understand the terms and conditions of the contract; for example, the basics of what is or is not covered, when the contract starts and stops, the limitations of liability, and your responsibilities as a contract holder.

Know what it says and what it covers!

## WHAT DOES THIS MEAN?

Although contracts must be written in clear, easy-to-understand language, they do use unique terms that you should know:

- **Service contract administrator:** The person who arranges for the transfer of money to compensate any party for a claim pursuant to the service contract.
- **Service contract holder:** The person who purchases the service contract.
- **Service contract seller:** The person who sells the contract to the service contract holder.
- **Obligor:** The entity legally and financially bound by the service contract.
- **Service contractor:** Either a service contract administrator or seller.
- **Song-Beverly Consumer Warranty Act:** A part of the California Civil Code that concerns service contracts sold in California.

## KNOW YOUR RIGHTS!

The Song-Beverly Consumer Warranty Act requires that a service contract sold in California must contain certain information about your consumer rights; for example:

- **The right to request to see the terms and conditions of the contract prior to agreeing to purchase it.**
- **A "free look" period of 30 days (for electronics and major appliances) or 60 days (for all other covered products). You may request to cancel the service contract and receive a full refund of the purchase price if canceled within this time period.**
- **Prorated refund of service contracts canceled after the "free look" period.**
- **The name and address of the service contractor responsible for any obligations.**





## Agenda Item 4: Technical Bulletin 133



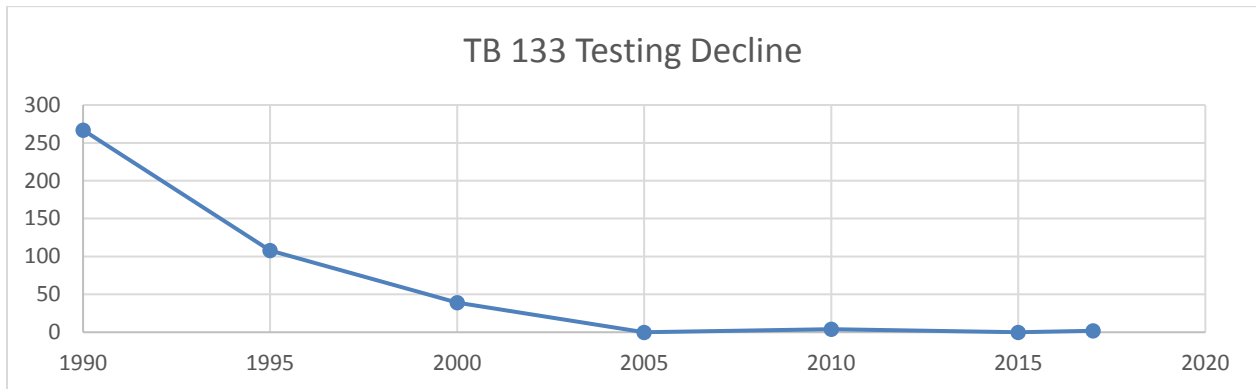
## Technical Bulletin 133 Flammability Standard

### Background

Technical Bulletin (TB) 133 was developed in the early 1990s as a fire performance standard to address concerns from fire departments and other safety officials about fire hazards in high occupancy facilities. The intent of the standard was to enhance safety by imposing a higher flammability standard for upholstered furniture used in those settings.

In 2013, the Bureau adopted Technical Bulletin 117-2013 (TB 117-2013), replacing TB-117 (introduced in 1975) as California's new general standard for upholstered furniture. TB 117-2013 addresses both home and public occupancies, which is the furniture standard commonly used in today's facilities. The U.S. Consumer Product Safety Commission has recognized the TB 117-2013 test standard for safety and as a means for decreasing exposure to flame retardant chemicals.

Both TB 133 and TB 117-2013 are included in Title 4 of the California Code of Regulations, crossing over regarding public occupancies with fire protection standards. In recent years there has been a decline in the usage of the TB 133 standard, TB 117-2013 has become recognized as the common standard furniture industry. Additionally, TB 133 state testing has become almost nonexistent:



### Market Changes

Since the introduction of TB 133, significant changes in the upholstered furniture industry have occurred, including:

- California adopted a new general upholstered furniture standard (TB 117-2013), addressing both home and public occupancies, as described above.
- California Fire and Building Codes have been strengthened and buildings are required to meet the National Fire Protection Association (NFPA) codes and regulations (smoking prohibited in buildings, pyrotechnics certifications, and electrical specifications).
- Buildings are equipped with the state of the art fire detection and suppression systems.
- Many older or historic buildings have been retrofitted with fire sprinkler and suppression systems.
- Newly structural design buildings provide more open entries and exits, well identified break-away exits, public education and awareness in fire safety is different than it was 30 years ago.

- TB 133 is not, and has never been, a mandatory standard for furniture being used in a building equipped with automatic sprinkler systems.
- Scientific data continues to affirm the health risks associated with flame retardant chemicals in furniture applications.
- In September 2017, the Consumer Product Safety Commission issued guidance in the Federal Register to manufacturers, importers, distributors, retailers, and consumers to protect consumers from exposure to non-polymeric organohalogen flame retardants typically added to foams, textiles, and polymers during or after production of upholstered furniture.
- Structural design of furniture components has evolved, utilizing more barrier materials to meet both TB 117-2013 and TB 133 safety standards.

**Recommendation**

Based on the market changes above, recent U.S. Consumer Product Safety Commission, and existence of California's new TB117-2013 general upholstered furniture standard, the Bureau finds the continued use of TB 133 unnecessary due to the risks associated with exposure to added flame retardants and recommends repealing the standard. The Bureau requests Council feedback and discussion on this proposed repeal.



## Agenda Item 5: Barrier Study

## **Barrier Research Study Synopsis**

During the development and adoption processes of TB 117-2013, the Bureau committed to launching a study to examine the open flame testing of upholstery barrier materials and the impact of using barrier materials in reducing the open flame fire hazard of upholstered furniture.

### Phase I

The first phase of the study included the development of the test method and apparatus. The Bureau began drafting the standard named, *Proposed Open Flame Test for Barrier Materials Requirements, Test Procedure and Apparatus for Testing the Open Flame Resistance of Barrier Materials*, in August 2014. The development of the standard involved and considered comments and ideas received from interested parties.

### Phase II

The second phase was the actual laboratory test of the materials secured. All tests have been completed and the test results are being processed. A comprehensive report of the data analysis will be prepared by the Bureau.

### Phase III

The third phase assesses the economic impact of using barriers in upholstered furniture. The Bureau secured a contract to study the economic impact of using barriers. Over the past months, the researchers have been gathering data, surveying industry, and requesting additional information from the Bureau. The study is currently underway and is expected to be completed in 2018.

The Barrier research study is set to be finalized and available in 2018.