



## NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

This notice is to advise responsible and trustee agencies, interested parties, and those potentially affected by the project that the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI) prepared an Initial Study/Negative Declaration (IS/ND), which evaluates potential environmental impacts of the Technical Bulletin 117-2013: Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture.

As mandated by state law, the minimum public review period for this document is 30 days. The proposed IS/ND and other regulatory documents are available for review at <http://www.bearhfti.ca.gov/>, via walk-in, or by calling, writing, or e-mailing<sup>1</sup>:

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The comment period for this IS/ND begins on February 19, 2013 and ends on March 22, 2013. Comments from the public are invited, and may be submitted in writing or via email to Diana Godines at the address given above. BEARHFTI will conduct a public meeting on March 26, 2013 at which the Technical Bulletin 117-2013 regulation will be discussed. The meeting will be held at 10:00 a.m. in the Department of Consumer Affairs' 1st Floor Hearing Room, at 1625 North Market Blvd, Sacramento, California 95834. Check BEARHFTI's proposed regulations web page <http://www.bhfti.ca.gov/about/laws/propregs.shtml> for further information.

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<sup>1</sup> Please Note: In order to view the copyrighted ASTM E-1353-08a standard, you must visit BEARHFTI's headquarters. A physical copy can be viewed at this location upon request. Duplicates of this document, however, cannot be made.

## Project Description

Flammability Standard and Labeling: Through this regulatory proposal, BEARHFTI seeks to establish new performance and labeling requirements under the new flammability standard TB 117-2013, entitled “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture.” TB 117-2013 supersedes TB 117 and is based on the American Society for Testing and Materials International voluntary upholstered furniture flammability standard, ASTM E-1353-08a.

ASTM E-1353-08a is a voluntary standard entitled Standard Test Methods for Cigarette Ignition Resistance of Components of Upholstered Furniture. This voluntary upholstered furniture standard has been in place since the late 1990s, and was last amended in 2008. It was developed and subsequently modified with broad stakeholder participation, and the test methods are reproducible, reliable, well known, and practiced by industry and independent laboratories.

Approximately 80-85 percent of U.S. manufacturers currently comply with the ASTM E-1353-08a standard. With such large stakeholder participation, employing the ASTM standard substantially reduces the need for extensive laboratory testing and associated costs, and is therefore less burdensome on manufacturers.

Through this proposed rulemaking, consumer fire protection will be preserved or enhanced, while the reliance on flame retardant chemicals will be significantly reduced or eliminated. In addition, this proposal aims to benefit stakeholders by decreasing the fire potential of today’s primary ignition source.

Exemptions: Currently, several items are exempted under California Code of Regulations section 1374.2, including: strollers, infant carriers, and nursing pillows. BEARHFTI proposes to exempt seventeen (17) additional baby and infant products:

- Infant walkers
- Car seats
- Changing pads
- Highchairs
- Infant swings
- Infant bouncers
- Playards
- Infant mattresses
- Infant mattress pads
- Booster seats
- Infant seats
- Floor play mats
- Highchair pads
- Bassinets
- Nursing pads
- Playpen side pads
- Portable hook-on chairs

BEARHFTI finds that these items contain a much lesser fuel load content (*i.e.*, foam, batting) than average adult seating furniture. In addition, these products are less likely to be ignited or come in contact with an ignition source under the exercise of reasonable care and supervision by adults. BEARHFTI has concluded that the 17 proposed items are unnecessarily subject to flammability standards as they do not pose a serious fire hazard. Therefore, BEARHFTI is exercising its authority to exempt these products from flammability standards as specified in Business and Professions Code section 19161.5.

Currently, BEARHFTI requires that all exempted products, which are specified in regulation, must have an exemption label affixed. Failure to label the product, or labeling with incorrect verbiage, is subject to citation and fine.

BEARHFTI finds that affixing an exemption label on products that are exempt from regulation does not benefit consumers. Further, the current verbiage in the label implies that the article for which the label is attached failed to meet BEARHFTI's flammability standard, leading to consumer confusion. Confusion regarding the label has historically been problematic for BEARHFTI and manufacturers of exempted products. BEARHFTI finds that the requirement for an exemption label is unnecessary and unduly burdensome on manufacturers, and therefore proposes to eliminate it.

**Lead Agency Name and Address**

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**Agency Carrying-Out the Project:** Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation

**Project Location:** Statewide

**Findings of Significant Effects on the Environment:** None

**Local Government Responsibility:** None

**Other Agencies Approval Required:** California Office of the State Fire Marshall