



## STATE FIRE MARSHAL

Flame Retardant Advisory Committee

May 30th, 2024, Meeting Minutes, 9:00 A.M. to 12:00 P.M. Pacific Daylight Time (PDT)

Office of the State Fire Marshal

715 P Street Sacramento, Ca 95814, Room 2-221C

Hybrid Zoom Meeting Conference Call

Meeting ID: 898 9894 8117

### MEMBERS PRESENT

Shannon Sanders, Huntington Beach Fire Department

Almeda Hall, Fort Irwin Fire Department

Kathleen Newman, Fire Tech

Brian Dement, Diversified Testing Laboratories

Bobby Brown, SGS North America, Inc.

John Kardos, Advanced Textiles Association

### MEMBERS ABSENT

Beth McDowell, Sacramento City Fire Department

Christopher Lovato, Flamecheck

Mike Ohirko, Impact Images

Ellen Atkins, Delta Pacific Technologies, Inc.

Jonathan Ramos, Disney Live Entertainment

Duraisamy Ravichandran (Robbie), Intertek

### OSFM STAFF

Patricia Setter, Committee Chairperson, OSFM

Andrew Henning, OSFM

Greg Andersen, OSFM

Brice Bennett, OSFM

Jeff Schwartz, OSFM

Adam Stewart, OSFM

### PUBLIC GUESTS

Nicole Pesqueira, Brea Fire Department  
Neal Cohen, Member of the Public

## I. CALL TO ORDER

### A. Welcome and Logistics Briefing

The meeting was called to order by Chairperson Patricia Setter, at 9:07 A.M. PDT on May 30th, 2024.

Attendees were informed of meeting logistics and etiquette.

### B. Roll Call/Determine Quorum

Roll call was conducted by Adam Stewart, and it was determined that there was not a quorum (6 of 12) of members were present.

### C. Introductions

All attendees introduced themselves.

### D. Approval of Previous Minutes

Chairperson Patricia Setter asked for the approval of tabling the minutes from January 24<sup>th</sup>, 2024, due to not having a quorum. Tabling the January 24<sup>th</sup>, 2024, minutes till next Committee meeting was approved.

### E. Announcements

Chief Greg Andersen welcomed everyone to the meeting and mentioned that there are two items that are changing on all Advisory Committee meetings. First, OSFM is updating the charters to make sure they are all in compliance. Secondly, OSFM is updating all of their exams. Chief Greg Andersen stated that they are currently evaluating the existing exams, starting with the AES program. Chief Andersen also mentioned coming October 1<sup>st</sup>, OSFM is going to be changing the application process to all programs. OSFM is looking to change the order process in which an applicant applies. Starting October 1<sup>st</sup>, applicants will apply with OSFM after registering with and passing an exam with Pearson Vue before applying to a program within their office.

Chief Andrew Henning stated after doing a deep dive into the legal review of Bagley Keene, there are two different levels for departments with two types of meetings. Chief Henning mention the first type of meeting with the State Commission Board typically with a Governor's appointee, does require an in-person form. For a non C4 non commissions, similar to the Fire-Retardant Committee, does not require an in-person form to be present. Chief Henning stated that there is a requirement with the Bagley Keene Act for everyone the is virtual to be on camera along with anyone else that is in the room. Chief Henning mentioned after today's meeting, this will be the expectation going forward.

Chief Greg Andersen mentioned for this meeting that everyone was given staff reports to review.

Chief Jeffrey Schwartz mentioned that Chief Brice Bennett and himself are in the process of splitting the programs in the division between the two of them. Chief Bennett will be taking over the Fire-Retardant program, he also mentioned that OSFM is in the process of hiring two new coordinators for the AES and FE program. Chief Schwartz is hopeful by August 1<sup>st</sup>, that all programs will be staffed with coordinators and assigned to either himself or Chief Bennett.

## II. OLD BUSINESS

There was no discussion for old business.

## III. NEW BUSINESS

### A. Vote to approve Workgroup Revision CCR Title 19, Chapter 8 Section 1205 through 1263.6.

Due to not having a quorum, Chairperson Patricia Setter tabled the vote for this subject till next Committee meeting. Please see **Appendix 1**.

Chairperson Patricia Setter stated that the committee has already voted on sections 1171 through 1179. She mentioned in the work groups, changing some definitions Member Bobby Brown had submitted, which everyone reviewed. Chairperson Setter mentioned that Member Kathleen Newman had a question on section 1180.8 with regards to the word "natural".

Chairperson Patricia Setter read the proposed definition change for 1180.8: *"refers to something that is an essential or natural part of something else, existing as a permanent characteristic or quality"*.

Member Kathleen Newman stated using the word "natural" would not be factually true. She mentioned that chemicals are added to the fabric during the molten state. Member Newman stated an example of polyester, when they are woven as an IFR fabric, there is a chemical that is inside the fabric. That fabric would not be considered "natural".

Chairperson Patricia Setter stated, since the committee could not vote on this proposal, for everyone to look it over and be prepared to vote at the next meeting.

Chairperson Patricia Setter mentioned to the committee to look over the definition proposal change to 1180.12 as well. She mentioned that the committee will vote on this proposal next meeting as well.

- B. Ban for the processing and distribution of certain PIP (3:1) containing articles, PIP (3:1) used to make those articles until October 31st, 2024. Chairperson Patricia Setter wanted to bring this topic to the committee and ask if anyone has heard about this topic. Chairperson Setter read from "Staff Report 2". Please see **Appendix 2**. Chairperson Patricia Setter mentioned that she would possibly have to audit her existing PVC vinyl prior to October 31<sup>st</sup>, 2024.

Member John Kardos stated that he is aware of the band and his office started formulating out the Isopropylated triphenyl phosphate. He mentioned that his office is still using the Isopropylated triphenyl phosphate in their adhesives, but they will phase it out by the end of the year. Member John Kardos stated that the PVC manufacturers are aware of this band and all people that sell or distribute are aware of the band as well. Member Kardos mentioned that he was not aware of the EPA's issue date of October 31<sup>st</sup> of this year.

Chairperson Patricia Setter asked Member John Kardos, with existing tents that have been sold and circulating with this ban, have they been grandfathered in?

Member John Kardos stated that he believes they are still grandfathered in.

Chief Greg Andersen asked would this only affect PVC and tents, not any other fabrics?

Member John Kardos stated that it would affect any PVC fabric that would contain that chemical.

#### IV. **OPEN FORUM**

Chairperson Patricia Setter opened the floor for open forum.

Guest Neil Cohen asked for a little more clarity from OSFM about the passing of bill AB 267, regarding change to small tents requirements.

Chief Greg Andersen stated that with the passing of AB 267, there is a gap in the regulations currently because there are labeling requirements, but this is exempt to them. Chief Andersen mentioned that there is actually no label currently to

cover their products. He stated as OSFM moves forward, they will have to update the regulations to show what the label would look like.

Chairperson Patricia Setter stated that OSFM has labels for tents that is inherently flame resistant, that could say synthetic fibers inherently flame resistant and date it was manufactured. She mentioned for inspectors, the label is still going to reflect OSFM seal of registration. Chairperson Setter also mentioned that the informational bulletin has not been posted but should in the coming days.

Guest Neal Cohen stated that ASTM F2441 will be updated. He mentioned they will reopen some of the ASTM subcommittees, which is on the performance standard (F3431) and the labeling standard (2441). He mentioned that the voluntary standard, which is already being used by manufactures, covers a lot of flyability hazards, carbon monoxide and poisoning hazards. Mr. Cohen stated that he would like to align with CALFIRE and try incorporating many of the suggestions that Chairperson Patricia Setter has mentioned directly onto the proposed labels. Mr. Cohen stated that his goals is trying to align with CALFIRE and the regulations, and also helping out manufactures not having to produce double labels.

Chairperson Patricia Setter stated that she has taking a Flame-Retardant presentation on the road. She has presented to Disney Studios, Sacramento City Fire and Southern California FBO's. Chairperson Setter mentioned to the committee that if they or knew anyone that is interested in the presentation to reach out to her.

#### **V. PUBLIC COMMENT**

Chairperson Patricia Setter opened the floor for public comment.

There was no public comment.

#### **VI. SCHEDULE FOR FUTURE MEETING**

The next Committee Meeting is scheduled for a future date determined by Chairperson Patricia Setter.

#### **VII. ADJOURNMENT**

Chairperson Patricia Setter thanked everyone for their participation and adjourned the meeting at 09:35 A.M. PDT.

# Appendix 1

## Revised Regulation Text

### Title 19 Public Safety Division

#### Chapter 8. Regulations Relating to Flame-Retardant Chemicals, Fabrics and Application Concerns.

#### ARTICLE 1. Title, Purpose, and Scope

##### § 1171. Title.

These rules and regulations shall be known as the “Rules and Regulations of the Office of the State Fire Marshal,” may be cited as such, and shall be referred to herein as “these rules and regulations.”

Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

##### § 1172. Purpose.

These rules and regulations have been prepared and adopted for the purpose of establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic through the use of flame-retardant chemicals, fabrics and materials, and the enforcement procedures for carrying out this provision.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

##### § 1173. Scope.

These rules and regulations shall govern the manufacture, sale, rental, and application of flame-retardant chemicals used in connection with fabrics or materials required to be treated and maintained in a flame-retardant condition as provided in Sections 13115 or 13119 of the Health and Safety Code. These rules and regulations shall also apply to fabrics or materials, textiles, decorative materials, foliage, moss, decorative wood or inherently nonflammable and, they shall also establish minimum fire-resistive standards for such fabrics or materials.

These rules and regulations shall also establish minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials, and flame-retardant applicator concerns.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13115, 13119, 13120 and 13126, Health and Safety Code.

##### § 1174. Basis.

These rules and regulations are based upon the presumption of fact that fabrics and similar materials commonly known to be flammable increase, or may cause the increase

of, the hazard or menace of fire; that proper and adequate flame-retardant treatment through the use of certain chemicals is possible whereby the danger to life and property from fire and panic can be materially reduced; and, that there do exist certain fabrics and materials which by nature are nonflammable and meet all the requirements of these regulations.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

### **§ 1175. Local Ordinances.**

Nothing contained in these rules and regulations shall be considered as abrogating the provisions of any ordinance, rules or regulations of any city, city and county, county or political subdivision nor will they prohibit the enactment of more stringent regulations by these political subdivisions.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

### **§ 1176. Basic Characteristics and Test Standards. Repealed**

**§ 1177. Notices.** relocated to Section 1205.

**§ 1177.1. Change in Location. Relocated to Section 1221 and amended.**

### **§ 1178. Constitutionality.**

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations or the application of such provision to other persons or circumstances, shall not be affected thereby.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§ 1179. Fees. Relocated to Section 1220 and amended.**

## **ARTICLE 2. Definitions**

### **§1180.1. "A" Definitions.**

- (a) "AATCC" as used herein means The American Association of Textile Chemists and Colorists.
- (b) "Applicator" as used herein means any person, licensed by the Office of the State Fire Marshal, who engages in the application of flame-retardant compounds or chemicals to any fabric or material for the purpose of retarding the action of fire or flame on such fabric or material.

(c) "Approved" as used herein means approved by the Office of the State Fire Marshal.

(d) "Approved Laboratory" as used herein means any commercial laboratory qualified and equipped to perform the tests required by these rules and regulations and which is approved for this purpose by the Office of the State Fire Marshal.

(e) ASTM. As used herein means American Society for Testing and Materials International, Inc.

(f) "Accelerated Weather"- As used herein test methods simulate extreme weather conditions using special environmental chambers and instruments that speed up the weather acceleration process.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.1. "B" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.2. "C" Definitions.**

(a) "Chemical" as used herein means flame-retardant chemical product.

(b) "Chemical Registration" used herein, means any chemical manufacturing concern desiring to have a chemical registered by the Office of the State Fire Marshal and has submitted its application with the laboratory test report, and the registration fee as provided in Section 13127 of the Health and Safety Code.

(c) "Concern" as used herein means any sole proprietor, firm, association, organization, partnership, business trust, corporation, or company that is licensed by the Office of the State Marshal as a company providing flame retardant certifications.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.3. "D" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.4. "E" Definitions. None.**



Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

### **§1180.5. “F” Definitions.**

(a) “Fabricator” as used herein means a person or company that specializes in creating structures or components through assembling processes.

(b) “Fill” as used herein means yarn running from selvage to selvage at right angles to the warp of a woven fabric. (Also referred to as weft of yarn)

(c) “Flame-resistant” as used herein means materials or products that are designed to resist catching fire and slow down the spread of flame when exposed to heat or flame.

(d) “Flame retardant” as used herein means s chemical that is used to inhibit or slow down the spread of fire.

(e) “Flame-Retardant Application Concern” as used herein means any concern, licensed by the Office of the State Fire Marshal, which engages in the application of flame-retardant compounds or chemicals.

(f) “Flame-Retardant Chemical” as used herein means any chemical, chemical compound, or chemical mixture which when properly applied to a fabric or material will make such fabric or material incapable of supporting combustion to the extent that it will successfully withstand the tests and meet the specifications promulgated by the Office of the State Fire Marshal.

(g) “Flame-Retardant Chemical, Exterior” as used herein means those flame-retardant chemicals which are intended to retain their flame-retardant properties when used on fabrics or materials which are exposed to weather conditions without means of protection from the elements.

(h) “Flame-Retardant Chemical, Interior” as used herein means those flame-retardant chemicals intended to be used on fabrics or materials which are not subject to exposure to weather and does not require to be weather resistant.

(i) “Flock” as used herein means the material produced by reducing pulverized fibers to fragments by cutting or grinding. There are two main types; precision cut flock, where all fiber lengths are approximately equal, and random cut flock, where the fibers are ground or chopped to produce a broad range of lengths (Christmas Trees). And very short or pulverized fiber used to form a velvety pattern on cloth or paper or a protective covering (Fabrics).

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.6. “G” Definitions.**

- (a) “General Applicator” As used herein means a concern that engages in the business of or performs for a fee the application of a flame-retardant product to any textile including decorative materials.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.7. “H” Definitions.**

- (a) “Health and Safety Code” as used herein means the Health and Safety Code of the State of California.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.8. “I” Definitions.**

- (a) “Inherent” as used herein in means existing in something as a permanent, essential, or characteristic attribute. Proposed: refers to something that is an essential or natural part of something else, existing as a permanent characteristic or quality.
- (b) “Intumescent” as used herein in means reactive paint which swells up or “intumesces” to many times its original thickness when exposed to high temperatures, like in the event of a fire. Proposed: refers to a substance that swells when exposed to heat or fire, creating a protective barrier or insulating layer.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.9. “J” Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.10. “K” Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.11. “L” Definitions. ~~None.~~ (ADD LAW)**

(a) “Limited Applicator” as used herein means a concern that engages in the business of or performs for a fee the application of a flame-retardant product to nontextile decorative items, including Christmas trees.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.12. “M” Definitions.**

(a) “Manufacturer” as used herein means the process of producing goods or products. It involves transforming raw materials or components into finished products. Any concern which shall as used herein means any concern which shall manufacture, mix or compound one or more chemical substances and offer such chemical, compound or mixture for sale or for use as a flame-retardant chemical, or any concern such as fabricator or supplier which shall market a flame-retardant or nonflammable fabric or material for use as drape, hangings, curtains, drops or other similar decorative materials, or flame-retardant canvas for use in tents as required in Health and Safety Codes 13115 and 13119.

(b) “Moss” as used herein means any of various plants resembling moss in appearance or habit of growth.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.13. “N” Definitions.**

(a) “Nonflammable Material” as used herein means a fabric or material which is inherently flame-resistant to the extent that it will meet the requirements of the fire resistance test herein prescribed and shall not include materials which must be chemically treated or processed after manufacture to make them flame-retardant ~~resistant~~.

(b) “NFPA” as used herein means National Fire Protection Association.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.14. “O” Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.15. “P” Definitions. None.**

(a) “Place of Assemblage” Any occupancy that is open to the public.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.16. “Q” Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.17. “R” Definitions. None.**

(a) “Rental” as used herein means any company that is paid to provide a finished product that is required to be flame retardant as required in Health and Safety Code Section 13115 and 13119.

(b) “Regulations” as used herein means the regulations adopted by the Office of the State Fire Marshal.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.18. “S” Definitions.**

(a) “Safety Data Sheet (SDS)” as used herein means a document that provides comprehensive information about a substance or mixture for use in the workplace.

(b) “Secondary Registration” as used herein means a company which desires to have a registered product listed under their own trade or brand name.

(c) “Selvage” as used herein means the woven edge portion of a fabric parallel to the length of the fabric.

(d) “Supplier” as used herein means a person, company, or organization that provides goods or services to another entity, business, or consumer.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.19. “T” Definitions.**

(a) "Technical Revision" as used herein means any revision that requires a review of any of the following: documentation test reports, material data sheets or safety data sheets (SDS).

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.20. "U" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.21. "V" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.22. "W" Definitions.**

(a) "Warp" as used herein means the yarn running lengthwise in a woven fabric.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.23. "X" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.24. "Y" Definitions. None.**

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§1180.25. "Z" Definitions. None.**

**§ 1205. Notices.**

Any notice required to be given to any person by any provisions of the statute or of these rules and regulations may be given by mailing such notice, postage prepaid, addressed to the person to be notified, at their last place of business as it appears in the records of the Office of the State Fire Marshal.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§ 1210. Chemical Registration.** Relocated to Section 1230 and amended.

**§ 1211. Standard Fabrics.** Repealed 5/17 required language will be added to 1213.

**§ 1212. Test Costs.**

Cost of laboratory tests shall be borne by the applicant seeking registration of any flame-retardant chemical or fabric.

The Office of the State Fire Marshal reserves the right to publish all, or any portion of the laboratory test results.

Note: Authority cited: §13120 and 13126, Health and Safety Code. Reference: §13120 and 13126, Health and Safety Code.

**§ 1213. Treating Test Fabrics.**

The applicant shall complete and notarize the penalty of perjury statement provided by the Office of the State Fire Marshal, to include the detailed method of application, chemical used, curing process and duration. The original notarized document with wet signature's shall be submitted to the Office of the State Fire Marshal.

**§ 1214. Special Processes.** relocated to new Section 1269.

**§ 1215. Chemical Samples.** being repealed.

**§ 1216. Scope and Extent of Approval.**

Approval of chemicals to treat various fibers will be based on the following:

(a) Chemicals which meet all requirements as applied to exterior test fabric (Sections 1230 through 1239) will be approved for the treatment of any cotton fabric such as duck, drill, twill, etc.

(b) Chemicals which meet all requirements as applied to interior cotton test fabric (Sections 1250 through 1263) will be approved for the treatment of any cotton fabric, plus linen, burlap, silk, and paper. Such chemicals may receive extended approval to treat additional fabrics as follows:

(1) Fiber Mixtures Containing Synthetics, various species of wood, cardboard, or not listed here shall be independently tested.

(2) Other Materials- any materials not listing shall be independently tested.

**§ 1216.1. Other Materials.** relocated to amended Section 1235 and amended.

**§ 1217. Permanent Chemicals.** relocated to amended Section 1235 and amended.

**§ 1218. Test Results.** relocated to amended Section 1270 and amended.

**§ 1219. Field Results.** relocated to amended Section 1270 and amended.

**§ 1220. Fees** Formally adopted Nov 2022

a) Original or Annual “or Secondary” Renewal Registration Single Flame-Retardant Fabric or Material	\$575.00
(b) Add Fabric to existing registration	\$250.00
(c) Original or Annual “or Secondary” Renewal Registration of a Flame-Retardant Chemical	\$575.00
(d) Original or Annual Renewal of a Flame-Retardant Application Concern, (General Applicator) .....	\$450.00
(e) Original or Annual Renewal of a Flame-Retardant Application Concern, (Limited Applicator) .....	\$230.00
(f) Laboratory Fees:	
Fabrics	\$50.00
Chemicals	\$50.00
General Applicator Flame Retardant Certificates.....	\$20.00
(g) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b).....	\$30.00

Note: Authority cited: Section 13127, Health and Safety Code, Section 6157(b), Government Code. Reference: Sections 13125, 13127, 13128, 13129 and 13130, Health and Safety Code; Section 6157(b), Government Code.

**§ 1220.1 Forms** Formally adopted Nov 2022

(a) The following forms in the format developed by the Office of the State Fire Marshal, which are hereby incorporated by reference, shall be used when applying for a Flame-Retardant Registration or General and Limited Concern License.

- (1) Application for Decorative Materials Registration - Fabric FR-1 (REV. 5/2021)
- (2) Application for Decorative Materials Registration - Chemical FR-2 (REV. 5/2021)
- (3) Application for General Applicator FR-3 (REV. 5/2021)
- (4) Application for Limited Applicator FR-4 (REV. 5/2021)

**§ 1220.2 Application Submittal.** Formally adopted Nov 2022

- (a) Applications shall be made in writing on forms available by the State Fire Marshal, or through the electronic application and payment process “GOVMOTUS Fire”, located on the State Fire Marshal website:  
<https://calfire.govmotus.org/>
- (b) Every registration and license fee required in accordance with the provisions of Section 13127 of the Health and Safety Code shall be paid in legal tender, or

credit card, or electronic fund transfer, or by money order, or postal note, or valid check made payable to the "CAL FIRE – OSFM". Fee shall accompany each application for registration and license as prescribed in Section 1220.

(b) Application, fee, with or without sample, shall be mailed as follows:

<https://osfm.fire.ca.gov/what-we-do/fire-engineering-and-investigations/flame-retardant-chemicals-and-fabrics>

(1) For regular mail (application package) send to:

CAL FIRE - Office of the State Fire Marshal  
Cashiers Unit – Flame Retardant Program  
P.O. Box 997446  
Sacramento, CA 95899-7446

(2) For shipping address, FED EX, UPS, etc., send to:

ATTN: Cashier's Unit – Flame Retardant Program  
CAL FIRE - Office of the State Fire Marshal  
710 Riverpoint Court  
West Sacramento, CA 95605

(c) For submittal through the Office of the State Fire Marshal electronic application process "GOVMotus Fire", the required sample shall be mailed to the address prescribed under (b)(2).

**§ 1220.3 Registration Renewal Period and Registration Fee.** Formally adopted Nov 2022

**For purposes of clarification, Health and Safety Code Section 13127(c)(1) through 13128 is repeated.**

(c)(1) The annual registration fee renewal period for chemical manufacturing concerns, concerns marketing a flame-retardant fabric or material, and general applicators shall begin on January 1 and end May 1 preceding the registration year for which the renewal is requested. A penalty of 50 percent of the listing fee shall be assessed in all cases where the renewal fees are not paid on or before May 1, preceding the registration year for which renewal is requested.

(2) The annual registration fee renewal period for limited applicators shall begin September 15 and end on October 31 preceding the registration year for which the renewal is requested. A penalty of 50 percent of the listing fee shall be assessed in all cases where the fees are not paid on or before October 31, preceding the registration year for which renewal is requested.

(d) All applications shall be accompanied by a registration fee established by the Office of the State Fire Marshal. The registration fee shall not exceed the amount



necessary to cover the costs incurred by the Office of the State Fire Marshal in carrying out Sections 13120 to 13126, inclusive.

**§ 13128. Period for registration fees** Formally adopted Nov 2022

(a) The annual and renewal registration fee period for chemical manufacturing concerns, concerns marketing a flame-retardant fabric or material, and general applicators shall be for the fiscal year period from July 1 to June 30 or the remaining portion thereof.

(b) The annual and renewal registration fee period for limited applicators shall be for the fiscal year period from November 1 to October 31 or the remaining portion thereof.

NOTE: Authority cited: Section 13127, 13128 Health and Safety Code. Reference: Sections 13125, 13127, 13128, and 13130 Health and Safety Code.

**§ 1221. Change in Address or Ownership.**

Any change in address or ownership of any flame-retardant application concern, any manufacturer of any flame-retardant chemical, fabric, or material, or any other person or concern whose name or whose product is registered with the Office of the State Fire Marshal's approved list of flame-retardant chemicals, fabrics, materials and application concerns, or any flame-retardant applicator shall be reported in writing to the Office of the State Fire Marshal within seven (7) California State business days after the change. Notification shall be made on forms provided by the Office of the State Fire Marshal.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

**§ 1222. Interior Types.** Registered interior flame-retardant chemicals shall be listed as "Type I" or "Type II," depending on the lasting qualities of the treatment. A "Type I" chemical shall be maintained based on atmospheric conditions. Impart a relatively permanent treatment to fabrics, and fabrics so treated must meet the requirements of the fire resistance test. A "Type II" chemical shall be normal water-soluble type, which is removed by laundering and by certain dry-cleaning processes in which solutions of water and soap are added to the solvent. All laundered fabric with Type. II treatment or dry-cleaned items shall be subject to retreatment.

The end user shall be responsible for maintaining the flame resistance of all flame-retardant material.

Note: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13100-13132, Health and Safety Code.

**§1223. Containers Labels.** Relocated to amended Section 1315.

**§ 1224. Refilling Containers.** Relocated to amended Section 1237.

## **Article 4. Registration of Flame-Retardant Chemicals**

### **§ 1230. Chemical Registration.**

Any chemical manufacturing concern desiring to have a chemical registered by the Office of the State Fire Marshal shall accompany its application with the laboratory test report, and the registration fee as provided in Section 13127 of the Health and Safety Code. The application for independent testing shall include method of application as indicated on manufactures instructions.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120, 13121 and 13126, Health and Safety Code.

### **§ 1231. General Requirements**

(a) Tests shall be performed by The Office of the California State Fire Marshal Approved laboratory.

<https://osfm.fire.ca.gov/media/mpodxmsz/fr-approved-labs-2-16-22.pdf>

(b) The chemical shall be applied per manufacturer instructions.

(c) The applicant shall allow treated and untreated specimens to cure at normal room conditions for 30 days, during and after which period the specimens shall be examined and the condition and appearance of the chemical or coating noted. The chemical or coating shall be dry to the touch. During and after the cure period, there shall be no evidence of poor adhesive qualities (such as would be indicated by any tendency toward flaking or powdering off).

(e) If the applicant chooses not to utilize section (c), the applicant shall complete and notarize the penalty of perjury statement provided by the Office of the State Fire Marshal, to include the detailed method of application, chemical used, curing process and duration. The original notarized document with wet signature's shall be sent to the Office of the State Fire Marshal.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120, 13121 and 13126, Health and Safety Code.

### **§ 1232. Interior Use.**

Chemicals needed to treat interior fabrics or materials shall be tested in accordance with the method outlined in Section 1331(b).

Note: Authority cited: Section 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

### **§ 1233. Exterior Use.**

Chemicals used to treat exterior fabrics shall be tested in accordance with the method outlined in Section 1331(c). In addition, they shall meet the requirements for fire

resistance outlined in Section 1331(b), after accelerated weathering and accelerated water leaching.

Note: Authority cited: Section 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

#### **§ 1234. Permanent Chemicals.**

Manufacturers of such chemicals or compounds may have the laboratory perform, along with the required tests, such additional tests as may serve to indicate the permanent nature of the flame-retardant treatment.

Note: Authority cited: Section 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

#### **§ 1235. Other Materials.**

Chemicals intended for treating materials other than fabrics, such as compressed cellulose fiber, wooden and similar decorative materials, bast and leaf fibrous materials, brush and foliage, Christmas trees, etc., shall be tested as outlined in Article 10.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

#### **§ 1236. Wooden and Compressed Cellulose Fiber Decorative Material.**

Chemicals of the surface treatment type which are intended for the flame-retardant treatment of wooden and compressed cellulose fiber decorative materials shall be applied per the chemical manufacturers written instructions to achieve the required coverage.

Chemicals for the flame-retardant treatment of compressed cellulose fiber, including cardboard, recycled materials and wooden decorative materials shall be tested to ASTM E84 in accordance with Section 1331(a).

Chemicals intended for flameproofing nonsolid wooden decorative materials, such as sawdust, shavings, and excelsior shall be tested in accordance with Section 1335.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

#### **§ 1237. Refilling Containers.**

No persons shall refill any flame-retardant container unless the container is properly labeled as the original container, containing the same chemical bearing the Office of the State Fire Marshal's Seal of Registration except the manufacturer whose registration number is shown upon the seal. Under no circumstances shall any other chemical than that originally contained be placed in such containers.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

**§ 1237.1. Test Method.** Relocated to Section 1331(b) and amended.

**§ 1237.2. Fire Resistance.** Relocated to Section 1331(c) and amended.

**§ 1237.3. Test Method.** Relocated to Section 1331(c) and amended.

**§ 1238. Retests.**

(a) The Office of the State Fire Marshal may at their discretion require retests of the manufacturer's product to ascertain continued compliance with these rules and regulations.

(b) Whenever the chemical formulation of a registered chemical is modified in any manner it shall be retested by the Office of the State Fire Marshal approved laboratory. The test results shall be forwarded to the Office of the State Fire Marshal along with an application for revision and the fee prescribed in Section 1220. All registration requirements shall be completed before marketing and sale the product.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code

**§ 1239. Secondary Registrations.**

The treated fabric shall be thoroughly dry and shall not show excessive crocking. A company desiring to have a currently registered chemical listed under the company's own trade or brand name may do so as follows:

(a) The manufacturer of the registered chemical shall certify in a letter to the Office of the State Fire Marshal that they agree to furnish the registered chemical to said company for sale, distribution, or use under the new name.

(b) The concern shall certify in a notarized letter to the Office of the State Fire Marshal that the chemical or compound sold, distributed, or used under the new name shall always be identical in all respects to the original registered chemical.

(c) The company shall pay to the Office of the State Fire Marshal the original and annual renewal registration fee as prescribed by statute.

(d) The registration shall accompany original test report submitted for the primary registration test report from the Office of the State Fire Marshal approved testing laboratory.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

## **Article 5. Flame-Retardant Chemical Concerns and Applicators**

### **§ 1247. Application.**

(a) Any person or firm that engages in the business of or perform for a fee the act of applying a flame-retardant chemical to any fabric or material shall first make application for registration as a Flame-Retardant Application Concern or as a Certified Flame-Retardant Applicator on forms FR-3 for General Applicators or FR-4 for Limited Applicators provided by the Office of the State Fire Marshal. Limited Applicators shall submit separate applications for each separate place of business.

(b) In the event two applications are received by the Office of the State Fire Marshal, both of which propose the use of the same or similar Concern name, notification will be made to all business of the duplicate company name.

(c) Once a Concern registration has been issued, there shall be no changes made to the Concern name unless the change has been approved in advance by the Office of the State Fire Marshal.

(d) For purpose of registration, post office box numbers, mail forwarding establishments, telephone answering service establishments and other such similar establishments are not acceptable as physical business locations. Registered Concerns shall provide the Office of the State Fire Marshal with the actual physical business location from which business is conducted. This address shall match the physical address as listed on the Registration.

(e) Each applicant shall furnish a valid proof of business, e.g., business license, federal identification, resale license, etc., that matches their physical address as listed on the "Registration".

(f) Any person, firm, or corporation applying to be a Registered Flame-Retardant Application Concern or to renew their registration as a Flame-Retardant Application Concern shall furnish to the Office of the State Fire Marshal and maintain and keep in force at all times a current policy for General Liability and Property Damage Insurance including Products and Completed Operations. The Certificate of Insurance shall provide bodily injury and property damage with limits no less than one million dollars (\$1,000,000.00) per occurrence in coverage. Claims Made Policies are not acceptable. The certificate of insurance shall provide all of the following:

(1) That the insurer shall not cancel the insured's policy without a 30-day written notice to the Office of the State Fire Marshal.

(2) That the insured Registered Flame-Retardant Application Concern, and all certificate holders acting as employees or independent contractors under the Registered Flame-Retardant Application Concern, are included as additional insured but only insofar as operations within the scope of the Registered Flame-Retardant Application Concern requirements are covered; and

(3) That the State of California shall not be responsible for any premiums or assessments on the policy. The Office of the State Fire Marshal shall not be held liable and held harmless.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

**§ 1248. Qualifications.**

No application for registration as a Flame-Retardant Application Concern or licensed as a Flame-Retardant Applicator shall be considered unless such applicant first demonstrates their qualifications by:

- (a) Meeting the provisions of Section 1251 and 1252.
- (b) Presentation of evidence of actual experience in chemical application.
- (c) Possession of necessary equipment and machinery to conduct application procedures.
- (d) Submission of required fees as set forth in Section 1220.

Neither registration as a concern nor licensed as an applicator shall be issued to any person under 18 years of age.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

**1249. Documents.**

- (a) A Concern registration is not transferable except by the Office of the State Fire Marshal. The Office of the State Fire Marshal may transfer a Concern registration upon submission of a new application form and payment of appropriate fees.
- (b) Application for renewal of any Concern registration or Applicator certification which has expired, in excess of one year, shall be considered as an original application.
- (c) A duplicate Concern registration or Applicator certification may be issued by the Office of the State Fire Marshal. A written statement describing the reasons for the duplicate issuance shall be submitted by the registrant or the certified person along with the prescribed fee before duplicates will be issued.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

**§ 1250. Concern Registration.**

(a) Types of licensing are as follows:

- (1) "General" means a Concern that engages in the business of or performs for a fee the application of a flame-retardant compound or chemical to any textile including decorative materials.
- (2) "Limited" means a Concern that engages in the business of or performs for a fee the application of a flame-retardant compound or chemical to non-textile decorative items, including Christmas trees.

- (b) Every licensed Concern shall be identified by type as specified above according to the act or acts performed by the Concern or by any of the Concern's employees. Every licensed concern shall be staffed by qualified personnel and shall be properly equipped and trained to perform the act or acts for the type of certificate of flame resistance issued. The rights and privileges extended to a licensed Flame-Retardant Application Concern shall extend to bona fide employees who satisfactorily passed the examination required by Section 1252. All Certificates of Flame Resistance issued by such Concerns pursuant to this subchapter shall be signed by the licensed concern.
- (c) A licensed Concern is only authorized to perform those specific acts for which a registration has been granted by the Office of the State Fire Marshal. Qualifications for a Concern shall consist of having the necessary tools, equipment, chemicals, safety data sheets (SDS) and qualified experienced personnel for each specific act. Each licensed Concern shall submit evidence of qualifications to the Office of the State Fire Marshal with each revision or original application for license.
- (d) Every licensed Concern shall within seven days of termination of employment, report to the Office of the State Fire Marshal in writing via email to the Program Coordinator, the information of the terminated licensed employee.
- (e) Any advertisement for service constitutes prima facie evidence that the premises, business, building, room, shop, store, or establishment in or upon which it appears, or to which it refers, is a separate place of business.
- (f) No Registered Concern shall conduct business or solicit business under a name other than the name or names which appear on the Office of the State Fire Marshal issued license.
- (g) Every license issued according to these regulations shall be posted on the premises of the Concern's location. License shall be readily available for inspection during regular business hours by the authority having jurisdiction or the Office of the State Fire Marshal.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

## **§ 1251. Licensing.**

To be issued or have renewed an Applicator's License, an individual must either be a License Concern or be employed by a License Concern.

(a) Types of Licensing are as follows:

(1) "General " means an individual that is authorized to apply a flame-retardant compound or chemical to all textile and non-textile decorative materials.

(2) "Limited " means an individual that is authorized to apply a flame-retardant compound or chemical to non-textile decorative items, including Christmas trees.

(b) A person holding a valid Applicator license shall not perform any act for a fee unless the person is employed by a License Concern or is also a licensed Concern.

(c) Persons possessing an Applicators License and is employed by a Licensed Concern may perform only those acts which the licensed registered concern is authorized to do and for which the employee is qualified. In the case of an independent contractor, franchisee, or any other arrangement in which the applicator is an independent businessperson, a valid Registered Concern is required to be in the name of the applicator.

(d) Licensed Flame-Retardant Applicators shall carry the license issued by the Office of the State Fire Marshal whenever they are performing functions or services regulated by this Chapter and shall be readily available for inspection by the authority having jurisdiction or by the Office of the State Fire Marshal.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

### **§ 1252 Examination Procedures.**

(a) Every person who performs any act or acts within the scope of a Licensed Flame-Retardant Applicator or the responsible managing employee of a Flame-Retardant Application Concern shall pass a written examination as prepared by the Office of the State Fire Marshal on the laws, regulations and technical aspects of flame-retardant chemicals, fabrics, materials, and fibers and how they may be identified. A score of 70% is considered as minimum for passage of the written examination. In addition, the Office of the State Fire Marshal may require a practical demonstration of the applicant's ability to properly perform the acts for which application has been made.

(b) Any applicant who has failed the examination two times may re-apply and take another examination not less than thirty (30) days from the date of the first examination after filing a new application and paying the required fee.

(d) All applicants have ninety (90) days to take the initial exam after being notified of eligibility. After 90 days applicant will be required to re-apply with payment of appropriate fees. Additional fee for third party testing facility will not be refunded and are due when additional exam is scheduled.

(e) Every person taking an examination has the right to contest the validity of individual questions in such examination within 30 days of the exam result notification.

(1) Upon conclusion of the examination process, the person taking the examination may request review of the study criteria with staff of the Office of the State Fire Marshal.

(2) Any challenge as to the validity of individual questions of an examination must be made in writing after taking said examination. Challenges shall state the reason for the objection.

(3) The decision as to the action to be taken on the submitted challenge shall be by the Office of the State Fire Marshal and such decision shall be final.

(4) The action taken by the Office of the State Fire Marshal shall be reflected in all future examinations but shall not affect the grades established in any past examination.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

### **§ 1254. Change in fabrics characteristic.**



For proper application by the applicator, it is recommended the chemical not cause running, streaking, change of color, or otherwise appreciably alter the appearance, texture or sheen of a fabric or material in any manner other than that exhibited by the fabric when thoroughly saturated with plain tap water, this may be an indication of fabrics that are not allowing the chemical to be absorbed.

~~§ 1255. Fading.~~ Included in Section 1254

The treated fabric shall not fade more than the untreated fabric.

~~§ 1256. Flexibility.~~ Included in Section 1254

~~§ 1257. Breaking Strength.~~ Included in Section 1254

~~§ 1258. Accelerated Aging.~~ Included in Section 1254

~~§ 1259. Dry Cleaning.~~ Due to the proposed restructuring of Chapter 8, the provisions for dry cleaning have been relocated to Section 1332(b) and amended.

## **Article 6. Flame-Retardant Chemical Application Requirements**

### **§ 1260. Scope and Extent of Approval.**

Approval of chemicals to treat various fabrics and materials shall be based upon State Fire Marshal Approved laboratory test results of the fabric(s) or material(s) tested. Approval of fabrics or materials, other than those tested, shall be subject to the Office of the State Fire Marshal evaluation and approval.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

### **1261. Chemicals.**

No applicator, concern, flame-retardant application concern, or individual shall apply a flame-retardant chemical on a job governed by the scope of these regulations unless the chemical is registered with and approved by the Office of the State Fire Marshal.

Note: Authority cited: Sections 13120 and 13126, Health and Safety Code. Reference: Sections 13120 and 13126, Health and Safety Code.

~~§ 1262. Combined Laundering and Dry-Cleaning~~ **Repealed duplicate information in 1261.**

~~§ 1263. Test Procedure Application.~~ **Repealed duplicate information.**

~~§ 1263.1. Settling.~~ **Included in Section 1254**

~~§ 1263.2. Neutrality.~~ Included in Section 1254

~~§ 1263.3. Toxicity.~~ [Repealed]

Note: Authority cited: ~~Section 13120, Health and Safety Code.~~

~~§ 1263.4. Color Change.~~ Included in Section 1254

~~§ 1263.5. Fading.~~ Included in Section 1254

~~§ 1263.6. Flexibility.~~ Included in Section 1254

**WROKGROUP STOPPED HERE on 3/26/24.**

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## Appendix 2

### **SUBJECT/AGENDA ACTION ITEM:**

Ban for the processing and distribution of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, until October 31, 2024. These are Flame Retardants used to make some PVC materials.

### **Recommended Actions:**

Information Only.

### **Background Information:**

Phenol, isopropylated phosphate (3:1) (PIP (3:1)) (CAS registry no. 68937-41-7) is a **phosphate compound with three isopropylated phenyl groups**. It is used as a plasticizer or flame retardant in polyvinyl chloride (PVC), polyurethane, and other plastic materials. In 2022, the U.S. EPA extended the [enforcement and notification period](#) for the processing and distribution of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, until October 31, 2024. There is a wide range of products that will fall into this action, especially plastic articles that are components of electronics or electrical articles. This can range from musical instruments, plastics, appliances, motor vehicles, building materials, and more. There are some use categories that are exempt such as recyclables, aerospace, marine, sealants and adhesives (sealants and adhesives only until January 6, 2025) and some military applications. The ban applies to manufacture (including import), process, distribution, or use phenol, isopropylated phosphate (3:1) (PIP (3:1)), or PIP (3:1)-containing articles.

### **Analysis/Summary of Issue:**

This may require excessive audit of the Flame-Retardant PVC materials prior to October 31, 2024.

### **Analysis/Summary of Issue:**

#### **Potential Industry Impacts:**

This ban may impact our PVC materials, until the audit is completed the impact is unknown.

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