



STATE FIRE MARSHAL  
Flame Retardant Advisory Committee  
January 26, 2023, Meeting Minutes  
Office of the State Fire Marshal, 9<sup>th</sup> Floor.  
715 P Street, Sacramento, California 95814  
**VIRTUAL MEETING VIA Zoom**  
**09:00 A.M. to 12:00 P.M. Pacific Day Time (PDT)**  
**Office of the State Fire Marshal**  
**715 P Street Sacramento, CA 95814**

MEMBERS PRESENT

Shannon Sanders, Huntington Beach Fire Department  
Bobby Puett, Diversified Testing Laboratories  
Christopher Lovato, Flamecheck  
Kathleen Newman, Firetect  
Robert Brown, SGS Laboratory  
Brian Dement, Diversified Testing Laboratories  
Jonathan Ramos, Disney live Entertainment  
Duraisamy Ravichandran, Intertek  
Almeda Hall, Fort Irwin Fire Department

MEMBERS ABSENT

Ellen Atkins, Delta Pacific Technologies, Inc.  
Mike Ohirko, Impact Images

OSFM STAFF

Chairperson DSFM III, Patricia Setter  
Division Chief, Greg Andersen  
Supervising DSFM III, Jeff Schwartz  
Program Assistant, Von Costa  
Staff Service Manager I Kevin Chan  
Retired Annuitant Ben Ho

## PUBLIC GUESTS

None

### 1. CALL TO ORDER

#### A. Welcome and Logistics Briefing

The meeting was called to order by Chairperson Patricia Setter at 09:05 A.M. PDT on January 26, 2023.

#### B. Roll Call/Determine Quorum

Roll call was conducted by Yevonne Costa and Chairperson determined that a quorum of members was established at 09:08 A.M. PDT.

#### C. Introductions

All attendees introduced themselves.

#### D. Approval of Minutes

Chairperson Patricia Setter asked for approval of the Minutes of the May 18th, 2022, meeting.

Motion to approve May 18th, 2022, minutes was initiated by Member Kathy Newman to approve the minutes: Motion seconded by Member Robert Brown. Motion was unanimously approved at 09:10 A.M. PDT.

Individual roll call vote to accept meeting minutes from May 18<sup>th</sup>, 2022, were accepted at 9:20 am on January 26<sup>th</sup>, 2023.

#### E. Announcements

Chairperson Setter advised the fee increase has been in effect since November of 2022. And announced the new location of the State Fire Marshal Office located at the National Resource Building, 715 P. Street in downtown Sacramento, Natural Resource Building.

## 2. OLD BUSINESS

Chairperson Setter opened the old business topic that was initiated by Michael Ohirko, regarding the State Fire Marshals authority beyond State licensing. Concerning Internet sales of products required to be registered for sale in the State of California.

Chief Schwartz stated the State Fire Marshal Office is aware of this issue. The State Fire Marshal authority is limited to the State of California, when notification is made of unauthorized shipping and selling investigations are initiated. Companies found selling unauthored merchandise are required to have a disclaimer on their website, advising the item is not available in California.

Division Chief Andersen added, many of these issues are addressed to the California Attorney General's Office, as they the authority to file on companies that are outside of California. This requires the California Attorney General's Office to prioritize these complaints. The California Attorney General's office has several top priority items to handle before unauthorized sales can be addressed.

Chief Schwartz advised the committee members to initiate complaints utilizing the State Fire Marshal E17 form that is on our website.

Member Kathy Newman requested to know if fines are imposed on people that are violating any State Regulations.

Chief Schwartz advised the State Fire Marshals' Office is working on administrative fines for all the divisions programs.

Member Kathy Newman request to know if the State Fire Marshal Office has addressed any violations or issued fines.

Chief Schwartz advised the violations are misdemeanor citation prosecuted by the county court. There is no administrative fine for the State Fire marshal for violations of flame-retardant unauthorized sales. The State Fire Marshals' Office can suspend and remove registrations or licensing but there's no monetary fine.

Member Shannon Sanders requested clarification why the fees were increased, expressing she felt the increase was for added enforcement as well as adding personnel for the program.

Chief Schwartz clarified the fee increase was intended to pay for the costs associated with running the program and add personnel.

## 3. NEW BUSINESS

### A. California Code of Regulations, Title 19, Chapter 8 Revisions

Chairperson Setter disclosed the State Fire Marshal is conducting Round Robin Testing with three participating laboratories and the objective of the testing to determine the differences of the burn characteristics when conducted between the adopted regulations small scale testing and the adopted regulation large-scale testing.

Chairperson Setter called for a break.

Chairperson Setter started discussion of the revisions of the California Code of Regulations, Title 19, Chapter 8, Article 2, definitions added or relocated.

Additional revisions have been made to Section 1171 titled "Purpose" to emphasize "The Office of the State Fire Marshal" and replace "will" with "shall".

Minor revisions have been made to Section 1172, adding emphasize on enforcement.

Minor changes have been made in the Section titled "Scope", adding the language "textiles, decorative materials, foliage moss, decorative wood are inherently non-flammable".

Member Kathy Newman requested clarification of Section 1173, to determine what kind of foliage the section is referring to, artificial foliage, or natural foliage?

Chairperson Setter responded, generally applicators treat artificial foliage, however, decorative moss is a new trend in decorative settings and needs to be regulated.

Member Kathy Newman requested Section 1173 be specific to type of foliage, to put natural or artificial foliage, moss, decorative wood or inherently nonflammable.

Chairperson Setter continued review of Sections 1175 with minor changes, adding the noted authority cited.

Reviewed Sections 1176, announcing the section has been repealed because it is informational only.

Reviewed Section 1177 announcing it is being relocated.

Reviewed Section 1177.1, announcing it is being relocated.

Reviewed Sections 1178 announcing it is being amended to add the noted authority cited.

Reviewed Section 1179, announcing fee schedule has been relocated reflecting the new fee schedule.

Chairperson Setter requested a motion to approve 1171 through 1179 as amended?

Member Chris Lovato motioned to approve. Member Bobby Brown second the motion to approve. Program Assistant Von Costa conducted vote by roster. Committee approved motion unanimously with 9-members voting.

Chairperson Setter announced Motion to approve 1171 through 1179 as amended approved with 9 of the 11 members.

Chairperson Setter reviewed Article 2, A definitions.  
Announcing the following definitions have been added or relocated:

“AATCC American Association of Textile” has been added.

“Add Fabric” is being added to reflect an application option.

“Applicator” definition relocated and amended to add Office of the State Fire Marshal.

“Approved” definition relocated and amended to add Office of the State Fire Marshal.

Approved Laboratory relocated to this section.

“ASTM, American Society of Testing Materials” has been added.

“Accelerated weathering” has been added.

Chairperson Setter opened discussion for accelerated weathering. Accelerated Weathering definition is not found the Webster's Dictionary. Committee decided to use the terminology found on web search.

Member Duraisamy Revichandran suggested to set the requirement for testing standard to refer to the latest version. Laboratory accreditation requirement is to refer to the latest versions.

Member Bobby Brown stated the accredited labs, are required to follow the ISO 125, to be testing to the most current addition. The language should read that we tested to the latest addition, and all the labs will be protected.

Retired Annuitant Ben Ho commented the State of California can adopt or modify national standard. The committee can indicate as adopted.

Chairperson Setter stated the topic of the standard version for accelerated weathering tabled until it is reached in that section relating to testing. The state is required to follow the published regulation. Specification of the testing standard is required to be in regulation.

Chairperson Setter announced “Chemical registration” has been relocated to this section.

Chairperson Setter proposed “Fabricator” to be added to the definitions. Due to products required to be flame resistant per statutes 13115 or 13119.

Additionally announcing “Fill” has been added.

Member Chris Lovato suggested including the direction of the threads.

Member Kathy Newman concurs with Chris and would be consistent with the warp definition.

Member Duraisamy Revichandran informed the committee that geographic locations use the additional term Weft as the Warp direction of the fabric, suggesting including brackets adding; also referred to as a weft, as used here in means yarn running from selvage to selvage.

Committee Members concur with including additional information in brackets.

Chairperson Setter announced “Concern” has been relocated to this section.

“Flame-retardant chemical” has been relocated to this section.

“Flame-retardant chemical exterior” has been relocated to this section.

“Flame-Retardant Chemical Interior” has been relocated to this section.

“Flock” has been added.

Member Duraisamy Revichandran suggested Flock definition to include both terms for fabric and Christmas Trees.

Committee Members concur with including both definitions for Flock.

Chairperson Setter moved to adjourn meeting due to recording capabilities being disabled, and resume definitions for upcoming meeting. Thanking Committee Members for their time.

#### **4. OPEN FORUM**

There were no comments for open forum.

#### **5. PUBLIC COMMENT**

There was no public comment.

#### **6. MEETING ADJOURNMENT**

Meeting adjourned at 12:00 p.m.