



# STATE FIRE MARSHAL

## FLAME RETARDANT ADVISORY COMMITTEE

**December 5, 2019 Meeting Minutes**  
**Office of the State Fire Marshal**

**3780 Kilroy Airport Way, Suite 500**  
**Long Beach, CA 90806**  
**10 a.m.- 3 p.m. (Pacific Daylight Time)**

### COMMITTEE GOAL

To provide a means of communication between the Office of the State Fire Marshal (OSFM), representatives of industry and fire service, and the public to seek comments and specific views on proposed regulations and intended future action.

### OSFM STAFF

Patricia Setter, Chairperson, OSFM  
Ben Ho, OSFM  
Nickell Mosely, OSFM  
Mike Goth, OSFM  
Kevin Chan, OSFM  
Flint McClain, OSFM  
David Castillo, OSFM (via teleconference)

### MEMBERS PRESENT

Shannon Sanders, Huntington Beach Fire Department  
Byron Doss, National Aeronautics and Space Administration, Jet Propulsion Laboratory  
Kathleen Newman, Fire Tect  
Futong Cui, Fire Retardant & Chemical Tech  
Mike Ohirko, Impact Images  
Christopher Lovato, Flame Check  
Steve Straight, California Conference of Arson Investigators

### MEMBERS ATTENDING VIA TELECONFERENCE

Ellen Atkins, Flames be Gone

### MEMBERS ABSENT

Bobby Puett, Diversified Testing Labs  
Brian Dement, Diversified Testing Labs  
Mark Danon, Universal Studios  
Jonathan Cursinger, Fabric Flameproofing Co.

## GUESTS

Corey Leffler, Fire Tect

### 1. CALL TO ORDER

The meeting was called to order by Chairperson Patricia Setter at 10:01 a.m. (Pacific Daylight Time).

#### A. Welcome and Logistics

Chairperson Patricia Setter gave a brief welcoming and went over some logistics of the building.

#### B. Roll Call / Determine Quorum

Roll call was taken by Nickell Mosely. Chairperson Patricia Setter determined that a quorum of Committee members was present. All individuals present and on the telephone introduced themselves.

### 2. COMMITTEE GOAL AND CHARTER

Kevin Chan went over the Goal and Charter and answered questions from the Committee members.

### 3. NEW BUSINESS

#### A. Re-write Title 19, California Code of Regulations, Chapter 8 – Regulations Relating to Flame-Retardant Chemicals, Fabrics and Application Concerns.

Chairperson Patricia Setter gave an overview of the current issue of Title 19, California Code of Regulations, Chapter 8 that pertaining to the Flame Retardant Program. She also went over the Health and Safety Code, Section 13120 that gave the OSFM the authority to adopt rules and regulations as are deemed necessary to properly regulate the manufacture, sale and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials. The OSFM believes that the regulation is overdue for a revision and the Committee tasks are to review and provide feedbacks. Further discussion regarding the re-writing of the entire chapter, including licensing requirement, testing protocols, laboratories accreditation, labeling, registration and certification. Committee members were asked to review Chapter 8 and submit questions/comments regarding areas that need to be revised, updated, added or deleted.

#### B. Form a workgroup to work on suggestion for the FR exams.

Chairperson Patricia Setter suggested that workgroups to be formed. The workgroups can meet as often as needed, and will give a report at the Committee meetings.

Chris Lovato requested that the exam questions be updated, revised and/or additions. Ben Ho informed the Committee that the exam needs to be completely revised and the Committee should submit suggestion in general areas of focus that

would be beneficial for the applicants to know. Another area is the testing standards in Chapter 8 that the Committee should review to see if it needs to be updated, deleted and/or revised.

It was suggested that 4 workgroups to be formed: Testing and Approval, Licensing, Christmas Tree and Enforcement. Any members can join any workgroups.

- Testing and Approval Workgroup Lead is Kathleen Newman.
- Licensing Workgroup Lead is Steve Straight.
- Christmas Tree Workgroup Lead is Byron Doss.
- Enforcement Workgroup Lead is Shannon Sanders.

#### 4. OPEN FORUM

- A. Christopher Lavato would like to see a fabric sample attached to all tents to allow for easy flame testing on site. Ben Ho stated that including a field test would need to be reviewed and possibly changed in the regulations. Futong Cui stated that a resolution may be to adopt the Building Materials Listing approach by requiring all fabrics be tested and approved to ensure a record of all chemicals used by each company, which can be verified by testing in the field. Mike Ohirko stated that he was scheduled to attend an event in Massachusetts where they required all tents to send in samples to be tested before they were approved for the event. It was not a state agency or fire department conducting the tests so he declined the event. Also, Amazon and the direct importers sell globally (including California) and don't adhere to any of the rules and regulations. Chairperson Patricia Setter stated that the only way we can currently catch sellers is at the stores, (i.e. Walmart, Home Depot) that are selling fraudulent materials is when a State Fire Marshal formal complaint form (EN-17) is submitted. Kathleen Newman stated she is on the NFPA Committee and they are working on developing national standards for testing and licensing since California and the City of New York are the only places that require a licensed applicator to apply flame retardant chemicals.
- B. Steve Straight inquired about fraud within licensing. Chairperson Patricia Setter stated that we can only enforce the licensing provision on people who are licensed or operating without a license within California. Mike Ohirko expressed concern regarding enforcement. An ex-employee is using his company's license number to sell fraudulent product. Ben Ho stated that OSFM will consult with OSFM legal department on OSFM authority and determine which state departments and agencies have authority to do enforcement outside of OSFM licensing authority.
- C. Mike Ohirko expressed that the revenue stream generated from penalties or fee increase may benefit the expenses for testing enforcement. Ben Ho responded that licensing enforcement is not a problem; however, it could be an issue if it is outside of our licensing enforcement authority. Ben Ho also stated that OSFM has increased enforcement staff to help with the inspections and investigations.

## 5. PUBLIC COMMENT

No public present.

## ACTION ITEMS

- A. Determining which state departments and agencies have enforcement authority outside of OSFM licensing enforcement authority.
- B. Committee members were asked to review Title 19, Chapter 8, Article 1, Sections 1171 – 1224) and submit questions and/or comments regarding areas that need to be revised, updated, added or deleted by January 10, 2020. The OSFM is anticipating to have the draft proposed regulation completed by December 2020.
- C. Committee meetings will be held quarterly. Workgroups will be held as often as needed, but reporting from the workgroups will be presented at the Committee meeting.

## 6. MEETING ADJOURNMENT

Chairperson Patricia Setter adjourned the meeting at 12:08 p.m. (Pacific Daylight Time).