

**CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION**

**OFFICE OF THE STATE FIRE MARSHAL
FIRE ENGINEERING DIVISION**

FLAME RETARDANT LAWS & REGULATIONS



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FLAME RETARDANT PROGRAM

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**CALIFORNIA CODES
HEALTH AND SAFETY CODE; LAWS**

**2021 California Code
Health and Safety Code - HSC
DIVISION 12 - FIRES AND FIRE PROTECTION
PART 2 - FIRE PROTECTION
CHAPTER 1 - State Fire Marshal
Article1 General**

Section 13115.

- (a) It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or which 10 or more persons gather for any lawful purpose, in any tent, awning or other fabric enclosure unless a tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from nonflammable material or are treated and maintained in a flame-retardant condition. This subdivision shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
- (b) One year after the adoption of regulations by the State Fire Marshal, but not later than July 1, 1976, it shall be unlawful for any person to sell or offer for sale any tent designed and intended for use for occupancy by less than 10 persons unless the tent is made from flame-retardant fabrics or materials approved by the State Fire Marshal. One year after the adoption of regulations by the State Fire Marshal, but not later than July1, 1976, all tents manufactured for sale in this state shall be flame retardant and shall be labeled in a manner specified by the State who fails to use flame-retardant fabrics or materials or who fails to label them as specified by the

State Fire Marshal shall be strictly liable for any damage which occurs to any person as a result of a violation of this section.

- (c) "Flame retardant," as used in this section, means a fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

Section 13116.

Except as provided in Section 18930, the State Fire Marshal shall prepare and adopt rules and regulations establishing minimum requirements for the prevention of fire and panic in connection with the use of tents, awnings or other fabric enclosures. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code for the purpose described in this section.

13118. All solvents offered for sale at retail shall be labeled as required by the regulations adopted pursuant to the Federal Hazardous Substance Act (Public Law 86-813; 74 stats. 372; 15 U.S.C, Sec 1261, et seq.) which are in effect on January 1, 1979, or which are adopted on or after that date.

Any person, firm, or corporation in violation of the provisions of this section shall be guilty of a misdemeanor.

Section 13119.

It is unlawful for any person, firm, or corporation to establish, maintain or operate any night club, restaurant, café or any similar place where alcoholic liquors are sold for consumption on the premises, or any dance hall, skating rink, theater, motion picture theater, auditorium, school or any other place of public assemblage used or intended for use, as a place of amusement, entertainment, instruction, display, exhibition, unless all drapes, hangings, curtains, drops and all other similar decorative materials that would tend to increase the fire or panic hazard, are made from a nonflammable material, or other treated and maintained in a flame-

retardant condition as defined in Section 13115. The provisions of this section shall not apply to portions of the premises which are not a part of and are not directly connected with that portion of the premises used for any of the above purposes.

Section 13120.

The State Fire Marshal shall establish minimum standard requirements and shall adopt rules and regulations as are deemed necessary by him or her to properly regulate the manufacture, sale and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials used or intended for use in connection with any occupancy mentioned in Section 13115 and 13119.

Section 13121.

The State Fire Marshal shall, before approving any flame-retardant chemical, fabric, or material, require that flame-retardant chemicals and flame-retardant fabrics or materials be submitted to a laboratory approved by him or her for testing in accordance with the standards established pursuant to Section 13120.

Section 13122.

The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of the flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns approved by him or her. He or she may, without cost, furnish a single copy of each list to each flame-retardant chemical and application concern that is registered and approved by him or her and to all California fire officials.

Section 13123.

The State Fire Marshal shall remove from his or her approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any

flame-retardant application concern where he or she finds after a hearing that any of the following causes exists:

- (a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval.
- (b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric, or material.
- (c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying and obtaining approval of the change by, the State Fire Marshal.
- (d) Using chemicals other than those shown on the State Fire Marshal's approved list.
- (e) Using chemicals for the treatment of materials for which they have not been approved.
- (f) Failure to adequately and properly treat a fabric or material to make it flame-retardant to the extent that it will successfully pass the flame-retardant tests established by the State Fire Marshal.
- (g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120.

The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the government code and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from the approved list for a period not to exceed 30 days, if he or she finds that the action required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held, and a decision issued within 30 days after the notice.
Section 13124.

The name of any chemical, chemical concern or flame-retardant application concern whose name has been removed from the approved list for a period of 90 days from the date of removal.

13125. The name of any chemical, chemical concern or flame-retardant application concern shall not be restored to the approved list until a new application, accompanied by a new registration fee, has been filed with the State Fire Marshal.

Section 13126.

With the advice of the State Fire Advisory Board, the State Fire Marshal shall prepare and adopt rules and regulations establishing minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials and flame-retardant applicator concerns whose names are to appear on the approved list.

Section 13127.

(a) Any chemical manufacturing concern, or any flame-retardant application concern, or any concern marketing a flame-retardant fabric or material that desires to have its name appear on the approved list shall first make application to the State Fire Marshal on forms provided by the State Fire Marshal.

(b) For purposes of this section, Sections 13128 and 13129:

(1) "General applicator" 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 applicator" means a concern that engages in the business of or performs for a fee the application of a flame-retardant compound or chemical to nontextile decorative items, including Christmas trees.

(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 Flame Retardant Laws 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 State Fire Marshal. The registration fee shall not exceed the amount necessary to cover the costs incurred by the State Fire Marshal in carrying out Sections 13120 to 13126, inclusive.

Section 13128.

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

Section 13129.

- (a) The State Fire Marshal shall remove from the approved list the names of all chemicals, chemically treated fabrics or materials and the names of all flame-retardant general applicator concerns for which renewal registration fees have not been paid prior to May 1 of each year.
- (b) The State Fire Marshal shall remove from the approved list the names of all flame-retardant limited applicator concerns that have not paid their renewal registration fee prior to October 31 of each year.

Section 13130.

All money collected pursuant to this chapter shall be deposited in the State Fire Marshal Licensing and Certification Fund established pursuant to Section 13137 and shall be available to the State Fire Marshal upon appropriation by the Legislature to carry out the purpose of this chapter.

Section 19810.

- (a) "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery or other fabric or material made from or containing any natural or synthetic fiber.
- (b) "Vendor" as used in this chapter means any individual, firm or corporation engaged in the manufacture for sale, or the sale of articles as herein defined.
- (c) "Inflammable article" as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.
- (d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provision should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers.

It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described.

Section 19811.

The Fire Marshal of the State of California or any Deputy State Fire Marshal has right of access to the premises of any vendor during business hours for the purpose of determining whether inflammable articles are being manufactured or offered for sale therein and may take either an entire article or samples thereof in such quantities as may be necessary for analysis.

Section 19812.

Any article or samples taken under the provisions of Section 19811 hereof shall be subjected to tests by the Fire Marshal and determination made by him as to whether or not the article or samples are inflammable articles as defined in Section 19810.

Section 19813.

The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him.

Section 19814.

Any inflammable article in the possession of any vendor in violation of the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any inflammable article seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provision of Section 19815, whichever is the later.

Section 19815.

Any vendor whose property is seized under the provisions of Section 19814 may within 10 days after such seizure petition the State Fire Marshal to return the property seized upon the ground that such property was illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 60 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the Fire Marshal shall be served upon the petitioner. The Fire Marshal may order the property seized under this act disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the property seized by the Fire Marshal.

Section 19816.

Any vendor who knowingly and willfully violates any rule or regulation of the Fire Marshal relating to inflammable articles shall be guilty of a misdemeanor.

Section 19817.

No person may manufacture, sell, or exchange, possess with intent to sell or exchange, or expose or offer for sale or exchange any eyeglass or sunglass frame made of cellulose nitrate or any other material whose flammability characteristics approximate those of cellulose nitrate. Any such frame is an inflammable article.

Section 19818.

The State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare and adopt such flammability standards and promulgate such regulations, relating to the use of fabric and fabric-like materials in items including, but not limited to, examination gowns, sleepwear, sheets, and pillowcases, used in acute general hospitals and acute psychiatric hospitals, other than in hospital operating rooms, or in skilled nursing

facilities and intermediate care facilities in the state as he deems necessary for the protection of the public interest.

Such regulations shall become operative January 1, 1976. Any violation of the regulations promulgated by the State Fire Marshal pursuant to this section shall be a misdemeanor.

Section 19820.

- (a) No person shall sell, or offer for sale, new children's sleepwear to and including size 14 which does not meet federal flammability standards for children's sleepwear to and including size 6X, and such other standards as may from time to time be adopted by the federal government. The requirements prescribed by this chapter shall be in addition to those prescribed by Chapter 8 (commencing with Section 19810).
- (b) Violation of subdivision (a) is a misdemeanor.
- (c) The State Fire Marshal shall promulgate, in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11340 of the Government Code), flammability regulations covering such other articles of new children's clothing to and including size 14 as it shall determine to be in the public interest.
- (d) Violation of any rule or regulation promulgated pursuant to subdivision (c) is a misdemeanor.

Section 19821.

The Legislature finds and declares that results from recent research and testing by the federal government indicate the chemical tris (2, 3-dibromopropyl) phosphate, hereafter referred to as "Tris," which is widely used in children's sleepwear as a flame retardant, may be a cancer-causing agent.

The State Fire Marshal shall adopt regulations prohibiting the use of Tris in all clothing. The State Fire Marshal, in conjunction with the Department of Consumer Affairs, shall prepare and disseminate information to consumers on how to identify clothing, including children's clothing subject to the

provisions of Section 19820, which has been treated with Tris or any other flame-retardant chemicals used in the manufacture of consumer products which a state or federal agency has determined under state or federal law to be a health hazard of sufficient magnitude to warrant prohibition of their manufacture or sale.

**California Code of Regulations
Title 19 - Public Safety
Division 1 - State Fire Marshal
Chapter 2 - TENTS, AWNINGS AND OTHER FABRIC ENCLOSURES
Article 1 - GENERAL PROVISIONS**

Section 300 - Title. As Such and Will Be Referred to Herein As "These Regulations." [Repealed]

Section 301 - Authority. [Repealed]

Section 302 - Purpose. [Repealed]

Section 303 - Scope

Section 304 - Validity. [Repealed]

Section 305 - Local Ordinances. [Repealed]

Section 306 - Enforcing Authority. [Repealed]

Section 307 - Alternate Means of Protection. [Repealed]

Article 2. Definitions

Section 310 – Definitions

**Article 3. Tents Having an Occupant Load
of Ten or More**

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319. Fire Extinguishers and Other Fire Protection Equipment

320. Fire Safety Personnel

321. Abatement of Fire or Panic Hazards

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Article 4. Flame Resistant and Labeling, All Tents

332. Flame Resistance

334. Requirements Pertaining to All Tents

335. Labeling of Tents

Article 5. Existing Tents

340. Existing Small Tents

341. Existing Membrane Structures and Other (Large) Existing Tents

Section 303 – Scope

(a) The provisions of California Code of Regulations, Title 19, Division 1, Chapter 2 apply to the sale, offering for sale, manufacture for sale, rental and use of tents within this state.

(b) For building standards relating to tents and membrane structures, see California Code of Regulations, Title 24, Part 9, Chapter 24.

Note: Authority cited: Section 13116, Health and Safety Code. Reference: Sections 13115- 13116, Health and Safety Code.

310. Definitions.

(a) Tent. A shelter, structure or enclosure made of fabric or similar pliable material.

(c) Large Tent. A tent designed for use by 10 or more people.

(d) Small Tent. A tent designed for use by less than 10 people.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 1311 5-13116

Article 3. Tents Having an Occupant Load of Ten or More

312. Parking of Vehicles. Vehicles necessary to the operation of the establishment, shall be parked at least 20 feet from any tent. No other vehicle

shall be parked less than 100 feet from any tent except vehicles parked on a public street shall park at least 20 feet from any tent.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 1311 5-13116

315. Flame Resistance Standards.

(a) All tent fabrics and all interior decorative fabrics or materials shall be flame resistant in accordance with appropriate standards set forth in Subchapter 8 of these regulations.

Tent tops and sidewalls shall be made either from fabric which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant fabric approved and listed by the State Fire Marshal.

- (b) Sawdust, shavings, or other combustible material used on the floor or ground shall be made flame resistant or, when approved by the enforcing authority, shall be kept adequately damp when the tent is occupied.
- (c) Repealed.
- (d) Certificates of Flame Resistance or other documentation affirming the requirements of subsection (a) of this section shall be made available upon request of the enforcing authority.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 13115-13116, 13119

316. Smoking Prohibited.

Smoking is not permitted in any tent, and in any adjacent areas where hay or other highly flammable materials are kept. "No SMOKING" signs shall be conspicuously posted in all tents open to the public and wherever otherwise specified by the enforcing authority.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

317. Fireworks and Open Flames.

Fireworks, open flame, or any device emitting flame or spark shall not be used in or immediately adjacent to any tent while open to the public, except when approved in writing by the enforcing authority.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

319. Fire Extinguishers and Other Fire Protection Equipment.

- (a) One Class 2A fire extinguisher shall be provided in every tent having a floor area between 500 square feet and 1000 square feet plus one 2A fire extinguisher in each auxiliary adjacent tent. One additional extinguisher shall be provided for each additional 2000 square feet or fraction thereof.
- (b) At least one Class 1 0BC fire extinguisher shall be provided with each generator or transformer.
- (c) At least one Class 1 0BC fire extinguisher shall be provided in kitchen, dining areas, and at locations where flammable or combustible liquids or flammable gases are used, stored or dispensed.
- (d) Tents having a capacity of 1000 or more persons shall be protected on each of the long sides with fire hose lines of at least 1 ½-inch internal diameter and of sufficient length to reach either end of the tent. The water supply shall be either from the public water mains or from tanks having a capacity of not less than 500 gallons. There shall be at least 65 pounds of flowing pressure at the nozzle of the hose line when a ½-inch tip is used.
- (e) The enforcing authority may modify or waive any of the requirement of this section and may accept other types of fire extinguishing equipment in lieu of that required by these regulations if, in the

authority's opinion, reasonable and adequate protection will be afforded.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 1311 5-13116, 13119

320. Fire Safety Personnel.

The owners or operators of any tent used as a place of assemblage shall provide at least one qualified fire safety person in every tent having a capacity of 500 persons and one additional qualified person for each 1000 additional persons or fraction thereof. Such persons shall be on duty in the tent at all times when the tent is open to the public. They shall be proficient in the handling of fire extinguishers and equipment and shall be familiar with the fire and panic safety regulations. The individual designated under this section shall meet the approval of the fire authority having jurisdiction.

EXCEPTION: The enforcing authority may waive or modify the provisions of this section if, in his opinion, public safety will not be jeopardized.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

321. Abatement of Fire or Panic Hazards.

Any condition that presents a fire hazard, would contribute to the rapid spread of fire, interfere with the rapid exit of persons from the tents, or interfere with or delay the extinguishment of a fire, shall be immediately corrected as ordered by the enforcing authority.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 13115-13116, 13119

324. Flammable and Combustible Liquids.

- (a) Liquids having a flash point below 200°F shall not be stored in any tent nor less than 50 feet from any tent.
- (b) Flammable or combustible liquids shall be stored and dispensed in accordance with the provisions of the Uniform Fire Code. The enforcing authority may permit limited quantities of flammable or combustible liquids required for display and normal merchandizing.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

325. Liquified Petroleum Gas.

Liquified petroleum gas shall not be stored or used in connection with any tent unless the storage containers, equipment, fittings, appliances, placement, use and operation complies with the provisions of Article 5, Subchapter 1, Chapter 4, Title 8, California Code of Regulations.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 13115-13116, 13119

326. Hazard Abatement.

- (a) All flammable vegetation within 50 feet of any tent shall be removed.
- (b) Hay, straw, trash and other similar flammable material shall be stored more than 50 feet from any tent except upon approval of the enforcing authority.

EXCEPTION: Tents to which the public is not admitted.

- (c) Combustible waste shall not be permitted to accumulate on the grounds either inside or outside of tents. Such waste shall be stored in approved containers until removed from the premises.

Authority: Health and Safety Code Section 13116
Reference: Health and Safety Code Sections 13115-13116, 13119

Article 4. Flame Resistance and Labeling, All Tents

332. Flame Resistance.

(d) All tents manufactured for sale, sold, rented, offered for sale, or used in California shall be made from nonflammable material or one of the following flame-resistant fabrics or material approved by the State Fire Marshal:

(1) Fabrics complying with the State Fire Marshal's requirements for flame resistance for exterior use, as set forth in Subchapter 8, or,

(2) Fabrics complying with the flame resistance requirements set forth in "A Specification for Flame Resistant Materials Used in Camping Tentage" published in 1975 by Canvas Products Association International, hereinafter referred to as CPAI-84.

Exceptions:

(1) Tents used for committal services at cemeteries

(2) Tents or similar fabric enclosures used within a sound stage or equivalent enclosure equipped with an overhead automatic fire extinguishing system.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

334. Requirements Pertaining to All Tents.

All tents manufactured for sale in California shall be labeled in accordance with the appropriate provisions of Section 335.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

335. Labeling of Tents.

(a) Each section of top and sidewall in large tents shall have a durable label permanently affixed bearing the following information:

(1) The Seal of Registration

(2) If treated fabric, the name and registration number of the approved application concern and approved chemical used, and the date of treatment.

(3) If registered fabric, the trade name and registration number of the approved fabric, and the date of production.

In lieu of attached labels, the required information may be applied directly to the fabric by print, stamp or stencil.

(b) Small tents shall have a permanently affixed label bearing the information in subsection (a) or shall comply with the provisions specified in CPAI-84 which reads as follows:

(1) Certification. A statement that the materials used in the manufacture of the item meet the flame resistance requirements of CPAI-84.

(2) Manufacturer Identification. An identification of the manufacturer of the item. If the item bears a private label, it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer to the purchaser upon request.

(3) Code Number. A number enabling the manufacturer to identify from his records the suppliers and suppliers' lot numbers of the certified materials used in the item. The manufacturer shall also maintain records identifying the parties to whom he sold camping

tentage. Further, he shall maintain records identifying items manufactured from lots of certified material. Records shall be maintained for 4 years.

(4) Warning Label.

34 pt. WARNING

16 pt. KEEP ALL FLAME AND HEAT SOURCES AWAY
FROM THIS TENT FABRIC

12 pt. THIS TENT IS MADE WITH FLAME RESISTANT FABRIC
WHICH MEETS CPAI-84 SPECIFICATIONS. IT IS NOT
FIREPROOF. THE FABRIC WILL BURN IF LEFT IN
CONTINUOUS CONTACT WITH ANY FLAME SOURCE.

THE APPLICATION OF ANY FOREIGN SYBSTANCE NOT
THE TENT FABRIC MAY RENDER THE FLAME
RESISTANT PROPERTIES INEFFECTIVE.

This warning label or its equivalent must be permanently affixed to the tent at one conspicuous location and must contain block letters on a white background. The first paragraph of the body of the label must be placed in a conspicuous location on each carton containing the tent.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 13115-13116, 13119

Article 5. Existing Tents

340. Existing Small Tents.

Existing small tents are exempt from this subchapter.

Authority: Health and Safety Code Section 1311 6

Reference: Health and Safety Code Sections 13115-13116, 13119

341. Existing Membrane Structures and Other (Large) Existing Tents.

Existing membranes of membrane structures and large (10 or more capacity) existing tents may continue to be used provided evidence of satisfactory flame resistance is available to the enforcing authority. Such evidence may be in the form of certification that the fabric passes the standard small scale flame resistance test as set forth in the regulations or through passage of effective field tests.

Authority: Health and Safety Code Section 13116

Reference: Health and Safety Code Sections 13115-13116, 13119

**CALIFORNIA STATE FIRE MARSHAL
TITLE 19 CALIFORNIA CODE OF REGULATIONS
CHAPTER 7**

Flammable Fabrics Standards (Repealed)

NO LONGER REGULATED BY STATE FIRE MARSHALS OFFICE

**CALIFORNIA STATE FIRE MARSHAL
TITLE 19 CALIFORNIA CODE OF REGULATIONS
CHAPTER 8**

**Regulations Relating to Flame-Retardant Chemicals, Fabrics
and
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**TITLE 19, CALIFORNIA CODE OF REGULATIONS
CHAPTER 8.**

**Regulations Relating to Flame-Retardant Chemicals,
Fabrics and Application Concerns**

Section 1171 – Title

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

Authority: Health and Safety Code Section 13120 and 13126

Reference: Health and Safety Code Section 13120 and 13126

Note: Sections 1171 to 1355, inclusive, issued under authority contained in Sections 13120 and 13126, Health and Safety Code.

Section 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.

Authority: Health and Safety Code Section 13120

Reference: health and Safety Code Section 13120

1173. Scope.

These rules and regulations shall govern the manufacture, sale 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 13116 of the Health and Safety Code. These rules and regulations shall also apply to fabrics or materials

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.

Authority: Health and Safety Code Section 131 20

Reference: Health and Safety Code Sections 13100 through 13132

Section 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.

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

Reference: Sections 13120 and 13126, Health and Safety Code.

Section 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.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

Section 1176 - Basic Characteristics and Test Standards

The quality of resistance to ignition and combustion shall be the primary feature of the test standards, but such other factors as the effect of the

chemicals on materials being treated and the probable life of the flame-retardant quality shall also be given due consideration.

Test standards shall be those adopted and developed through research by the State Fire Marshal and shall include, but not by way of limitation, means for determining weight gain, effects of weathering, breaking strength, aging, flexibility, crocking, neutrality (pH), appearance, settling and any other test found necessary to ensure requisite qualities.

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

Section 1177 - 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 his last place of residence or business as it appears in the records of the State Fire Marshal.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

Section 1177.1 - Change in Location

Any change in the location 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 approved for listing on the State Fire Marshal's approved list of flame-retardant chemicals, fabrics, materials and application concerns shall be reported in writing at the office of the State Fire Marshal within seven (7) days after the change by the person who is the owner after the change.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

Section 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.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

Section 1179 – Fees

(a)	Original or Annual Renewal Registration of any Single Flame Retardant Fabric or Material	\$575.00
(b)	Add Fabric to existing registration	\$250.00
(c)	Original or Annual 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

Credits

NOTE: Authority cited: Sections 13120 and 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.

§ 1179.1. Forms.

(a) The following forms, 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)

NOTE: Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13125, 13127, 13128, and 13130 Health and Safety Code.

§ 1179.2 Application Submittal.

(a) Applications shall be made in writing on forms developed by the Office of the State Fire Marshal, or through the electronic application and payment process "GOVMotus Fire", located on the Office of the State Fire Marshal website: <https://osfm.fire.ca.gov>. 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 1179.

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

(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).

Authority and Reference Notes

Authority cited: Section 13120, Health and Safety Code. Reference: Sections 13125,13127,13128, and 13130 Health and Safety Code.

1179.3 Registration Renewal Period and Registration Fee.

The Registration Renewal Period and the Registration Fee set forth in Health and Safety Code Sections 13127(c)(1) through 13128 are provided below.

13127

(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 on 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 State Fire Marshal. The registration fee shall not exceed the amount necessary to cover the costs incurred by the State Fire Marshal in carrying out Sections 13120 to 13126, inclusive.

13128.

(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 for 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 for the remaining portion thereof.

NOTE: Authority cited: Section 13120, 13128, Health and Safety Code. Reference: Sections 13125,13127,13128, and 13130 Health and Safety Code.

Article 2. Definitions

1190. Applicator. as used herein means any person 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.

1191. Approved. means approved by the State Fire Marshal.

1192. 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 State Fire Marshal.

1193. Chemical. as used herein means flame-retardant chemical.

1194. Concern. as used herein means any person, firm, association, or organization, partnership, business trust, corporation, or company.

1195. Flame-Retardant Application Concern. as used herein means any concern which engages in the application of flame-retardant compounds or chemicals. A flame-retardant application concern may employ a number of applicators. An individual applicator in business for himself shall be considered as a flame-retardant application concern.

1196. Flame-Retardant Chemical. as used herein means any chemical, chemical compound or chemical mixture which when properly applied to a fabric or material will render 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 State Fire Marshal.

1197. 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.

1198. 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 need not of necessity be weather resistant.

1199. Health and Safety Code. as used herein means the Health and Safety Code of the State of California.

1200. Manufacturer. 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 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.

1201. 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 but shall not include materials which must be chemically treated or processed after manufacture to make them flame-resistant.

1202. Place of Public Assemblage. as used herein means any occupancy mentioned in Sections 13115 or 13119 of the Health and Safety Code.

Authority: Health and Safety Code Section 131 20
Reference: Health and Safety Code Sections 13100 through 13132

Article 3. Registration and Labeling of Chemicals

1210. Chemical Registration.

Any chemical manufacturing concern desiring to have a chemical registered by 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.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

1211. Standard Fabrics.

Persons wishing to submit a flame-retardant chemical for registration by the State Fire Marshal shall first obtain standard fabrics in accordance with the provisions of this section. For exterior chemicals a 10-ounce double filling grey duck (Federal Specification CCC-D-761, February 1933) will be used, while for interior chemical a #250 cotton drill dyed blue Pontamine 4GLN (or its equivalent) color index #533 will be the standard.

Chemicals intended for the treatment of synthetics such as acetate, nylon, Orlon and Dacron, and various fiber mixtures, shall be tested as applied to appropriate fabrics made of such fibers or mixtures.

The concern submitting the sample for test may desize the standard exterior fabric before application of the chemical if it so desires. If this is done, however, the chemical will then be registered only for use on unsized or desized fabrics. This is based on the premise that a chemical which is effective on sized material will be at least equally effective on unsized material, but that the reverse is not necessarily true. If the concern desires to submit its chemical for test on desized material, the entire sample of standard fabric shall be desized before any portion of it is treated

with chemical or cut for testing.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

1212. Test Costs.

Cost of laboratory tests shall be borne by the applicant seeking registration of any flame-retardant chemical. The State Fire Marshal reserves the right to publish all or any portion of the laboratory test results.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

1213. Treating Test Fabrics.

The sample of standard fabric shall then be submitted to an approved laboratory, together with sufficient chemical to treat at least five yards of the fabric, and the necessary instructions for its proper application. The chemical shall be applied as per instructions, by a member of the laboratory staff, or may be applied by the person submitting the chemical in the presence of a member of the laboratory staff or a representative of the State Fire Marshal. If the applicant so desires, he may treat the test sample in his flame-retardant application plant in the presence of either the laboratory staff member or a representative of the State Fire Marshal. Exterior chemicals shall be khaki color for testing.

Authority: Health and Safety Code Section 13121
Reference: Health and Safety Code Sections 13100 through 13132

1214. Special Processes.

In case where chemicals cannot be applied by spray, brush, or immersion, but must be applied by a specialized plant process, they shall be registered only for such method of application. Samples of both the treated and untreated fabric or material of sufficient size for test shall be submitted to an approved laboratory.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

1215. Chemical Samples.

In all cases, a one-gallon sample of the chemical or compound being tested shall be sent to the State Fire Marshal. This sample shall be identical in every respect with the material submitted for test. The sample shall bear a label stating:

- (1) The trade name of the chemical or compound.
- (2) The name and address of the manufacturer.
- (3) The approximate date of manufacturer.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

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 standard exterior test fabric (Sections 1230 through 1239) will be approved for treatment of any hard-surfaced cotton fabric such as duck, drill, twill, etc.

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

(1) Fiber Mixtures Containing Not Over 35% Synthetics:
Supplementary tests for Weight Increase (Section 1260) and Fire Resistance (Section 1261) only on each appropriate standard mixed fabric (cotton-rayon-acetate, cotton-rayon-nylon, cotton-rayon-dacron, etc.) for which approval is desired.

(c) Chemicals which meet all requirements as applied to standard synthetic test fabrics (Section 1263.01 through 1263.9) will be approved on the following basis:

(1) 100% Synthetic (Acetate, Nylon, Dacron, Orlon, etc.): Tests shall be performed on each appropriate standard synthetic test fabric for which approval is desired.

(2) Fiber Mixtures Containing Over 35% Synthetics: Supplementary tests on standard interior cotton test fabric for accelerated aging, synthetics (Section 1263. 7) only.

Authority: Health and Safety Code Section 13120
Reference: Health and Safety Code Sections 13100 through 13132

1216.1. Other Materials.

Chemicals intended for treating materials other than fabrics, such as compressed cellulose fiber, wooden and similar decorative materials, base and leaf fibrous materials, brush and foliage. Christmas trees, etc., shall be tested as outlined in Section 1264 and its subsections.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

1217. Permanent Chemicals.

The test requirements for color change, flexibility, and weight increase for "permanent" types of interior chemicals may be waived at the discretion of the State Fire Marshal.

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.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

1218. Test Results.

The results of the test shall be certified by the laboratory on a form prepared by the State Fire Marshal. The form shall contain the trade name of the chemical or compound, the name and address of the manufacturer and the test results.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

1219. Field Results.

Since laboratory tests of textile and other materials only approximate results of actual field use, continued listing of a registered chemical or fabric or material shall depend upon the ability of the chemical or fabric or material to prove satisfactory in actual use. Repeated field failure(s), regardless of laboratory test results, shall be presumed to result from chemical(s) or faulty application thereof.

1220. Retests.

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

1221. Secondary Registrations.

A company desiring to have an already-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 State Fire Marshal that he agrees 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 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.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

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 impart a relatively permanent treatment to fabrics, and fabrics so treated must meet the requirements of the fire resistance test after at least three launderings and three dry cleanings. 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.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

1223. Containers Labels.

All containers of flame-retardant chemical used or intended for use in complying with Sections 13115, 13119 to 13130 inclusive, of the California Health and Safety Code, shall bear a facsimile of the California State Fire Marshal's Seal of Registration shown herein and in addition shall bear the registration number, the percentage of solids, and the flame-retardant chemical name exactly as approved and registered. Containers for interior chemicals shall bear the words "FOR INTERIOR USE ONLY" below the registered name.

For their own protection, chemical manufacturers should place on each container the following additional information: Invoice number; batch number; date of manufacture; and date of shipment.

1224. Refilling Containers.

No persons shall refill any flame-retardant container bearing 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 without first removing or defacing the Seal of Registration.

1230. Exterior Test Specifications.

Exterior flame-retardant chemicals shall be tested in accordance with specifications on file in the Office of the State Fire Marshal. The results of each test shall not fall below the minimum requirements set forth in this article. The normal breaking strength variation of the standard test fabric shall be taken into account in evaluating the test results.

1231. Appearance.

The chemical shall be uniform, homogeneous, and free from coarse particles or lumps. It shall be capable of being broken with a paddle to a smooth, uniform consistency. It shall not jell, liver, curdle or show any separation of phases on storage.

1232. Toxicity. [Repealed]**1233. Weight Increase.**

The weight of the treated fabric shall not be more than fifty percent (50%) greater than that of the untreated fabric.

1234. Breaking Strength.

The breaking strength of the treated fabric shall not be less than that of the untreated fabric.

1235. Accelerated Weathering.

The percentage loss in breaking strength of the treated fabric after accelerated weathering shall not be greater than that of the untreated fabric similarly weathered. The treated fabric after weathering shall meet the requirements for fire resistance outlined in Section 1237.

1236. Water Extraction.

The treated fabric, after water extraction, shall meet the requirements for fire resistance outlined in Sections 1237 and 1237.2.

1237. Fire Resistance. (Small Scale Test.)

The treated fabric, in its original state, after accelerated weathering, and after water extraction, shall be tested in accordance with the method outlined in Section 1237.1 below, and shall not continue to flame for more than two (2) seconds after the burner is removed. The average length of char (for the standard test fabric) shall not exceed three and one-half inches (3 1/2"). The maximum for any fabric shall not exceed six inches (6").

1237.1. Test Method. (Small Scale Test.)

The specimens shall be conditioned by suspending them in an oven having mechanical air circulation, at temperatures of 140° to 145° F. for not less than one hour, nor more than one and one-half hours. Materials which distort or melt at the above oven exposure shall be conditioned at 60° to 80° F. and 25 percent to 50 percent relative humidity for not less than 24 hours.

Six specimens, each not less than two and one-half inches (2 1/2") x twelve and one-half inches (12 1/2"), shall be subjected to the fire resistance test. One half of each set of specimens shall be cut with the long dimension in the direction of the warp, and the other half with the long dimension in the direction of the filling.

The specimens shall be suspended vertically in a rack which covers the upper one-half inch (1/2") of the length and holds the sides firmly to prevent curling, leaving a strip two inches (2") x twelve inches (12") exposed. To protect the specimens from drafts, the apparatus shall be enclosed in a sheet metal shield twelve inches (12") wide, twelve inches (12") deep, and thirty inches (30") high, open at the top, and provided with a vertical sliding glass front. Sufficient room shall be left at the bottom of the front to allow manipulation of the gas burner used in igniting the specimens.

The specimens shall be suspended with their lower end three-quarters inch (3/4") above the top of a three-eighths inch (3/8") I.D. Bunsen or Tirril gas burner, with the air supply completely shut off, and adjusted to give a luminous flame one and one-half inches (1 1/2") long. The flame shall be applied vertically at the center of the width of the lower end of the specimens for twelve (12) seconds, then withdrawn, and the duration of flaming in the specimens after withdrawal of the burner noted. After complete extinction of all flame and glow in the specimen, the length of char shall be measured, as specified in Federal Specifications CCC-T-191a, Supplement October 1945.

1237.2. Fire Resistance. (Large Scale Test).

The treated fabric, both before and after water extraction, shall be tested in accordance with the method outlined in Section 1237.3 below, and shall not continue to flame for more than two (2) seconds after the burner is removed. The vertical spread of flame and afterglow (smoldering combustion), as indicated by the length of char above the tip of the test flame, shall not exceed ten inches (10").

1237.3. Test Method. (Large Scale Test).

The specimens shall be conditioned by suspending them in an oven having mechanical air circulation, at temperatures of 140° to 145° F. for not less than one hour, nor more than one and one-half (1 1/2) hours. Materials which distort or melt at the above oven exposure shall be conditioned at 60 to 80° F. and 25 percent to 50 percent relative humidity for not less than twenty-four (24) hours.

The apparatus for conducting the flame test shall consist of a sheet steel stack twelve inches (12") square transversely, seven feet (7') high, and supported one foot (1') above the floor on legs. The stack shall be open at the top and bottom and shall be provided with a door having an observation window of wired glass extending the full length.

Six specimens, each not less than five inches (5") x seven feet (7'), shall be subjected to the fire resistance test. One-half of each set of specimens shall be cut with the long

dimension in the direction of the warp, and the other half with the long dimension in the direction of the filling. Two or more pieces may be sewn together to provide the necessary length.

The specimen shall be suspended vertically in the stack with its full width facing the observer so that the bottom of the specimen is four inches (4") above the top of a Bunsen burner having a three-eighths inch (3/8") diameter tube and placed on the floor below the stack. The gas supply to the burner shall be natural gas or a mixture of natural and manufactured gases having a heat value of approximately 800-1000 Btu per cubic foot. With a gas pressure of four and one-half inches (4 1/2") (108mm.) of water, the burner shall be adjusted to produce an eleven inch (11") oxidizing flame having an indistinct inner cone. The specimen shall be lightly restrained laterally with clamps and guide wires attached to its outer edges.

The flame shall be applied vertically near the middle of the lower end of the specimen for two (2) minutes and then withdrawn. Observations shall be recorded during and after the flame application to include duration of surface flaming and length of char.

The length of char shall be determined as described for small scale test specimens in Section 1237.1.

1238. Flexibility.

The flexibility of the treated and untreated fabrics shall be reported. The treated fabric, after accelerated weathering, shall not increase excessively in stiffness.

1238.1. Aging Test Optional. [Repealed]

1239. Crocking.

The treated fabric shall be thoroughly dry and shall not show excessive crocking.

1250. Interior Test Specifications.

Interior flame-retardant chemicals shall be tested in accordance with the specifications on file in the office of the State Fire Marshal. The results of each test shall not fall below the minimum requirements set forth in this article. The normal breaking strength variation of the Standard Test Fabric shall be taken into account in evaluating the test results.

1251. Settling.

The chemical, after standing, shall not contain any precipitated solids which cannot be remixed with paddle stirring or by gentle heating to effect a homogeneous solution.

1252. Neutrality.

The pH of the chemical solution (determined on a suitable glass-electrode type pH-meter), shall be reported.

1253. Toxicity. [Repealed]

1254. Color Change.

The chemical shall 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.

1255. Fading.

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

1256. Flexibility.

The flexibility of the treated and untreated fabric shall be reported.

1257. Breaking Strength.

The breaking strength of the treated fabric shall not be less than that of the original fabric similarly treated with tap water.

1258. Accelerated Aging.

The percentage loss in breaking strength of the treated fabric after accelerated aging shall not exceed that of the untreated fabric similarly aged. The treated fabric after accelerated aging shall meet the requirements of the fire resistance test. Microscopic examination of the treated fabric after aging shall not show more than a trace of efflorescence.

1259. Dry Cleaning.

The treated fabric, after dry cleaning, shall meet the requirements of the fire resistance test.

1260. Weight Increase.

The weight of the treated fabric shall not be more than twenty percent (20%) greater than that of the untreated fabric.

1261. Fire Resistance.

The treated fabric shall not continue to flame for more than one second after the burner is removed. The average length of char (for the standard cotton test fabric) shall not exceed three and one-half inches (3 1/2"). The maximum for any fabric shall not exceed 6 inches (6").

Specimens shall be tested for fire resistance in accordance with the method outlined in Section 1237.1.

1262. Combined Laundering and Dry Cleaning.

(To be performed on "Type I" chemicals only.) The treated fabric, after three (3) dry cleanings and three (3) launderings, shall meet the requirements for fire resistance outlined in Section 1261.

1263. Test Procedure.

The standard procedure for testing flame-retardant chemicals and fabrics or materials is on file in the office of the State Fire Marshal.

1263.1. Settling.

The chemical, after standing, shall not contain any precipitated solids which cannot be remixed with paddle stirring or by gentle heating to effect a homogeneous solution.

1263.2. Neutrality.

The pH of the chemical solution (determined on a suitable glass-electrode type pH-meter) shall be between 5.0 and 9.0.

1263.3. Toxicity. [Repealed]**1263.4. Color Change.**

The chemical shall 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.

1263.5. Fading.

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

1263.6. Flexibility.

The flexibility of the treated and untreated fabric shall be reported.

1263.7. Accelerated Aging, Synthetic.

The percentage loss in breaking strength of the treated fabric after accelerated aging shall not exceed that of the untreated fabric similarly aged. The treated fabric after accelerated aging shall meet the requirements of the fire resistance test. Microscopic examination of the treated fabric after aging shall not show more than a trace of efflorescence.

1263.8. Weight Increase.

The percentage increase in weight of the treated fabric over that of the untreated fabric shall be reported.

1263.9. Fire Resistance.

The treated fabric shall not continue to flame for more than one second after the burner is removed. The average length of char (for the standard test fabric) shall not exceed six inches (6").

Specimens shall be tested for fire resistance in accordance with the method outlined in Section 1237.1.

1264. General Requirements.

(a) Tests shall be performed by an approved laboratory, or by the laboratory of the State Fire Marshal.

(b) Sufficient quantities of the chemical and the material for the treatment of which approval is desired shall be submitted to the laboratory, where the chemical shall be applied in accordance with the manufacturer's directions.

(c) The laboratory shall test the treated specimens in accordance with the requirements of the applicable subsection(s) below.

(d) The laboratory shall allow treated and untreated specimens to age 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 dry to the touch within four hours and dry completely within 24 hours. During and after the aging period, there shall be no appreciable change in color or appearance, and no evidence of poor adhesive qualities (such as would be indicated by any tendency toward flaking or powdering off).

(e) A copy of the laboratory report shall be submitted to the State Fire Marshal, covering in detail the method of application or treatment (number of coats, coverage in square feet per gallon, dilution if any, etc.), the results of tests, and the description of the condition or appearance of the treated specimens after aging (including change of color, dryness, brittleness, and any other pertinent qualities). The laboratory or manufacturer shall also submit to the State Fire Marshal at least one quart of the chemical, together with specimens of the material for the treatment of which approval is desired.

(f) The State Fire Marshal may perform such additional tests as he deems advisable or necessary, and his decision insofar as approval and listing of the chemical are concerned shall be final.

1264.1. 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 capable of being readily applied by brush or spray to achieve the required coverage.

Approval of chemicals for the flame-retardant treatment of compressed cellulose fiber and wooden decorative materials shall be based upon tunnel test results when performed by a laboratory properly equipped and staffed to make the test.

Chemicals which achieve a maximum fire hazard classification of 70 for flame spread will be acceptable, where untreated oak is rated at 100 and incombustible asbestos-cement board is rated at 0.

Chemicals intended for flameproofing nonsolid wooden decorative materials, such as sawdust, shavings, and excelsior shall be approved if they are capable of satisfactorily treating cotton. (See Section 1216(b).)

1264.2. Bast and Leaf Fibrous Decorative Materials.

The fire-resistance test shall be performed at the completion of the thirty-day aging period and shall be conducted as nearly as practical as described in Section 1237.1. Tests shall be made on several different areas of the treated materials. There shall be no spread of flame from the area in contact with the test flame, and any after flaming shall not exceed 10 seconds.

1264.3. Christmas Trees.

The chemical shall be applied to fresh green branches of Douglas Fir, approximately three feet long. The fire-resistance test shall be performed at the completion of the 30-day aging period and shall be conducted as nearly as practical as described in Section 1237.1. Tests shall be made on several different areas of the treated branch.

There shall be no spread of flame from the area in contact with the test flame, and any after flaming shall not exceed ten seconds. At the completion of the 30-day aging period, the treated branch shall not lose its needles more readily nor shall they have turned brown to a greater extent than those of the untreated branch similarly aged.

1270. Fee.

Any concern marketing a flame-retardant fabric or material desiring to have such fabric or material registered by the State Fire Marshal shall accompany its application with the registration fee as provided in Section 13127 of the Health and Safety Code.

1271. Test Costs.

The cost of all laboratory tests required shall be borne by the applicant.

1272. Fabric Registration.

Manufacturers who market a flame-retardant fabric or material for use as draperies, upholstery, wall coverings, etc., or a flame-retardant canvas for use in tents, may have

their product listed under its trade name as a registered flame-retardant fabric or material provided that:

(a) The fabric or material is treated by a registered flame-retardant application concern with a registered chemical; or

(b) The fabric or material is inherently noncombustible (such as glass, asbestos, or certain metallic cloths); or

(c) The fabric or material is manufactured of such materials that the flame-retardant qualities may be expected to remain effective for the useful life of the fabric. This category includes such materials as fabric woven from nonflammable synthetic fibers; nonflammable plastic films or sheeting's; treated, synthetic, or inherently noncombustible fabrics which have been coated or impregnated with a nonflammable plastic, etc.

NOTE: Fabrics and materials falling in group (a) above are automatically approved but will be listed as such only upon payment of the registration fee required by statute.

1273. Basic Requirements.

Due to the wide variety of fabrics or materials which might fall into the preceding classifications, it is impractical to devise standards and test procedures which would be applicable uniformly to all materials. However, the basic requirement for any treated fabric or material shall be the ability to withstand the appropriate fire resistance tests outlined herein.

1273.1. Fabrics for Interior Use.

Fabrics as described in 1272(c) intended for interior use shall be tested in their original condition only, and shall meet the requirements for fire resistance outlined in Section 1273.3

1273.2. Fabrics for Exterior Use.

Fabrics as described in 1272(c) intended for exterior use shall meet the requirements for fire resistance outlined in 1273.3, and, in addition, they shall meet the requirements for fire resistance outlined in 1237, both in their original state and after accelerated weathering.

1273.3. Unsupported Film, Synthetic Fabrics and Coated Fabrics.

After removing the fabric from the test flame, the specimen shall not continue to flame for more than two seconds. Exception is made for short duration flaming, in accumulated char areas, which produces no flame spread or travel. No flames shall reach the top of the specimen.

Three specimens each one foot (1') wide by two and one-half feet (2 1/2') long shall be tested for fire resistance.

Each specimen shall be suspended, [FN*] with its lower edge approximately two inches (2") in the test flame, and not less than a twenty-four-inch (24") length exposed. The test flame from a three-eighths inch (3/8") I.D. Bunsen burner, with the air supply just sufficient to remove all traces of yellow flame, but without any distinct blue inner cone, adjusted to a length between three and one-half inches (3 1/2") and four inches (4") shall be applied vertically at the center of the lower edge. No exposure time limitation is imposed, since every effort must be made to initiate sustained combustion.

Failing to ignite the area originally exposed, the specimen should be moved to expose an area near either vertical edge.

1273.4. Flock.

The flock shall be applied heavily to a test armature made of one inch (1") poultry wire twelve inches (12") square folded every three inches (3") to bring the creases one inch (1") apart.

For non-adhesive flock, the adhesive shall be nonflammable both before and after drying. The test specimen shall be thoroughly dried before being tested.

The flock armature shall be suspended above the test flame and tested as provided by Section 1237 for the small-scale fire resistance test.

There shall be no spread of flame from the test area in contact with the test flame, and any after flaming shall not exceed one second.

1274. Additional Requirements.

In the case of fabrics described in paragraph (c) of Section 1272, the manufacturer (or jobber) shall submit to the office of the State Fire Marshal a sample of his product not less than two yards in length or, if intended for exterior use, five yards long. Test reports from independent commercial testing laboratories may be required to substantiate claims made for such product. The State Fire Marshal may then perform, in addition to the fire resistance test, such tests as he may deem necessary to decide whether or not the product warrants registration.

1275. Secondary Registrations.

A concern desiring to register a flame-resistant fabric or material that is not a product of its own manufacture, which required tests prove meets the requirements of this article for approval and registration, may apply for approval and listing under the concern's own trade or brand name as follows:

(a) The manufacturer of the fabric or material shall certify his approval and give his consent in letter to the State Fire Marshal for the registration, sale, distribution, and use of his product under the proposed new name by the applicant concern and stipulate as follows in a letter to the State Fire Marshal:

(1) That all of the fabric or material supplied by him to the applicant concern for sale, distribution or use under the new name shall always be identical in all respects to the test sample and/or report last approved and registered by the State Fire Marshal, and

(2) That he will assign a production or lot control number to each specific unit of such production, and will submit to the State Fire Marshal a one-quarter yard test specimen of each lot sold to the applicant concern, and

(3) That he will maintain a record of the amount of fabric or material furnished to the applicant concern and submit this information to the State Fire Marshal upon his request, and

(4) That he will notify both the applicant concern and the State Fire Marshal, in writing, of any proposed change in formulation or fire-resistant quality not less than 30 days prior to making such change and obtain his approval of such change. New test samples shall be submitted of the changed product.

(b) The applicant concern shall furnish any additional test reports from the independent approved testing laboratories that may be required to substantiate claims made for approval of the fabric or material and shall pay all costs in connection therewith.

(c) The applicant concern shall certify, in a notarized letter accompanying its application form, that the fabric or material sold, distributed, or used under the new name shall always be identical in all respects to the test sample and/or report submitted by him and determined to be acceptable by the State Fire Marshal for approval and registration, and that it will be identified in all records by the same production or lot control number assigned by the manufacturer to a specific unit of production.

(d) The applicant concern shall pay to the Office of the State Fire Marshal the original and annual registration fee as prescribed by the statutes.

(e) Following registration, the concern shall furnish, in accordance with these regulations, test samples and an approved Certificate of Flame Resistance covering the registered fabric or material when the product is sold for use in occupancies governed by the statutes, or when such fabric or material is intended for use or may sometimes be used in the State of California.

1280. Application.

Any person or firm desiring to engage 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 on forms provided by the State Fire Marshal. Separate applications shall be submitted for each separate place of business.

Authority: Health and Safety Code Section 13120

Reference: Health and Safety Code Sections 13100 through 13132

1281. Qualifications.

No application for registration as a Flame-Retardant Application Concern shall be considered unless such applicant or an employee thereof first demonstrates his or her qualifications by:

(a) Passage of a written examination as prepared by 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 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) Presentation of evidence of actual experience in the chemical application.

(c) Possession of necessary equipment and machinery to conduct application procedures.

(d) Submission of required fees as set forth in Section 13127, Health and Safety Code.

1282. Employees.

(a) The rights and privileges extended to a registered Flame-Retardant Application Concern shall extend to bona fide employees of such concern provided all work performed by such employees is under the direct supervision of the individual who satisfactorily passed the examination required by Section 1281. All Certificates of Flame Retardancy issued by such concerns pursuant to this subchapter shall be signed by the individual who has satisfactorily passed the examination.

(b) Except as provided in Section 1282(a) above, the rights and privileges extended to a registered Flame-Retardant Application Concern shall not extend to any person, including but not limited to agents or representative operating with or without a contract with the registered concern. Such persons shall be considered as being separate concerns requiring separate registration.

(c) No person who is not an employee of a Registered Flame-Retardant Application Concern shall be entitled to take the examination set forth in this section without first having made application for registration as a Flame-Retardant Application Concern.

1290. Chemicals.

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

1291. Use.

No concern shall apply any flame-retardant chemical to any fabric or material for use governed by the scope of these regulations unless the chemical is registered with and approved by the State Fire Marshal for treatment of that particular type of fabric or material.

1292. Application.

The chemical shall be applied evenly and to all parts of the article being treated.

1292.1. Fire-Resistance.

The treated fabric or material shall meet the requirements for fire resistance described in Sections 1237, 1237.2, 1261, 1264.1, 1264.2 or 1264.3, whichever is applicable. Samples for testing may be smaller than sizes specified in these sections.

1293. Admixtures.

No concern shall add to or mix with any registered chemical any other chemical or substance excepting a thinning or penetrating agent approved by the chemical manufacturer.

1300. Pretreatment Examination.

Before applying any flame-retardant chemical, the application concern shall first carefully examine the fabric or material to determine:

(a) The type of fabric or material.

(b) If it has been previously treated.

(c) If it contains any sizing or loading.

(d) If it can be effectively and safely treated.

Assuming that the fabric or material is of a type for which the chemical has been registered, the concern must then decide how much chemical must be applied. This will depend on the area to be treated and the type of fabric. The percent weight gain must be commensurate with that determined for the chemical on the standard qualifying

fabric. It may be necessary to apply slightly more or less chemical than this, depending on the weight and type of the particular fabric being treated, but in every case sufficient chemical shall be applied to obtain satisfactory flame resistance.

If examination shows that the fabric has been previously treated, consideration must be given to the possibility that the old treatment combined with the new might nullify the flame-retardant effect or might cause excessively rapid deterioration of the fabric. Whenever possible, all traces of any previous chemical treatment should be removed before re-treating.

The presence of sizing in a fabric can have a decided effect on the flame-retardant treatment, especially the exterior type. Some exterior chemicals will be registered only for the treatment of unsized or desized canvas and may not be applied to a sized material unless the sizing is first removed. Whenever practical, sizing should be removed before treatment with any chemical since a treatment is always more effective and will last longer on an unsized fabric.

Celanese and acetate type rayons are extremely difficult to treat successfully, even though chemicals may be listed as approved for such fabrics. Applicators are cautioned not to undertake the treatment of such fabrics unless they have adequate knowledge and experience.

Before treatment of printed or dyed interior fabrics, the applicator must determine if the colors are fugitive and apt to run if the fabric is wet. In such a case, the applicator must be especially careful in applying the chemical, so as not to cause the colors to run.

It is an acknowledged fact that certain metals and metallic pigments in contact with chlorinated paraffin will accelerate the liberation of hydrogen chloride, especially at high temperatures. This effect is most pronounced with iron, zinc, and pigments composed mainly of salts of these two elements. Zinc oxide is extremely harmful in this respect and its use should be avoided since its effect extends even to properly stabilized chlorinated paraffins.

1301. Fire Hazards.

Certain solvents, thinners, and penetrating agents (such as alcohol, toluol, ketones, petroleum solvents, etc.) sometimes used with flame-retardant chemicals are highly flammable, and manufacturers and applicators must take all necessary precautions to guard against the hazard of fire when using such liquids, especially indoors.

1302. Interlinings.

In the case of drapes, curtains, etc., which have interlinings, the applicator shall make every effort to treat the lower, accessible portion of the interlining, but it shall not be

deemed necessary to treat the entire interlining, or to open the bottom of the article if it has been sewed.

1303. Water pH.

Manufacturers whose chemicals are diluted with water by the applicator must take into account the variation in pH of the water supplies of various localities. The pH of tap water in the Los Angeles area is sometimes as high as 8.7.

1304. Liability.

Protection of public property is a primary responsibility of the application concern in the field. Dripping, splattering, spilling, etc., should be anticipated and provision made for use of drop cloths and shields. The flame-retardant application concern may be held liable for damages to persons or property arising out of and occurring during the course of flame-retardant chemical application and for negligence of his or its agents, servants, employees or subcontractors.

1310. Taking Specimens.

The specimens for making fire resistance tests may be taken by the inspection authority from any part of the fabric or material and in whatever size and number he deems necessary, and the management shall permit the State Fire Marshal or his duly authorized representative to take such specimens for testing purposes. It is assumed that the inspection authority will use reasonable judgment in taking test specimens to avoid unnecessary damage to the article.

1311. Testing Specimens

When tests are deemed necessary by the inspection authority, samples should be taken and tested in accordance with the recommended procedure on file in the Office of the State Fire Marshal.

1320. Pre-Job Notification.

Prior to the performance of every job of flame-retardant chemical application by a registered flame-retardant application concern on the premises of any occupancy mentioned in Sections 13115 or 13119 of the Health and Safety Code, such concern shall first notify the local fire department or the nearest office of the State Fire Marshal, giving the time and date that the job is to be performed. This provision shall not apply to work done by an application concern on its own premises. The fire department or State Fire Marshal may take samples both of the chemical being applied and of the finished treated fabric(s)

1321. Flame-Retardant Application Certification.

After every job of flame retardant chemical application by a registered flame-retardant application concern, an approved certificate of flame resistance shall be furnished the person or concern for whom the work was done, and copies sent the State Fire Marshal

and the local fire authority. These certificates shall be delivered within 10 days after completion of the job, shall be filled out completely and signed by an authorized representative of the registered application concern.

Notation shall be made on the reverse side of the certificate indicating the kind of material and color, and, where curtains or drapes are treated, whether they are unlined, lined, or lined and interlined. Whenever possible the location and use of the treated articles should be given also.

This section shall apply only in cases where treated fabrics are intended for use or may sometimes be used in the State of California.

1321.1. Fabric and Material Certification.

All concerns in whose name an approved flame-resistant fabric or material is registered shall issue approved certificates of flame resistance covering all such products sold for use in occupancies governed by the statutes. Copies shall be furnished the buyer as well as the State Fire Marshal and the local fire authority of the customer's city. These certificates shall be delivered within 10 days after the product is shipped and shall be filled out completely and signed by an authorized representative of the concern.

In addition to the required description on the reverse side of the certificate as to yardage or quantity, color and kind, notation should be made of the manufacturer's production or lot control number, the purchase order or invoice number, and, where possible, the ultimate location and use.

1322. Certified True Copies.

Upon receipt of written request justifying such privilege, the State Fire Marshal may authorize issuance of certified true copies of certificates of flame resistance where conditions warrant. These certified true copies shall conform in every detail with the approved standard form on file in the office of State Fire Marshall. This form is identical to the approved standard certificate of flame resistance, with an additional legend appended, as follows:

We hereby certify this to be a true copy of the original "CERTIFICATE OF FLAME RESISTANCE" issued to us, "original copy" of which has been filed with the California State Fire Marshal.

Spaces are provided below the legend for the names of the authorized issuing concern and its designated official.

In every instance when a certified true copy is issued, a copy shall be filed with the State Fire Marshal and the local fire authority in the customer's city. Test specimens of required size shall accompany the copy sent to the State Fire Marshal.

All of the data from the original certificate shall be copied exactly, special attention being given to the name of the registered chemical, fabric, or material and its registration number and the name of the issuing concern's official.

Notation shall be made on the reverse side of the certified true copy showing (a) the location of ultimate use, when known or obtainable, such as school, theater, night club, or other occupancy governed by the statutes, (b) the yardage or quantity, (c) the kind of fabric or material, (d) its color, (e) the manufacturer's batch or production control number, and (f) the purchase order or invoice number as a means for identification.

1323. Filing Test Samples.

Flame-retardant application concerns shall attach to the certificate submitted to the State Fire Marshal's office not less than one two-inch (2") x six-inch (6") test sample of the fabric or material treated by them, excepting only where such sample cannot be taken without defacing finished converted goods such as curtains, drapes, flats, etc. No exception is permitted for yardage goods.

Test specimens of approved registered fabrics and materials shall be submitted to the State Fire Marshal. The wide variation in fire resistant quality of registered products, ranging from noncombustible to flameproof, militates against setting a single test size and frequency. In general, a one foot (1') by three foot (3') specimen of each unit or lot of fabric and film production bearing the production or lot number shall be submitted by the producer directly to the State Fire Marshal. For other special fabrics and materials, the sample size and test frequency will be specified on an individual basis to the concern in whose name the product is registered.

1324. Job Labeling.

To every article that is treated and to every roll or package of registered approved fabric or material a small label or tag shall be securely affixed, bearing the following information:

- (a) The Seal of Registration of the State Fire Marshal of California.
- (b) Name and registration number of the concern responsible for the job or production.
- (c) Name of the registered chemical used or the registered fabric or material.
- (d) Date the chemical was applied, or the fabric or material was produced.
- (e) The statement, "This article must be re-treated after washing or drycleaning by systems with soap and water added" (if treated with a "Type II" chemical).
This information may be stamped, printed, or stenciled on the article if so desired.

Concerns which treat or manufacture yardage goods may print or stencil their name, or the name of their fabric if registered, on the salvage (at least once every three yards) instead of affixing the label or tag as above.

1325. Labeling Required.

No drape, hanging, curtain, drop or similar decorative material or exterior fabric which has been treated by a registered flame-retardant application concern, either as yardage or after fabrication, or which is made from a registered approved fabric shall be installed after the effective date of these rules and regulations in any place or under any condition governed by Sections 13115 and 13119 of the Health and Safety Code unless such drape, hanging, curtain, drop, or similar decorative material or exterior fabric shall be labeled as required by Section 1324.

1326. Retreatment.

In cases where instructions are issued by the State Fire Marshal requiring retreatment or replacement of fabrics or materials previously treated with a flame-retardant chemical or registered as an approved fabric or material, the retreatment or replacement shall be made within ten (10) days after date of the order so requiring. A new certificate of flame resistance covering each such retreatment shall be delivered as for an original job as is provided for by Section 1321. A new sample of the retreated fabric or material shall be attached to the certificate of flame resistance submitted to the State Fire Marshal.

1327. Installation.

The standard fire resistance tests presume installation of approved registered fabrics in a normal vertical position. Some decorative materials installed otherwise, such as in narrow strips or suspended overhead in a horizontal position, may exhibit different burning characteristics. Since it is not feasible to devise tests for all such installations differing from normal, they must be judged on an individual basis. Where indicated, the State Fire Marshal may perform such additional tests as he deems necessary to ensure adequate fire resistance of materials as installed.

1330. Description.

Seal of Registration of the State Fire Marshal of California



The official Seal of Registration shall consist of a series of concentric circles lettered as follows: Outer Circle:

Upper half: "REGISTERED"	Upper half: "STATE OF CALIFORNIA"
Lower half: "FLAME RETARDANT"	Lower half: "STATE FIRE MARSHAL"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered approved chemical, fabric, material or flame-retardant application concern.

1331. Unlawful Use.

No person or concern shall use this Seal in any manner or for any purpose without having received official permission so to do from the State Fire Marshal in writing.

1332. Permissive Use.

Use of this Seal shall be restricted to permissive use by persons and concerns as defined by these rules and regulations as proof of the fact that the State Fire Marshal of California has approved and registered one or more of the following:

- (a) Flame-retardant chemical.
- (b) Flame-retardant fabric.
- (c) Flame-retardant material.
- (d) Flame-retardant application concern.

1333. Approved Use.

Approved uses of the Seal shall include, but not by way of limitation, use in connection with:

- (a) Labels for containers of approved and registered chemical; or for fabrics or materials.
- (b) Stencils for tents, canvas and similar fabrics.
- (c) Printed matter including the certificate of flame resistance, approved promotional matter and copy for publication. [FN*]
- (d) Letterheads, personal cards and similar stationery.

1334. Reproduction.

No person shall make any reproduction of the California State Fire Marshal's Seal of Registration other than one made from the proof of the master copy furnished the registered person or concern at the time the registration number is issued, and such reproduction shall be made in accordance with the instructions for use thereon. No alteration of the original, or copy, or facsimile other than the original furnished by the State Fire Marshal shall be used.

1335. Registration Number.

Before reproduction of the Seal of Registration, there shall be inserted in the box provided the Registration Number assigned by the State Fire Marshal to designate the chemical, fabric, material, or application concern.

1336. Size.

Reproductions of the Seal for use in labeling containers of flame-retardant chemical shall have a maximum diameter of one and one-half inches (1 1/2").

1337. Cease Use Order.

No person or concern shall continue use of this Seal in any manner or for any purpose after receipt of a notice in writing from the State Fire Marshal of California to discontinue such use, or after receipt of notice in writing of the removal of its name or the name of its product from the registered list.

1338. Misuse.

Violation of such an order or misuse of the Seal shall constitute a violation of these rules and regulations and is a misdemeanor within the meaning of the governing statute.

1340. Listing.

Testing laboratories wishing to have their names listed on the State Fire Marshal's list of approved laboratories, shall first make application to the State Fire Marshal on the form provided by him.

1341. Approval Basis.

No laboratory shall be approved for the testing of flame-retardant chemicals unless it possesses or has access to the use of (1) all the equipment necessary for performing the tests required, and (2) personnel familiar with the testing of the flame-retardant qualities of fabrics and materials.

1350. Statutory.

Section 13123 of the State Health and Safety Code provides that "The State Fire Marshal shall remove from his approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any flame-retardant application concern where he finds after a hearing that any of the following causes exists:

“(a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval.”

“(b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric or material.”

“(c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying the State Fire Marshal of such change and obtaining approval of same.”

“(d) Using other than chemicals shown on the State Fire Marshal's approved list.”

“(e) Using chemicals for the treatment of materials for which they have not been approved.”

“(f) Failure to adequately and properly treat a fabric or material to make it fire resistant to the extent that it will successfully pass the fire resistance tests established by the State Fire Marshal.”

“(g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120.”

“The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from his approved list for a period not to exceed 30 days, if he finds that such action is required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held and a decision issued within 30 days after such notice.”

1351. Advertising.

Regarding paragraph (b) above, reference to approval and listing by the State Fire Marshal of a product shall be limited to a statement to the effect that the product has met the requirements of and is registered by the California State Fire Marshal.

1352. Regulatory.

Repeated evidence of any of the following conditions shall likewise be cause for removal from the list:

(a) Failure of a chemical to impart satisfactory flame resistance in actual use.

(b) Abnormal deterioration of fabrics or materials to which a chemical has been applied.

(c) Failure of an application concern to apply sufficient chemical (consistent with amounts used in qualifying tests) to impart flame resistance for a reasonable period of time, depending on the conditions of use of the fabric or material treated.

(d) Failure to deliver Certificate(s) of Flame Resistance as required by Section 1321 of these rules and regulations.

1353. Employer Responsibility.

Every flame-retardant application concern shall be responsible for the acts of its employees or agents, insofar as such acts apply to the flame-retardant treatment of any fabric or material, and the concern's registration certificate shall be subject to revocation for acts of said employees or agents.

1354. Restoration to List.

Restoration of names to the registered lists shall be in accordance with Sections 13124 and 13125 of the Health and Safety Code.

1355. Criminal Penalties.

Furthermore, Section 13112 of the State Health and Safety Code states as follows:

“Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both.

“A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter.”