

**State of California  
Office of Administrative Law**

**In re:**  
**Office of the State Fire Marshal**

**Regulatory Action:**

**Title 19, California Code of Regulations**

**Adopt sections: 1179.1, 1179.2, 1179.3**

**Amend sections: 1179**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-0927-01**

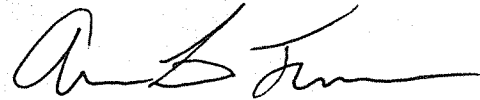
**OAL Matter Type: Regular Resubmittal (SR)**

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This action amends fees and the application process for the Flame Retardant Chemicals and Fabrics Program.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 11/8/2022.

**Date: November 8, 2022**



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**Anna Thomas  
Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: Michael J. Richwine, State Fire  
Marshal**

**Copy: Eireann Flannery**

# RESUBMITTAL

For use by Secretary of State only

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-2022-0118-04	<b>REGULATORY ACTION NUMBER</b> 2022-0927-01	<b>EMERGENCY NUMBER</b> 15K
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
 In the office of the Secretary of State  
 of the State of California  
 NOV 08 2022  
 3:13 pm

OFFICE OF ADMIN. LAW  
 2022 SEP 27 PM 4:05

AGENCY WITH RULEMAKING AUTHORITY  
 Office of the STATE FIRE MARSHAL

AGENCY FILE NUMBER (If any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Flame Retardant - Fee Increase		TITLE(S) 19	FIRST SECTION AFFECTED 1179	2. REQUESTED PUBLICATION DATE Upon Filing
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Eireann Flannery	TELEPHONE NUMBER 916-531-7650	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022-4-2	PUBLICATION DATE 2/11/2022

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Flame Retardant Fee Increase	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0502-02
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 1179.1, 1179.2, 1179.3
	AMEND 1179
TITLE(S) 19	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
 August 19, 2022 - September 4, 2022 request 6/23/22 1V8

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>State Fire Advisory Board, a.k.a. State Board of Fire services</u>		

*per agency request 6/23/22 1V8*

7. CONTACT PERSON Eireann Flannery	TELEPHONE NUMBER 916-531-7650	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) eireann.flannery@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Michael J. Richwine</i>	DATE 9/26/22
TYPED NAME AND TITLE OF SIGNATORY Michael J. Richwine, State Fire Marshal	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

NOV 08 2022

Office of Administrative Law

**TEXT OF PROPOSED REGULATIONS (Final)**

**California Code of Regulations  
 Title 19. Public Safety  
 Division 1. State Fire Marshal  
 Chapter 8. Regulations Relating to  
~~Flame-Retardant~~ Flame Retardant Chemicals, Fabrics and Application  
 Concerns**

Added text is shown in underline and deleted text is shown in ~~strikethrough~~.

**§ 1179. Fees.**

(a)	Original or Annual Renewal Registration of any Single Flame Retardant Fabric or Material	<del>\$200.00</del> <u>\$575.00</u>
(b)	<u>Add Fabric to existing registration</u>	<u>\$250.00</u>
(b)(c)	Original or Annual Renewal Registration of a Flame Retardant Chemical	<del>\$200.00</del> <u>\$575.00</u>
(e)(d)	Original or Annual Renewal of a Flame Retardant Application Concern, (General <u>Applicator</u> )	<del>\$175.00</del> <u>\$450.00</u>
(d)(e)	Original or Annual Renewal of a Flame Retardant Application Concern, (Limited <u>Applicator</u> )	<del>\$85.00</del> <u>\$230.00</u>
(e)(f)	Laboratory Fees:	
	Fabrics	\$50.00
	Chemicals	\$50.00
	General Applicator <u>Flame Retardant Certificates</u>	<del>\$9.00</del> <u>\$20.00</u>
(g)	<u>Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b)</u>	\$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.**



*\*adopt\**

**APPLICATION FOR DECORATIVE MATERIALS REGISTRATION - FABRIC**

Company Name: \_\_\_\_\_  
 Product Trade Name: \_\_\_\_\_  
 Physical Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

***\*Only one mailing address and contact person is permitted per company.***

- Fabric Application:** Provide check/money order for \$575.00 (for each registration), complete test report from OSFM approved laboratory, 2 test samples of fabric 3 1/2" x 10" (1 cut on warp and 1 cut on fill), and the completed application.
- Add Fabric:** Registration No. \_\_\_\_\_. Provide check/money order for \$250.00 per product, complete test report from OSFM approved laboratory, 2 test samples of fabric 3 1/2" x 10" (1 cut on warp and 1 cut on fill), and the completed application.
- Revisions:** Registration No. \_\_\_\_\_. Provide description of requested minor revisions (address change, etc.) and the completed application. A change of ownership must be a notarized document on company letterhead signed by the new and existing owners.
- Secondary Registration:** Provide check/money order for \$575.00, a completed application, and the following information. The manufacturer of the registered material shall certify in a letter to the OSFM that they agree to furnish the registered material to said company for sale, distribution, or use under the new name. The Concern shall certify in a notarized letter to the OSFM that the material sold, distributed, or used under the new name shall always be identical in all respects to the original.

**PRODUCT INFORMATION**

1. Product Description (100% cotton, laminated, etc.) \_\_\_\_\_
2. Application:       Exterior       Interior       Both
3. Fiber Content/Product Composition: \_\_\_\_\_
4. Inherently flame resistant:       Yes       No
5. Topically treated with a flame retardant chemical:       Yes       No



If yes, name of chemical: \_\_\_\_\_

OSFM Registration Number: \_\_\_\_\_

6. Method of treatment: \_\_\_\_\_

\_\_\_\_\_

7. For INTERIOR products:

Number of washings before loss of flame retardant properties: \_\_\_\_\_

Number of dry cleanings before loss of flame retardant properties: \_\_\_\_\_

8. For EXTERIOR products:

Expected lifetime of the flame-retardant qualities: \_\_\_\_\_

9. Other limitations: \_\_\_\_\_

10. For "Add Fabric" Only - Difference from existing textile or material: \_\_\_\_\_

\_\_\_\_\_

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**Please complete the following section:**

I hereby certify that the Flame Retardant Chemical used in our manufacturing process does not contain any chemicals banned by the State of California.

I hereby certify that I have read and reviewed the Proposition 65 list posted by the Office of Environmental Health Hazard Assessment (OEHHA) and that our product is in compliance with Proposition 65 in the State of California.

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**CERTIFICATION:** As company owner, responsible company officer or authorized agent, I certify that I have read and understand the information on this form and that the facts I present to the Office of the State Fire Marshal for review and evaluation are true and accurate. I also certify that this product complies with all applicable California and Federal laws and regulations.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name of Signee:** \_\_\_\_\_ **Title:** \_\_\_\_\_