

HOME FURNISHINGS LAW LABEL REGULATION WORKSHOP MINUTES **Tuesday, February 5, 2019, 10:00 a.m. – 12:00 p.m.**

Attendees

Govt. Personnel: Nicholas Oliver, Bureau Chief, BHGS
Rita Wong, Deputy Bureau Chief, BHGS
Diana Godines, Policy Manager, BHGS
Yeaphana La Marr, Policy Manager, BHGS
Carrie Cathalifaud, Laboratory Supervisor, BHGS
Rosemarie Pecota, Chemist, BHGS
Rajinder Sandhu, Chemist, BHGS

Attendees: Burt Grimes, Pacific West Furniture
Judy Levin, Center for Environmental Health
Stephanie Hollingsworth, Fatboy USA
Jarod Brames, OFS
Albert DeSmet, Crawford & Burke
Greg Painter, Jasper Group
Ellen Roaldi, Bureau Veritas
Judy Anton, Southern Label Company
Zina Juroch, Pier 1 Imports
Kelsey McCoy, Pier 1 Imports
Kelly Frey, Human Touch
Pascal Benyamini, on behalf of the California Furniture
Manufacturers Association
Cristina Kopecky, Pacific Coast Feather Cushion
Pamela Williams, California Retailers Association
Theresa Berkovich, Natural Resources Defense Council
Christie Bouma, California Professional Firefighters
Gil Walker, Hill Rom Furniture
Angela Birmingham, Hooker Furniture
Jennifer Gartler, Dorel Home Products

Teleconference: Several stakeholders intermittently listening in by phone.

Agenda Item #1 – Welcome and Introductions

The meeting commenced shortly after 10:00 am.

Diana Godines opened the meeting by thanking everyone for their attendance and participation in the law label workshop. Ms. Godines discussed the intent of the

workshop, which was to discuss current labeling requirements and proposed changes and to gather input and feedback from stakeholders.

Agenda Item #2 - New Legislation

Ms. Godines discussed Senate Bill 1483 and Assembly Bill 2998 and their effects on current law label requirements. She stated Senate Bill 1483 establishes the Bureau's statutory name change, which will require the new name to be placed on labels. She also stated that businesses may use their old label stock, but the changes to the labels should be made by the end of this year. She then stated that Assembly Bill 2998 has no effect on current labeling requirements. Burt Grimes suggested that the timeframe to use current stock is too short as a lot of labels would be wasted. Nicholas Oliver noted that there will be more discussion about other changes to the labels, which could affect the time frame.

Theresa Berkovich spoke on behalf of Natural Resources Defense Council and stated the importance of the law labels. She stated that labels continue to provide clarity and certainty for consumers in helping them make choices to protect their health and the health of their families and should be maintained.

Christy Bouma spoke on behalf of the California Professional Firefighters. Ms. Bouma stated that the firefighters have worked very hard on the bill that imposed the labeling requirements for SB 1019. She stated that the presence of chemicals and the property of the chemicals are very toxic to firefighters when they combust. Ms. Bouma stated that they are hoping no legislative effort to repeal the existing disclosure requirements will be pursued given the fact that a ban is now in place. She stated that consumers make better and safer choices by seeing these labels. Judy Levin noted that the California labels are referenced across the country; New York requirements specifies that furniture must be labeled in accordance with California law; EPA guidelines for furniture include a recommendation that EPA only purchase furniture that meets certain VSC emissions and that it is labeled in accordance with the California law; as well as the benefits other states receive from the California law. Ms. Levin suggests that if labels were to be removed consumers would be at a loss.

Agenda Item #3 – Clean Up of Existing Law Labels

Rosemarie Pecota opened the topic by discussing the cleanup of existing law labels to eliminate discrepancies in verbiage that exists between regulation and label examples. Ms. Pecota also discussed formatting changes, which intend to align the labels printed in the rules and regulations with label examples that have been seen in the FAQ's, law, flame retardant chemical statement, and combined law labels. Some of these format changes will include the elimination of the revenue stamp section sometimes referred as the block section; the extension of the lines separating each section of the law label to either the edge or to the border of the label; and the inclusion of the number of cushions in the type 2 label.

Burt Grimes addressed the fact that there are so many different labels required which are costly. Pascal Benyamini inquired on the reason the Bureau is including the number of cushions on the law label. Ms. Pecota responded that the Bureau feels that it provides more information for the consumers. It helps in situations where pillows, such as bolster or decorative pillows, are included with the purchase of an article of furniture. Adding the number to the label allows consumers to be aware that they are getting the complete package. Mr. Benyamini stated his concern with this addition and interjected that surveys that have been conducted show consumers do not normally look at the law labels. A teleconference participant added that this would be an undue burden on the manufacturer. Ms. Pecota reiterated that if there are detachable back or seat cushions, the number would be indicated following the disclosure of back or seat cushions to ensure the consumer is in fact getting the complete article that was advertised and duly purchased.

Angela Birmingham noted that an International Association of Bedding and Furniture Law Officials (IABFLO) law label manual mentions that the number of seat and back cushions has been required in Connecticut, Ohio, California, and Pennsylvania since 2015. She further stated this is not something new to industry. Carrie Cathalifaud clarified that it has always been written in regulation that if your product contains loose detachable cushions, a type 2 label must be used. The type 2 label distinguishes between body, seat and back cushions. However, the type 2 label currently shown in regulation does not have in parentheses the number of body, seat, back cushions, bolster, or pillows. The Bureau will add the parenthesis for the number of cushions and pillows into regulations. Mr. Grimes suggested allowing a check mark to distinguish whether the article is being sold with a bolster to save from having several separate labels.

Agenda Item #4 – Update to Definitions and Terminologies

Rajinder Sandhu reported on adding terms and definitions to regulations to assist with making the descriptions and terminologies on the law label clearer. Ms. Sandhu stated that definitions in the International Sleep Products Association (ISPA) manual as well as other states' regulations have been very helpful. The Bureau has relied on the Consumer Product Safety Commission (CPSC) for definitions for mattresses and mattress pads. Ms. Sandhu solicited input from attendees to assist with compiling a list of definitions or terminologies. Ellen Roaldi asked if there will be full acceptance with other states as they have their own interpretations. Ms. Sandhu responded that the Bureau would attempt to use terminology that would be accepted in other states, however, differences should be anticipated. Ms. Roaldi stated that normally ISPA manuals provide guides for products across the board. Terminology that differs or where enforcement is different creates a catch 22. She provided an example using the term "recycled," which is not accepted across the states nor is the interpretation. Mr. Grimes inquired whether there will be definitions for the terms and terminology to assist with making them clearer. Mr. Benyamini added that Virginia is reviewing their regulations, as well as the terminology, therefore it may be helpful to connect with them to harmonize with their terminology.

Agenda Item #5 – Filling Materials Percentages and Requirements

Mr. Oliver stated that revising the filling materials percentage requirement is currently on the table. Mr. Oliver requested input from the attendees as to whether the Bureau should increase the variance, remove the percentage requirement, and requested to hear other options. Ms. Cathalifaud noted that the current regulation is poorly written and that it would be rewritten to clearly define the five percent variance. Ohio has plus or minus 10%, other states have plus or minus three percent, Oklahoma has plus or minus 10%, Pennsylvania has a zero tolerance, and Connecticut has a plus or minus 10%. Ms. Cathalifaud suggested that a revision of a 10% variance would be more aligned with other states.

Mr. Grimes stated that the suggestion of removing the percentage requirement is supported by four different industry groups. They proposed the idea of removing percentages since it is confusing to consumers who cannot understand the differences between the weight of a piece of foam versus a piece of Dacron. The volume it takes up is totally different. Because an article contains more or less Dacron or foam has nothing to do with the quality of the furniture. Mr. Grimes provided examples of the current and proposed versions of the type 1 and 2 labels (Attachment 1). Mr. Grimes stated that one of the proposed examples eliminates the percentages, but distinguishes the product based on weight; the other proposed example merely inserts the actual descriptions. He stated that keeping the descriptions is important for those who have allergies. Mr. Grimes also stated that having one label for most products would make it easier for manufacturers.

Mr. Oliver inquired how the consumer would distinguish whether a product marketed as memory foam is truly made of primarily memory foam according to the label. Mr. Oliver also questioned whether a product could be labeled as memory foam with having less than 50 percent of the memory foam. Mr. Grimes stated the label should not be a marketing tool and the person on the sales floor should provide information on what is inside the product. He added there is a misconception that shredded foam is cheaper than regular foam, however, shredded memory foam is more expensive than regular foam. He asked that the requirements be streamlined as the requirements are going overboard in comparison to other expensive products that are purchased by consumers. Mr. Benyamini agreed with Mr. Grimes' comment that the Bureau should streamline the law label requirements particularly since the current percentage requirement has contributed very little to the buyer relation rate. The Bureau should eliminate the percentages, with an exception to plumage, and manufacturers should list components in the order of predominance.

Ms. Levin stated advertisements for bio-based and soybean foam having two percent in their product, however, the product is marketed as soybean or bio-based foam. She further stated she has a concern with the higher end products and listing filling materials by predominance would not indicate to the consumer whether the component is at a really low percentage; rather the component would be listed as a second component and could mislead the consumer. Ms. Levin suggested that listing components in

predominance would be acceptable, however, should a component be under a certain percentage with the certain percentage possibly being less than 10 or 20 percent, that percentage should be noted on the label as to not mislead the consumer.

Agenda Item #6 – Plumage Regulations and Labels

Ms. Cathalifaud opened the topic by discussing plumage regulations and the consideration of changing the oxygen number. She explained that the oxygen number determines the cleanliness of the feather and down product. Currently, the oxygen number is at 20 grams, but the Bureau testing results have shown plumage samples less than 5 grams of oxygen per 100,000 grams per sample. Ms. Cathalifaud stated the proposed change to not to exceed 10 grams of oxygen would align with other regulators and provides for a cleaner product. Ms. Cathalifaud also stated the Bureau's proposed regulations will add examples of plumage labels. Ms. Birmingham questioned whether amendments would affect the placement of the sterilization number controlled by Pennsylvania. Ms. Cathalifaud replied that the Bureau does allow for the sterilization permit number to follow the registration number and the amendments would not alter this allowance.

Agenda Item #7 – Public Comments

Mr. Grimes requested labeling information to be in one location on the Bureau's website so that it is easily found.

Maggie Terry stated that she is in the process of updating the ISPA manual for 2019 and requested updates.

Ms. Levin stated, on behalf of Ms. Bouma, appreciation of the Bureau for all the work performed on the flammability standard from the firefighter perspective.

Ms. Godines concluded the meeting at 11:05 a.m.

ATTACHMENT 1

TYPE 1 LABEL

CURRENT

REVISION 1

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER
ALL NEW MATERIAL CONSISTING OF POLYURETHANE FOAM PAD..85% POLYESTER FIBER BATTING..15%
REGISTRY NO. CA XXXXX
CERTIFICATION IS MADE BY THE MANUFACTURER THAT THE MATERIALS IN THIS ARTICLE ARE DESCRIBED IN ACCORDANCE WITH LAW.
NOTICE THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES. THE UPHOLSTERY MATERIALS IN THIS PRODUCT: — CONTAIN ADDED FLAME RETARDANT CHEMICALS <input checked="" type="checkbox"/> CONTAIN NO ADDED FLAME RETARDANT CHEMICALS THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.
WARNING PROP 65: THIS PRODUCT MAY CONTAIN A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, OR BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.
PRODUCT COMPLIES WITH CARB PHASE 2 SECTION 93120.2(A) USING PHASE 2 COMPLIANT OR NAF/ULEF COMPONENTS.
H 163448

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER
ALL NEW MATERIAL CONSISTING OF POLYURETHANE FOAM PAD POLYESTER FIBER BATTING
REGISTRY NO. CA XXXXX
CERTIFICATION IS MADE BY THE MANUFACTURER THAT THE MATERIALS IN THIS ARTICLE ARE DESCRIBED IN ACCORDANCE WITH LAW.
NOTICE THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES. THE UPHOLSTERY MATERIALS IN THIS PRODUCT: — CONTAIN ADDED FLAME RETARDANT CHEMICALS <input checked="" type="checkbox"/> CONTAIN NO ADDED FLAME RETARDANT CHEMICALS THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.
WARNING PROP 65: THIS PRODUCT MAY CONTAIN A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, OR BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.
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H 163448

ATTACHMENT 1

TYPE 2 LABEL

CURRENT

REVISION 1

REVISION 2

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER
ALL NEW MATERIAL CONSISTING OF BODY: POLYESTER FIBER BATTING...90% POLYURETHANE FOAM PAD...10% SEAT CUSHIONS: POLYURETHANE FOAM PAD...91% POLYESTER FIBER BATTING...9% BACK CUSHIONS: POLYESTER FIBER.....100%
REGISTRY NO. CA XXXXX
CERTIFICATION IS MADE BY THE MANUFACTURER THAT THE MATERIALS IN THIS ARTICLE ARE DESCRIBED IN ACCORDANCE WITH LAW.
NOTICE THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES. THE UPHOLSTERY MATERIALS IN THIS PRODUCT: — CONTAIN ADDED FLAME RETARDANT CHEMICALS <u>X</u> CONTAIN NO ADDED FLAME RETARDANT CHEMICALS THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.
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PRODUCT COMPLIES WITH CARB PHASE 2 SECTION 93120.2(A) USING PHASE 2 COMPLIANT OR NAF/ULEF COMPONENTS.
D172077

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER
ALL NEW MATERIAL CONSISTING OF BODY: POLYURETHANE FOAM PAD POLYESTER FIBER BATTING SEAT CUSHIONS: POLYURETHANE FOAM PAD POLYESTER FIBER BATTING BACK CUSHIONS: POLYESTER FIBER
REGISTRY NO. CA XXXXX
CERTIFICATION IS MADE BY THE MANUFACTURER THAT THE MATERIALS IN THIS ARTICLE ARE DESCRIBED IN ACCORDANCE WITH LAW.
NOTICE THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES. THE UPHOLSTERY MATERIALS IN THIS PRODUCT: — CONTAIN ADDED FLAME RETARDANT CHEMICALS <u>X</u> CONTAIN NO ADDED FLAME RETARDANT CHEMICALS THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.
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D172077

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER
ALL NEW MATERIAL CONSISTING OF POLYURETHANE FOAM PAD POLYESTER FIBER POLYESTER FIBER BATTING
REGISTRY NO. CA XXXXX
CERTIFICATION IS MADE BY THE MANUFACTURER THAT THE MATERIALS IN THIS ARTICLE ARE DESCRIBED IN ACCORDANCE WITH LAW.
NOTICE THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES. THE UPHOLSTERY MATERIALS IN THIS PRODUCT: — CONTAIN ADDED FLAME RETARDANT CHEMICALS <u>X</u> CONTAIN NO ADDED FLAME RETARDANT CHEMICALS THE STATE OF CALIFORNIA HAS UPDATED THE FLAMMABILITY STANDARD AND DETERMINED THAT THE FIRE SAFETY REQUIREMENTS FOR THIS PRODUCT CAN BE MET WITHOUT ADDING FLAME RETARDANT CHEMICALS. THE STATE HAS IDENTIFIED MANY FLAME RETARDANT CHEMICALS AS BEING KNOWN TO, OR STRONGLY SUSPECTED OF, ADVERSELY IMPACTING HUMAN HEALTH OR DEVELOPMENT.
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D172077