

**State of California
Office of Administrative Law**

In re:
**Bureau of Electronic and Appliance Repair,
Home Furnishings and Thermal Insulation**

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections:

Amend sections: 1374, 1374.3

Repeal sections:

**AMENDED NOTICE OF APPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

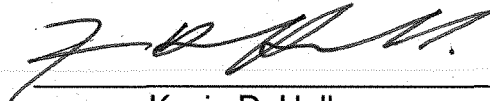
OAL Matter Number: 2018-1210-03

OAL Matter Type: Regular (S)

This action by the Bureau of Electronic and Appliance Report, Home Furnishings and Thermal Insulation amends furniture flammability standards by removing requirements of Technical Bulletin 133, entitled "Flammability Test Procedure for Seating Furniture For Use in Public Occupancies," dated 1991.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/22/2019.

Date: January 23, 2019



**Kevin D. Hull
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Nicholas Oliver, Chief
Copy: Diana Godines**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0713-01	REGULATORY ACTION NUMBER 2018-1210-03S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 DEC 10 P 4:36
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 22 2019

1:43 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
Bureau of Electronic Appliance Repair, Home Furnishings, and Thermal Insulation

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE Amendment of Flammability Standards		TITLE(S) 4	FIRST SECTION AFFECTED 1374	2. REQUESTED PUBLICATION DATE July 27, 2018
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Diana Godines		TELEPHONE NUMBER (916) 999-2068
5. AGENCY CONTACT PERSON Diana Godines		TELEPHONE NUMBER (916) 999-2068		FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2018, 30-2
				PUBLICATION DATE 7-27-2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amendment of Flammability Standards	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1374, 1374.3
	REPEAL

TITLE(S)
4

3. TYPE OF FILING

<input checked="" 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 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)

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

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) Dean R. Grafilo, Director, Department of Consumer Affairs *Dean R. Grafilo 11/5/18*

7. CONTACT PERSON Diana Godines	TELEPHONE NUMBER (916) 999-2068	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) diana.godines@dca.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>Nicholas Oliver</i>	DATE 12.10.18
TYPED NAME AND TITLE OF SIGNATORY Nicholas Oliver, Bureau Chief	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 22 2019

Office of Administrative Law

**Bureau of Electronic and Appliance Repair
Home Furnishings, and Thermal Insulation
Division 3 of Title 4 of the
California Code of Regulations**

ORDER OF ADOPTION

Legend: Added text is indicated by underlining.
Deleted text is indicated by ~~strikethrough~~.

Amend section 1374 of Article 13 to read as follows:

1374. Flammability; Upholstered and Reupholstered Furniture.

This section operative on and after January 1, 2015. See preceding Section 1374, operative until December 31, 2014 and inoperative as of January 1, 2015.

(a) On and after January 1, 2015, all filling materials and cover fabrics contained in any article of upholstered furniture and added to reupholstered furniture shall meet the fire retardant requirements as set forth in the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013, entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture," dated June 2013 and be labeled in accordance with Section 1374.3. This section incorporates by reference Technical Bulletin 117-2013 and shall not apply to filling materials and cover fabric manufactured prior to January 1, 2015.

(b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.

~~(c) All upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled "Flammability Test Procedure For Seating Furniture For Use in Public Occupancies," dated January 1991.~~

~~(d) For purposes of this section, the term "public occupancies" shall mean:~~

~~(1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.~~

~~(2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.~~

~~(3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.~~

~~(4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.~~

~~(5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.~~

~~(6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.~~

~~(e) Public occupancies and public assembly areas, as defined in Section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13 1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall either comply with the requirements of Section 1374(a) or the requirements of Section 1374(c).~~

(fc) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

Amend section 1374.3 of Article 13 to read as follows:

1374.3. Labeling.

This section operative on and after January 1, 2015. See preceding Section 1374.3, operative until December 31, 2014 and inoperative as of January 1, 2015.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETINS 116 AND 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

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.

~~(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:~~

~~**NOTICE**~~

~~**THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.**~~

(dc) Minimum size of the label for subsections (a), and (b) and ~~(c)~~ shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.
(ed) All flammability labels described in sections 1373.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

12.10.18

Date



Nicholas Oliver, Bureau Chief
Bureau of Electronic and Appliance Repair,
Home Furnishings, and Thermal Insulation