



JUSTIFICATION FOR THE CHANGES WITHOUT REGULATORY EFFECT

In accordance with Title 1, Section 100 of the California Code of Regulations (“CCR”), the amendments submitted by the Bureau of Household Goods and Services (Bureau) with this package do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any provision for the reasons explained below.

- Universal definitions and labeling terms of use are currently scattered in various Articles throughout Title 4, Division 3, of the CCR, which makes them difficult to find, thereby creating a lack of clarity and confusion regarding their meaning and applicability within the CCR. Thus, for better organization, ease of reference and to help ensure uniformity in understanding the provisions in the CCR, this package proposes to relocate and consolidate the existing definitions and terms of use, without any substantive changes to existing text as follows:
 - In Article 1 (General Provisions), expand and re-title Section 1101 from “Definitions of Bureau and Act” to “Definitions” to allow for the inclusion of other definitions that have universal meaning and applicability within the CCR. Specifically, Section 1136 regarding “Definitions of Types of Bedding” and its subsections (a)-(c) that contain definitions for “Box Springs”, “Matching Box Springs” and “Foundation” would be moved from this section in Article 3 and relocated as follows to Section 1101, subsection (c): paragraph (a) “Box Springs” with its existing definition relocated to 1101(c)(1), paragraph (b) “Matching Box Springs” with its existing definition relocated to 1101(c)(2), and paragraph (c) “Foundation” with its existing definition relocated to 1101(c)(3). Putting the definitions in this location would make these definitions easier to locate and for users to understand their applicability in this Division.
 - Expand and re-title Article 3 from “Universal Definitions and Labeling” to “Labeling Definitions and Description of Filling Materials” to consolidate definitions for terms that may be used on a law label. Specifically, Articles 4, 6, 7, 8, and 11 are proposed to be renumbered and consolidated in Article 3. This consolidation will enable the industry and Bureau staff to locate and access the terms more easily and, thus, enhance understanding of their applicability and promote greater compliance.
- Section 1101 of Article 1 states, in part: “the term “act” means Chapter 3 of Division 8 of the Business and Professions Code, which chapter is also cited as the Home Furnishings and Thermal Insulation Act.”

To emphasize and make this reference clear, the Bureau proposes to revise “act” by amending the lowercase “a” and capitalizing it to “A” within Section 1101. Additionally, for consistency, the Bureau proposes this change throughout the regulations when referencing the Act.

- In Section 1251 of Article 8, subsection (a), the Bureau replaces “the State Department of Health Services” with “the State Department of Public Health” to conform to Section 20 of the Health and Safety Code (HSC). HSC section 20 was amended to reflect changes in the name and functions of the former State Department of Health Services. (Stats 2006., ch. 241). Specifically, it states: “Commencing July 1, 2007, any reference to the former State Department of Health Services regarding a function vested by Chapter 2 (commencing with Section 131050) of Part 1 of Division 112, in the State Department of Public Health is deemed to, instead, refer to the State Department of Public Health[.]” The proposed amendment to Section 1251(a) will correct the outdated terminology.
- Typographical changes are proposed for either consistency throughout the regulations or to correct grammar.

More specifically, the explanation of the proposed changes are as follows:

Article 1. General Provisions

§ 1101. Definitions of Bureau and Act.

- Re-titles this section to “Definitions” and deletes from the title the words “Bureau and Act” to expand its use and, specifically, to allow for the inclusion of other definitions that have universal meaning within the CCR.
- Since the definitions proposed include new definitions and not only definitions for “Bureau” and “Act” anymore, the Bureau proposes to add the words “following” and “shall mean”, and, to pluralize the word “term” in the introductory sentence for grammatical reasons and for easier comprehension. The words “and the term” would be repealed so that the sentence would read: “For the purposes of these rules and regulations, the following terms shall mean:”
- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency throughout the regulations.
- Reorganizes the definitions of “Act” and “Bureau” by moving them to new subsections (a) and (b) in alphabetical order, with minor and non-substantive changes to the existing text to clarify the reorganization.

- As noted above, Section 1136 and its title “Definitions of Types of Bedding” is proposed to be relocated to this section from Article 3 and renumbered to subsection (c) with no changes to the existing text.
- In the “Note” section, the Bureau proposes to add the reference to the definition of “Bedding” in the Act at BPC section 19007, to specify the section that is being interpreted by these definitions.

§ 1103. “Separate Service to the Trade.”

- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency throughout the regulations.

§ 1104. “The Term “On His or Her Own Account.”

- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency with the rest of the text throughout the regulations.

§ 1105. Exemptions.

- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency throughout the regulations.

Article 3. Universal Definitions and Labeling

- Re-titles Article 3 by striking existing references to “Universal” and adding “and Description of Filling Materials” so that the title would read: “Labeling Definitions and Description of Filling Materials.” This would more accurately describe the contents of this Article and provides better guidance to the users.

§ 1135. Terms of Definitions and Label Requirements.

- Re-titles this section by deleting “Terms of” and adding “General” so that the title would read: “General Definitions and Label Requirements.” This would more accurately describe the contents of this section and provides better guidance to the users.

§ 1136. Definitions of Types of Bedding.

- Strikes this section from Article 3. It is proposed to be relocated to Article 1 and renumbered to subsection (c) under Section 1101 with no changes to the existing text for the reasons noted above.

§ 1137. Care Instructions.

- Renumbers this section to 1136 with no changes to the existing text to cover the gap in content created with the movement of the title and text for existing Section 1136 to CCR section 1101.

Article 4. Cotton Regulations

- For the reasons noted above, these sections in Article 4 are proposed to be moved and consolidated within Article 3.

§ 1182. Definitions of Types of Cotton.

- Strikes this section from Article 4. It is proposed to be relocated to Article 3 and renumbered to Sections 1137 and 1138, for the reasons noted above.
- Relocates the definition for “Cotton” under subsection (a) to proposed new Section 1137 with no changes to the existing text. Section 1137 is proposed to be titled ‘Definition of “Cotton”.’ The Bureau believes that having a separate definition for “cotton”, separate and apart from the definitions for specified types of cotton in renumbered 1138 would provide greater comprehension of the distinctions in definitions and make the stand-alone definition for “cotton” easier to locate.
- Reorganizes the remaining subsections alphabetically within the new section 1138 for better organization with no other changes to the existing text.

§ 1181. Optional Labeling.

- Strikes this section from Article 4 for the reasons noted above. It is proposed to be relocated to Article 3, renumbered to Section 1139, and re-titled to ““Blended Cotton” Optional Labeling’ to more accurately cover the content of this section, with no other changes to the existing text.

Article 6. Wool and Hair Regulations

- For the reasons noted above, these sections in Article 6 are proposed to be relocated and consolidated within Article 3.

§ 1209. “Wool.”

- Strikes this section from Article 6. For the reasons noted above, it is proposed to be relocated to Article 3, renumbered to Section 1140, and re-titled to “Definition of ‘Wool’” (by adding the words “Definition of”) for greater accuracy in description with no other changes to the existing text.

§ 1210. “Hair.”

- Strikes this section from Article 6. For the reasons noted above, it is proposed to be relocated to Article 3, renumbered to Section 1141, and re-titled to ‘Definition of “Hair”’ (by adding the words “Definition of”) for greater accuracy in description with no other changes to the existing text.

§ 1211. Classification of Hair.

- Strikes this section from Article 6. For the reasons noted above, it is proposed to be relocated to Article 3, renumbered to Section 1142 with no other changes to the existing text.

Article 7. Man-Made Fiber Regulations

- For the reasons noted above, this section in Article 7 is proposed to be relocated and consolidated within Article 3.

§ 1238. Kinds of Man-Made Fibers.

- Strikes this section from Article 7. For the reasons noted above, it is proposed to be relocated to Article 3, renumbered to Section 1143, and re-titled to “Definitions of Man-Made Fibers” (by adding the words “Definition of”) for greater accuracy in description.
- Amends the chemical formulas in subsections (b), (f), (h), and (l)(2) (as renumbered). These changes merely correct errors in formatting; content would not be changed.
- Strikes “finer” in existing subsection (n) (renumbered as (o)) and replaces it with “fiber.” This change merely corrects a misspelling.
- Strikes “chlorophene” in existing subsection (p)(3) (renumbered as (l)(3)) and replaces it with “chloroprene.” This change merely corrects a misspelling.
- Reorganizes subsections alphabetically for better organization.

Article 8. Miscellaneous Vegetable Fiber Regulations

- For the reasons noted above, this section in Article 8 is proposed to be relocated and consolidated within Article 3.

§ 1247. Terms and Definitions.

- Strikes this section from Article 8. For the reasons noted above, it is proposed to be relocated to Article 3, renumbered to Section 1144, and re-titled to “Definitions of Vegetable Fibers” (by striking the words “Terms and” and adding the words “of Vegetable Fibers”) to more accurately describe the subject matter of this section.

Article 11. Latex Foam Rubber and Filling Regulations

- For the reasons noted above, these sections in Article 11 are proposed to be relocated and consolidated within Article 3.

§ 1329. Definitions and Grades of Latex Foam.

- Strikes this section from Article 11. It is proposed to be relocated to Article 3, renumbered to Section 1145, and re-titled for consistency with other section titles to ‘Definitions and Grades of “Latex Foam”’ (by adding quotation marks around the words “Latex Foam”) with no other changes to the existing text.

§ 1330. Physical Requirements of Latex Foam.

- Strikes this section from Article 11. It is proposed to be relocated to Article 3, renumbered to Section 1146, and re-titled for consistency with other section titles to ‘Physical Requirements of “Latex Foam”’ (by adding quotation marks around the words “Latex Foam”) with no other changes to the existing text.

Article 9. Sanitization Regulations

§ 1251. Methods of Sanitization.

- Strikes “Health Services” in subsection (a) and replaces it with “Public Health.” This change conforms to HSC section 20 and corrects outdated terminology as noted in the above introductory explanation.
- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act,” in subsection (b), for clarification and consistency throughout the regulations

Article 10. False or Misleading Advertising

§ 1300. Application of Article.

- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency throughout the regulations.

§ 1316. Secondhand Merchandise.

- Strikes lowercase “a” and replaces it with uppercase “A” in the word “Act” for clarification and consistency throughout the regulations.