



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
FIRE ENGINEERING DIVISION
1131 S Street
Sacramento, California 95811
Web Site: <http://osfm.fire.ca.gov>
(916) 445-8200



Flame Retardant Advisory Committee
MINUTES
Wednesday, May 26, 2010
Teleconference

Committee Goal: To provide a means of communications between the Office of the State Fire Marshal, representatives of industry, the public and the fire service; and to seek comments and specific views on proposed regulations and intended future action.

SFM STAFF:

Jeannie Smith, Chair
Glenn Tong, Technical Advisor
Diane Arend, Technical Advisor

MEMBERS ON LINE:

Amber Anderson, Cosumnes Community Services District
Tom Andrews, Turning Star, Inc.
Ellen Atkins, Delta Pacific Technologies, Flame Retardant/Flameproofing
Juli Case, Industrial Fabrics Association International (IFAI)
Jonathan Curtsinger, Fabric Flameproofing
Wendy Holt, Contract Services Administration Trust Fund
Joe McNally, Mountain View Christmas Tree Farm
Kathy Newman, Firetect Flame Retardants
Pedro Vega, Dazian Fabrics
Greg Wrona, QAI Laboratories

MEMBERS ABSENT:

Bobby Puett, Diversified Testing Laboratories

I. CALL TO ORDER

The Chair called the teleconference to order at 10:03 A.M., on Wednesday, May 26, 2010. A roll call was given and a quorum established.

II. APPROVAL OF MINUTES

The Chair asked for a motion to approve the minutes of the April 27, 2010 meeting.

Jonathan Curtsinger motioned to approve the minutes with the correction to show "Members On Line" instead of "Members Present"; it was seconded by Amber Anderson, and approved with corrections.

III. OLD BUSINESS

Task Groups

1. Laboratories Testing Procedures Task Group

Glenn Tong updated the Committee. The Laboratories Testing Procedures Task Group is working on several issues dealing with Section 1176 (Proposed Regulation - Page 2): 1) placement of all sections that deal with test standards in one location; 2) converting inches to metric; 3) weathering, leaching and ultra violet (UV) requirements; 4) testing for exterior materials, and 5) the test method within Section 1264.6. A draft of the revised section will be presented to the Committee when the Task Group finishes their review and discussion.

2. Product Data Sheet Task Group

Ellen Atkins provided an update. With input from the Product Data Sheet Task Group, Ellen will put together a draft document for discussion at the next Committee meeting.

3. Test Revision Task Group

Kathy Newman updated the Committee. The Test Revision Task Group had a very productive teleconference on May 6, 2010, and is continuing to restructure the existing General Applicator examination. The Group will be meeting again sometime next month.

IV. NEW BUSINESS

Page-by-Page Proposed Regulations Review – Articles 4-5 (Proposed Regulations – Page 21-29)

The Committee discussed Article 4 – Registration of Flame-Retardant Fabric or Material. The following are the Committee's recommendations, comments, and/or amendments:

- 1270 – Should the Product Data Sheet be added to this section
- 1271 – Change certifications to reports
- 1272 – Change title to “Fabric or Material Registration”
- 1272 – Delete reference to upholstery and use “tents” instead of flame-retardant canvas
- 1272(b) – Add flame retardant or noncombustible
- 1272 (c) – Concerns regarding language: flame-retardant qualities may be expected to remain effective for the “useful life of the fabric”; “inherently noncombustible fabrics”.¹
- 1275 – Clean up language and format
- 1276 – Change title to: Retest Requirements for Registered Flame-Retardant Fabric or Material
- 1276(c) – Clarify purpose and reword

¹ The Committee discussed in length the issue of CSFM registration of fabrics that are inherently noncombustible. The authority for approval, registration, and renewal of any flame-retardant fabric, chemical, or applicator is within Health and Safety Code Sections 13115-13128, which are attached to these Minutes for reference.

The review of Article 5 was carried over to the next meeting.

V. OPEN FORUM

- Jonathan Curtsinger stated that Chief Ho had discussed at a previous meeting the possibility of grandfathering IFR fabric that was already approved but no longer registered with the CSFM.

Action Item: Staff to discuss with Chief Ho via conference call with Jonathan prior to the next meeting.

- Jonathan Curtsinger suggested that since the Committee has made several referrals to the Language Task Group, that this may be the appropriate time to put the Group together. The Chair recommended that the Committee first finish reviewing the proposed regulations in their entirety.
- Kathy Newman asked if it would be feasible for the Flame Retardant Advisory Committee to be recognized for its endeavors when the regulatory process is complete.

Action Item: Staff to pursue an acknowledgement to the Committee when the project is complete.

VI. SCHEDULE NEXT MEETING

The next teleconference was scheduled for Wednesday, June 30, 2010, at 10:00 A.M. – 12:00 NOON.

VII. MEETING ADJOURNMENT

The meeting adjourned at 11:50 A.M.

HEALTH AND SAFETY CODE

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 under which 10 or more persons may 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 a 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 July 1, 1976, all tents manufactured for sale in this state shall be flame retardant and shall be labeled in a manner specified by the State Fire Marshal. Any manufacturer of tents for sale in this 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.

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 purposes described in this section.

13119. It is unlawful for any person, firm or corporation to establish, maintain or operate any night club, restaurant, cafe 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, or 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 are 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.

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 Sections 13115 and 13119.

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.

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.

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 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 the notice.

13124. The name of any chemical, chemical concern or flame-retardant application concern whose name has been removed from the approved list shall not be restored to the approved list for a period of 90 days from the date of the 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.

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.

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 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.

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.

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 purposes of this chapter.