



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**  
**OFFICE OF THE STATE FIRE MARSHAL**  
**FIRE ENGINEERING DIVISION**  
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**Flame Retardant Advisory Committee**  
**MINUTES**  
**Tuesday, July 20, 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  
Ben Ho, Division Chief  
Diane Arend, Technical Advisor  
Yevonne Costa, Assistant Program Coordinator  
Glenn Tong, Technical Advisor

**MEMBERS ON LINE:**

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

**MEMBERS ABSENT:**

Amber Anderson, Cosumnes Community Services District  
Bobby Puett, Diversified Testing Laboratories

*Note: Some items were discussed out of order.*

**I. CALL TO ORDER**

The Chair called the teleconference to order at 10:05 A.M., on Tuesday, July 20, 2010. The Chair announced that Chief Ho would be joining the group around 11:00 A.M. Yevonne Costa conducted a roll call; and a quorum was established.

**II. APPROVAL OF MINUTES**

After noting the spelling correction of Gary Banasky in the Minutes of the June 30, 2010 meeting, the Chair asked for a motion to approve the minutes, as corrected.

Wendy Holt motioned to approve the May 26, 2010 minutes; it was seconded by Joe McNally; and with no objections, approved with minor change.

### III. OLD BUSINESS

#### A. Task Groups

##### 1. Laboratories Testing Procedures Task Group

Glenn Tong had no new items to report. Juli Case brought up her concern regarding the lack of an ignition time on the alternate test. Glenn reported that the Task Group is still reviewing this issue.

##### 2. Inherently Flame Retardant (IFR) Fabrics Task Group

Jonathan reviewed the IFR Fabrics Task Group Preliminary Report which was provided to the members. The report was broken into two groups: New Registration and Re-Registration of IFR Fabrics. For new registration it was suggested that a more stringent test for IFR fabrics be developed and utilized. The Chair clarified that this test is already in existence and is in current and proposed Title 19 regulation; current – Section 1273.3 and proposed regulation – Section 1176(d). Also suggested and discussed was having materials laboratory tested every 4 years and performing discretionary or SFM required annual field testing. With regard to the re-registration of fabric, it was suggested that annual testing be done; however, this testing would be difficult with already fabricated items. Inspection and enforcement of already fabricated items are the responsibility of the local fire authority. The issue of the “usable life of the fabric” and CSFM registration for the life of the fabric was discussed.

After a lengthy deliberation, it was decided that the Task Group continue their discussions on their proposal and include Chief Ho in their next IFR Fabrics Task Group conference call. Jonathan Curtsinger suggested that a representative also be included from QAI.

**Action Item:** Task Group to include Chief Ho in their next conference call.

##### 3. Product Data Sheet Task Group

Ellen Atkins asked the group if they had anything they would like to see on the Product Data Sheet. She recommended that the labs should have input to what they would like to see on the form and also stressed that the name should be changed as it is conflicting. Kathy Newman asked for clarification of the purpose of the information. The Chair stated that the manufacturer of the product would fill out the Product Data Sheet form, submit it along with their samples to the testing lab, the lab would then verify the information and return the form with the test report to the manufacturer. When the manufacturer submits their product for CSFM registration, they would submit their completed application, test report, MSDS (for chemicals), and Product Data Sheet to the CSFM.

The Chair reiterated that the information requested on the form would be inserted into the new database; which in turn would produce a Certificate of Registration that would include all the information that the authority having jurisdiction would need to know about a particular product. The goal is to have these certificates available on the CSFM webpage similar to the BML Program so everyone would have access. Wendy Holt added that the form would be used to standardize the information collected.

Jonathan Curtsinger motioned to change the name of the Product Data Sheet to Product Information Sheet, Ellen Atkins seconded; with no objections, the motion was approved.

**Action Item:** Product Data Sheet Task Group will put together another draft document for the Committee's review.

B. Toxicity Issue

Chief Ho reported that he has been involved with the California Department of Public Health (CDPH), Office of Environmental Health and Hazard Assessment (OEHHA), Department of Toxic Substances Control (DTSC), and the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau of Home Furnishings). The Bureau of Home Furnishings regulates flame-retardant furniture and bedding used in California and the SFM Flame Retardant Program regulates flame retardant chemicals for decorative materials. The issue is the toxicity of flame retardant chemicals. In the certification process, the SFM only addresses fire performance and does not have the enforcing authority regarding the toxicity of chemicals. However, in order to meet the approval and certification process, the SFM will propose to require manufacturers to certify that their product complies with all applicable Federal and State laws and regulations pertaining to the toxicity of their product. Chief Ho will be meeting with key players under a different venue regarding the toxicity of flame retardant chemicals and would like to include representatives from the Advisory Committee. Jonathan Curtsinger and Wendy Holt volunteered to be included in that discussion.

IV. **NEW BUSINESS**

A. Fire Retardant for Christmas Trees

The Chair stated that during the adoption of the 2007 California Fire Code (CFC) provisions of Section 806 "Decorative Vegetation in New and Existing Buildings" were adopted in conflict with Title 19, Section 3.08. The conflict was identified and will now be corrected. For the 2010 edition of the California Fire Code, which will be adopted January 2011, Section 806 will not be adopted by the CSFM. The provisions of Title 19, Section 3.08 will be utilized; however, the local authority having jurisdiction may still adopt the CFC provision. In the interim, CSFM Information Bulletin issued November 20, 2008 will continue to be in force.

Joe McNally had raised concerns regarding this issue. A separate conference call will be held for clarification.

**Action Item:** Conduct conference call with Joe McNally, Wendy Holt, Kathy Newman, Ellen Atkins, and the Chair to discuss Christmas tree issues.

B. Page-by-Page Proposed Regulations Review – Article 5  
(Proposed Regulations – Page 25-29)

The Committee discussed Article 5 – Registration of Flame-Retardant Application Concerns and Certified Flame-Retardant Applicators. During the last meeting, there was a lengthy discussion regarding Section 1280(a). Since there was no consensus, members were asked to submit their comments to the Chair for review.

Chief Ho discussed the laws and regulations pertaining to Section 1280(a). Since the question is whether we have the authority to change the regulation, Chief Ho stated that he will check with the CAL FIRE Legal Office on our authority and make a determination at that time. It was agreed that members develop their recommendations on the proposed language of Section 1280(a), including the reason for each recommendation, and forward them to the Chair. These recommendations will then be shared with the Committee before the next meeting, at which time they will be discussed.

The Committee discussed Section 1280(e). At the last meeting, the members stressed that since not all local communities issue business licenses, reference to “business license” should be replaced or deleted with some other form of identification. Glenn Tong reiterated to the group that Article 5 was taken from existing Fire Extinguisher regulations. They are being included in the proposed regulations to standardize the registration process for all of Fire Engineering’s licensing, listing, and registration programs. It is recognized that not all jurisdictions issue business licenses.

The committee discussed other possible forms of identification, i.e. resale permits, state or federal identification numbers, W-4.

Jonathan Curtsinger motioned that the Committee find a different type of ID that everyone agrees with, that could be added other than a business license. Joe McNally seconded the motion.

After discussion, Jonathan restated and reworded his motion: For the proposed language in Article 5, Section 1280(e), the applicant shall furnish a local business license or other identification, to be suggested by the committee, which matches their physical address. Kathy Newman seconded the revised motion.

The Committee discussed other possibilities. Wendy Holt suggested changing the language to: shall furnish a valid proof of business, e.g. business license, federal identification, W-9, resale license, etc. The Committee agreed with this recommendation.

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

**Action Item:** Check with CAL FIRE Legal Office on authority to change regulation pertaining to Section 1280(a).

**Action Item:** Members develop their recommendations on the proposed language of Section 1280(a), including the reason for each recommendation, and forward them to the Chair. Comments on Article 5 would also be accepted.

**Action Item:** Recommendation from the Committee to change Section 1280(e) wording to: Each applicant shall furnish a valid proof of business, e.g. business license, federal identification, W-9, resale license, etc., verifying their physical address as listed on the "Registration."

## **V. OPEN FORUM**

- Ben Ho announced that staff will be looking at increasing the membership of the Advisory Committee to include additional fire service and laboratory representatives.
- Ben Ho reviewed the structure and purpose of the Advisory Committee.

## **VI. SCHEDULE NEXT MEETING**

The next teleconference was scheduled for Wednesday, August 25, 2010, at 11:00 A.M. – 1:00 P.M.

## **VII. MEETING ADJOURNMENT**

The meeting adjourned at 12:09 P.M.