

**STATE FIRE MARSHAL
TITLE 19
CHAPTER 7. FLAMMABLE FABRICS STANDARDS
ARTICLE 3. CRITERIA OF ACCEPTANCE**

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code §19818, the State Fire Marshal shall prepare and adopt such flammability standards and promulgate such regulations, relating to the use of fabric and fabric-like materials in items including, but not limited to, examination gowns, sleepwear, sheets, and pillowcases, used in acute general hospitals and acute psychiatric hospitals, other than in hospital operating rooms, or in skilled nursing facilities and intermediate care facilities in the state as deemed necessary for the protection of the public interest.

SPECIFIC PURPOSE AND RATIONALE

The proposed regulation amends existing standards and regulations for fabric or fabric-like material in examination gowns, sleepwear, sheets and pillowcases.

NECESSITY

The existing cited standard, National Fire Protection Association (NFPA) 702-75, for the examination of the gowns, sleepwear, sheets and pillowcases has been repealed by NFPA. NFPA now defers to the federal flammability standards adopted in Title 16, Code of Federal Regulations (CFR), Chapter II, Subchapter D. The proposed regulatory amendments are necessary to reflect this change.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT

The SFM utilized the existing flame-retardant advisory committee, consisting of both industry and regulatory personnel, to review the proposed regulations. NFPA now defers to the federal flammability standards adopted in Title 16, Code of Federal Regulations (CFR), Chapter II, Subchapter D. The proposed regulatory amendments are necessary to reflect this change.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The State fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

ALTERNATIVES – SMALL BUSINESSES

The proposed regulations have no substantial effect to small business and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small business and still allow the SFM to effectively enforce the regulations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business. Federal regulations already require clothing to meet Title 16, CFR, Chapter II, Subchapter D.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

Specific sections which have been modified:

Section 1160.10(a) is being proposed to be amended to delete reference to NFPA 702-75 and instead cite Title 16, CFR, Chapter II, Subchapter D. In addition, the exceptions are proposed to be deleted.

Necessity: NFPA 702-75 has been repealed by NFPA. NFPA now defers to Title 16, CFR. With the reference to Title 16, CFR, the existing exceptions are no longer needed because they are addressed in Title 16, CFR.

Section 1160.10(b) is being proposed to be amended to delete the average burning time and instead cite Title 16, CFR, Chapter II, Subchapter D. In addition, the exceptions are proposed to be deleted.

Necessity: NFPA 702-75 has been repealed by NFPA. NFPA now defers to Title 16, CFR. With the reference to Title 16, CFR, the existing exceptions are no longer needed because they are addressed in Title 16, CFR.