

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The Office of the State Fire Marshal (SFM) has no update to the Initial Statement of Reasons and recommends approval of the proposed regulatory action.

The State Fire Marshal proposes to amend Title 19 Section 1160.10 to delete reference to National Fire Protection Association (NFPA) Standard Number 702-75, and instead reference Title 16, Code of Federal Regulations, Chapter II, Subchapter D. In addition, Section 1160.10 exceptions addressing NFPA 702 issues are being proposed to be repealed since those issues are addressed in Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

Health and Safety Code Section 19818 mandates the State Fire Marshal to adopt flammability standards and promulgate 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 or in skilled nursing facilities and intermediate care facilities. Current regulations state that fabric or fabric-like materials used in examination gowns and sleepwear are to be tested in accordance with NFPA 702. However, NFPA 702 has been repealed by NFPA and NFPA now defers to Title 16, Code of Federal Regulations, Chapter II, Subchapter D as the test standard for fabrics formerly tested to NFPA 702. The State Fire Marshal proposes to amend current Title 19 regulations to delete the reference to NFPA 702 and instead reference Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

The State Fire Marshal utilized the State Fire Marshal Flame Retardant Advisory Committee to analyze the proposed amendments and they agree with the proposed amendments.

COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD

The text was made available to the public from July 2, 2010 through August 16, 2010. The State Fire Marshal did not receive any comments on the text as originally noticed.

ALTERNATIVES DETERMINATION

The SFM has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

COORDINATION WITH FEDERAL LAW

Federal law is not applicable in this case. 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.