

**Bureau of Electronic and Appliance Repair, Home Furnishings
and Thermal Insulation**

**EXEMPTION OF JUVENILE PRODUCTS FROM REQUIREMENTS OF
TECHNICAL BULLETIN 117**

INITIAL STATEMENT OF REASONS

Hearing Dates: August 11, 2010

Subject Matter of Proposed Regulations:

Exemption of strollers, infant carriers, nursing pillows from requirements of Technical Bulletin 117.

Sections Affected:

Section 1374.2, Title 4, Article 13 of the California Code of Regulations (CCR)

Specific Purpose and Factual Basis of each adoption, amendment, or repeal:

The proposed regulation exempts strollers, infant carriers, and nursing pillows from the flammability requirements of Technical Bulletin (TB) 117. It also eliminates reference to articles manufactured solely for recreational use or physical fitness purposes since these items are not included in the definition of upholstered furniture and are thus not subject to TB 117.

Factual Basis/Rationale

The Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau) enforces the provisions of the Home Furnishings and Thermal Insulation Act ("Act" -- Business and Professions Code sections 19000 and following), including flammability standards in Section 19161(c) that require all upholstered furniture sold or offered for sale by an importer, manufacturer, or wholesaler for use in California to comply with the flammability requirements of TB 117. TB 117 is a flammability standard required for all upholstered seating furniture products. This standard was adopted in 1975 in California.

The Bureau first adopted flammability regulations in the early 1970s. At the time 4 CCR section 1374.2 was passed, the Bureau did not wish to exempt juvenile furniture from 19161(c), and specifically stated so within the text of the regulation. The existence of 4 CCR 1374.2, however, does not preclude the chief of the Bureau from amending the requirements to exclude juvenile products in the future, so long as the determination is made that they do not pose a serious fire hazard.

To evaluate the potential for a serious fire hazard of these products, the Bureau examined the fuel load content of a large number of juvenile products and found that most strollers, infant carriers, and nursing pillows available in the market contain a much lesser amount of resilient filling materials (e.g. foam, batting...) than average adult seating furniture. Moreover, most of these items contain little or no polyurethane foams which are often the most flammable component of upholstered seating furniture. In many instances nearly all inside filling materials contained in these products are comprised of synthetic batting that passes TB 117 without the need for any fire retardant treatments. These juvenile products, therefore, will not cause or sustain a large fire if ignited with a small open flame, which could be comparable to the size of a match or charcoal lighter flame. In addition, these products are less likely to be ignited (come in contact with an open flame) under the exercise of great care and supervision of adults. The Bureau has, therefore, concluded that the three (3) proposed items will not pose a serious fire hazard to infants and children if they are exempt from TB 117 flammability requirements.

The rationale for excluding reference to articles manufactured solely for recreational use or physical fitness purposes is that these items do not fall under the definition of upholstered furniture, as set forth in Business and Professions Code section 19006, and are already not subject to the flammability standards set forth in TB 117. As such, these items should not be listed as "exceptions" to TB 117.

Underlying Data

- 1) Bureau of Home Furnishings and Thermal Insulation, "Requirements, Test Procedure and Apparatus for Testing the Flame Retardance of Resilient Filling Materials Used in Upholstered Furniture", Technical Bulletin 117 (March 2000)
- 2) Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Laboratory Data 2009-2010, "Fire Hazard Analysis for Selected Juvenile Products, (i.e. Infant Carrier, Stroller, and Nursing Pillow)", (April 2010)

Business Impact

This regulation will not have an adverse economic impact on businesses. The proposed exemption is exclusive to the flammability requirements of strollers, infant carriers, and nursing pillows. The industry must ensure that these three (3) products continue to meet the Bureau's licensing and labeling requirements. The Bureau's field inspectors will continue to secure them from various businesses for laboratory analysis for proper labeling and listing of component materials.

The Bureau has determined, due to the small amount of material used in these three (3) products, the use of non-TB 117 compliant material instead of TB 117 compliant material would neither pose a serious fire hazard nor increase the potential for a serious fire hazard if either material were used or not used. For this reason, the proposed exemption may result in a cost savings to the industry given that they may have the opportunity to use non-TB 117 compliant material and components which may be less costly than TB 117 compliant materials and components. If quality control measures are used by the industry, the industry could also save the costs of

having to send these three (3) products to an outside testing laboratory to test for TB 117 compliance.

Bureau Impact: The Bureau does not anticipate incurring a significant cost or savings given that the proposed exemption is exclusive to the flammability requirements of strollers, infant carriers, and nursing pillows. The Bureau must continue to laboratory test these three types of products to ensure that they continue to meet the licensing and labeling requirements. As stated above, field inspectors will continue to secure these products for laboratory analysis for proper labeling and listing of component materials. While no longer testing the exempt products for compliance with TB 117, the Bureau would redirect efforts and resources to focus on other products. If a fiscal cost or savings were to occur, the Bureau anticipates that the impact would be negligible and/or absorbable within existing budgeted resources.

No business impact exists for eliminating reference to articles manufactured solely for recreational use or physical fitness purposes.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment in order to meet the proposed changes.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Bureau has considered the alternative of keeping the status quo. The Bureau could continue to mandate the current regulation and subject strollers, infant carriers, and nursing pillows to flammability testing, although doing so has since been determined unnecessary. With this endeavor, the Bureau would lose opportunity to redirect focus and resources to those products which do pose a serious fire hazard to consumers.