

## **TITLE 4: Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation**

NOTICE IS HEREBY GIVEN that the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Contractors State License Board, 9821 Business Park Drive, Hearing Room, Sacramento, California 95827, at 9:00 a.m. on August 11, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on August 9, 2010 or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 19034 of the Business and Professions Code, and to implement, interpret or make specific Section 19161.5 of said Code, the Bureau is considering changes to Division 3 of Title 4 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Amend Section 1374.2

Business and Professions Code (B&P) Section 19161.5 authorizes the Bureau to exempt items of upholstered furniture which are deemed not to pose a serious fire hazard from the fire retardant requirements of B&P Code Section 19161.

The Bureau proposes to amend Section 1374.2 to exempt strollers, infant carriers, and nursing pillows from the flammability requirements of Technical Bulletin (TB) 117.

The Bureau also proposes to eliminate reference to articles manufactured solely for recreational use or physical fitness purposes, since those items are not included in the definition of upholstered furniture and are thus not subject to TB 117.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

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.

Otherwise, there are no costs or savings to any other state agency, nor are there any costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Bureau's findings indicate that with 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 given that the industry may have the opportunity to use non-TB 117 compliant material and components which may be less costly than TB 117 compliant material 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.

Since articles manufactured solely for recreational use or physical fitness purposes do not fall under the definition of upholstered furniture, they are currently not subject to TB 117 at all. As such, this change will have no impact on businesses (whether new, small or otherwise), jobs, or private persons.

### Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Bureau does not anticipate a fluctuation in industry distribution of the exempt products which would necessitate the creation or elimination of any jobs or businesses.

### Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Bureau anticipates that the proposed exemption may result in a cost savings given that the industry may have the opportunity to use a less expensive non-TB 117 compliant material and components instead of TB 117 compliant material and components without increasing the potential for a serious fire hazard to consumers. 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.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not adversely affect small businesses.

The Bureau anticipates that the proposed exemption may result in a cost savings given that the industry may have the opportunity to use a less expensive non-TB 117 compliant material and components instead of TB 117 compliant material and components without increasing the potential for a serious fire hazard to consumers. 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.

## CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be 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 action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from:

Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation  
Diana Godines, Associate Governmental Program Analyst  
3485 Orange Grove Avenue, Suite A  
North Highlands, CA 95660  
(916) 574-2442  
(916) 574-2120  
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### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a request to the contact person named below.

### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Diana Godines, Associate Governmental Program Analyst
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The backup contact person is:

Name: Said Nurbakhsh, Laboratory Engineer  
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Website Access: Materials regarding this proposal can be found at  
[www.bearhfti.ca.gov](http://www.bearhfti.ca.gov).