

## LEGISLATIVE DIGEST

[Environment Code - Flame Retardant Chemicals in Upholstered Furniture and Juvenile Products]

**Ordinance amending the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical.**

### Existing Law

San Francisco law does not currently address the sale in the City of products containing flame retardant chemicals.

### Amendments to Current Law

This proposal would add a new Chapter 28 to the Environment Code that would ban business enterprises from selling new upholstered furniture, reupholstered furniture, or juvenile products (collectively, covered products) containing added flame retardants at a level above 1,000 parts per million in San Francisco. It would also prohibit business enterprises in San Francisco engaged in reupholstering furniture from selling and/or using flexible polyurethane foam containing above 1,000 parts per million of any flame retardant chemical for the purpose of replacing the foam in any piece of upholstered furniture. These provisions would go into effect one year from the ordinance's effective date.

The proposal would direct the Director of the Department of the Environment to develop, based on scientific evidence, a list of non-harmful harmful flame retardant chemicals. The sale of covered products containing only chemicals on that list would be exempt from the restrictions in the proposal. The proposal provides for enforcement against violations via administrative notice and fines as imposed by the Director pursuant to Administrative Code Chapter 100. It also enables the City Attorney and certain non-profit organizations to bring suit for violations subject to certain conditions and provides for civil penalties as well as attorney fees and costs.

The proposal defines "flame retardant chemical" to include any chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire.

It defines "upholstered furniture" as new, not previously owned seating covered with soft materials, including but not limited to fabric, padding, and/or foam, for residential indoor use in a home or other dwelling intended for residential occupancy, that contains flexible polyurethane foam and is required to meet the flammability standards set forth in California Technical Bulletin 117-2013 entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture." The proposal defines "reupholstered furniture" as furniture for sale by a business, whose original foam

padding has been replaced with new polyurethane foam, and has not been sold since the time of such replacement. The proposal excludes used furniture that is not reupholstered furniture, as defined. It also excludes furniture subject to California Technical Bulletin 133 regarding flammability standards for upholstered furniture in public occupancies.

The proposal defines “juvenile product” to include new products for residential use by infants and children under 12 years of age, including but not limited to a bassinet, booster seat, changing pad, floor play mat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant swing, infant walker, nursing pad, nursing pillow, playpen side pad, playard, portable hook-on chair, stroller, and children’s nap mat. This definition encompasses products for the use of babies and children primarily in the home, and excludes products or components for motor vehicles, aircraft, and other transportation vehicles. It excludes used products, as well as products subject to California Technical Bulletin 133. It furthermore excludes mattresses and mattress pads subject to federal flammability standards for such products.

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