

REVISED LEGISLATIVE DIGEST

(10/17/2017, Amended in Board)

[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 the sale in San Francisco of new upholstered furniture and reupholstered furniture subject to the State's flammability standard in Technical Bulletin 117-2013 ("TB 117-2013"), and certain juvenile products, that contain or are made with flame retardants at a level above 1,000 parts per million. It would also prohibit business enterprises in San Francisco engaged in reupholstering furniture from using materials containing above 1,000 parts per million of any flame retardant chemical for the purpose of replacing the foam, covering, or padding of any piece of upholstered furniture subject to TB 117-2013. These provisions would go into effect January 1, 2019 for most products, and July 1, 2019 for products with electrical or electronic components.

The proposal would allow businesses to seek a partial or complete waiver from strict compliance with these provisions from the Director of the Department of the Environment. 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 under certain conditions, and provides for civil penalties as well as attorney fees and costs.

Background Information

This legislative digest accompanies amendments adopted by the Board of Supervisors on October 17, 2017. This proposal in its initial form was first introduced before the Board of Supervisors on July 25, 2017.

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