

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 267 (Bauer-Kahan) – As Amended February 9, 2023

Policy Committee: Emergency Management

Vote: 7 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill revises flame retardant standards for tents.

Specifically, this bill:

- 1) Prohibits the operation of specified exhibitions, productions, or engagements where 11 or more persons, instead of 10 or more persons, gather in a tent, unless the tent meets nonflammable or flame retardant standards.
- 2) Exempts tents designed or manufactured for children's play, camping, backpacking, or mountaineering from the above-described prohibition.
- 3) Prohibits the sale of a tent designed and intended for an occupancy of less than 11 persons, instead of less than 10 persons, unless the tent is made from flame retardant fabrics or materials approved by the State Fire Marshal (SFM), and also prohibits the manufacture of such tents.
- 4) Provides that a tent meeting specified flammability standards for tents established by the American Society for Testing and Materials (ASTM) must be classified as being made from flame retardant fabrics or materials.

FISCAL EFFECT:

Minor and absorbable costs to the SFM to develop new regulations under the Flame Retardant Program (Licensing and Certification Fund). Any enforcement costs would be borne by local jurisdictions responsible for enforcing SFM regulations.

COMMENTS:

- 1) **Purpose.** According to the author:

Chemical treatments for camping and play tents are unnecessarily serving as harmful sources of toxic exposure to certain flame-retardant chemicals. Children, in particular, must be protected from these potentially endocrine disrupting chemicals. The science is clear that the addition of these chemicals is unnecessary and provides no meaningful safety benefit. Rather, it is time to modernize the code and remove these unnecessary toxic chemicals from our requirements.

This bill is supported by outdoor recreation organizations and companies.

- 2) **Flame Retardant Chemicals.** Flame retardant chemicals added to a product to slow or prevent fire can also cause adverse health effects in animals and humans. For example, several flame retardant chemicals trigger California's Proposition 65 (1986) warnings about chemicals known to cause cancer, birth defects, or other reproductive harm. Existing law requires the SFM to promulgate rules establishing minimum requirements for fire prevention, including flame retardant standards for tents. However, it is the responsibility of local entities to enforce SFM regulations with their jurisdictions.
- 3) **ASTM International Standards.** ASTM International is one of the world's largest standards developing organizations, with 30,000 members across 150 countries using "good science, good engineering and good judgement to improve performance in manufacturing and materials, products and processes, systems and services." This bill requires the SFM to classify a tent designed and intended for an occupancy of less than 11 persons as being made from flame-retardant fabrics or materials, if the tent meets flammability standards for tents established by the ASTM F3431-20, "Standard Specification for Determining Flammability Materials for Recreational Camping Tents and Warning Labels for Associated Hazards," including any subsequent revisions. The copyrighted ASTM standard covers requirements and test methods for outdoor recreational camping tents (not products intended for indoor use only, shelter, or commercial purposes), including controlled small flame test methods intended to specify tent materials do not present an unreasonable risk of flammability and injury to occupants.
- 4) **Group Gathering Prohibition.** This bill also exempts tents designed or manufactured for children's play, camping, backpacking, or mountaineering from an existing prohibition on operating a group event under a tent, awning, or other fabric enclosure that does not meet specified flammability standards. However, the language should be revised if the author's intent is to ensure existing law does not conflict with this bill's purpose of make camping and play tents less toxic for children, since this proposed change revises the conditions under which a group may gather under a tent, rather than the composition of the tent itself.
- 5) **Prior Legislation.** AB 2998 (Bloom), Chapter 924, Statutes of 2018, prohibited the sale of new juvenile products, mattresses, or upholstered furniture containing specified levels of flame retardant chemicals.

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