

CONCURRENCE IN SENATE AMENDMENTS

AB 267 (Bauer-Kahan)

As Amended July 5, 2023

Majority vote

SUMMARY

This bill revises flame retardant standards for fabric enclosures, such as tents to now: establish flame retardant regulations, as specified, must apply to a fabric enclosure, such as a tent, designed for 15 or more persons; provide exemptions for tents designed for children's play, camping, backpacking, or mountaineering; establish any tent for sale and designed for less than 15 persons must be made from flame retardant fabrics, as specified; and establish tents constructed with fabric entirely from synthetic fibers, be classified as being made from flame retardant fabrics or materials.

Senate Amendments

- 1) Raises the minimum occupancy of fabric enclosures required to meet flame retardant regulations, as specified, from 11 persons or more to 15 persons or more.
- 2) Raises the maximum occupancy of fabric enclosures required to be made from flame retardant fabrics from less than 11 persons to less than 15 persons.
- 3) Removes the provision establishing fabric enclosures that meet non-flammability standards established by the American Society for Testing and Materials be classified as being made from flame-retardant fabrics or materials.
- 4) Replaces the above provision by establishing tents constructed with fabric entirely from synthetic fibers be classified as being made from flame-retardant fabrics or materials.

COMMENTS

Equity Impact: According to the author's staff, "The harms of these chemicals are worst for children, who are at a key developmental stage when exposed, and often disproportionately come in contact with, chemical treatments for tents. Children handle tent fabrics while camping and often do not adequately wash their hands before handling food or placing their hands around their face. Children also directly handle indoor play tents, which are treated with these FR chemicals solely to meet this outdated requirement. There is no evidence that these indoor play tents are reasonably or foreseeably exposed to an elevated risk of harm."

Flame Retardant Chemicals: Flame retardant chemicals, used since the 1970s, are chemicals added to a product to slow or prevent fire. According to the National Institute of Environmental Health Sciences (NIEHS), FRs can offer benefits fire protection benefits when added to some products, but a growing body of evidence asserts many of these chemicals can cause adverse health effects to animals and humans. Examples of the adverse health effects include endocrine and thyroid disruption, impacts to the immune system, reproductive toxicity, cancer, and adverse effects on fetal and child development and on neurologic function. There are several flame retardant chemicals listed in California, through Proposition 65, known to cause cancer, birth defects, or other reproductive harm.

Canvas Products Association International: The Canvas Products Association International (CPAI) is a trade organization comprised of fabric product manufacturers and suppliers. In the 1970s, CPAI created CPAI-84, a voluntary fire safety standard for tents. However, this standard was developed for large and small tents made of highly-flammable, waxed cotton canvas. These types of tents could ignite and burn down in less than a minute if a fire or heat source ignited upon this type of tent. Canvas is no longer the primary material used in tents. The majority of tents are made of synthetic, light-weight materials, such as polyester and nylon, which are significantly less flammable than canvas.

According to the Author

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."

Arguments in Support

Writing in support, the California Outdoor Recreation Partnership state, "California is one of just six states left with flammability requirements that lead to flame retardant (FR) use for outdoor camping and children's play tents of all sizes. Internationally, Australia, the European Union, Japan, Korea and most other similarly industrialized countries do not treat camping tents sold to their citizens with FR chemicals. Available data from governmental and academic sources in these countries demonstrate that no statistical difference has been observed in the reported number of fires, injuries, or deaths, with or without these harmful FR chemicals."

Arguments in Opposition

None on file.

FISCAL COMMENTS

The Senate Committee on Appropriations sent this bill to the Senate Floor pursuant to Senate Rule 28.8, which stipulates that if the Chair determines that any state costs of a bill are not significant, the measure will be sent directly to the Senate Floor without a hearing.

VOTES:

ASM EMERGENCY MANAGEMENT: 7-0-0

YES: Rodriguez, Waldron, Aguiar-Curry, Alvarez, Calderon, Megan Dahle, Schiavo

ASM APPROPRIATIONS: 14-0-2

YES: Holden, Megan Dahle, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Robert Rivas, Sanchez, Weber, Wilson

ABS, ABST OR NV: Bryan, Pellerin

ASSEMBLY FLOOR: 79-0-1

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson,

Jones- Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

ABS, ABST OR NV: Jim Patterson

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

UPDATED

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