

INFORMATION SHEET

Comparison of B&P Code section 19094 and Proposition 65

Business and Professions (B&P) Code section 19094 (formerly referred to as SB 1019):

- B&P Code section 19094 requires the manufacturer/supplier of upholstered furniture upon request by the Bureau of Household Goods and Services (BHGS) to supply documentation for each component attesting to whether flame retardant chemicals were added or not.
- Regulating Agency –BHGS
- “Flame retardant chemical” means any chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire. Flame retardant chemicals include, but are not limited to, halogenated, phosphorous-based, nitrogen-based, and nanoscale flame retardants, flame retardant chemicals listed as “designated chemicals” pursuant to Section 105440 of the Health and Safety Code, and any chemical or chemical compound for which “flame retardant” appears on the substance Safety Data Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the Code of Federal Regulations. (B&P Code section 19094(a)(3).)
- “Added flame retardant chemicals” means flame retardant chemicals that are present in any covered product or component thereof at levels above 1,000 parts per million. (B&P Code section 19094(a)(6).)
- BHGS - Labeling requirement – Refer to Question 25 - Upholstered Furniture; Flame Retardant Chemicals Frequently Asked Questions (FAQs)
http://www.bhgs.ca.gov/forms_pubs/19094_faq_0619.pdf

Proposition 65:

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, was enacted as a ballot initiative in November 1986 and is overseen by the California Environmental Protection Agency – Office of Environmental Health Hazard Assessment (CalEPA-OEHHA).

- Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity and requires businesses to inform Californians about exposures to such chemicals.
- Regulating Agency - CalEPA-OEHHA
- List of Proposition 65 Chemicals – refer to <https://oehha.ca.gov/proposition-65/proposition-65-list>
- CalEPA-OEHHA – Labeling requirement: refer to <https://oehha.ca.gov/media/RegsArt6.pdf>

For additional details regarding either regulation - refer to the following web addresses:

B&P Code section 19094 (formerly referred to as SB 1019)

- Upholstered Furniture; Flame Retardant Chemicals Frequently Asked Questions (FAQs)
http://www.bhgs.ca.gov/forms_pubs/19094_faq_0619.pdf
- Flame Retardant Testing for B&P Code section 19094
http://dtsc.ca.gov/ECL/Flame_Retardants.cfm

Proposition 65

- Answers to Frequently Asked Questions About Proposition 65
http://www.bhgs.ca.gov/about_us/prop_65.shtml
- Clear and Reasonable Warnings Section 25601 of Title 27, California Code of Regulations– Proposition 65 Regulatory Provisions (updated OEHHA)
<https://oehha.ca.gov/media/RegsArt6.pdf>
- CalEPA – OEHHA contact information for the administration of Proposition 65
<https://oehha.ca.gov/proposition-65>