Proposed Regulations Governing Used Mattresses, Bedding, and Upholstered Furniture

Presented by

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and

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to the

SNHD District Board of Health

September 27, 2007
Initial Discoveries

- Public Accommodation (PA) Facilities
  - ACTUAL FINDINGS during inspections
  - Mattresses, Box Springs, Upholstered Furniture
  - Bedding
    - Stained, torn, dilapidated, broken!
    - Dangerous
    - Health risks
    - Uncomfortable & unpleasant
    - UNACCEPTABLE by any standards...
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
- Fresh **blood** on mattress
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
- **Bodily fluid** stains on mattress
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
- Dangerous wire sticking out of mattress
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
- Common practice for mattresses to be slit and drug paraphernalia placed inside (glass vials, needles, etc.)
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!
Bedding

- Stained with blood and bodily fluids
Bedding

- Stained, torn, dilapidated!
- **Blood** on pillow from bedbug bite victim
BEDBUGS!

- Mattresses & box springs,
- Bedding,
- Upholstered furniture,
- Carpet, walls, & coving
- Behind headboards,
- Any other hiding places in a room

Found locally

All stages of development
Live Bedbugs!

Especially Seams
Bedbug Bites & Reactions

Delayed Reaction
>24 hours
April 2006, Board adopted SNHD Regulations Governing the Sanitation and Safety of Public Accommodation Facilities (PA Regs.)

- Until 2006, SNHD used NRS & NAC 447, Public Accommodations to inspect PA Facilities
- PA Regs. & Appendices Developed with PA Industry in Committee Forum
Based on existing requirements of NRS 444.010-444.040, Used Bedding and Mattresses & NAC 444.001-444.006, Sterilization of Used Bedding

Appendix J, “Sterilization Plant Reciprocity Application”
  - Allowed sanitized & refurbished used mattresses and bedding in PA Facilities if purchased from an approved “Sterilization Plant”

“Sterilization Plant” must have completed
  - Application process
  - Plan review
  - Secured a Health Permit or Approval to operate
PA Facility Inspection Findings

- During routine inspections, mattresses & box springs were found in guest rooms:
  - Without identifying tags
  - With improper identifying tags
  - With tags where important information was missing
  - In unacceptable condition
    - Should have been removed from service by PA Facility owners/operators

- Trace-back investigation conducted using invoices from PA Facility. Records led to:
  - Store where mattress sets were purchased
  - Unpermitted used mattress renovation & sanitization facilities where mattress sets were made within Clark County
Mattress Renovation & Sanitization Facility - Oct 3, 2006 Investigation Findings

- General unsanitary conditions throughout facility
- Lack of any process for mattress sanitization
- No knowledge by owner or employees of requirements of NV laws and regulations regarding mattress sanitization
- Business licenses for “Manufacturer” & “Furniture sales/rental”, not:
  - Secondhand Dealer
  - Furniture Repair/Refinish
  - Upholstery
  - Or any other potentially relevant business licensing

- CEASE & DESIST ORDER ISSUED
Trailer of used mattresses from local PA facilities behind warehouse
“New” springs for “new” mattresses
Used mattress stripping area
Dumpster with materials stripped from used mattresses and box springs
Used mattress being stripped
First cover is cut and removed
Mattress pad storage

- Used mattress pad that covered used springs is placed directly next to new mattress pads
Continued stripping of used materials
Sanitizing, or lack of

- Used springs are then sprayed with sanitizer in a pressurized canister (similar to those used for pesticides)
  - Method **NOT** recommended by sanitizer manufacturer
  - Spray canister not on site at time of investigation

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**STERI-FAB**

*STERI-FAB IS EFFECTIVE AGAINST MOST GRAM NEGATIVE AND GRAM POSITIVE AND ODOR CAUSING BACTERIA AS WELL AS INSECTS, FUNGUS, MOLD AND MILDEW.*

**WARNING:**

*Keep Out Of Reach Of Children. See First Aid Statements and other Precautions On Side Panel. FOR INSTITUTIONAL USE - MADE IN U.S.A.*

**ACTIVE INGREDIENTS:**

- 3-PHENOXYBENZYL D-CIS AND TRANS *
- 2,2-DIMETHYL-3-(3-METHYLPYRROLYL) CYCLOPROPANE CARBOXYLATE
- ISOPROPYL ALCOHOL
- DIDE CYL DIMETHYL AMMONIUM CHLORIDE
- DIALKYL DIMETHYL AMMONIUM CHLORIDE

**INERT INGREDIENTS:**

- D-CIS TRANS PHENOETHIN
- C5/C6/C9 ISOMER RATIO: MAX .25% (+OR-) C5
- MIN .75% (+OR-) C6

* Shake Well Before And During Use.
After mattress springs are “sanitized,” they are covered with new materials.
New mattress cover storage
More new mattress materials...
and personal items
Final stitching
Secondhand (Used) tag applied - CA format

- “Registry No.” shown on tag is their C.C. Business License Number - This is NOT a “NV Registry Number”!
Refurbished mattress storage

Damaged Walls
Box spring refurbishment area
Overall facility
Overall facility
Used mattresses & box springs refurbished at facility with “new” materials, marked with “new” tag
Work waiting to be done...
Meeting held with facility

- A meeting & reinspection was held Oct 10, 2006 at the local facility with owner from CA
- EH staff explained:
  - Chemical sanitation process as implemented was not approved in Clark County or State of NV
  - How to obtain proper approvals from State of NV & SNHD for sale of refurbished & sanitized product in Clark County
- CA owner and local operator did not contact SNHD or State at any time following meeting
  - SNHD sent 3 Notices for the Public Workshops & Hearings by postal mail to local & CA addresses—NO RESPONSE
- Later searches of business licensing records indicated the local company forfeit their “manufacturing” license Oct 15, 2006 & their “furniture sales/rental” license Nov 08, 2006
A Variance Request was made at the State of NV Board of Health Public Hearing October 13, 2006 by Hotel Furniture Sales, who wished to chemically sanitize used mattress sets from local hotels for sale to the public.

- At the variance hearing, SNHD EH staff presented information to the State of NV on the concerns encountered at the aforementioned facility, which was given the Cease & Desist Order on Oct 3, 2006.

- SNHD EH staff reviewed the variance request prior to the State of NV hearing.

- Based on the information provided, SNHD EH staff recommended to the State Board of Health that the variance be tabled until certain questions could be answered & deficiencies in the applicant’s operational procedures could be worked out.
Variance request results

- State granted variance and directed SNHD EH staff to work with the applicant to resolve issues
  - California Bureau of Home Furnishings and Thermal Insulation had already been contacted prior to the hearing of the variance request
  - They were unable to answer EH staff’s questions regarding chemical sanitation and did not get back to them with the promised information
Concerns could not be resolved and a CEASE & DESIST ORDER was issued to Hotel Furniture Sales by SNHD. These concerns included:

- Vague Procedures
- No detail on “sanitation room” design
- No detail on visual inspection process that was going to be performed by Hotel Furniture Sales staff
- No procedure for disposition of mattresses with adulterants present
- Open-ended phrase, “or comparable product” left room for blanket approval of any chemical treatment
- “Thoroughly treated” not defined
- Insufficient, improper application of Steri-Fab would likely not eliminate bedbugs, including ova
Used comforters - unknown sanitation status
More Mattresses discovered in PA Facilities - December 2006

- More mattresses bought from renovator given the first **CEASE & DESIST ORDER** discovered during a Dec 2006 PA facility inspection
- Trace back found:
  - The business had been sold
  - The new owner was unaware of the **CEASE & DESIST ORDER** issued to previous owner
  - Similar conditions still existed at facility
  - New owner did not have a business license
- A new **CEASE & DESIST ORDER** was issued for refurbishment of used articles
- Reinspection on January 3, 2007 for “new article manufacturing only” resulted in satisfactory improvements to conduct business
Facility in same unacceptable condition in Dec '06
Equipment in unacceptable condition
Dec ‘06
A waiting rebuilds (sold as new?)-Dec '06
Labeling Colors

“New” = white
“Secondhand (Used)” = red
“SANITIZED” = yellow

- Are these mattresses
  - New?
  - Used?
  - Sanitized?
“New” labeling, but is it really new?
Mystery "new" tags with different CA Registry #s
<table>
<thead>
<tr>
<th>FINISHED SIZE</th>
<th>NET WGT OF FILLING MATERIAL</th>
</tr>
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<tbody>
<tr>
<td>38”x74”</td>
<td>7 1/2 Lbs.</td>
</tr>
<tr>
<td>53”x74”</td>
<td>10 Lbs.</td>
</tr>
<tr>
<td>60”x80”</td>
<td>12 Lbs.</td>
</tr>
<tr>
<td>72”x84”</td>
<td>15 1/2 Lbs.</td>
</tr>
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</table>

Certification is made by the manufacturer that the materials in this article are described in accordance with law.
Sanitized in CA - not approved for sale in NV Dec '06
UNDER PENALTY OF LAW THIS TAG SHALL NOT
BE REMOVED EXCEPT BY THE CONSUMER

Certification is made that this
SECONDHAND (USED) ARTICLE
HAS BEEN
SANITIZED

By a process approved pursuant to Division 8, Chapter 3,
Article 5 of the Business and Professions Code.
The Home Furnishings and Thermal Insulation Act

Lot No. 1882 Label C NO 2119
Article:
Method: DRY HEAT
Date: OCT 1 2 2006

Registry No. CA-20723
Sanitizing Plant: GATEWAY MATTRESS CO.

GATEWAY MATTRESS CO.
824 S. VAUL AVE (323) 728-1923
MONTEBELLO, CA 90640

MADE IN USA
New?
Used springs—Being rebuilt or sold as “new”?
New or Used?
New OR Used?
New or used?
Facility conditions out of control - Dec '06
Still using old business license - Dec '06

CLARK COUNTY BUSINESS LICENSE

LICENSE NUMBER: 20000170-560
LICENSE PERIOD BEGINS: 09/01/2005
LICENSE EXPIRATION DATE: 02/28/2006
POST IN A CONSPICUOUS PLACE AT THE BUSINESS LOCATION

ISSUED TO:
Dream Mattress Warehouse
4955 Steptoe St Ste #800
Las Vegas, NV 89122

BUSINESS LOCATION ADDRESS:
4955 Steptoe St Ste #800
Las Vegas, NV 89122

TYPE OF LICENSE: Manufacturing
LAND USE: M-D

Current Planning Comments:
M-D zone. Approved for mattress manufacturing.
New business invoice - Dec '06
Old "rebuild" pricing list - not supposed to be rebuilding

Dec '06
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>SIZE</th>
<th>MATTRESS</th>
<th>BOXSPRING</th>
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<tr>
<td>12 YEAR CHIRO</td>
<td>TWIN</td>
<td>$60.00</td>
<td>$20.00</td>
</tr>
<tr>
<td></td>
<td>FULL</td>
<td>$70.00</td>
<td>$30.00</td>
</tr>
<tr>
<td></td>
<td>QUEEN</td>
<td>$90.00</td>
<td>$30.00</td>
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<tr>
<td></td>
<td>KING</td>
<td>$110.00</td>
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<tr>
<td>15 YEAR CHIRO NEW</td>
<td>TWIN</td>
<td>$76.00</td>
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<tr>
<td></td>
<td>FULL</td>
<td>$87.00</td>
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<tr>
<td></td>
<td>QUEEN</td>
<td>$113.00</td>
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<td>KING</td>
<td>$125.00</td>
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<td>20 YEAR ORTHO</td>
<td>TWIN</td>
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<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>QUEEN</td>
<td>$130.00</td>
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</tr>
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</table>
Investigative Trip to California

- An SNHD EH investigative team traveled to So. California Feb 13th & 14th 2007 to view facilities approved to sanitize and refurbish used mattresses and bedding in that state
- Five distinct facilities were surveyed
- Objective evidence in the form of photographs, video, and notations was gathered and reviewed upon return to Clark County
- Purpose: determining reciprocity requirements-What works-what doesn’t?
Findings from Investigation

Chemical Sanitizers

- Inadequately trained staff
  - Staff relying on real-time advice from State of CA inspectors to apply sanitizer
  - Still did not apply properly

- Incorrect application of sanitizer, preventing proper saturation of all parts of article, such as coils & binding
Chemical Sanitizers

- Method of application prevented fluorescing detection crystals from remaining in suspension long enough to be applied to the article
- Method of detection subjective (magnified UV light)
- Facilities were cross-contaminating mattresses that had received sanitizer treatment with ones that had not
CA parent company of first facility with a Cease & Desist Order. Chemical Spray areas sanitized, the rest is not...
CA parent company – similar conditions to LV facility
Findings from Investigation

Dry Heat Sanitization

- Two facilities employed dry heat sanitization
- Provided objective evidence that articles achieved sanitization temperatures in the form of temperature data logger records
- Process demonstrated was consistently repeatable
- All parts of the mattress, including internal coils, received sufficient heat to destroy pathogens and insects
CA - Gateway Mattress - new materials properly stored
C A -Fabric Covering Process

Fabric Covering Process
Dry Heat Sanitization Ovens & Data Logger
CA - Melrose Mattress-Dry Heat Oven
Based on these findings, SNHD staff determined:

- Chemical sanitizer is used inappropriately at the facilities assessed.
- Observation of fluorescent crystals under magnification too subjective to be consistently reliable detection method.
- Dry heat sanitization is a consistently reliable method of sanitization.
- Dry heat sanitization resulted in a written, objective record of processes used to disinfect the mattresses.
What it can look like here...

January 2007 reinspection of facility under new ownership
Jan ‘07 - Some springs still obviously used - however conditions improved...
Improved facility conditions - January '07
Better materials storage
Improved equipment & work area
Regulation Development

- Posted and mailed Public Notices on three (3) separate dates
- First Public Notice gave information regarding three (3) Public Workshops held
  - Mesquite
  - Laughlin
  - Las Vegas
- Solicited Industry participation by telephone
- Took and addressed public comments
- Wrote Business Impact Statement
Proposed Regulations

- Whereas
- Intent & Scope
- Table of Contents
Section 1: Definitions specific to these Regulations

- Bedding
- Bedding renovation facility
- Letter of Approval for Reciprocity
- Manufacturer
- Refurbish
- Sanitization Facility
- Secondhand & Used
Section 2: Risks to Public Health, Safety, and the Environment

- Vermin
- Toxic materials and gases
- Unsanitary articles
Section 3: Approvals for Operation

- Ensure clear guidance on requirements, timelines, and process for obtaining a:
  - Health Permit to operate in Southern Nevada
  - or
  - Letter of Approval for Reciprocity if planning to export to Southern Nevada from another state

- Exemption for Charitable Organizations with proper documentation
Section 4: Application for Permit to Operate or Letter of Approval for Reciprocity

- Step-by-step, detailed requirements for applying for Permit or Letter
- Applicants know what to expect out of process for evaluation and approval or denial of application
- Requirements for issuance, revocation, suspension, and new ownership
Section 5: Facility Design and Operation

- Requirements for and documentation of:
  - Exterior areas
  - Facility layout
  - Floors, walls, ceilings, closures
  - Work surfaces
  - Water, plumbing, lighting & ventilation, including smoke alarms
  - Chemical and Electrical Safety
  - Restrooms
  - Storage and transportation of articles
  - Pest control, solid waste disposal
  - Operational records/logbooks
Section 6: Methods and Requirements for Sanitization and Refurbishment

- Methods of sanitization—prohibitions, assessment of emerging methods, and methods specifically permitted

- Requirements for dry heat sanitization

- Lots, materials, labeling, and protection from contamination
  - Specific Label requirements also given in ARTICLE 1
Section 7: Inspections and Enforcement

- Clear guidance on what is expected during an inspection
- Remedies for enforcement for both the SNHD and the facility owner/operator
Section 8: Miscellaneous

- Severability clause
- Effective Date
ARTICLE 1: Label requirements

Appendix A: Contact Information for the Health Authority

Appendix B: Application(s) for a Health Permit or Letter of Approval for Reciprocity for Used Bedding Renovation or Sanitization Facilities
Recommendations

- State’s amendments to NAC 444.002
  - Less stringent than proposed Regulations
  - Do not provide detailed guidance
  - Not suitable to fully address needs of Southern Nevada

- Propose adoption of Regulations Governing the Sanitation and Safety of Used Mattresses, Bedding, and Upholstered Furniture as submitted or with modifications as directed by the Board
QUESTIONS OR COMMENTS?