

# 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



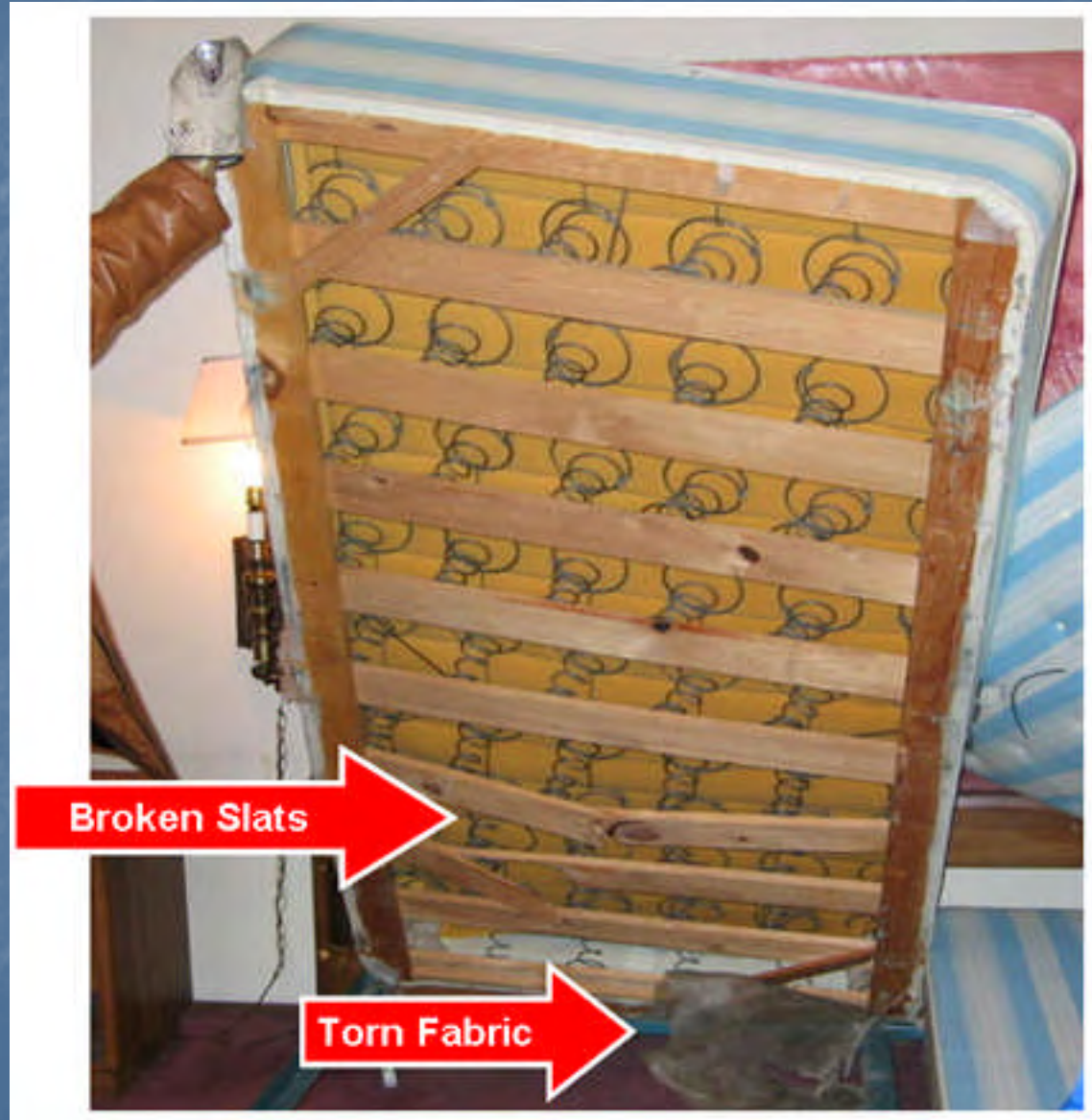
# Mattresses, Box Springs, Upholstered Furniture

- 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!





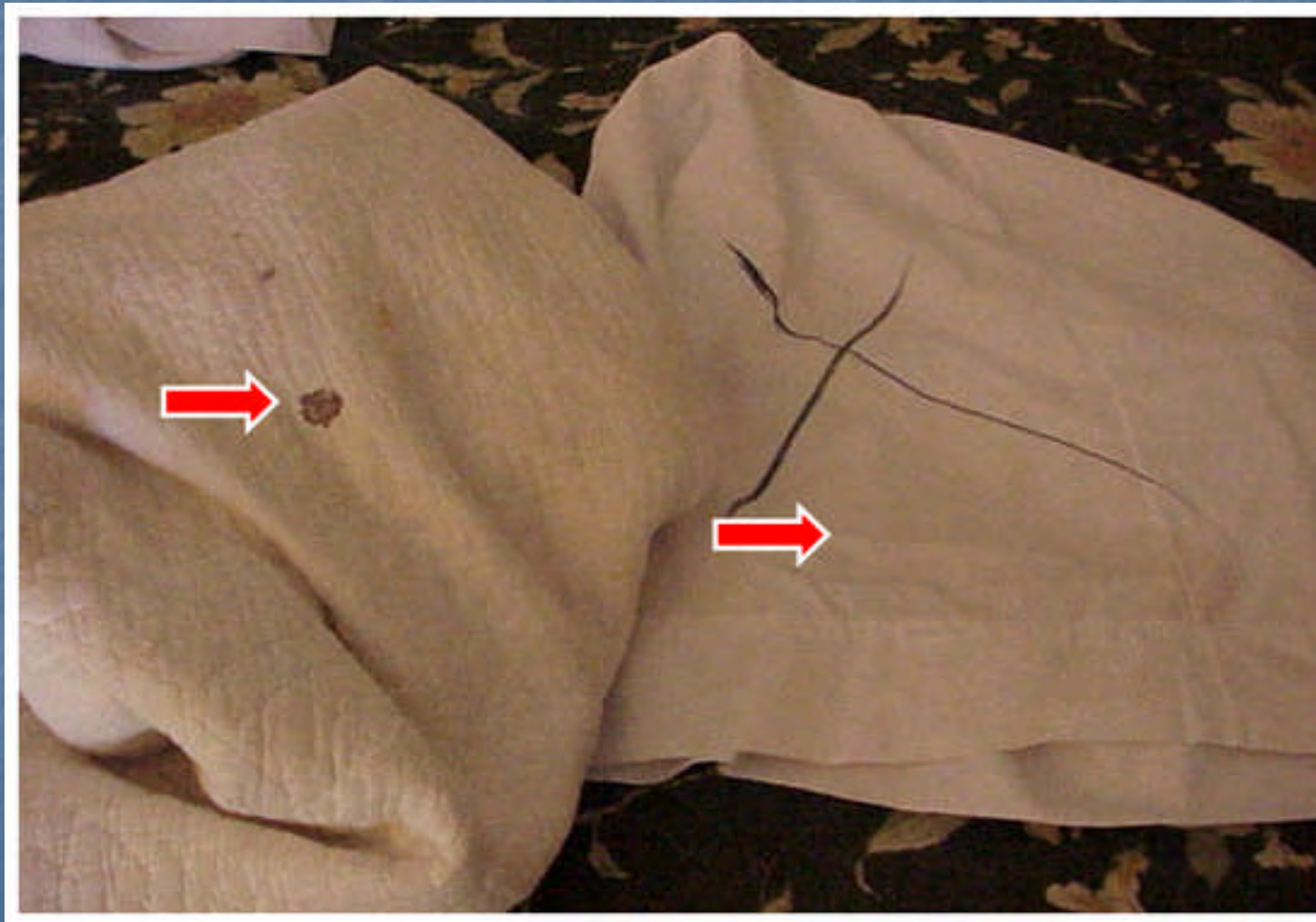
# Mattresses, Box Springs, Upholstered Furniture

- Stained, torn, dilapidated, broken!



# Bedding

- Stained with blood and bodily fluids



# Bedding

- Stained, torn, dilapidated!

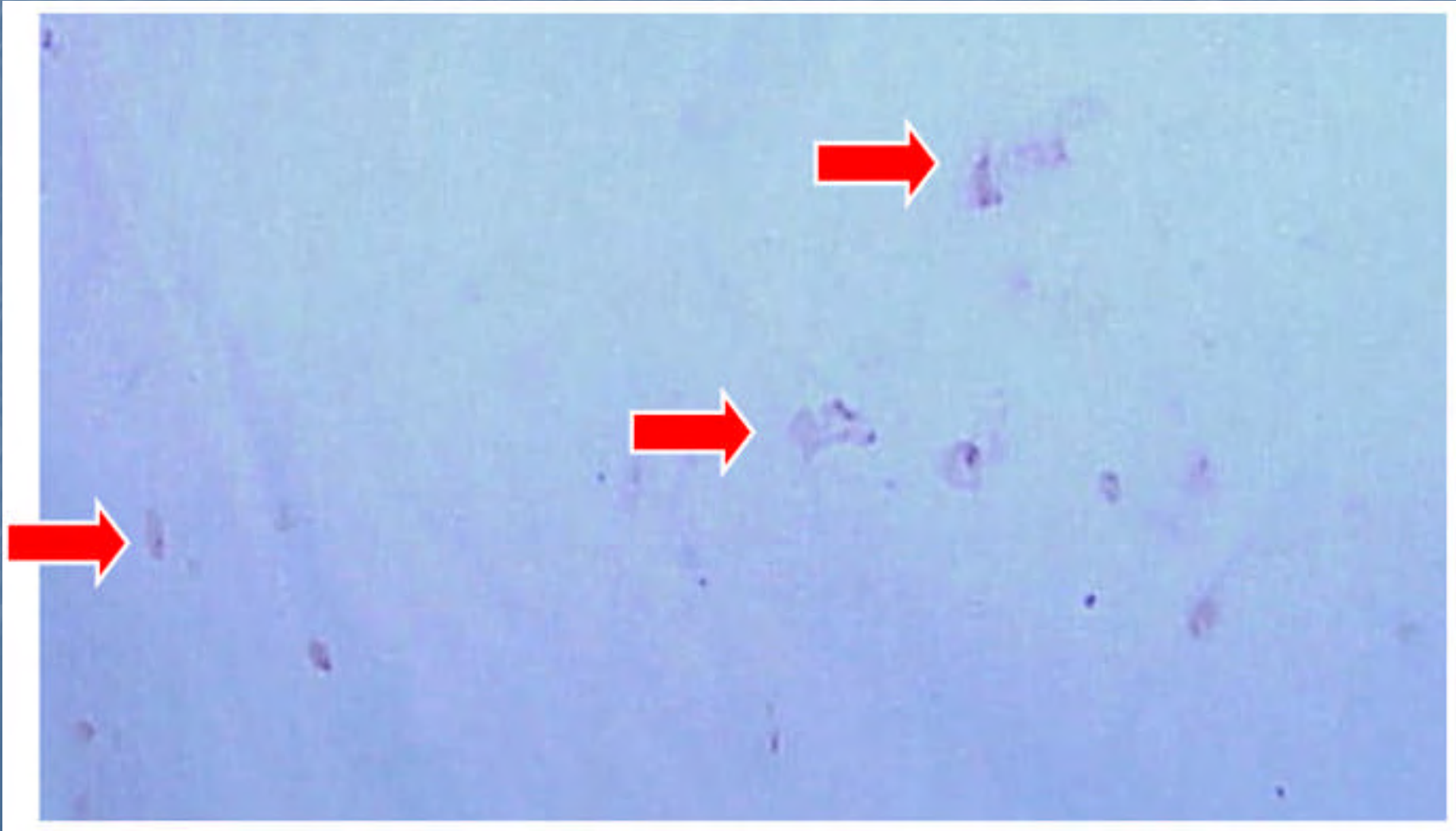


Torn →



# Bedding

- **Blood** on pillow from bedbug bite victim

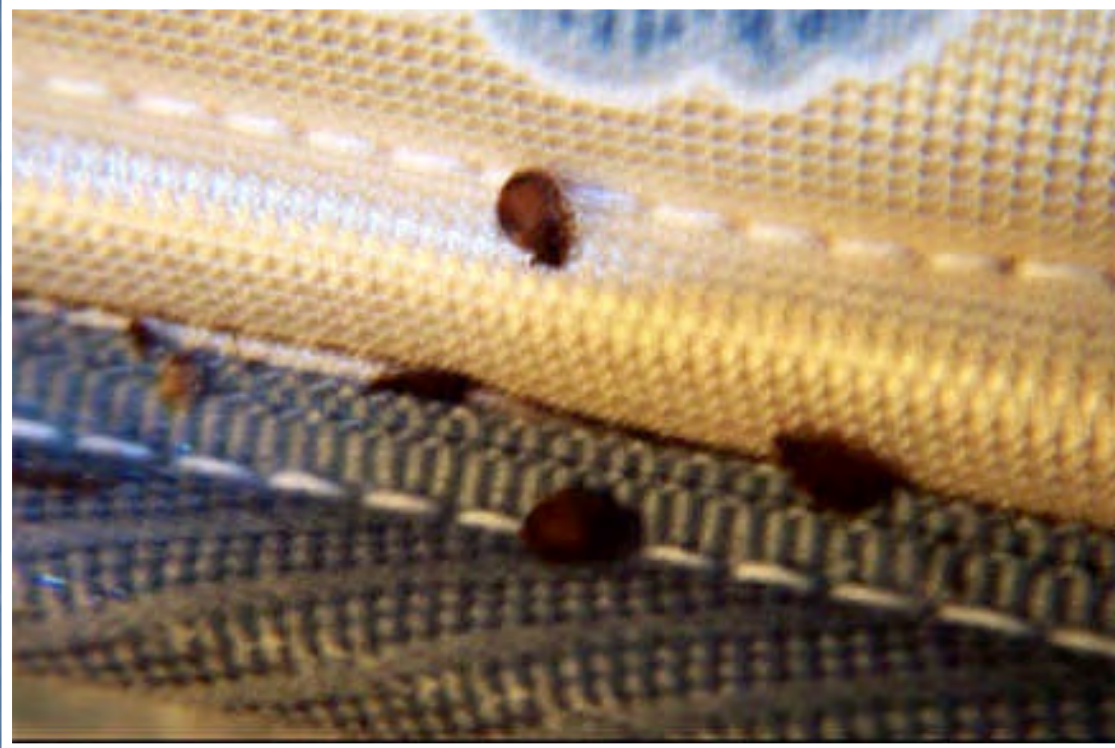


# BEDBUGS!

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



# Live Bedbugs!



Especially Seams



# Bedbug Bites & Reactions



Delayed Reaction  
>24 hours

# Regulatory History

- 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



# PA Regs Appendix J

- 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

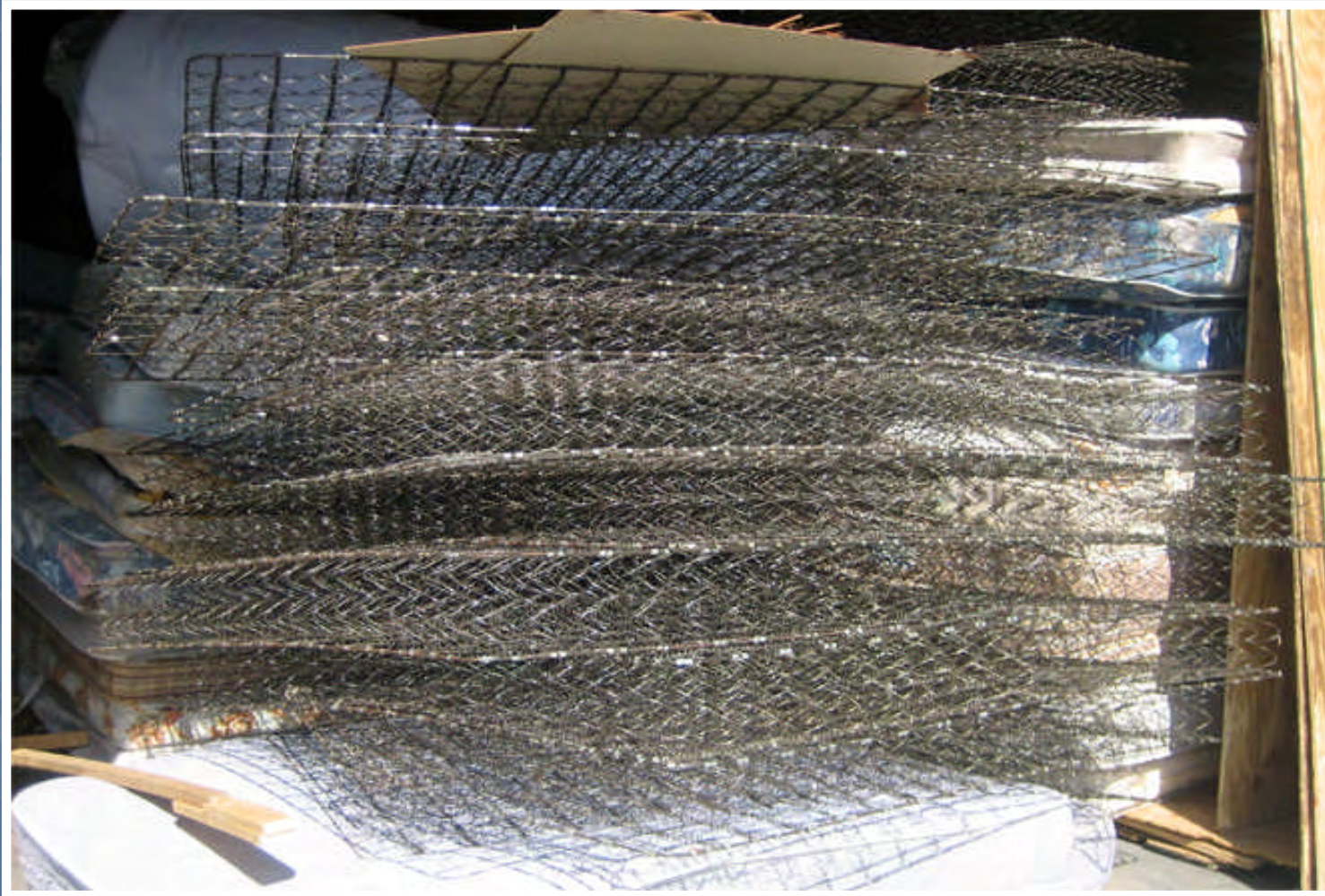
# Mattress Renovation & Sanitization Facility - Oct 3, 2006 Investigation Findings

- 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



# After mattress springs are “sanitized,” they are covered with new materials



**Clutter of personal items in work area**



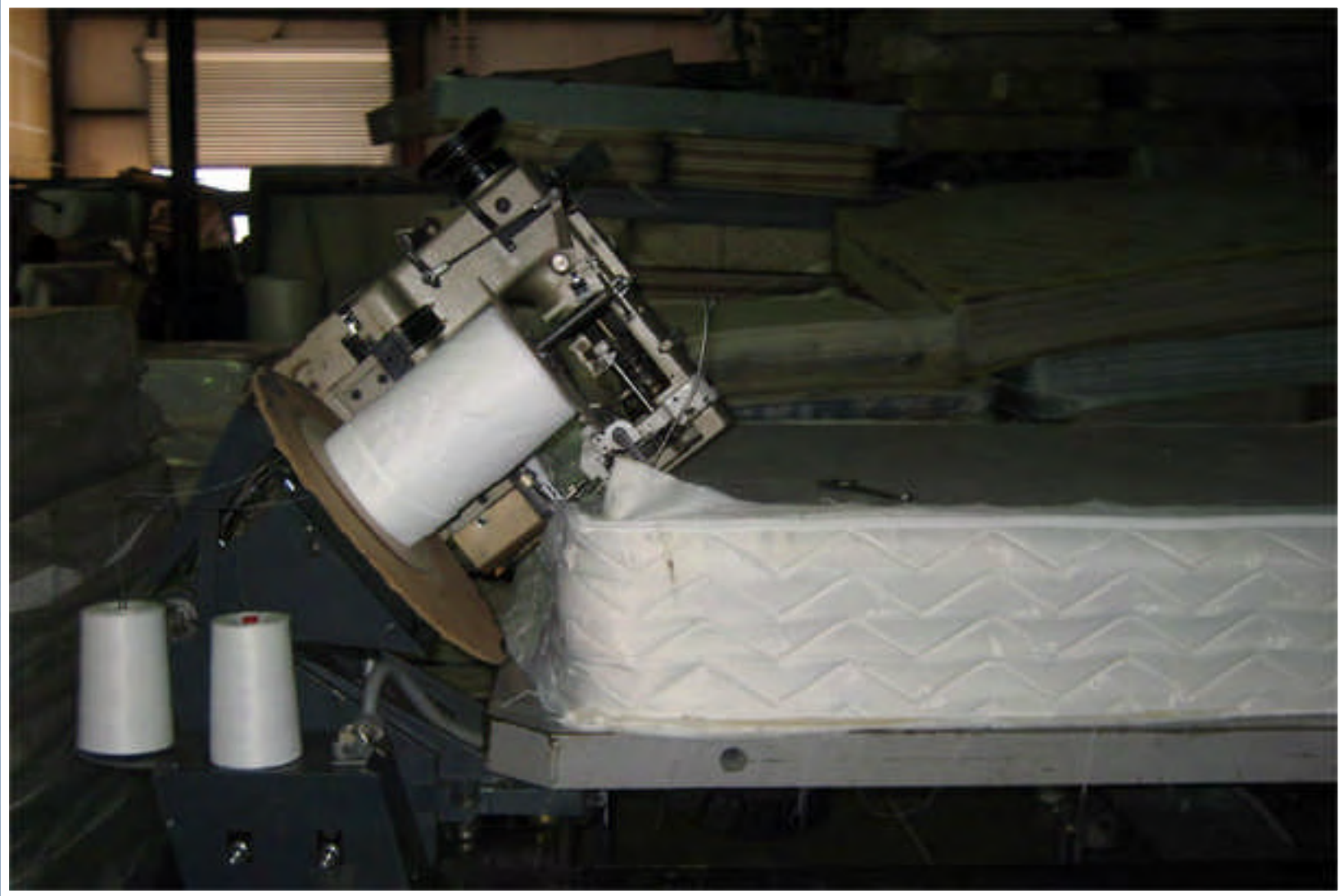
# New mattress cover storage



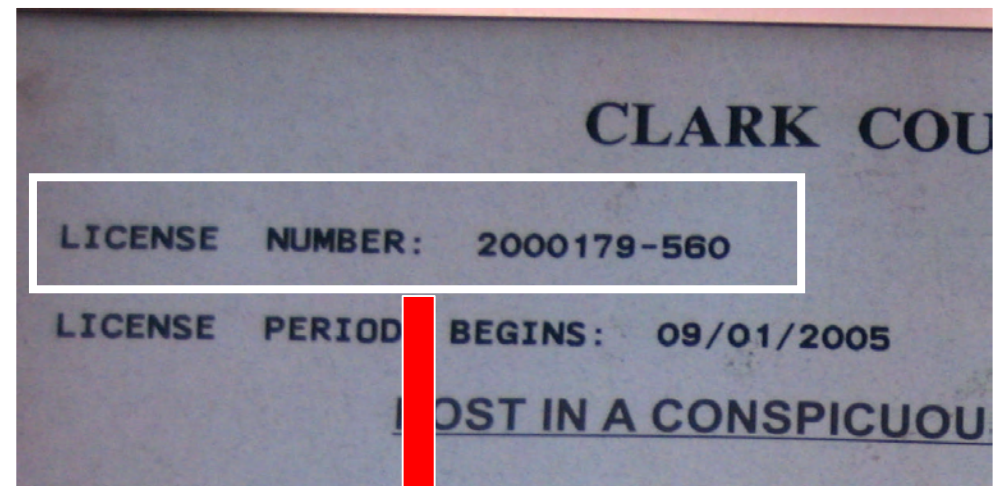
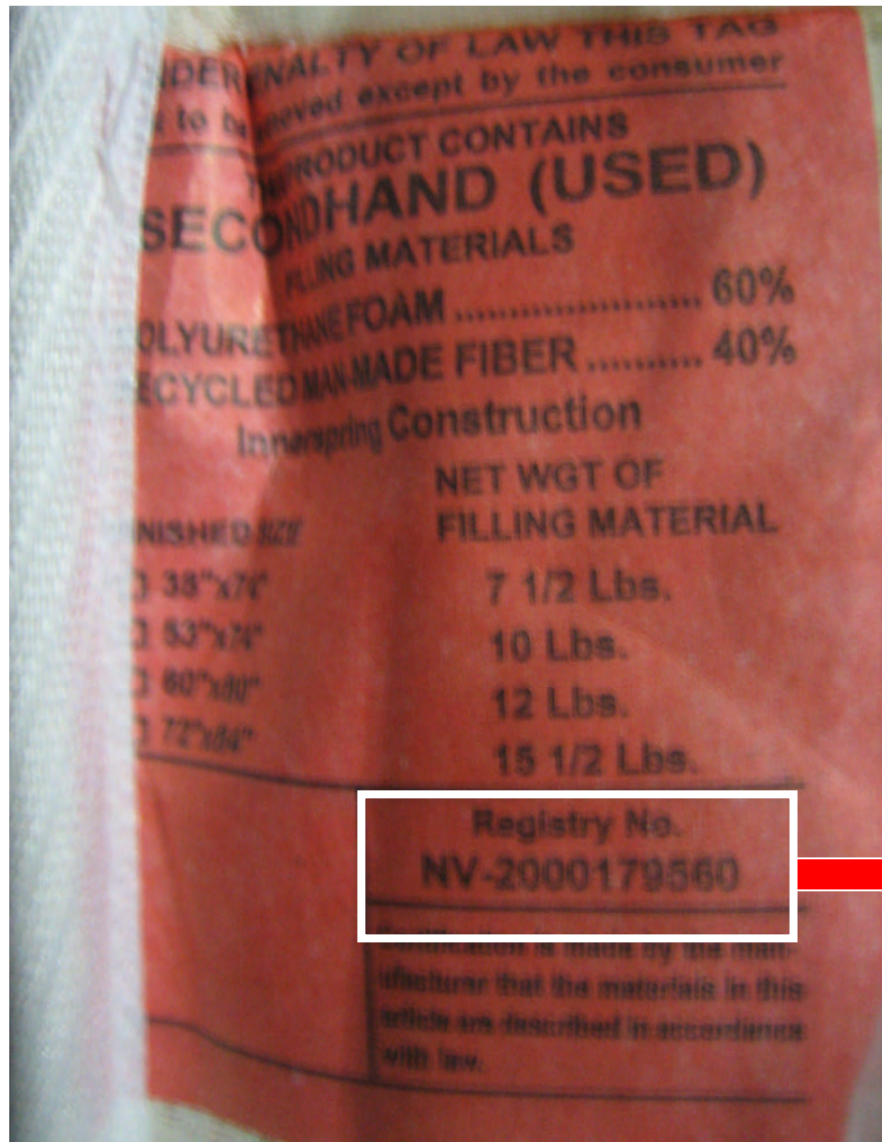
# More new mattress materials... and personal items



# 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



# 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

# State of NV Variance Hearing

- 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

# Variance request

- 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



# E quipment in unacceptable condition Dec '06



# Awaiting rebuilds (sold as new?)-Dec '06



# Labeling Colors

"New" = white

"Secondhand (Used)" = red

"SANITIZED" = yellow

- Are these mattresses
  - New?
  - Used?
  - Sanitized?

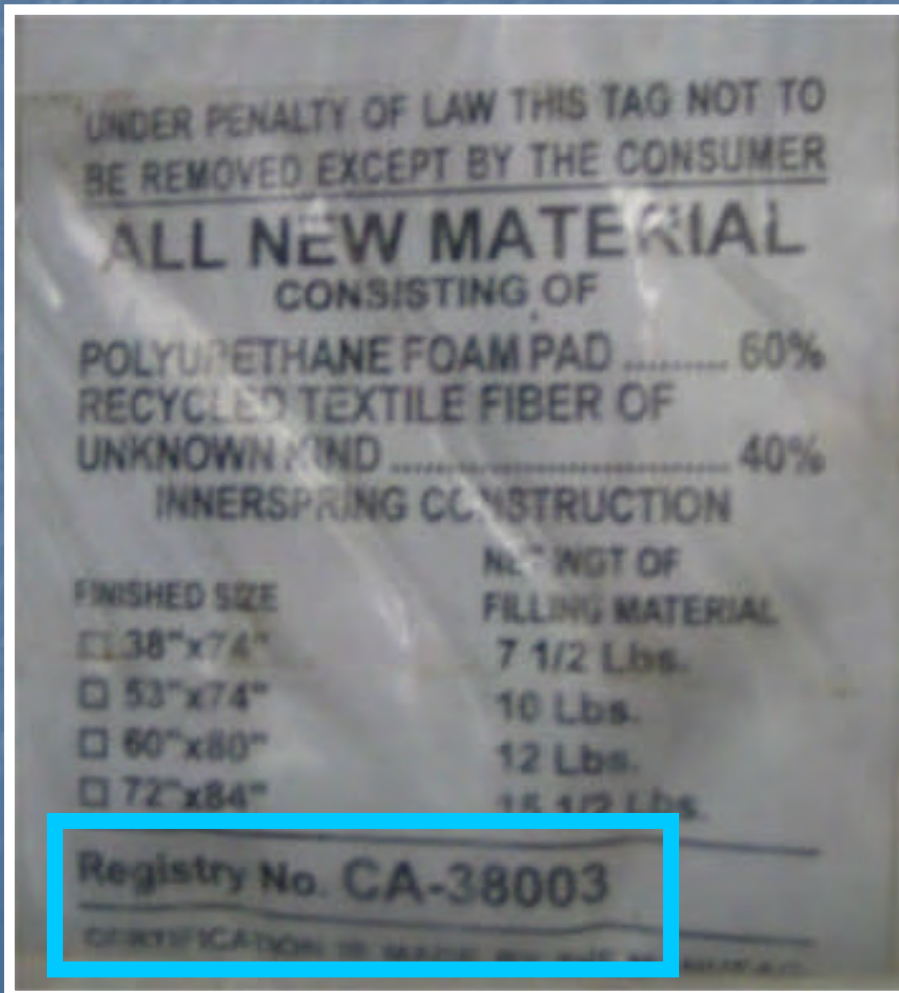




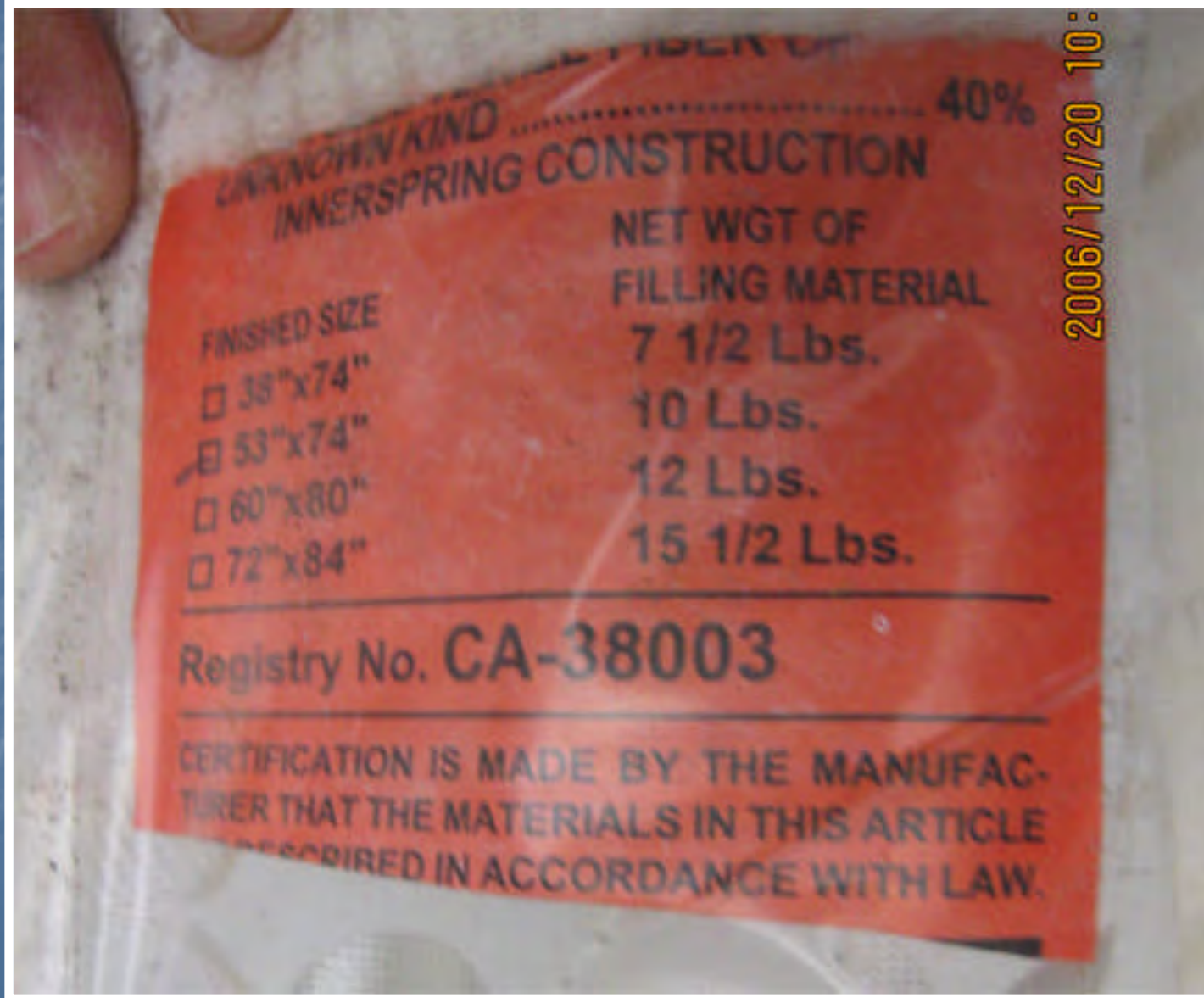
“New”  
labeling, but is  
it really new?



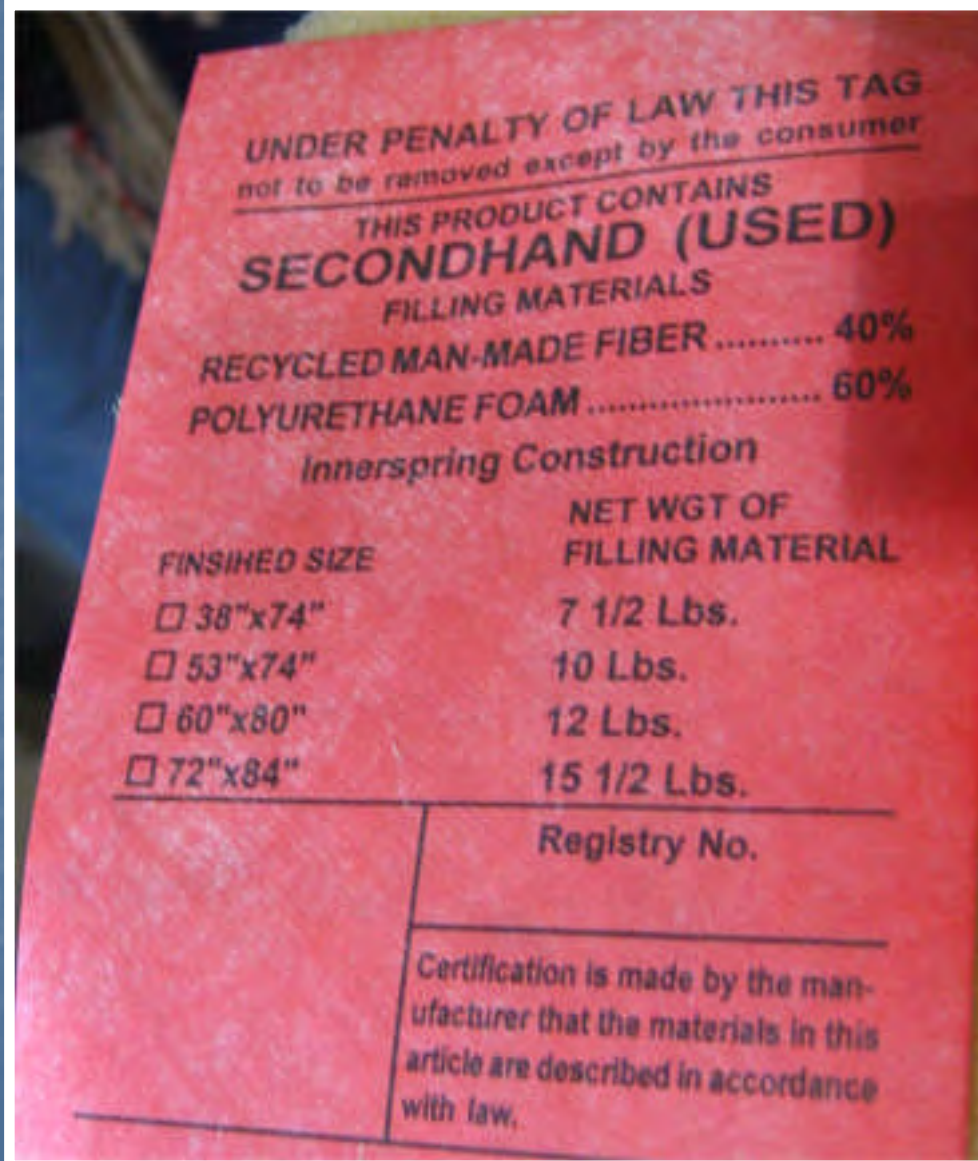
# Mystery “new” tags with different CA Registry #'s



# Secondhand label obscured



# Blank Secondhand (Used) Labels



Sanitized in CA  
- not approved  
for sale in NV  
Dec '06

UNDER PENALTY OF LAW THIS TAG NOT  
TO 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 6 of the Business and Professions Code  
(The Home Furnishings and Thermal Insulation Act)

Lot No. 39 Label No. 35334

Article mat

Method: Chemical Disinfectant

Date 12/13/06

COMFORT BEDDING  
7911 Beach St.  
Los Angeles, CA 90001

Registry No  
CA-38003

2006/12/20 11

# Properly filled out tags from CA

87

UNDER PENALTY OF LAW THIS TAG SHALL NOT  
TO BE REMOVED EXCEPT BY THE CONSUMER

**THIS PRODUCT CONTAINS  
SECONDHAND (USED)  
FILLING MATERIALS**

BOX SPRING CONSTRUCTION

FILLED	NET WGT. OF FILLING
37" x 74" <input type="checkbox"/>	4 Lbs.
53" x 74" <input type="checkbox"/>	6 Lbs.
60" x 80" <input type="checkbox"/>	8 Lbs.
36" x 54" <input type="checkbox"/>	3 Lbs.

REGISTRY NO. CA-20723

Certification is made by the manufacturer that the  
materials in this article are described in accordance  
with law.

Date of Delivery:

MADE IN USA

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. \_\_\_\_\_ Label **CN<sup>o</sup>** \_\_\_\_\_ **2119**

Article **1882** **BOX SPRING**

Method: DRY HEAT

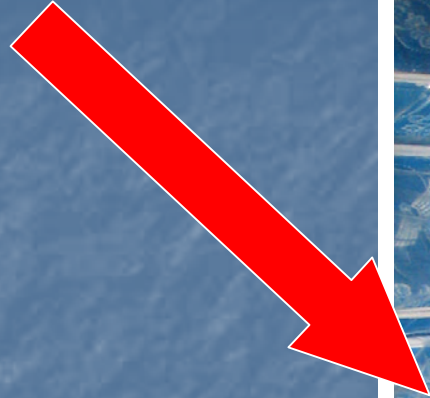
Date: **OCT 12 2006**

Registry No. **CA-20723**

Sanitizing Plant: **GATEWAY MATTRESS CO.**

**GATEWAY MATTRESS CO.**  
824 S. VAIL AVE (323) 725-1923  
MONTEBELLO, CA. 90640

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: 2000179-590      NAICS CODE: 337910.4  
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  
4855 Steptoe St Ste #800  
Las Vegas, NV 89122

BUSINESS LOCATION ADDRESS:  
4855 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

**MATTRESS** INVOICE

4955 STEPTOE SUITE # 800  
LAS VEGAS, NV 89122  
TEL: (702) 898-1614 - FAX: (702) 898-1742

DATE \_\_\_\_\_

NAME		CUSTOMER ORDER NO.	
ADDRESS		CUSTOMER PHONE NO.	
CITY	STATE	ZIP	

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	HECK RET.	PAID OUT
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QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			


ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL

*Thank You* RECEIVED BY \_\_\_\_\_

Old “rebuild”  
pricing list-  
not supposed to  
be rebuilding

Dec '06

*Draper Mattress*  
1000 Paradise Pointe Blvd. - Las Vegas, NV 89122  
Tel: (702) 886-1814 Fax: (702) 886-1742



**REBUILD MATTRESS**

	SIZE	MATRESSING	MATTRESS	SET
	TWIN	\$18.00	\$52.00	\$50.00
	FULL	\$20.00	\$50.00	\$50.00
	QUEEN	\$25.00	\$65.00	\$75.00
	KING	\$30.00	\$70.00	\$100.00
	TWIN	\$20.00	\$45.00	\$55.00
	FULL	\$20.00	\$50.00	\$60.00
	QUEEN	\$25.00	\$75.00	\$100.00
	KING	\$30.00	\$95.00	\$125.00
	TWIN	\$28.00	\$65.00	\$90.00
	FULL	\$20.00	\$80.00	\$100.00
	QUEEN	\$25.00	\$110.00	\$140.00
	KING	\$30.00	\$135.00	\$165.00
	TWIN	\$15.00	\$27.00	\$42.00
	FULL	\$18.00	\$33.00	\$48.00
	QUEEN	\$20.00	\$45.00	\$60.00
	KING	\$25.00	\$53.00	\$70.00
	TWIN	\$20.00	\$60.00	\$80.00
	FULL	\$20.00	\$75.00	\$95.00
	QUEEN	\$25.00	\$85.00	\$110.00
	KING	\$30.00	\$110.00	\$140.00
	TWIN	N/A	N/A	\$26.00
	FULL	N/A	N/A	\$30.00
	QUEEN	N/A	N/A	\$30.00
	KING	N/A	N/A	\$40.00

# Old business name cut off of pricing list



4955 Steptoe Suite #800 - Las Vegas, NV 89122  
Ph: (702) 898-1614 - Fax: (702) 898-1742

DESCRIPTION	SIZE	MATTRESS	BOXSPRING
12 YEAR CHIRO	TWIN	\$60.00	\$20.00
	FULL	\$70.00	\$30.00
	QUEEN	\$90.00	\$30.00
	KING	\$110.00	\$45.00
15 YEAR CHIRO NEW	TWIN	\$76.00	\$20.00
	FULL	\$87.00	\$20.00
	QUEEN	\$113.00	\$20.00
	KING	\$125.00	\$45.00
20 YEAR ORTHO	TWIN	\$66.00	\$20.00
	FULL	\$107.00	\$30.00
	QUEEN	\$130.00	\$30.00



# Investigative Trip to California

- An SNHD EH investigative team traveled to So. California Feb 13<sup>th</sup> & 14<sup>th</sup> 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?

# CA-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

# CA-Findings from Investigation 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



**“Sanitized” areas damp,  
the rest is not...**



CA parent  
company-  
Similar  
conditions to  
LV facility



# CA-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



# CA-Fabric Covering Process





# CA-Dry Heat Sanitization Ovens & Data Logger



# CA-Melrose Mattress-Dry Heat Oven



# CA Investigation

## Conclusions based on findings

- 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...



01/03/2007 10:08

# Improved facility conditions-Jan '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

# Attachments to Regulations

- 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?