2007
RATIONALE

PART BB
TANNING FACILITIES

Sec. BB.2 - Definitions.

A number of definitions were added to BB.2 for purposes of greater clarification. This included defining common acronyms for ease of reading. New definitions include: Code of Federal Regulations, Environmental Protection Agency, Food and Drug Administration, and Federal Trade Commission.

Definitions for Formal Operator Training, Medical Lamps, Minor were added, and the definition for Tanning equipment services was deleted for clarification purposes only.

Sec. BB.3 - Exemptions.

Section BB.3d. was added to make clear that the regulations are intended for commercial tanning purposes only.

Sec. BB.4 - Application for Registration of Tanning Facilities.

Section BB.4b.vii. was added to require training certificates for all trained operators prior to registering with the Agency.

Sec. BB.5 - Issuance of Certificate of Registration.

Section BB.5a. was amended so that patrons will be made aware that the facility is properly registered.

Sec. BB.8 - Report of Changes.

Notification requirements were changed under this section to eliminate the need for the tanning facility to notify the Agency each time lamps are replaced. This was accomplished by eliminating the reference to Section BB.4b.ii.

Sec. BB.12 - Construction and Operation of Tanning Facilities.

The warning sign defined under section BB.12a.i. will remain as original until FDA make changes to update the language. If the FDA rule changes then the States can make noted changes. The committee does request that Agency name, address and telephone number remain on warning signs to assist in reporting injuries due to tanning equipment and ensure that the Agency is notified of any injury at a tanning facility.

Section BB.12a.iii. remote timers was removed by committee at this time due to peer review and discussion.

In addition, Section BB.12a.iv. was added to avoid overexposure to ultraviolet once the time on the tanning equipment has been interrupted.

Section BB.12a.v. reinforces the requirements of 21 CFR 1040.20 (c)(3). This addition also ensures a safety mechanism for the consumer.

Section BB.12a.vi. is also required by the CFR (21 CFR 1040.20(1)(i-vi) but also provides needed information to the consumer.

Throughout Section BB.12b., the term "Eyewear" was substituted for "Goggles" because several types of eye protection are available. Also, BB.12b.iii. and BB.12b.iv. were added to ensure that each consumer has protective eyewear and has been instructed on proper usage.

Section BB.12c. was changed to provide safety to the consumer by requiring that operators be formally trained.

Section BB.12c.vi. was expanded to provide safety on the part of the minor and to ensure that the guardian is aware of the warnings associated with the use of tanning equipment.

Section BB.12c.ix. provides the tanning operators with training courses that have only been approved by the Agency. Subsections (5) and (6) were added both for purposes of clarification and to ensure that the operator is trained with the appropriate materials.

Section BB.12c.ix.(8) was added for additional safety for the consumer.

Section BB.12c.ix.(9) reinforces the importance of lamp compatibility.

Section BB.12c.xi. was added for safety on the part of the consumer.

<u>Matters for Future Consideration</u>

A copy of the Federal Statutes to accompany the SSR rules as an appendix.

The committee removed any reference to professional insurance policy as it is not required. A footnote mentions it as a state option.

The committee would suggest further discussion of the remote timer component of the rule between the committee and FDA and future changes to Part BB may incorporate these findings.

Addition of a reference list for EPA approved sanitizer agents.