United States
**CONSUMER PRODUCT SAFETY COMMISSION**
Washington, D.C. 20207

CPSA § (b)(1) Cleared
8/6/98
X No Mfrs/PrvtLblrs or
Products Identified
___Excepted by _____
___Firms Notified,
Comments Processed.

**MEMORANDUM**

**DATE:** August 4, 1998

**TO** : ES

**Through:** Sadye E. Dunn, Secretary

**FROM** : Martha Kosh
Records Assistant

**SUBJECT:** Proposed Technical Changes to Standard for the Flammability of Children's Sleepwear; Sizes 0-6X; Standard for the Flammability of Children's Sleepwear: Sizes 7-14, 16 CFR 1615 and 1616; 63FR 27885, May 2, 1998

ATTACHED ARE COMMENTS ON THE CF98-2

| COMMENT | DATE | SIGNED BY | AFFILIATION |
|---|---|---|---|
| CF98-2-1 | 5/27/98 | Dennis Sargent | American Marketing Enterprises Inc.<br>10 West 33rd St.<br>Suite 516<br>New York, NY 10001 |
| CF98-2-2 | 6/16/98 | Larry Martin<br>President<br>&<br>Mary Howell<br>Director of Product Divisions | American Apparel Manufacturers Assoc.<br>2500 Wilson Blvd.<br>Suite 301<br>Arlington, VA 22201 |
| CF98-2-3 | 7/08/98 | Jeanne O'Neill<br>Sr. Attorney | JC Penney<br>P.O. Box 10001<br>Dallas, TX 75301 |
| CF98-2-4 | 7/20/98 | Phillip Wakelyn<br>Ph.D., Senior Scientist, Environmental Health and Safety | National Cotton Council of America<br>1521 New Hampshire Ave NW<br>Washington, DC 20036 |

Proposed Technical Changes to Standard for the Flammability of Children's Sleepwear; Sizes 0-6X; Standard for the Flammability of Children's Sleepwear: Sizes 7-14, 16 CFR 1615 and 1616; 63FR 27885, May 2, 1998

| | | | |
|---|---|---|---|
| CF98-2-5 | 8/03/98 | Sara Yerkes<br>Director,<br>Government Affairs | Safe Children's<br>Sleepwear Coalition<br>Trauma Foundation<br>San Francisco General<br>Hospital<br>San Francisco, CA 94110 |
| CF98-2-6 | 8/05/98 | Gregory Poole<br>Vice President | Gap Inc.<br>Product Standards Dept.<br>345 Spear St., 2nd Floor<br>San Francisco, CA 94105 |

**RELATED COMMENTS**

| | | |
|---|---|---|
| 3/3/98 | Members of the<br>Memorial Medical<br>Center | Regional Burn Center<br>800 North Rutledge<br>Springfield, IL 62781 |
| 4/24/98 | Denise Drobnick<br>State Farm Agent | Berks County Chapter of<br>Safe Kids |
| 4/28/98 | Don Holt<br>Board of Governors | Shriners Burns Hospital<br>Galveston, TX |
| 4/29/98 | Captain Ann Segers | Cherokee County Fire<br>Safety Education<br>Committee<br>6724 Bells Ferry Rd<br>Woodstock, GA 30189 |
| 5/1/98 | Chief Warring Doles<br>Director | Monroe County Emergency<br>507 Montpelier Ave.<br>Forsyth, GA 31029 |
| 5/6/98 | Dawn Lang, B.S.<br>Trauma Outreach<br>Specialist | Detroit Receiving Hosp.<br>& University Health Ctr.<br>4201 St. Antoine<br>Detroit, MI 48201 |
| 5/14/98 | James A. Carlisle<br>Coordinator<br>Allentown-<br>Bethlehem Area<br>Safe Kids Coalition | City of Allentown<br>Bureau of Health<br>245 North 6th St.<br>Allentown, PA 18102 |

Proposed Technical Changes to Standard for the Flammability of Children's Sleepwear; Sizes 0-6X; Standard for the Flammability of Children's Sleepwear: Sizes 7-14, 16 CFR 1615 and 1616; 63FR 27885, May 2, 1998

**RELATED COMMENTS, CON'T**

| | | |
|---|---|---|
| 5/26/98 | Wayne Trumbly<br>President | El Dorado County Fire Prevention Officer's Association<br>P.O. Box 807<br>Camino, CA 95709 |

6665
OK
8/6/98

**AMERICAN MARKETING ENTERPRISES INC.**
**10 WEST 33RD STREET**
**NEW YORK CITY, NEW YORK 10001**
**SUITE 516**
**TEL 212-279-3600 FAX. 212-279-3643**
**EMAIL - production@ameny.com**

TO: CONSUMER PRODUCTS SAFETY COMMISSION

ATT:OFFICE OF THE SECRETARY

FROM:DENNIS SARGENT

DATE:5/27/98

RE: SLEEPWEAR

PURSUANT TO THE NOTICE IN THE FEDERAL REGISTER I WOULD LIKE TO OFFER MY COMMENTS ON THE PROPOSED AMENDMENTS FOR CHILDREN'S SLEEPWEAR.

I DO AGREE WITH THE RECOMMENDATIONS OF THE STAFF AT THE MEETING OF FEBRUARY 18, 1998 TO A CERTAIN EXTENT. MY DIFFICULTY WITH THE AMENDMENTS, AS STATED AT THE MEETING, IS THAT ***NO PROVISION*** HAS BEEN MADE FOR THE MANUFACTURING TOLERANCES THAT OCCUR IN THE NORMAL OF THE PROCESS OF MAKING A GARMENT.

AS STATED AT THE MEETING, THE GARMENTS ARE CONSTRUCTED OF KNIT FABRICS. THE PROPERTIES OF THESE FABRICS ARE LEAD TO TOLERANCES IN THE NORMAL SEWING OF THE GARMENT. OTHER MANUFACTURES AGREED THAT IN THE NORMAL COURSE OF MANUFACTURING, TOLERANCES ARE REALIZED. ALSO, AT THE MEETING, MR. FRANCIS YUK, VICE PRESIDENT OF INTERTEK TESTING SERVICES, AGREED THAT IN THE NORMAL COURSE OF MANUFACTURING OF GARMENTS, WHETHER KNIT OR WOVEN, TOLERANCES ARE PART OF THE PROCESS.

IT IS ***IMPOSSIBLE*** TO NOT HAVE "PLUS OR MINUS" TOLERANCES IN A SIZE SPECIFICATION. CURRENTLY, THE CPSC'S POLICY DOES NOT ALLOW FOR ANY "PLUS" TOLERANCES. WE HAVE BEEN TOLD, BY THE OFFICE OF COMPLIANCE, THAT ONLY MINUS TOLERANCES ARE ALLOWED. WE ARE NOW FORCED TO DO BUSINESS OUT OF THE NORMAL OPERATING PROCEDURE.THAT IS TO SAY THE MANUFACTURES ARE FORCED TO ***UNDERCUT*** THE GOODS SO AS TO ALLOW THE FACTORIES TO WORK IN THE NORMAL PROCESS OF GARMENT MANUFACTURING. THIS UNDERCUTTING IS NOW BEING DONE TO GARMENTS THAT ARE ALREADY ***SNUG-FITTING***.THIS RESULTS IN SUB STANDARD GARMENTS WHEN AN UNDER TOLERANCE IS REALIZED.

WHILE WE FEEL THIS POLICY IS UNREASONABLE AND UNFAIR, BECAUSE IT FORCES US TO DO BUSINESS IN A MANNER THAT IS CONTRARY TO THE MOST ***BASIC PRINCIPLES*** OF GARMENT MAKING, WE REALIZE THE CPSC'S CONCERN WITH OVER TOLERANCES. FOR THIS REASON , I PROPOSED THAT THE TOLERANCES BE SET BY

THE CPSC IN CONJUNCTION WITH NO LESS THEN THREE INDEPENDENT MAJOR TESTING SERVICES OR QUALITY CONTROL LABORATORIES. THESE TOLERANCES WOULD THEN BE SET AS PART OF PROPOSED AMENDMENTS OR PART OF THE POLICY BY COMPLIANCE. AT THE MEETING, WE OFFERED TO PAY FOR THE TESTING CHARGES. WE FELT THAT THIS WOULD BE OUT CONTRIBUTION TO THE SUCCESS OF THE NEW AMENDMENTS.

ON FEBRUARY 25TH OF THIS YEAR I FAXED MY RECOMMENDED TOLERANCES TO MARGARET NEELY OF THE CPSC. THESE SAME TOLERANCES ARE GIVEN TO THE UNITED STATES CUSTOMS SERVICE WHEN APPLYING FOR RULINGS ON THE CATEGORIZATION OF STYLES. THE UNITED STATES CUSTOMS SERVICES ACCEPTS THE TOLERANCES AS PART OF THE PROPERTIES OF THE GARMENT. BUT AGAIN , I WOULD RATHER HAVE THREE INDEPENDENT LABS SET THE TOLERANCES. I

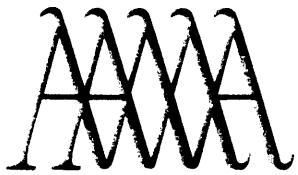
AS STATED EARLIER, I AGREE WITH THE PROPOSED AMENDMENTS BUT I FEEL THE NEED FOR THE PLUS AND MINUS TOLERANCES IS ESSENTIAL TO THE SUCCESS OF THIS LAW. TO NOT ALLOW FOR THE NORMAL TOLERANCES IS ASKING THE TRADE TO OPERATE OUTSIDE OF THE NORMAL MANUFACTURING PROCEDURES. I DON'T THINK THIS WAS THE INTENTION OF THE LAW. IN CONVERSATIONS WITH THE CPSC, I UNDERSTAND THAT TOLERANCES ARE TAKEN INTO ACCOUNT BUT NOT ON THESE ITEMS.

IT IS MY REQUEST THAT TOLERANCES ARE ADAPTED AND SET, SO THAT WE AS MANUFACTURES OF THESE GARMENTS, ARE ALLOWED TO DO BUSINESS ON AN EVEN PLAYING FIELD WITH THOSE MANUFACTURES OF GARMENTS THAT ARE NOT AFFECTED BY THIS LAW. WE ARE NOT ASKING FOR ANY CHANGES IN THE DIMENSIONS, RATHER WE ARE ASKING FOR AN AMENDMENT THAT WOULD NOT FAVOR MANUFACTURES OF GARMENTS USED FOR SLEEPING(I.E. TEE SHIRTS) THAT ARE NOT COVERED BY THE LAW. BY NOT ADAPTING THE CHANGES IS EQUAL TO PREFERENTIAL TREATMENT.

SINCERELY,

DENNIS M. SARGENT
AMERICAN MARKETING ENTERPRISES INC.

6a/6 6/16/98



AMERICAN APPAREL MANUFACTURERS ASSOCIATION

June 16, 1998

Office of the Secretary
Consumer Products Safety Commission
4330 East-West Highway
Room 501
Bethesda, Maryland 20814

**RE: "Comments on Proposed Technical Changes to Standard for The Flammability Of Children's Sleepwear; Sizes 0 – 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 – 14"**

The American Apparel Manufacturers Association (AAMA) appreciates the opportunity to comment on the proposed technical changes to the Children's Sleepwear Standard. The AAMA is the central trade association for the U.S. apparel industry, representing companies that produce more than 80 percent of the clothing sold at wholesale for America's $170 billion retail industry. AAMA members manufacture every type of garment and are located in virtually every state. Many of our members make children's sleepwear.

The AAMA has been involved with this issue since the CPSC first considered amending the Children's Sleepwear Flammability Standards (16 CFR 1615 and 1616) in 1992. Since that time, we have made several recommendations and comments on the current standards published in September 1996. In 1997, we met with the CPSC on several occasions to discuss real concerns and problems the childrenswear manufacturers are having producing garments under the current specifications. **Hence, we submitted our recommendations for the consideration of technical changes to the dimensions and points of measurements, so the garments will be acceptable not only to the end consumer, but to the rest of the supply chain partners, the retailers and manufacturers.**

After a long review process, the CPSC agreed that several of the measurement points currently described in the standards produce an impractical, non-wearable garment. As a result, the CPSC is proposing technical changes to three points of measurements of the upper arm, seat, and thigh as the solution to the problems manufacturers are having in trying to produce a saleable, wearable, and comfortable garment. **On behalf of its membership, the AAMA must disagree with the CPSC's conclusions.**

2500 Wilson Boulevard • Suite 301 • Arlington, Virginia 22201 • 703/524-1864 • FAX 703/522-6741
Toll Free 1-800-520-AAMA (2262) • www.americanapparel.org

Once again and for the record, the AAMA would like to make the following recommendations on two points of measurements and request an additional amendment. Please keep in mind that these recommendations are a result of a collaborative group of experts representing a significant portion of the childrenswear industry.

- **Measurement of upper arm:** We recommend the measurement should be made 2" down from the underarm sleeve seam on infant and toddler sizes up to 4T, and 3" down from the sleeve seam on larger sizes. We also recommend that the arm measurement should be at least 2" larger than currently permitted.

- **Measurement of thigh:** We recommend this measurement be taken 1 ½" below the crotch seam for all sizes.

- **Sewing Tolerance:** We firmly believe there is a need for sewing tolerances in the ruling. To comply with the published measurements, our manufacturers have to undercut garments. This yields a garment that is too tight and will force the consumer to buy a larger size creating new safety hazards from garments that are too long.

Many of our manufacturers have spent countless hours testing/re-testing, and designing/re-designing garments to meet the CPSC's specifications only to have the garments returned to them from their customer (the retailer) for one of two reasons. They will not put the garment on the selling floor because of its appearance, or because the garment has been returned by the end consumer because it is not functional.

The AAMA firmly believes that under the current specs, and even with the proposed changes to the three points of measurements, the consumer is still going to do one of two things. They will either buy the garment in two sizes too large (this creates a fire hazard in itself, as a result of the excess fabric from a longer sleeve and pant leg), or will reject the garments completely, and put their child in cotton T-shirts, boxers, sweats, etc.

The AAMA firmly believes that if the CPSC will incorporate our recommendations in the Children's Sleepwear Flammability Standard, apparel manufacturers will be able to make garments which will not compromise the effectiveness of the standard, but will satisfy the end consumer's needs while still adhering to the "tight-fitting" requirements of the standards.

Thank you for considering our comments.

Respectfully yours,

Larry Martin
President
AAMA

Mary R. Howell
Director of Product Divisions
AAMA

64 of 7/8/98

JCPenney

July 8, 1998

Via Facsimile (301) 504-0127
Office of the Secretary
U. S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear - 16 CFR Parts 1615 and 1616
Proposed Technical Changes to the Children's Sleepwear Standards

Ladies and Gentlemen:

JCPenney's technical design staff has reviewed the CPSC's proposal dated May 12, 1998 to amend the Children's Sleepwear Standards to make certain technical corrections to the definition of "Tight Fitting Garments." The following comments and suggestions are respectfully submitted:

1. General Industry Standards Should Be Used for Measurements. The measurements proposed by the CPSC for sizes 7-14 are based on one university study, rather than generally accepted industry standards. Standards CS 53-48 (Girls) and CS 51-50 (Boys) should be the applicable measurement standards for children's sizes 7-14.

2. Upper Arm Measurement Should be Simplified. The formula proposed by the CPSC for upper arm measurement is too complicated for factory inspection and will lead to controversy between manufacturers, retailers and CPSC enforcement staff. Upper arm measurement should be simplified to perhaps 2 measurements: (i) 2" down the sleeve seam for infants & toddler sizes (12 mos. to 4T); and (ii) 3" down the sleeve seam for children's sizes 4 to 14.

3. Infant/Toddler Waist & Hip Measurements Require Diaper/Training Pant Ease. The waist and hip measurements proposed by CPSC for infant (12, 18 and 24 mos.) and toddler (2T, 3T, and 4T) sizes are body measurements and do not allow for diaper ease or training pant ease. The only allowable ease is in the length of the rise, which will produce ill-fitting garments.

4. Bottom Sweep Measurement on Pajama Tops Should Equal Hip Specification. For 2-piece garments, the CPSC has proposed a bottom sweep measurement on pajama tops equal to the waist specification. As proposed, the garment will be tapered from the chest to the bottom on the side seams. For example, to even lay flat, the size 8 girls garment must stretch 4 1/2" (23 1/2" waist to a 28" hip); size 14 girls must stretch 7 1/2" (26 1/2" waist to 34" hip). For boys, the size 10 must stretch 3 1/2" (24 1/2" waist to 28" hip); size 14 must

**Legal Department** J. C. Penney Company, Inc. 6501 Legacy Drive, Plano, Texas 75024-3698
**Mailing Address:** P. O. Box 10001, Dallas, Texas 75301-0001 **Tel:** (972) 431-1000 **Fax:** (972) 431-1133/4

Recycled Pap

stretch 5 1/2" (26 1/2" waist to 32" hip). The bottom sweep measurements for pajama tops proposed by the CPSC are problematic in the following regards. (i) they will produce a questionable pajama silhouette; (ii) there will be difficulty pulling the pajama top over the head and shoulders; (iii) the bottom of the pajama top will ride up to the waist upon any body movement, especially raising of the arms; and (iv) the fabric will be stretched loose around the chest and waist.

The bottom sweep on the top of a pair of pajamas should be located closer to the hip than to the waist; accordingly, the bottom sweep measurement should be larger than the chest measurement and, ideally, equal to the hip measurement.

If you have any questions about the foregoing comments, please give me a call at (972) 431-1242.

Very truly yours,

Jeanne O'Neill

Jeanne E. O'Neill
Senior Attorney

cc: R. Hood
P. McGrath
E. Saddoris
J. Wilhite

y:\marketin\jonei2\cpso\fit.ltr

National Cotton Council OF AMERICA

1521 New Hampshire Avenue, NW • Washington, DC 20036
(202) 745-7805 • FAX (202) 483-4040

PRODUCERS • GINNERS • WAREHOUSEMEN • MERCHANTS • CRUSHERS • COOPERATIVES • MANUFACTURERS

July 20, 1998

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: *Sleepwear* - - Comments of the National Cotton Council to CPSC's proposed technical changes to the Children's Sleepwear Flammability Standards, 16 CFR 1615 and 1616 (63FR 27877; May 21, 1998 and 63FR 31950; June 11, 1998)

These comments are submitted by the National Cotton Council (NCC) in response to CPSC's May 21, 1998 (63FR 27877) and June 11, 1998 (63FR 31950) request for comments on "Proposed Technical Changes; Standards for Flammability of Children's Sleepwear." NCC is the central trade association of the American cotton industry. NCC members include producers of over 75% of the U.S. cotton and cotton processing industries.

NCC has been actively involved with this issue since the CPSC first started the process to amend the Children's Sleepwear Flammability Standards sizes 0-6x (16CFR 1615) and sizes 7-14 (16CFR 1616) in 1992, which resulted in the September 1996 amendments. In addition, NCC was involved in the original rulemakings in the early 1970's, which resulted in 16 CFR 1615 and 1616, and the rulemaking for the 1977-78 amendments, because of "Tris", which lessened the standards by removing the melt-drip flammability requirements for garments. Since publication of the most recent amendments (September 9, 1996) regarding garments sized for infants nine months of age or younger and tight-fitting sleepwear for children older than nine months, NCC has met with CPSC on several occasions along with other industry representatives and made recommendations and submitted comments on the "tight-fitting" definitions in the standard. NCC feels the proposed technical changes are an improvement. However, NCC feels that the proposed technical changes do not go far enough in correcting the garment fit problems and could be further improved without effecting the safety provided by the standard. In addition, as stated in our earlier comments during the rulemaking,NCC also strongly believes that there is a need for a sewing tolerance and a 5% shrinkage tolerance. When garments are sold both of these are usually part of the purchase contact.

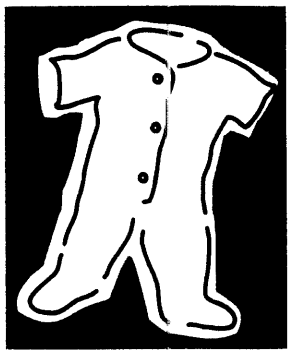
We appreciate the CPSC's consideration of these comments,

Sincerely,

P J Wakelyn

Phillip J. Wakelyn, Ph.D.
Senior Scientist, Environmental Health and Safety

6 of 3
8/6/98



# Safe Children's Sleepwear Coalition

STEERING COMMITTEE
American Burn Association
Coalition for American Trauma Care
The Federation of Burn Foundations
National Fire Protection Association
Trauma Foundation

ENDORSING ORGANIZATIONS
A O North America
American Academy of Pediatrics
American Association for the Surgery of Trauma
American College of Surgeons
American Public Health Association
Burn Awareness Coalition
Burn Foundation
Burn Institute
Burn Prevention Foundation
The Children's Burn Foundation
Children's Hospital of Alabama
Dameron Hospital Burn Unit
Eastern Association for the Surgery of Trauma
Emergency Nurses Association
Fairfax County Fire and Rescue Department
Firefighters Pacific Burn Institute
Foundation for Burns & Trauma, Inc.
Georgia Firefighters Burn Foundation
International Association of Black Professional Fire Fighters
International Association of Fire Chiefs
International Association of Fire Fighters
Journal of Trauma
National Association of Children's Hospitals and Related Institutions
National Association of Hispanic Firefighters
National Association of State Fire Marshals
North Carolina Jaycee Burn Center
Orthopaedic Trauma Association
St. Lukes Health System, Burn Trauma Center
UAB Burn Center

August 3, 1998

Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Proposed Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14

The Safe Children's Sleepwear Coalition (SCSC) was organized in August 1997 in response to the 1996 CPSC vote to relax the children's sleepwear standards. The purpose of the Coalition is to work cooperatively with the Commission to reverse the 1996 vote, as well as to raise consumer awareness about injury and death risks related to untreated cotton sleepwear.

The undersigned organizations, comprising a task force of the SCSC, respectfully submits this written statement in response to the May 21, 1998 Federal Register notice on the proposed technical changes to clarify the points where garment measurements should be made. The SCSC's position was, and continues to be, in opposition to the standards as amended in 1996.

Based on the expertise of our Coalition members and information available, we do not believe any technical changes to the amendments can make the new requirements for children's sleepwear effective. The amendments are designed for specific ages. The Coalition has pointed out that parents will avoid tight-fitting clothing for reasons of comfort and also, for economic reasons, will use clothing outside of intended age ranges and thereby defeat the approach to tight fit, even if that is not their intention.

Trauma Foundation, San Francisco General Hospital, San Francisco, CA 94110
Telephone: 415 821-8209 • Fax: 415 282-2563

It is also possible for the specifics of the standard, including garment measurement protocols, to make a bad situation worse, by not even delivering a tight fit for children of the design age. Therefore, the Coalition Task Force believes it would be counter-productive and misleading to comment on those specifics.

We hope the Commissioners will someday see the validity of our position. Why put children at higher risk? Children need our protection. We appeal to the Commissioners to make the right choice: reverse the standard.

The SCSC appreciates this opportunity to comment and to recommend, once again, that in the case of children's sleepwear, the Commissioners act to restore a standard with proven effectiveness and so protect the safety of our children.

---

Respectfully submitted on behalf of the Safe Children's Sleepwear Coalition:

American Academy of Pediatrics, American Association for the Surgery of Trauma, American Burn Association, American College of Surgeons, American Public Health Association, Burn Foundation, Coalition for American Trauma Care, Eastern Association for the Surgery of Trauma, Emergency Nurses Association, National Association of Children's Hospitals and Related Institutions, National Fire Protection Association, Trauma Foundation

# Gap Inc.

**PRODUCT STANDARDS DEPARTMENT**
345 Spear Street, 2nd Floor
San Francisco, CA 94105
Phone: (415) 427-6465
Fax: (415) 427-5242

## FACSIMILE COVER PAGE

**To:** **Margaret Neily 301-504-0121**

**From:** **Sara DeLuca**

**Date:** **August 5, 1998**

Dear Ms. Neily,

Please find official comments from Gap Inc. regarding the May 21, 1998, CPSC proposed rule on the revision to its Children's Sleepwear Flammability Standards for the Tight-Fitting Garment Exemption.

I am sending the hard copy via Fed Ex today.

If you have any question, please call me directly at 415-427-6465.

Best regards,

Sara

**# Of Pages** _____

6606or
8/6/98

One Harrison Street
San Francisco, CA 94105
650 952 4400 tel

# Gap Inc.

Gap
Banana Republic
Old Navy

July 31, 1998

Ms. Margaret Neily
Project Manager
Directorate for Engineering Sciences
Consumer Product Safety Commission
Washington, DC 20207

Dear Ms. Neily:

In response to the May 21, 1998, CPSC proposed rule on Revision to its Children's Sleepwear Flammability Standards for the Tight-Fitting Garment Exemption, Gap Inc. has the following comments.

**Upper Arm**
Gap Inc. proposes that the upper arm specification on baby garments, sizes 9-36 months, be increased by 1/4 inch. We have observed through garment fittings that the current specifications are not realistic for comfort and wearability. Gap Inc. does not believe the 1/4 inch increase would compromise the garment's safe design.

Moreover, Gap Inc. proposes a simpler methodology to conduct upper arm measurements which will accurately obtain the CPSC specifications. The alternative method simplifies the CPSC's three step process into two. By taking the measurement directly from the under arm seam, the same specification is achieved, but the methodology is easier to follow and less prone to error. Please see the attachment.

**Chest**
Currently, chest measurements are taken from arm pit to arm pit. Gap Inc. proposes that the chest measurement be taken one inch below the arm pit to arm pit line. Because the arm pit is a sewing point, the garment is prone to stretching in this area, compromising the accuracy of the measurement. The one inch modification will eliminate this inaccuracy.

**"Hourglass" Silhouette**
The CPSC prohibits the use of the "hourglass" silhouette for tops of girls' two-piece garments. Gap Inc. believes that the "hourglass" silhouette is needed for the fit and comfort of these types of garments. Requiring the hem sweep to be equal to or less than the specified waist dimension is difficult to comply with, especially when factories are already manufacturing garments toward the negative side of the manufacturing tolerances. The result is to exaggerate undersizing in the sweep to meet the waist

AUG 05 '98 09:33 FR GAP INC PROD STDS 415 427 5242 TO 913015040121 P.02/05

measurement, compromising comfort. Moreover, Gap Inc. has observed that as a result of the decreased sweep measurement, the garment rides up towards the waist. This bunching compromises the tight fitting safety concept. Gap Inc. proposes that the "hourglass" silhouette fit be reinstated for girls' sizes seven through fourteen, allowing the bottom sweep of the upper piece to be equal to or less than the hip measurement of the bottom. Gap Inc. proposes the "hourglass" silhouette also be reinstated for toddler sizes 2XL and 3XL for reasons of comfort and fit.

**Enforcement**

Gap Inc. has adjusted to CPSC's zero positive tolerance by adopting an additional tolerance to ensure compliance with the tight fitting specification. However, because of the high variability inherent in manufacturing knitted products, clarification regarding CPSC's enforcement policy is necessary to further set quality assurance guidelines. Specifically, please advise the sample size and tolerance to be applied in enforcement testing.

Thank you for your consideration.

Sincerely,

Gregory I. Poole
Vice President, Product Standards and
Quality Assurance

NOV 05 '98 09:33 FR GAP INC PROD STDS 415 427 5242 TO 913015040121 P.03/35

## Attachment
## Upper Arm Measurement: CPSC Versus Alternative Method

### CPSC Method

Extend line up from sideseam (A to B) to shoulder point C. Chart distance from C to D based off CPSC recommendations (see below for size-based recommendations). Draw a line parallel to the sleeve to reach point E. The distance from D to E is the upper arm measurement.

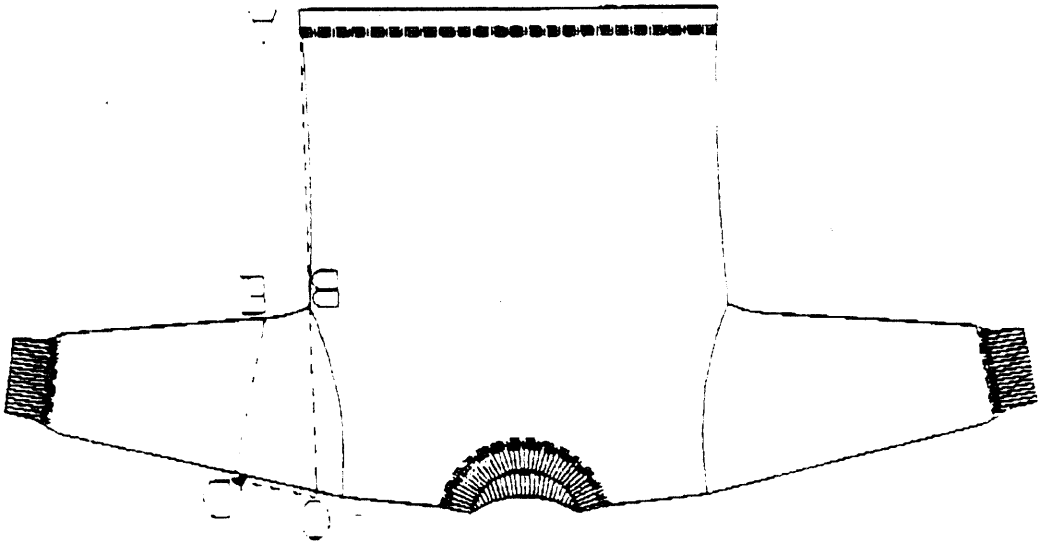
Distance from C to D: Example of CPSC recommendations.

| Size (boys) | 2 to 3 | 4 to 5 | 6 to 7 | 8 | 10 | 12 |
|---|---|---|---|---|---|---|
| **Distance from C to D recommended by CPSC** | 2 7/8" | 3 1/2" | 4" | 4 5/8" | 4 7/8" | 5 1/8" |

### Proposed Alternative Method

Measure directly out from under arm (point B) to point E using predetermined size-based specifications. From point E, draw a line parallel to sleeve to obtain upper arm measurement. This method yields the same upper arm measurement as the recommended CPSC method.

| Size (boys) | 2 to 3 | 4 to 5 | 6 to 7 | 8 | 10 | 12 | 14 |
|---|---|---|---|---|---|---|---|
| **CPSC distance from point C to D** | 2 7/8" | 3 1/2" | 4" | 4 5/8" | 4 7/8" | 5 1/8" | 5 3/8" |
| **Alternative method: distance from point B to E** | 1 1/2" | 2 1/8" | 2 5/8" | 3 1/4" | 4" | 4 3/4" | 5 1/2" |
| **Resulting upper arm measurement from both methods** | 3" | 3 3/8" | 3 3/4" | 4" | 4 1/8" | 4 3/8" | 4 1/2" |



Regional Burn Center

March 3, 1998

The Honorable Thomas H. Moore, Commissioner
United States Consumer Products Safety Commission
4330 East-West Highway
Bethesda, Maryland 20814

**Memorial Medical Center**
800 North Rutledge
Springfield, Illinois 62781
217-788-3325
FAX: 217-788-5563

*Prevention*

*Care*

*Teaching*

*Research*

*Rehabilitation*

Dear Commissioner Moore:

We have recently been made aware of the Consumer Product Safety Commission's decision to relax the flammability standards for children's sleepwear. In our work here at the Regional Burn Center at Memorial Medical Center, we have seen, first hand, a reduction in the severity of burn injuries to children since the sleepwear flammability standards were implemented almost twenty-five years ago. It is the Commission's responsibility under the Flammable Fabrics Act to protect the public against unreasonable risk of fire leading to injury and death. Available injury and death data shows that the standard was working. The data show that there have been few injuries or deaths involving ignition of children's sleepwear since enactment of the standard.

The extensive consumer education promised to the public by the CPSC regarding the risk of non-flame resistant sleepwear is lacking. This lack of consumer education, as promised by the apparel industry manufacturers, makes it difficult for parents to make informed decisions about purchasing sleep apparel for their children. The requirement for clear and conspicuous warning labels has been removed from the amendments and makes it difficult for consumers to differentiate between flame resistant and non-flame resistant garments at the point of sale. As a

Regional Burn Center

regulatory agency, the CPSC has the responsibility to provide clear, concise, and accurate information to consumers.

As members of the Burn Team at Memorial Medical Center, who deal with pain, suffering, and monetary costs of burn injuries daily, we urge you to please reconsider this matter and reenact the previous standards. The standards were clearly working to prevent the death and disfigurement of many children. Something that was working so well to prevent disfigurement and death of our children should not be changed.

**Memorial Medical Center**
800 North Rutledge
Springfield, Illinois 62781
217-788-3325
FAX: 217-788-5563

Enclosed you will find the signature of our burn team members who whole heartedly support the reenactment of the **Flammable Fabrics Act.**

*Prevention*

*Care*

*Teaching*

*Research*

*Rehabilitation*

Sincerely,

1. [illegible] BSN CCRN
2. K Stark LPN II
3. Tracy Spradlen BSN
4. [illegible] BSN
5. [illegible]
6. [illegible]
7. Rosalie Mottar RN
8. [illegible] Tech
9. [illegible] RN
10. [illegible] RN
11. [illegible]
12. [illegible]
13. [illegible]
14. Cindy Cunningham, OPK, MS
15. Kristo Sheppard, MPT
16. Kathleen O'Shaughnessy RD
17. David R. Nicholson, DCC Chapla
18. Rachel Chan Johnston LSW
19. Sarah High RN
20. Bruche O'Connor Tech I
21. Donna J. Martin A/C
22. [illegible] Hendrix [illegible]
23. [illegible]
24. Kelly Fuller RN
25. Lorie Holmes UC tech
26. Ruth Stephens RN
27. Donna Kelley UC tech
28. Joyce [illegible] RN
29. [illegible]
30. _____

Date 4/24/98

64 ok 8/6/98

The Honorable Thomas H. Moore, Commissioner
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner Moore:

As a member of the Berks County Chapter of Safe Kids I am increasingly concerned about the impact of CPSC's 1996 decision to relax the flammability standards for children's sleepwear. Relaxation of this standard will put infants and children at a higher risk for injury from burns.

CPSC was established to set and monitor standards for product safety, along with educating the public about such safety. Available injury and death data demonstrates that the sleepwear standard, adopted in the early 1970's, was working to reduce burn death and injury to children. Please reverse your 1996 decision and restore this standard.

Many of us have been concerned from the beginning that the "tight-fit" requirement and the educational campaign promised in return for relaxing the standard would not protect children wearing non-flame-resistant sleepwear from burn injury. The apparel industry has failed to agree on labeling or tight-fitting requirements or design and implement the promised educational campaign. As a regulating agency, CPSC has the responsibility of providing clear, concise, accurate information to consumers to help them make safe choices when choosing sleepwear. Now, it is virtually impossible for consumers to judge the relative safety of such sleepwear garments in the marketplace.

As a member of Berks County Chapter of Safe Kids I am frequently reminded of the pain, suffering and cost of burn injury, and the life-long impact of burn injury on young children. I urge you to reconsider your decision and restore the previous children's sleepwear flammability standard. There was no need to change a standard which played such an important role in preventing injury, death and disfigurement in young children.

Sincerely,

Denise M Drobnick
State Farm Agent

April 28, 1998

The Honorable Thomas H. Moore, Commissioner
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner Moore:

As a member of the Board of Governors of Shriners Burns Hospital in Galveston, Texas and Assistant Chairman of the Hospital Committee of Akdar Temple in Tulsa, Oklahoma, I am increasingly concerned about the impact of CPSC's 1996 decision to relax the flammability standards for children's sleepwear. Relaxation of this standard will put infants and children at a higher risk for injury from burns.

CPSC was established to set and monitor standards for product safety, along with educating the public about such safety. Available injury and death data demonstrates that the sleepwear standard, adopted in the early 1970's, was working to reduce burn death and injury to children. Please reverse your 1996 decision and restore this standard.

Many of us have been concerned from the beginning that the "tight-fit" requirement and the educational campaign promised in return for relaxing the standard would not protect children wearing non-flame-resistant sleepwear from burn injury. The apparel industry has failed to agree on labeling or tight-fitting requirements or design and implement the promised educational campaign. As a regulating agency, CPSC has the responsibility of providing clear, concise, accurate information to consumers to help them make safe choices when choosing sleepwear. Now, it is virtually impossible for consumers to judge the relative safety of such sleepwear garments in the marketplace.

As a member of the Board of Governors of Shriners Burns Hospital in Galveston, Texas and Assistant Chairman of the Hospital Committee of Akdar Temple in Tulsa, Oklahoma, I am frequently reminded of the pain, suffering and cost of burn injury, and the life-long impact of burn injury on young children. I urge you to reconsider your decision and restore the previous children's sleepwear flammability standard. There was no need to change a standard which played such an important role in preventing injury, death and disfigurement in young children.

Sincerely,

Don J. Holt

CHEROKEE COUNTY
FIRE SAFETY EDUCATION COMMITTEE

6724 Bells Ferry Road
Woodstock, Georgia 30189
770.926.7155
Fax 770.516.7811

April 29, 1998

The Honorable Thomas H. Moore, Commissioner
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner Moore:

As a fire safety educator, I am increasingly concerned about the impact of CPSC's 1996 decision to relax the flammability standards for children's sleepwear. Relaxation of this standard will put infants and children at a higher risk for injury from burns.

CPSC was established to set and monitor standards for product safety, along with educating the public about such safety. Available injury and death data demonstrates that the sleepwear standard, adopted in the early 1970's, was working to reduce burn death and injury to children. Please reverse your 1996 decision and restore this standard.

Many of us have been concerned from the beginning the "tight-fit" requirement and the educational campaign promised in return for relaxing the standard would not protect children wearing non-flame-resistant sleepwear from burn injury. The apparel industry has failed to agree on labeling or tight-fitting requirements or design and implement the promised educational campaign. As a regulating agency, CPSC has the responsibility of providing clear, concise, accurate information to consumers to help them make safe choices when choosing sleepwear. Now, it is virtually impossible for consumers to judge the relative safety of such sleepwear garments in the marketplace.

As a member of the fire service, I am frequently reminded of the pain, suffering and cost of burn injury, and the life-long impact of burn injury on young children. I urge you to reconsider your decision and restore the previous children's sleepwear flammability standard. There was no need to change a standard which played such an important role in preventing injury, death and disfigurement in young children.

Sincerely,
Captain Ann Segers

Ann Segers

650K 1/95 5/28/98 D

# MONROE COUNTY EMERGENCY SERVICES

507 Montpelier Avenue
FORSYTH, GA 31029

CHIEF WARRING R. DOLES
Director

Phone 912/994-7004
Phone 912/994-7024
FAX 912/994-7055

May 1, 1998

Commissioner Thomas Hill Moore
US CSPC, 4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner:

As a concerned parent, grandparent, Fire Chief and Director of Emergency Services, I urge you to reconsider your position on relaxing the standard on children sleep wear.

I have seen first hand what can happen when a child or an adult sleep wear catches on fire. The sight is not a pleasant one to the healthcare provider not to speak of the pain and trauma that the patient experiences. I see no sound reason to put children in jeopardy either financially or otherwise. The past standard has provided us with good protection for our children and should be left as is.

I employ you to change your position on reestablishing the past standard on children sleep wear flammability. Nothing is more valuable than our children.

If I can be of service to you or any of your staff, please do not hesitate to contact me.

Respectfully,

Warring R. Doles

Chief Warring R. Doles
Director

The Detroit Medical Center

Wayne State University

Detroit Receiving Hospital
and University Health Center

(313) 745-3484

May 6, 1998

Commissioner Thomas Hill Moore
US CPSC
4330 East-West Highway
Bethesda, MF 20814

Dear Commissioner Moore:

This letter will hopefully direct your attention and influence your recent CPSC decision to relax the flammability standards for children's sleepwear. America's children have been protected from the risk of fire and crippling burn injury from their sleepwear for the last 25 years since Congress enacted those standards.

Burn injury and death statistics have shown that the sleepwear standards work and save children's lives from fire and burn injuries. The relaxed CPSC standards put children at a high risk. The educational and awareness programs promised by CPSC last year have been postponed. As a regulatory agency, the CPSC is responsible for accurate and precise recommendations to the parents buying this flammable sleepwear.

As the Trauma Outreach Specialist from a Level I Trauma Center, in a major U.S. city, I strongly urge you to reconsider the issue and reinstate the previous safe standards before one child has to suffer as a result of your decision.

Sincerely,

Dawn Marie Lang, B.S.
Trauma Outreach Specialist
Detroit Receiving Hospital

DL/sr

Detroit Receiving Hospital and University Health Center
4201 St. Antoine Detroit, Michigan 48201

BUREAU OF HEALTH
245 North 6th Street
Allentown, PA 18102-4128

Alliance Hall
(610) 437-7702
FAX (610) 437-8799

City of Allentown

May 14, 1998

The Honorable Thomas H. Moore, Commissioner
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner Moore:

As Coordinator of the Allentown-Bethlehem Area SAFE KIDS Coalition, I was directed by the Coalition to express our concern about the impact of CPSC's 1996 decision to relax the flammability standards for children's sleepwear. Relaxation of this standard will put infants and children at a higher risk for injury from burns.

CPSC was established to set and monitor standards for product safety, along with educating the public about such safety. Available injury and death data demonstrated that the sleepwear standard, adopted in the early 1970's, was working to reduce burn death and injury to children. Please reverse your 1996 decision and restore this standard.

Many of us have been concerned from the beginning that the "tight-fit" requirement and the educational campaign promised in return for relaxing the standard would not protect children wearing non-flame-resistant sleepwear from burn injury. The apparel industry has failed to agree on labeling or tight-fitting requirements or design and implement the promised educational campaign. As a regulating agency, CPSC has the responsibility of providing clear, concise, accurate information to consumers to help them make safe choices when choosing sleepwear. Now, it is virtually impossible for consumers to judge the relative safety of such sleepwear garments in the marketplace.

As a member of the Coalition and of the Injury Prevention Program of the Allentown Health Bureau, I am frequently reminded of the pain, suffering and cost of burn injury, and the life-long impact of burn injury on young children. I urge you to reconsider your decision and restore the previous children's sleepwear flammability standard. There was no need to change a standard which played such an important role in preventing injury, death and disfigurement in young children.

Sincerely,

James A. Carlisle

James A. Carlisle, Coordinator
Allentown-Bethlehem Area SAFE KIDS Coalition

xc: Tom Morgan, Associate Director of Health
Daniel Dillard, Executive Director, Burn Prevention Foundation
Kate Schaffer, National Field Organizer, National SAFE KIDS Campaign
Anne Franchak, Executive Director, PA SAFE KIDS Coalition
Members of the Allentown-Bethlehem SAFE KIDS Coalition

JC:cy(moore.let)

National SAFE KIDS Campaign

# El Dorado County Fire Prevention Officer's Association

P.O. Box 807, Camino, California 95709
Bus: 916-644-9630 Fax: 916-644-9636


May 26, 1998

U.S. Consumer Product Safety Commission
Washington, DC 20207

**RE: Safe Children's Sleepwear Coalition**

To Whom It May Concern,

The El Dorado County Fire Prevention Officer's Association is an organization devoted to the safety of the people of El Dorado County in California. Our members represent fire service organizations from the private sector to local, state, and federal governmental fire agencies.

Our organization has learned that your agency has voted to relax the fire safety standards for children's sleepwear. Our association is unanimously against the relaxing of such standards and urges your agency to revisit your decision and keep our children safe from fire.

The children of today are our leaders of tomorrow, let's make sure they're here do to the leading.

Thank you for your cooperation,

Wayne E. Trumbly

Wayne Trumbly, President
El Dorado County
Fire Prevention Officer's Assoc.

WET/sw

United States
**CONSUMER PRODUCT SAFETY COMMISSION**
Washington, D.C. 20207

CPSA 6(a)(b)(1) Cleared
8/6/98 No Mfrs/PrvtLblrs or
Products Identified
___Excepted by _____
___Firms Notified,
Comments Processed.

**MEMORANDUM**

**DATE:** August 4, 1998

**TO** : ES

**Through:** Sadye E. Dunn, Secretary

**FROM** : Martha Kosh
Records Assistant

**SUBJECT:** Proposed Clarification of Statement of Policy, Children's Sleepwear Flammability Standards, 16 CFR 1615 and 1616; 63FR 27885, May 2, 1998

ATTACHED ARE COMMENTS ON THE CF98-2a

| COMMENT | DATE | SIGNED BY | AFFILIATION |
|---|---|---|---|
| CF98-2a-1 | 7/23/98 | Phillip Wakelyn Ph.D. Senior Scientist, Environmental Health & Safety | National Cotton Counsil of America 1521 New Hampshire Ave NW Washington, DC 20036 |

National Cotton Council OF AMERICA

1521 New Hampshire Avenue, NW • Washington, DC 20036
(202) 745-7805 • FAX (202) 483-4040

PRODUCERS • GINNERS • WAREHOUSEMEN • MERCHANTS • CRUSHERS • COOPERATIVES • MANUFACTURERS

July 23, 1998

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re Comments of the National Cotton Council to CPSC's proposed clarification of Statement of Policy, Children's Sleepwear Flammability Standards, 16CFR 1615 and 1616 (63FR 27885, May 21, 1998)

These comments are submitted by the National Cotton Council (NCC) in response to CPSC's May 21, 1998 (63FR 27885) request for comments on Statement of Policy, Standards for Flammability of Children's Sleepwear. NCC is the central trade association of the American cotton industry. NCC members include producers of over 75% of the U.S. cotton and cotton processing industries.

NCC has been actively involved with the children's sleepwear issue since the standards were promulgated in the 1970's and since the CPSC started the process to amend the Children's Sleepwear Flammability Standards sizes 0-6x (16CFR 1615) and sizes 7-14 (16CFR 1616) in 1992, which resulted in the September 1996 amendments. It is very important that the "Statement of Policy" clarifies that garments sized for infants nine months of age or younger and "tight-fitting" sleepwear for children older than nine months that comply with the requirements of 16CFR 1615 and 1616 be considered and recognized as complying sleepwear and that these garments be allowed to be marketed and promoted as sleepwear. NCC is pleased that the proposed "Statement of Policy" clarifies that these items are indeed complying sleepwear.

NCC strongly supports CPSC's amending the policy statement on flammability of children's sleepwear so that infant garments and "tight-fitting" garments that comply with the definitions and requirements of 16CFR 1615 and 1616 can be marketed and promoted as sleepwear with other complying sleepwear. This is necessary because it would be confusing to the consumer not to allow all complying sleepwear to be similarly marketed and promoted as sleepwear.

We appreciate the CPSC's consideration of these comments.

Sincerely,

Phillip J. Wakelyn, Ph.D.
Senior Scientist, Environmental Health and Safety