

MUSC

CHILDREN'S HOSPITAL

PEDIATRIC SURGERY
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FACULTY

Edward P. Tagge, M.D.
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C.D. Smith, M.D.
Associate Professor
Medical Director of Quality
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3 March 1999

To: Office of the Secretary
Consumer Products Safety Commission
Washington, D.C. 20207

RE: Sleepwear Revocation

The Pediatric Burn Service at MUSC's Children's Hospital is the only referral center for pediatric burn care in the state of South Carolina. In 1998, we managed the care of burn injured children totaling 80 inpatient hospital stays and almost 400 outpatient visits. Burns are among the most devastating injuries, requiring specialized care to successfully meet the physical, social, and psychological needs of the patients.

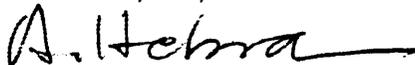
As a southern state with usually mild winters, our largely rural population depends heavily on kerosene and space heaters and wood stoves for home heating instead of conventional central heating systems. Devastating injuries result when a child's clothing is inadvertently set aflame by contact with these heaters. Any standard that decreases the incidence or severity of these injuries must be reinstated.

The 1996 amendments to the sleepwear standards must be revoacted and the old, 1972 flammability standards reinstated for the protection and safety of our children. The old standard was working--deaths from burn injuries in children aged 14 and under dropped from 60 per year to four or less--surely a sign of progress in our fight to keep our children safe.

Thank you for your consideration of this matter.



Jill Evans, RN, MSN



Andre' Hebra, MD



Edward P. Tagge, MD



H. Biemann Othersen, Jr., MD

CF99-1-83
(75)
(~~800~~)



February 1999

**SHRINERS
BURNS
HOSPITAL
BOSTON**

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Boston, Massachusetts
02114-2699

Telephone
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617-523-1684

www.shrinershq.org

Larry L. Hersom, P.P.,
Chairman

Ronald G. Tompkins,
M.D., Sc. D.,
Chief of Staff

Robert F. Bories, Jr.,
FACHE,
Administrator

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

RE: Sleepwear Revocation

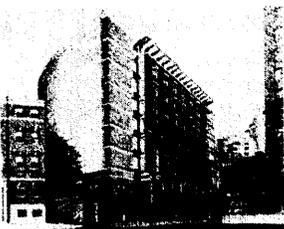
I strongly support the proposed revocation by the Consumer Product Safety Commission (CPSC) of the relaxed flammability standards for children's sleepwear. This action would reinstate the previous, stricter CPSC standards for children's sleepwear flammability-standards that are needed to help prevent death and disfigurement for hundreds of our nation's infants and young children.

- Burn injuries and deaths are preventable, and safe sleepwear for infants and young children is a critical part of any prevention initiative. In particular, infants younger than 9 months are dependent on others to protect them from danger – they are generally incapable of removing themselves from the fire source if ignition should occur, and cannot “stop, drop, and roll” if clothing catches fire. Moreover, those infants that *are* mobile at this age are at risk of exposure to ignition sources. We must be diligent in ensuring that this extremely vulnerable group is adequately protected. Revocation of the relaxed flammability standards will help insure this outcome.
- The revocation of the relaxed flammability standard for snug-fitting sleepwear is just as important to our children's safety. While tight-fitting sleepwear is less likely to come in contact with a flame or other ignition source, the garment must be nearly skintight, and tight at the wrists, ankles, waist and other key points for it to be a “safer choice.” Furthermore, parents often acquire such sleepwear- either by purchasing or through “hand-me-downs”- that is larger than the child currently wears. If the garment is purchased large, allowing room for a child to “grow into it,” the purpose of tight-fitting, from a burn safety perspective, has been defeated. It is also questionable whether tight fit will compensate for the increased dangers associated with a more flammable material such as cotton.
- Available injury and death data suggest that the more stringent flammability standards in effect prior to the September 1996 relaxation by the CPSC were clearly working. There have been fewer injuries or deaths involving ignition of children's sleepwear since enactment of the standard nearly twenty-five years ago. This low level of injuries and deaths can primarily be attributed to the more stringent, previously established flammability standards.

As a member of the health care profession who must deal with the pain, suffering, and cost of burn injuries on a daily basis, I strongly support the proposed revocation of the relaxed flammability standards for children's sleepwear. It *can* make a difference in the prevention of death and disfigurement for our nation's children.

Sincerely,

Janet L. Mulligan, RN, MS
Director of Patient Care Services



National **SAFE KIDS** Campaign®

1301 Pennsylvania Avenue, N.W.
Suite 1000
Washington, DC 20004-1707
(202) 662-0600
(202) 393-2072 Fax

Chairman
C. Everett Koop, M.D.

President
Martin R. Eichelberger, M.D.

Executive Director
Heather Paul, Ph.D.

March 10, 1999

Chairman Ann Brown
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Brown:

The National SAFE KIDS Campaign strongly supports the proposed revocation by the Consumer Product Safety Commission (CPSC) of the relaxed flammability standards for children's sleepwear. This action would reinstate the previous, stricter CPSC standards for children's sleepwear flammability—standards that are needed to help prevent death and disfigurement for hundreds of our nation's infants and young children.

Burn injuries and deaths are preventable, and safe sleepwear for infants and young children is a critical part of any prevention initiative. In particular, infants younger than 9 months are dependent on others to protect them from danger—they are generally incapable of removing themselves from the fire source if ignition should occur, and cannot "stop, drop and roll" if clothing catches fire. Moreover, those infants who are mobile are at risk of exposure to ignition sources. We must be diligent in ensuring that this extremely vulnerable group is adequately protected. Revocation of the relaxed flammability standards will help ensure this outcome.

The revocation of the relaxed flammability standard for snug-fitting sleepwear is just as important to our children's safety. While tight-fitting sleepwear is less likely to come in contact with a flame or other ignition source, the garment must be nearly skintight, and tight at the wrist and other key points for it to be a "safer choice." Furthermore, parents often acquire such sleepwear—either by purchasing or through "hand-me-downs"—that is larger than the child currently wears. If the garment is purchased large, allowing room for a child to "grow into it," the purpose of tight-fitting, from a burn safety perspective, has been defeated. It is also questionable whether tight fit will compensate for the increased dangers associated with a more flammable material such as cotton.

1999 MAR 22 P
CPSC/OFFICE OF
THE SECRETARY



A program of
Children's National
Medical Center
Washington, DC

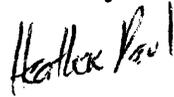


Founding Sponsor

Johnson & Johnson

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Sincerely,

A handwritten signature in cursive script that reads "Heather Paul".

Heather Paul, Ph.D.
Executive Director

The National SAFE KIDS Campaign is the first and only national organization solely dedicated to the prevention of unintentional childhood injury: the number one killer of children ages 14 and under. Through more than 265 State and Local SAFE KIDS Coalitions, our Campaign is working to raise awareness of unintentional injury prevention and to make childhood injury a public policy and education priority. Former Surgeon General C. Everett Koop, M.D. is the Campaign's Chairman.

CF99-1-86

MR. AND MRS. JOHN SLAIS
444 CURTIS AVENUE
STRATFORD, CT. 06615

March 6, 1999

Dear Secretary:

We have read recently about industry attempts to weaken flammability standards for children's sleepwear. We fully support the initiatives of Rep. Rosa DeLauro resist any attempts to lower industry standards as they exist. As you know, flame resistant and/or treated fiber or cotton have greatly decreased burn related deaths and injuries.

Any change that would compromise the safety of children would be unconscionable and irresponsible. By definition, your agency is the bulwark against corporate, bottom-line attempts to gouge the most profit out of the public often at the expense, and in this case the safety, of consumers.

Please don't give in on this and similar issues!

Sincerely,
John & Nancy Slais

CF99-1-87

M E R C Y H E A L T H C E N T E R

MERCY

DIRECTOR
CONSUMER PRODUCTS SAFETY COMMISSION
WASHINGTON, D.C. 20207

DEAR DIRECTOR,

I AM WRITING IN REGARD TO THE CHILDRENS SLEEPWEAR STANDARDS REVOCATION.

I AM A REGISTERED NURSE WHO HAS WORKED IN THE EMERGENCY DEPARTMENT OF A LARGE HOSPITAL FOR MORE THAN 20 YEARS. I SUPPORT REVOCATION OF THE AMENDED FLAMMABILITY STANDARDS FOR CHILDRENS SLEEPWEAR. I AM ALSO THE MOTHER OF FOUR CHILDREN.

THE FACT IS THAT AFTER THE STANDARDS WERE SET IN 1972, THE AVERAGE RATE OF DEATHS AND INJURIES ASSOCIATED WITH CLOTHING IGNITION FOR CHILDREN UNDER THE AGE OF 14 DROPPED FROM 60 DEATHS/YEAR TO 4/YEAR. IN RECENT YEARS THERE HAS BEEN AN INCREASE TO AS MANY AS 200 SERIOUS BURN INJURIES WHILE CHILDREN WERE WEARING LOOSE-FITTING SLEEPWEAR. AS WE KNOW, PARENTS FREQUENTLY PROVIDE T-SHIRTS OR LARGER THAN AGE SLEEPWEAR FOR THEIR CHILDREN. THERE ARE ANY NUMBER OF REASONS FOR THIS PRACTICE AND IT IS NOT LIKELY TO CHANGE EASILY. I AM AWARE THAT THERE HAS BEEN AN EFFORT TO TAG SLEEPWEAR WITH THE MESSAGE THAT SLEEPWEAR SHOULD BE FLAME RESISTANT OR SNUG-FITTING. I DON'T BELIEVE THAT THE MAJORITY OF PARENTS ARE REACHED IN THIS MANNER AND THAT ANY ATTEMPT TO EDUCATE THE PUBLIC WOULD BE COMPLICATED.

TO PROTECT OUR CHILDREN, I BELIEVE THAT THE MOST PRACTICAL AND EFFECTIVE WAY IS TO REVOKE THE 1996 AMENDMENTS AND REINSTATE THE OLD FLAMMABILITY STANDARD.

SINCERELY,



JEANNE HANNEBAUM, RN

3-15-99

Sir:

I urge your Commission to maintain the amendment allowing the sale of snug-fitting, untreated cotton products as complying sleepwear. They pose no safety hazard to children.

Sincerely,
Edith Weaver
Box 158
Petersburg, TX 79250

CF99-1-89

Sir:

3/15/99

I urge your Commission to maintain the amendment allowing sale of snug-fitting Cotton untreated products as Complying Sleepwear. They pose no safety hazard to Children.

yours truly,
Virginia Boyd
Box 608
Petersburg
Texas 79250

Thanks!

March 13, 1999

Dear Ms. Dunn,

I am outraged that anyone in the cotton industry would want to put children at risk by removing restrictions on cotton pajamas. We should be requiring flame-retardant fabric on imported pajamas, too, if that is what is behind this move.

Sincerely,

Flora Van Dyke
100 York St., Apt. 148
New Haven, CT 06511

CF 89-1-91

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

Dear Ms. Dunn:

We are writing to urge the Consumer Product Safety Commission to revoke its 1996 amendments to the Flammable Fabrics Act and return to the stronger fire safety standards which kept children safe for more than twenty-five years.

As you know, after passage of the strict fire safety standard, the number of children suffering from burns dropped dramatically. In fact, the National Fire Protection Association estimates that without this standard, there would have been ten times as many deaths and substantially more injuries, associated with children's sleepwear. Clearly it is a protection that worked.

Some argue that there has been no increase in the number of burn injuries and deaths since the standard changed. This is partially due to problems in the reporting of burn injuries. Furthermore, we do not believe that we should wait for children to be injured before we return to a standard which worked for decades. There are several problems with the new standards which we believe will put children in danger in the future.

The revised standard which exempts "tight fitting" sleepwear in children's sizes up to 14 is based on the assumption that parents or guardians will dress their children in tight fitting clothes. Anyone who has bought clothes for a child knows that you do not buy something that fits tightly—you buy something big enough for the child to grow in to. Many parents dress their children in hand-me-downs which may be far too big for the child. The combination of nonflammable resistant material and large baggy clothing can be lethal.

The revised standard which exempts sleepwear for infants nine months or younger from any fire safety regulations is even more dangerous. Many infants at this age are crawling, and should they somehow become exposed to a flame would be completely vulnerable. Infants deserve more protection, not less.

The Consumer Product Safety Commission's decision to relax the fire safety standard was made with the understanding that the manufacturer would fund a substantial public awareness campaign so that consumers would understand the importance of dressing their children in tight fitting clothes. This campaign has not materialized. Additionally, the tags that were supposed to inform consumers that a garment is not flame resistant are difficult to understand. As you are probably aware, most are in English—making it difficult for non-English reading consumers to understand that a garment is not flame resistant.

We have the utmost respect for the Consumer Product Safety Commission. The CPSC is the premier agency for protecting our children's safety. Parents look to you to help them ensure their children grow up happy and healthy. We urge you not to send parents the wrong message. Please return to the strict fire safety standard which was in place until 1996. Please do not wait until the number of children burned begins to rise before you act to protect them.

Sincerely,



Julie Fisher
Signature

Printed name

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

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Sincerely,

Kelly Anderson, E.I.S.

Kelly Anderson,

Printed name

Early Intervention
Specialist



Kelly A. Anderson
3513 Corn Stream Rd.
Randallstown, MD 21133

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

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Sincerely,

Mr. + Mrs. K. Dale Anderson

Mr. + Mrs. K. Dale Anderson

Printed name

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

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Sincerely,


Signature
Jennifer Falter
Printed name

CF99-1-92

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

Dear Ms. Dunn:

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Sincerely,



Donna Garafalo
Signature

Donna Garafalo
Printed name

Garafalo/Mahan
853 Marco Place
Venice, CA 90291-3917

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

Dear Ms. Dunn:

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Sincerely,





Printed name

**Garafalo/Mahan
853 Marco Place
Venice, CA 90291-3917**

CF 99-1-93
22 Katie Lane
North Haven, CT
06473

March 16, 1999

Sudge E. Dunn, Secretary
Consumer Product Safety Commission
4330 East West Highway - Room 502
Bethesda, MD 20814

Re: Children's Sleepwear Flammability Standards
Dear Ms. Dunn,

I was very surprised to read that the flammability standards for children's sleepwear had been relaxed. As a college Home Economics major nearly 30 years ago, I researched this issue, with its numerous tragedies. I was heartened by the passage of legislation in the early 1970's to protect our children. Please support the re-strengthening of standards, so no child or parent has to endure the long consequences of

a danger we know can be prevented. We must be
progressive in this protection, and not allow special interests
to promote regressive standards.

Sincerely

(Mrs.) Susan V. Petter

CF99-1-94



COUNTY OF PRINCE WILLIAM

1 County Complex Court (MC470), Prince William, Virginia 22192-9201
(703) 792-6800 Metro 631-1703, Ext. 6800, FAX 792-7691

**DEPARTMENT OF
FIRE & RESCUE**

Mary Beth Michos
Chief

March 17, 1999

Ms. Sadye E. Dunn, Secretary
Consumer Product Safety Commission
4330 East-West Highway, Room 502
Bethesda, Maryland 20814

Dear Ms. Dunn:

I am writing to urge the Consumer Product Safety Commission (CPSC) to revoke its 1996 amendments to the Flammable Fabrics Act and return to the stronger fire safety standards, which helped keep children safe for more than 25 years.

As you know, prior to 1972, 1,000 children per year were seriously burned in sleepwear-related incidents, and 60 children per year died. After children's sleep wear was required to be made from flame resistant fiber or treated cotton, burn injuries have dropped more than 90 percent and deaths plummeted to 4 per year or less.

CPSC's rationale for relaxing the fire safety standard was based on the assumptions that parents would buy tight-fitting sleepwear in response to a substantial public awareness campaign. Neither of these assumptions has materialized.

I have a great deal of respect for the CPSC and the fine work your agency has done to promote our children's safety. However, I believe you are sending parents the wrong message on this issue! Please reinstate the higher fire safety standard that protected a generation from sleepwear-related burns. Please don't wait until the number of children burned begins to rise before you act. Thank you for your consideration.

Sincerely,

Mary Beth Michos
MARY-BETH MICHOS

cc: Battalion Chief Hadden Culp, Aluminum Cans Coordinator
Mike O'Brien, Public Education Coordinator
Washington Regional Fire & Rescue Department's
Aluminum Cans for Burned Children

MBM:MJO:fcs\w:\mbm\consumer products

Sadye E. Dunn
Consumer Products Safety Commission
4330 East West Highway
Bethesda Md. 20814

To Whom It May Concern:

I'm writing on behalf of all the possible victims who would suffer and perhaps die, if the flammability standards are not adequately met.

Our children deserve a better break. The least we can do is give them a fighting chance to survive.

The old standards saved many lives. When parents buy their children sleepwear, they expect it to ensure all the necessary safeguards.

Shelley Michael
15 Lindsley Pl
Stratford, Ct. 06615

Federal agency urged to return to flame-safe children's sleepwear

BY LINDA G. MELE
Correspondent

WEST HAVEN — State Attorney General Richard Blumenthal said U.S. Rep. Rosa DeLauro, D-3, want to put the party back in pajama party by making children's sleepwear safe.

The duo held a press conference at West Haven Fire Headquarters on Main Street Monday to call for the return of strong flammability standards for children's pajamas.

They asked parents to urge the Consumer Product Safety Commission to reverse a 1997 decision



DELAURO

BLUMENTHAL

wear would self-extinguish if it caught on fire.
Before it was enacted, about 1,000 children were seriously burned in clothing-related fires and about 60 died each year.

After the standard was enacted, CPSC and deaths plunged to four per year or less, according to DeLauro, but the CPSC, after lobbying by the Cotton Council, lowered the standards two years ago.

"If it ain't broke, don't fix it," DeLauro said. "The Consumer Product Safety Commission is a good organization, but in 1997 it made a mistake."

"The legislation proposed is simple: return to the old, stronger standard. They don't even have to admit they were wrong," DeLauro said.

"We need parents to tell the CPSC and the Cotton Council that we're not going to go away until the standards are reversed," DeLauro said.
"We're here on behalf of the victims who are often voiceless," Blumenthal said. "Infants, especially, have no defense whatsoever under the new standards."

"It is the height of irresponsibility for the CPSC to relax these standards and they need to hear

that parents are outraged about this," Blumenthal said.

Mayor H. Richard Borer Jr. praised DeLauro and Blumenthal for taking the lead in this fight.

"Before coming here this morning, I welcomed the Fire Marshal's Association to the University of New Haven," Borer said, "and learned that 70 percent of all fire fatalities happen in residential homes."

"The standards they want returned give kids a fighting chance to survive," Borer said.

Both DeLauro and Blumenthal said most people didn't even know the standards had changed.

"It's great Connecticut has taken the lead in this fight to restore the standards," said New Haven Regional Injury Prevention Program director Linda Degutis.

"We know the old standard saved lots of children's lives and when parents go to buy sleepwear for their children they expect it to be safe," Degutis said.

Written comments, which must be received by next Monday, should be directed to: Sadye E. Dunn,

secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda MD 20814.

CONNECTICUT POST Tuesday, March 16, 1999

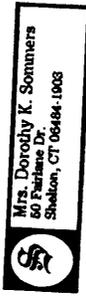
Consumer Product Safety Commission:

I am appalled that the CPSC even considered eliminating flammability standards for all sleepwear in sizes 0-14. To know CPSC actually decided to lower these standards makes me furious & heart sick. What a heinous decision on your behalf!

By relaxing these standards that were enacted in 1972 (& for very good reason), CPSC has endangered the lives of all young children unfortunate enough to be involved in a fire.

As a grandmother of 6, I strongly urge CPSC to reverse your 1997 decision eliminating flammability standards. Hopefully the concerns of parents & grandparents for the safety of all children will be given more serious consideration than the lobbying by the Cotton Council or any other. Trying to persuade CPSC to lower the standards.

(COVER)



3/16/99

CF99-1-98

Régis J. Dognin
342 Long Hill Avenue
Shelton, Connecticut 06484

March 17th, 1999

Sadye E. Dunn - Secretary
CONSUMER PRODUCT SAFETY COMMISSION (CPSC)
4330 East West Highway
Room 502
Bethesda, MD 20814

Dear Commissioners:

I was pleased to read the accompanying article in the paper because it brought to my attention something which I find almost unbelievable. And that is that a special interest group [Cotton Council] could have swayed a group of public servants [the CPSC] to turn their back on documented good public policy and to deliberately jeopardize the lives of children. These are the very same that the CPSC was created to protect. I was not aware of this change and find it hard to believe. It is monstrous.

This is insanity. All of a sudden, we accept that 1,000 children will suffer severe burns and 60 will die [the numbers would probably be even greater today than in pre-1972] so that cotton, fabric, and the apparel industries can reap bigger profits? I find this totally outrageous and completely irresponsible on the part of the Commission. **The new Commission should not stand for this.**

Hopefully, the makeup of the Commission has changed since 1997, either in members or in attitudes, and preferably both. The 1972 flammability standards for sleepwear should be reenacted and fully enforced to protect our children and the families they represent. **The Commission should stand for a safer America.**

We read about past tragedies like the 1908 shirt waist fire. We know public bodies have been created in response to these tragedies to take actions which will never again allow these things to repeat. We come to believe in these organizations and to expect the public good to prevail. The Consumer Product Safety Commission is one such public body. If it is to have credibility with the public, it **MUST** always move forward in protecting the public - never backwards. It is time to get back on track towards that goal. Restore the stronger flammability standards, reverse that misguided 1997 decision, **act to protect consumers by improving the safety in the products they buy. Isn't that what the CPSC stands for?**

Sincerely yours,



Régis J. Dognin

Please read these comments into the CPSC's official record or hearing. Thank you.

Federal agency urged to return to flame-safe children's sleepwear

By LINDA G. MELE
Correspondent

3/16/99
CONN. POST

WEST HAVEN — State Attorney General Richard Blumenthal and U.S. Rep. Rosa DeLauro, D-3, want to put the party back in pajama party by making children's sleepwear safe.

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DELAURO



BLUMENTHAL

that eliminated flammability standards for all sleepwear in sizes 0 to 14.

Enacted in 1972, the old standard ensured that children's sleep-

wear would self-extinguish if it caught on fire.

Before it was enacted, about 1,000 children were seriously burned in clothing-related fires and about 60 died each year.

After the standard was enacted, burn injuries dropped more than 90 percent and deaths plunged to four per year or less, according to DeLauro, but the CPSC, after lobbying by the Cotton Council, lowered the standards two years ago.

"If it ain't broke, don't fix it," DeLauro said. "The Consumer Product Safety Commission is a good organization, but in 1997 it made a mistake." *

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CF99-1-99

Gina Fitzgerald
27 Partridge Run
Wallingford CT 06492
(203)949-0046

Congresswoman Rosa DeLauro
59 Elm Street
New Haven CT 06511

March 12, 1999

Dear Congresswoman DeLauro:

I am writing to express strong support for your stance on the reinstation of stricter flammability laws on infant/children's sleepwear.

I was most impressed and relieved to see the article "Tighter flammability rules sought on kids' sleepwear" in the March 1 edition of the New Haven Register. As parents of a 23 month old daughter, my husband and I were outraged by a recent article in a hospital newsletter stating the flammability standards on children's sleepwear had been reduced. Though manufacturing costs were not noted as a reason for reducing these restrictions, I would venture to guess they were a contributing factor. It is disheartening to be frequently reminded how important cutting costs has become to businesses, especially when the safety of our children is in jeopardy.

We are all aware that fire knows no boundaries and a defenseless, sleeping infant/child is no exception. How sad it is that society often has to wait for a major tragedy to occur rather than seeking preventative measures to these tragedies. I would not want to be the person explaining the reasons for reduced restrictions to the parents of an injured or deceased child due to preventable injuries sustained in a fire. I understood from the article defending these reductions, that they have been set stating that children are more likely to suffer from smoke inhalation that could occur from wearing loose clothing than by an actual fire. However, if a child is trying to escape fire and is struck by a flame I would want to know that he/she would be more likely to escape severe or fatal injury by wearing flame resistant sleepwear. It is quite bewildering to me that the immobility of an infant is used as a defense for reducing regulations. Mobility of a child does not determine his/her risk of injury or fatality. Being less mobile also means being less able to remove yourself from a potentially dangerous situation. It is horrifying to think of a child being severely burned or killed in a fire that may otherwise have survived or received less severe injuries in flame resistant sleepwear. A toddler's or young child's curiosity of fire, including playing with matches or candles, is often the cause of childhood injuries and fatalities. Though not entirely avoidable, some of these tragedies may be prevented or minimized if a child is wearing flame resistant materials.

Your efforts to reinstate stricter standards on children's sleepwear could not be better supported than by David Borowski who was an immobile infant at the time he received severe burns in a house fire. How devastating a tragedy this must have been and

remain to be for David and his family. He is reminded everyday of this horrific experience and I am sure society has not always treated him with the utmost of respect and equality.

As parents, our child's safety, happiness and well-being are our first priority and we could not imagine our lives without this vivacious little girl. I am sure I speak for many parents who put their child's safety before their own.

It is refreshing to see there are still a few government officials who have kept their priorities in perspective. I wish you and your fellow supporters much success in your efforts to reinforce more strict children's sleepwear regulations, please for the safety of our nation's children, do not give up without a fight. If there is any agency or individual that you feel should receive a copy of this letter in an effort to support your cause please provide me with the necessary information and I would be happy to forward them a copy.

Best of luck in your efforts; we are confident you will "put up a good fight"! I will be anxious to see the results of your efforts.

Sincerely,



Gina Fitzgerald

cc: U.S. Consumer Product Safety Commission

March 3, 1999

Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Re: Sleepwear Revocation

Dear Ms. Dunn:

We are writing to urge the Consumer Product Safety Commission to revoke its 1996 amendments to the Flammable Fabrics Act and return to the stronger fire safety standards which kept children safe for more than twenty-five years.

As you know, after passage of the strict fire safety standard, the number of children suffering from burns dropped dramatically. In fact, the National Fire Protection Association estimates that without this standard, there would have been ten times as many deaths and substantially more injuries, associated with children's sleepwear. Clearly it is a protection that worked.

Some argue that there has been no increase in the number of burn injuries and deaths since the standard changed. This is partially due to problems in the reporting of burn injuries. Furthermore, we do not believe that we should wait for children to be injured before we return to a standard which worked for decades. There are several problems with the new standards which we believe will put children in danger in the future:

The revised standard which exempts "tight fitting" sleepwear in children's sizes up to 14 is based on the assumption that parents or guardians will dress their children in tight fitting clothes. Anyone who has bought clothes for a child knows that you do not buy something that fits tightly—you buy something big enough for the child to grow in to. Many parents dress their children in hand-me-downs which may be far too big for the child. The combination of nonflammable resistant material and large baggy clothing can be lethal.

The revised standard which exempts sleepwear for infants nine months or younger from any fire safety regulations is even more dangerous. Many infants at this age are crawling, and should they somehow become exposed to a flame would be completely vulnerable. Infants deserve more protection, not less.

The Consumer Product Safety Commission's decision to relax the fire safety standard was made with the understanding that the manufacturer would fund a substantial public awareness campaign so that consumers would understand the importance of dressing their children in tight fitting clothes. This campaign has not materialized. Additionally, the tags that were supposed to inform consumers that a garment is not flame resistant are difficult to understand. As you are probably aware, most are in English—making it difficult for non-English reading consumers to understand that a garment is not flame resistant.

We have the utmost respect for the Consumer Product Safety Commission. The CPSC is the premier agency for protecting our children's safety. Parents look to you to help them ensure their children grow up happy and healthy. We urge you not to send parents the wrong message. Please return to the strict fire safety standard which was in place until 1996. Please do not wait until the number of children burned begins to rise before you act to protect them.

Sincerely,


Terrell W. Price

Printed name

March 15, 1999

Dear Mr. Durr,

The commission you are heading in regard to lowering the standards for safety in child wear is very important to children all over the country.

As a mother of four children & five grandchildren I cannot emphasize enough to you & your commission to not waver one iota. Please, do not lower these safety regulations in any way. If anything I hope your committee re-emphasized this safety feature.

When my grandchildren were born, I went to many different stores trying to make sure safety standards were met to the limits when purchasing payettes for each of them.

Please re-enforce these standards to the max.

To CPSC:

Hello, my name is Tammy Fisher and from the day I was born all I've known was the life of a farmer. My great granddaddy farmed, my granddaddy farmed and of course my daddy farms. I'm Thirty-three now and I have a family of my own. My husbands name is Gordon and I have two kids ages Four and Two. I always said I would never marry a farmer because it's such a hard life and when I married Gordon he wasn't farming but two years after we married he started farming with my dad and brother. Everyone thinks that farmers have it made but I think it's the hardest job in the world. If the people that think it's easy could just come follow my daddy just one day they would change their mind very fast. Farming is getting harder every year and so many farmers are having to go out of business. The chemicals, seed and cost of machinery is so high and then the government is in control of everything. I will never understand why the government wants to buy grain and cotton from other countries and drop the price of everything so we can't make any money and have to go out of business. It is so sad to see people who have worked so hard and farmed all their life have to try and start over when all they have ever known is farming.

I just want you to know that I support your decision to amend the Children's Sleepwear Flammability Standards and I also think this amendment offers consumer safer sleepwear alternatives. I try to buy 100% cotton products made in the USA but they are very hard to find. Everything is imported which makes no sense at all!!!! I love my kids very much and I'm very protective of them but I believe the manufactures can sale 100% Cotton Sleepwear made in the USA and it can be safe for my children. I believe it is worth a try to test these products and give them a try. It's good for our Country and good for the FARMERS.

THANK YOU VERY MUCH

TAMMY FISHER
2680 BIRMINGHAM ROAD
MAURY CITY TN 38050
CROCKETT COUNTY
BORN AND BREAD IN THE USA

Consumer Product Safety Commission
Washington, DC 20207

I'm writing you to tell you that I strongly support your decision to amend the Children's Sleepwear Flammability Standards. I'm a firm believer in making sure our children are safe but I fill with proper testing and good manufacturing that you'll find that 100% cotton products can be safe. I think the consumer that prefers 100% Cotton should have a chance to purchase them. We should support the farmers in America and let them know we are behind them.

Brenda Bushart

Brenda Bushart
833 Riddick Road
Friendship Tn 38034

CF99-1-103



Jerry A. Newby
President

March 17, 1999

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

RE: Sleepwear Revocation

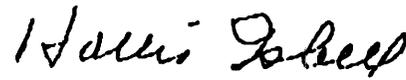
Dear Madam/Sir:

We are writing to you regarding our opposition to a proposed regulation to revoke the sleepwear amendment. The amendments allowing sale of untreated, snug-fitting cotton sleepwear do not relax safety considerations. These products still have to pass the general wearing apparel standard. Also, loose-fitting sleepwear products are still required to pass a severe flame test. The amendments allowing manufacture and sale of snug-fitting, untreated cotton products as children's sleepwear helps reduce confusion between what is considered sleepwear, underwear and playwear and provide the consumer with an informed choice to purchase cotton garments with their children's safety protected.

We support CPSC's decision to amend the children's sleepwear flammability standards and agree with CPSC that this amendment offers the consumer safer sleepwear alternatives. Our opinion is that CPSC should not revoke the amendment.

Sincerely,


Buddy Adamson, Director
Cotton Division


Hollis Isbell, Chairman
State Cotton Committee

**POSITION STATEMENT
AND RESPONSE
OF
NATIONAL FIRE PROTECTION ASSOCIATION
TO THE
U.S. CONSUMER PRODUCT SAFETY COMMISSION**

**Proposed Revocation of Amendments to the
Standards for the Flammability of
Children's Sleepwear (64 FR 2867)
January 19, 1999**

*Pursuant to the requirements of
Public Law 105-276*

Submitted by NFPA on March 22, 1999

Executive Summary

The National Fire Protection Association (NFPA) once again urges the Consumer Product Safety Commission (CPSC) to reinstate the previously successful 1972 and 1975 standards governing the flammability of children's sleepwear by revoking the September 1996 amendments (61 FR 47634) and subsequent technical amendments. NFPA believes its arguments opposing the 1996 decision were sound at the time. But developments since 1996 have actually reinforced the validity of NFPA's case and further exposed weaknesses in the case for the relaxed standard. This open docket therefore provides an opportunity to correct a mistake before that mistake results in significant harm to children.

It is important to note that the changes to the original 1970s standards came about because of CPSC enforcement (compliance) problems in the early 1990s and not because of any CPSC (or other) scientific data that the old standards were ineffective for their intended purpose.

Instead of strengthening compliance efforts and mounting an aggressive information and education campaign for consumers, the CPSC Commissioners (2 in favor and 1 opposed) voted to relax the flame resistance (FR) standards by providing an unproven and speculative "tight fitting" untreated cotton alternative.

CPSC had the burden to show that the net effect of the new standards on all affected children would be beneficial. That burden was never met.

Indeed, since the beginning of this decade, when the first “stay of enforcement” occurred, **the safety of America’s children has been heading down a slippery slope towards no federal requirements for flame resistant sleepwear** and eventually towards an increase in injuries and deaths.

CPSC Chairman Ann Brown in her dissenting April 30, 1996 vote described more crisply and forcefully than anyone previously the reasons why the CPSC should not have changed the standards; now, almost three years later, her comments were indeed prophetic because her predictions are coming true. Here is what she said in 1996:

- *“There simply is no factual basis to conclude that by amending the sleepwear standards ..., parents will switch from loose-fitting cotton garments ... to exempt tight-fitting sleepwear... it is just as likely consumers will purchase tight-fitting garments in larger sizes to increase comfort, and to allow a child to grow into the garment, thereby compromising any possible safety benefit...”*
- *“... any purchase of tight-fitting garments will be at the expense of garments that meet the ... standards. If so, the level of safety afforded children may well be reduced.”*
- *“... there will be a significantly decreased market for flame-resistant garments, and ... except for girls’ nightgowns, flame-resistant garments could disappear from the market.”*

Now, six years after CPSC stopped enforcing the sleepwear standard and three years after the vote to rescind the standard, Chairman Ann Brown and NFPA's original concerns in opposition to the relaxed standard remain. Many of these concerns have been borne out by the apparel industry's reluctance to actually manufacture tight fitting (now called "snug fitting") cotton sleepwear, and industry's disappointing performance on the Information and Education campaign they had promised for consumers.

But even if industry had fully cooperated, we remain convinced consumers won't buy age appropriate tight fitting garments, but will opt for sleepwear large enough for a child to grow into and for hand-me-downs.

And the CPSC has retreated from requirements for the most basic warning labels originally proposed for tight fitting untreated cotton sleepwear garments. Parents simply won't know what they are buying or how much their child's safety depends on the tight fit.

NFPA, once again, urges CPSC to return to the previously effective sleepwear FR standards before it is too late and before we see an increase in burn injuries and deaths to America's children.

The Problem
of Relaxed Sleepwear Standards
as Seen by NFPA

The old rules – *Standards for Flammability of Children’s Sleepwear* – served for decades to protect America’s children from fatal or disfiguring burns due to clothing ignitions. Both advocates and opponents of the 1996 change in the standard agreed: Deaths and injuries among children had been far higher – unacceptably so – prior to the introduction of those standards and had been reduced nearly to zero by the 1972/1975 standards.

Preschool children are still surrounded by potential heat sources, as evidenced by the fact that they suffer more than twice the rate of fatal home fires of older children and adults. Despite this risk to preschool children, the CPSC standard had protected our children from the most intimate and frightening of serious fires – the clothing ignition.

But advocates of the 1996 change claimed that different approaches – tight-fitting cotton garments – could deliver equivalent safety while better meeting the public’s desire for cotton. Proponents claimed that most parents have been circumventing the old standard by dressing children in cotton clothing not designed as sleepwear... NFPA disagrees. We believe it is a disservice to the majority of parents to diminish protection for their children for the sake of accommodating those who do not choose adequate protection for their children.

And diminished protection is what will result, for it is clear that, if nothing else, the American tradition of hand-me-downs often places children in sleepwear designed for other ages, defeating the age-appropriate tight-fit strategy embodied in the relaxed standard. So does the common practice of buying clothes large enough for a child to grow into. And what about secondary markets such as consignment shops and charity-sponsored clothing outlets for the poorer of our population?

Three years after the CPSC decision, the new relaxed standard is just now being implemented after industry pleaded for further relaxation. Industry spokespersons have told CPSC staff that their research shows customers will not accept cotton sleepwear designed to the new standard. Customers regard the fit as too tight for comfort. But while pleading for relaxation of the tight-fit requirements, industry has provided no evidence – or even an argument – that such requirements would deliver fire safety comparable to that provided by the old standard as required by the *Flammable Fabrics Act*. And parents will not know the difference between FR and non-FR garments because industry has convinced CPSC to back away from a mandatory labeling requirement for non-FR tight fitting garments.

Sadly, every new development of the past six years from the first “stay of enforcement” pushes children’s sleepwear further away from safe design. If this trend continues, the untreated cotton children’s sleepwear actually sold under the new standard will be no safer than what was offered before there were any standards especially given the now accepted premise that age appropriate fit will not be the consumer’s choice. And this will be even

more dangerous, because the existence of a toothless standard will convince many parents that unsafe garments are safe.

We are headed down a path that will lead to no flame-resistant sleepwear for children. Because of customer preferences, the use of hand-me-downs, cotton garments will not have a tight fit, even for the first wearers.

Meanwhile, flame-resistant garments will be abandoned by manufacturers, who will find they cannot sell truly fire-safe sleepwear to parents, so long as the official standard holds out the false hope that their children can be protected by comfortable-fitting untreated cotton garments. Knowledgeable, responsible parents – the ones who want most to protect their children – will find they cannot choose safety, because the marketplace has been redesigned around the preferences of a small number of the uninformed.

A Brief Chronology of Events & Decisions Leading to the Relaxing of Children's Sleepwear FR Requirements

NFPA has reviewed the public record of how CPSC came to the current public policy decision (finalized January 1999) to relax children's sleepwear FR standards.

Prior to the 1972/1975 children's sleepwear requirements for flame resistance, children typically slept in sleepwear made of untreated cotton. The changes mandated by the old standards obviously had an adverse effect on the market for the cotton industry and also meant some sacrifice of comfort for some children. Some parents, perhaps unaware of the risks they were incurring, responded by allowing their children to sleep in garments not intended as sleepwear, sometimes called playwear or daywear, and so not bound by the flame resistance standards.

At some point in the early 90s, suppliers of compliant FR sleepwear discovered that certain non-sleepwear items such as long underwear were carrying brand names or other markings allegedly for the purpose of encouraging consumers to purchase these garments as sleepwear. For example, some manufacturers started adorning long underwear with symbols such as a moon face to suggest bedtime.

The CPSC Compliance Division was then swamped with requests for retail store inspections, mainly retailers complaining about marketing practices of their competitors. So far, this is a compliance issue.

In January 1993, CPSC published a stay of enforcement of the sleepwear standards requirements “for garments labeled and marketed as underwear if these garments were skin-tight or nearly skin-tight.”¹ This relaxation of enforcement anticipated a more permanent change in the standards themselves, namely, that this underwear would be similar in dimension to the proposed tight-fitting garments that later would be exempted under the CPSC proposed amendments to the FR sleepwear standards. In other words, **CPSC began to move away from mandatory flame resistant (FR) sleepwear standards** because of a.) enforcement/compliance problems in the marketplace and b.) a belief that skin-tight untreated cotton underwear garments were an acceptable alternative to FR sleepwear... and c.) a belief that parents would switch from more comfortable loose fitting cotton T-shirts and underwear to tight fitting cotton sleepwear.

Next, CPSC’s Hazard Analysis Division was asked to review burn injury and fatality data, in keeping with CPSC’s status as a science and data-driven agency.

In July 1995, CPSC’s Hazard Analysis Division concluded there was a statistically significant downward trend in the risk of clothing ignition death for all age groups during the 1970 to 1991 period (clear evidence of the effectiveness of the old standards) and the current burn fatality experience involved daywear far more than sleepwear. Then very significantly the report recommended that any change in the **FR standards should be**

¹ The perceived difficulty in achieving the desired level of enforcement apparently made the CPSC staff receptive to the hypothesis that cotton garments, untreated for fire resistance, could still be safe if they were “skin-tight,” a description that would later be changed to “tight-fitting” and then to the vaguer, looser-sounding “snug-fitting.”

limited to children under one year of age and that there was a need to precisely define “close fitting” in any future amended standards.

Note the CPSC’s Hazard Analysis Division’s recommendation limiting changes in the FR standards to children under one year of age was ignored by the CPSC vote which extended the change to size 14X. The emphasis on precise definition of close fit clearly recognized the uncertainty associated with the concept “close fitting,” presumably for all ages. As described below, CPSC completely exempted children up to nine months old and have struggled with the apparel industry ever since on the definition of “tight fitting.”

On April 30, 1996, CPSC voted (2 in favor; 1 against) to exempt tight-fitting sleepwear garments from the (FR) flammability standards for children’s sleepwear and to exempt completely all garments (tight fitting or otherwise) sized nine months or younger from the sleepwear flammability standard (even though the staff proposal was for six months or younger). This proposal also included a requirement that the non-FR garment be conspicuously labeled with the following statement *“Garment is not flame resistant. For child’s safety, garment should be tight fitting. Loose-fitting clothing is more likely to contact an ignition source and burn.”*

The final amendments were published on September 9, 1966 in the *Federal Register* (FR 47634) **without the labeling requirements.** At FR 47639 and 47640, CPSC removed the proposed labeling requirements for non-FR sleepwear because manufacturers, importers, and the National Cotton Council objected. **There is no required labeling in the final amendments.**

Ironically, one objection by manufacturers was that the proposed labeling statement (above) was “too negative.”

Nor is the proposed Information and Education Campaign required of manufacturers, retailers, or importers... It is strictly voluntary.

To summarize, the data and analysis addressed a much more limited change to the standards than was finally enacted. The final amendments further weakened the new standard by removing all mandatory requirements for labeling, education or other consumer information.

What are the Issues in Deciding Whether to Change the Children's Sleepwear FR Requirements?

As noted, when the issue first arose in the context of parents evading the standards and some retailers or manufacturers allegedly encouraging them to do so, it arose strictly as an enforcement issue for the old standards. The problem was the risk faced by children sleeping in daywear, and the standards could have provided leverage to address that problem, to the extent that actions by some manufacturers and retailers were encouraging or assisting parents to evade the standards.

But it was also recognized that some parents would be inclined to evade the standards even without manufacturer or retailer assistance or encouragement. This assumption meant increased enforcement might fall short of solving the problem, to the extent that it ran counter to the market preferences of some parents. And that recognition, in turn, created an interest in strategies that would provide maximum leverage on the risks created by children sleeping in daywear.

The 1993 stay of enforcement could be justified as a concession to limited enforcement resources without addressing the question of whether "skin-tight" daywear was safe enough, i.e., whether it provided safety equivalent to compliant sleepwear. Unfortunately, the stay of enforcement led quickly to an early endorsement of the idea that skin-tight clothing is safe for use as sleepwear.

The 1995 CPSC staff analysis properly documented that the old standards delivered safety and that the current problem of clothing-ignition injuries to children overwhelmingly involved daywear, some of it used as sleepwear. However, that analysis developed no data for or against the contention that a change in the standards would induce parents using daywear as sleepwear for their children to change their practices, or on the potential impact of the changed standards on risk exposure of children who had been sleeping in compliant sleepwear. The staff analysis expressed opinions on the proposed changes in the standards, but the opinions went well beyond points that their own data -- or any available historical data -- could validly address or support.

Advocates of the 1996 change and CPSC staff claimed that the use of daywear as sleepwear was widespread, even pervasive. NFPA disagrees. Everyone has anecdotes, but no one offered data.

NFPA challenged the notion that parents choosing daywear for use as sleepwear -- and so demonstrably willing to evade existing requirements -- would change their behavior simply because the standard changed. Such parents rejected loose-fitting flame-resistant sleepwear for loose-fitting cotton garments. Would they reject loose-fitting cotton garments for tight-fitting cotton garments? The notion was and is counter-intuitive. Advocates of the 1996 change and CPSC staff provided no data or response on this point.

NFPA challenged the notion that garments sold as tight-fitting would prove to be tight-fitting in practice. The American tradition of hand-me-downs

often places children in clothing, including sleepwear, designed for other ages, defeating the age-appropriate tight-fit strategy embodied in the relaxed standard. So does the common practice of buying clothes large enough for a child to grow into. Secondary markets, such as consignment shops and charity-sponsored clothing outlets, only compound the problem, and do so for the poorer of our population, the group already at highest risk of injury or death in fire. Advocates of the 1996 change and CPSC staff provided no data or response on this point.

It is ironic that, both before and after the 1996 Commission vote, the advocates of the change in the standards and CPSC staff have demanded supporting data from opponents of the change and dismissed opponents' arguments as emotional and not fact-based. Supporters of the change have put forward very little data of their own, and what they have offered does not support a valid risk analysis of the advantages and disadvantages of the proposed change. Appropriate data would provide best estimates of the impact of the changes on each affected group, based not only on the tested fire performance of different garments but also on credible estimates of the usage behaviors of each group. The supporters of the change did not do this and have not done this. NFPA and others opposed to the change have presented such an analysis, using available data wherever possible but using best estimates as needed to make the analysis complete and relevant to the real issues.

Supporters of the change have chosen instead to frame the issue in terms of three types of data: (a) data supporting the view that the current problem involves daywear; (b) laboratory data supporting the view that tight-fitting

garments, if used as intended, will resist fire; and (c) the absence of data on actual injuries involving garments intended to protect children through a tight fit. The first point is not in dispute; the second is misleading in the absence of better data or more realistic assumptions about garment usage behavior over the lifetime of the sleepwear; and the third is disingenuous in that it asks for proof of failure of a program not yet implemented.

NFPA and its colleagues have concentrated on assembling and presenting the best estimates of the relevant data and a logical and comprehensive framework for valid interpretation of the data. The public would have been better served if supporters of the change had done the same, which they still can do and which the Commissioners still can demand of them.

What Premises of Fact and Predictions of Future Actions
Did the Commissioners Offer in Support of Their Votes?

The written statements of the three (3) Commissioners as to why they voted as they did provided important insight (Chairman Ann Brown against and Commissioners Gall and Moore in favor of the amendments to relax the standards). Chairman Brown's paralleled our own while Commissioner Gall's comments paralleled those of industry. However, several statements of Commissioner Moore warrant emphasis here. Why are Mr. Moore's statements so important? Commissioner Moore alone treated the change in requirements as something of an experiment, while voting to support it. Even though NFPA disagreed with Commissioner Moore's vote, we believe his statement did the best job of defining the assumptions underlying the argument for the change and, even more importantly, defining the conditions that would have to be met for the change to be successful. If we view the following 3 years through the lens Commissioner Moore provided, we can see even more clearly that the arguments for change were misplaced and the decision to change the standards was in error.

Here is some of what Mr. Moore says in his April 1996 statement together with NFPA's observations:

- *“We still have ... questions of certainty as to what will be the impact of further sanctioning a limited cotton option.”* This indirectly acknowledges the weakness and/or incompleteness of the data provided by supporters of the change in standards. Going forward, it

implicitly sets up the new standard as an experiment to be evaluated closely and urgently, a point Commissioner Moore returned to repeatedly in his remarks.

- *“...there is no data to indicate the cotton garments allowed under our stay of enforcement have resulted in fire deaths or injuries.”* It does not appear that many manufacturers and retailers took advantage of the stay of enforcement to change their offerings, perhaps because of concerns over liability if the long-term decision was different. Surveys could be used to determine how much product of various types is available, focusing on poorer communities where risks are highest, and to learn more about parental product choices and usage behaviors by asking them.
- *“The critical issue is, if you cannot control a family’s use of non-complying, cotton products as sleepwear, what is the best solution for protecting child safety...?”* This is the critical issue only if the impact of the change in standards on complying families is known to be acceptable in terms of resulting safety and if the change in standards is likely to change the product choices and behavior of previously non-complying families. Both of these points are critical and unsubstantiated by supporters of the change in standards.
- *“Consumers tend to buy larger sizes for rapidly growing infants.”* While intended to justify an infant exclusion from all requirements up to 9 months of age, by arguing that the garments made under the exception will only be bought for infants up to 6 months of age, this

statement indirectly supports NFPA's observation that consumers buy larger sizes for children in all rapid-growth ages -- a point that is one of the fatal flaws in the new standard, which relies on children wearing only age-specific tightly fitted sleepwear.

- *“[The infant exclusion] will exclude sleepwear for infants who are not very mobile and, therefore not likely to put themselves in the way of an ignition source...”* The assumption that infants under nine months are not mobile can be checked against data; the evidence is that this assumption is at best overstated. Also, this argument overlooks the actions of siblings and parents who may, with some frequency, bring ignition sources to the infants. This point also could be checked against data from a new special study, if one were ordered.
- *“Given the fact the American consumer is already experimenting in this area and doing it blindly, it behooves the Commission to at least try to control this situation by allowing a tight-fitting cotton sleepwear garment on the market and by giving consumers the information they need to make an informed choice. ... Certain industry groups ... have given assurances they will mount an information and education campaign.”* Here is a concise statement of premises that can be tracked and used to make an informed judgment about the new standard without waiting for badly burned and dead children: (a) Will the garments put into the market under the new standard provide a tight fit sufficient to deliver fire safety? (b) Will manufacturers and retailers give consumers the information they need? (c) Will the shifts in consumer purchases and garment use tend to reflect informed

choices for safety or uninformed choices indicating a lack of understanding of the risks involved?

- *“It is imperative that a visible point of purchase label ... either be on the garment or on or inside the garment wrapper. ... As necessary as information and education campaigns are, unless they extend across generations (and neither industry nor the CPSC has that kind of money), they have a limited life, and once over with, people will rapidly forget. ... The information and education campaign should educate retailers as to why it is important to separate complying sleepwear from non-complying underwear and daywear that could be used for sleepwear.”* Commissioner Moore not only noted that he saw an information and education campaign as essential to the success of the new standard but also provided a number of specific observations on necessary features for such a campaign. It is possible to track whether such a campaign has been launched and to evaluate whether such a campaign, if conducted, would be sufficient.

CPSC’s Office of Compliance in a November 1997 letter to retailers explained that the relaxed sleepwear standard did not apply to underwear thus further confusing the issue. In the same letter, CPSC emphasizes the importance of tight fitting purchase decisions, that flame resistant garments are still available as a looser fitting alternative and that consumers need to be able to easily tell the difference between the two types of sleepwear (how consumers are expected to tell the difference presumably lies in the labeling; which labeling and point of sale notices and hang tags are voluntary, not mandatory).

Almost two years after his April 1996 vote, Commissioner Moore acknowledges in a March 20, 1998 letter to Congressman Rob Andrews that his conditions of voting for the amendment were not being met by the manufacturers in two critical areas: a.) specifications for tight fitting non-FR sleepwear had yet to be finalized between CPSC and industry and b.) the I and E campaign had therefore not been launched. (The technical amendments to the sizing specifications were finalized by CPSC in January 1999 over the objections of some garment industry representatives.)

Almost three (3) years after the CPSC vote, Commissioner Moore states in a January 25, 1999 letter to the American Public Health Association that the “tight fitting” garment required as an alternative to FR garments (specifications finalized in January 1999) “has been vilified by many members of the cotton industry... They want a looser-fitting garment...”

Conclusions and Implications

If this trend continues, the untreated cotton children's sleepwear actually sold under the new standard will be no safer than what was offered before there were any standards. And this will be even more dangerous, because the existence of a toothless standard will be worse than no standard at all. It will convince many parents that unsafe garments are safe, and so the heightened safety consciousness regarding heat source exposures that parents might have adopted if they saw the hazard clearly will be less likely to occur.

We are headed down a path that will lead to no flame-resistant sleepwear for children. Flame-resistant garments will be abandoned by manufacturers, who will find they cannot sell truly fire-safe sleepwear to parents, so long as the official standard holds out the false hope that their children can be protected by comfortable-fitting untreated cotton garments. Knowledgeable, responsible parents -- the ones who want most to protect their children -- will find they cannot choose safety, because the marketplace has been redesigned around the preferences of a small number of the uninformed.

Because of customer preferences and the use of hand-me-downs, cotton garments will not have a tight fit, even for the first wearers. Manufacturers and retailers who learn of such customer evasion of the new standard and ignore it -- or even play to it -- will be no different than those whose alleged evasion of the old standards initiated the rethinking of the requirements.

When NFPA opposed the change in standards, we described the landscape we saw of fire hazards and how they are created, of parents and how they receive and process information to make consumer choices, of special concerns of the poor and other high-risk groups, and of differences between the USA and other countries. From that landscape, we developed predictions of what would happen if the standards were changed. The frightening toll of burned children was the most important of those predictions, but it was not the one we predicted would occur first. Since the Commission's actions in 1996, our predictions of the earliest events have played out as we predicted, sometimes even worse than we predicted.

We predicted the dynamics of garment selection and use would mean that sleepwear designed to be tight-fitting would not be tight-fitting in practice. Even we did not predict that manufacturer resistance to "snug" fit would lead to an erosion of the concept of tight fit before the garments even reached stores.

We predicted the targeted families -- those now using daywear as sleepwear -- would not be persuaded of the desirability of changing to tight-fitting cotton sleepwear. Even we did not predict that industry efforts to convince them to change would be so limited, so half-hearted, and so poorly designed for educational purposes.

We predicted the other families -- those using sleepwear compliant with the old standards -- would be pushed out of their safe choices as the market for flame-resistant sleepwear collapsed. Even we did not expect that evidence of that collapse would start to appear in stores so quickly.

We also predicted that the honorable and well-intentioned people of the Commission, and especially the Commissioners, would not walk away from their decision but would continue to listen and to monitor developments. Commissioner Moore in particular promised to do so, and he has been as good as his word.

NFPA believes the direction of events and the weight of the evidence have become clearer with each passing month. Now is the time to reverse the action of 1996 and restore real safety to children's sleepwear.



St. John's Mercy
Medical Center

CF99-1-105

(32)

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

RE: Sleepwear Revocation

I strongly support the proposed revocation by the Consumer Product Safety Commission (CPSC) of the relaxed flammability standards for children's sleepwear. This action would reinstate the previous, stricter CPSC standards for children's sleepwear flammability – standards that are needed to help prevent death and disfigurement for hundreds of our nation's infants and young children.

As a registered nurse in a burn center that treats both adult and pediatric burns, I can tell you that most burns are preventable. Safe sleepwear for infants and children is vital to any prevention initiative. In particular, infants younger than 9 months are dependent on others to protect them from danger – they are generally incapable of removing themselves from the fire source if ignition should occur, and cannot "stop, drop and roll" if clothing catches fire. Moreover, those infants that are mobile at this age are at a risk of exposure to ignition sources. We must be diligent in ensuring that this extremely vulnerable group is adequately protected. Revocation of the relaxed flammability standards will help ensure this outcome.

The revocation of the relaxed flammability standard for snug fitting sleepwear is just as important to our children's safety. While tight fitting sleepwear is less likely to come into contact with a flame or other ignition source, the garment must be nearly skin tight, and tight at the wrists, ankles, waist and other key points for it to be a "safer choice". Furthermore, parents often acquire such sleepwear – either by purchasing or through "hand-me-downs" – that is larger than the child currently wears. If the garment is purchased large, allowing room for "growing into," the purpose of tight fitting, from a burn safety perspective, has been defeated. It is also questionable whether tight fit will compensate for the increased dangers associated with a more flammable material such as cotton.

Available injury and death data suggest that the more stringent flammability standards in effect prior to the September 1996 relaxation by the CPSC were clearly working. There have been fewer injuries or deaths involving ignition of children's sleepwear since enactment of the standard nearly twenty-five years ago. This low level of injuries and deaths can be primarily attributed to the more stringent, previously established flammability standards.

As a nurse in a burn center, as a nurse who has cared for children horribly injured in fires, who must deal with the pain, suffering and cost of burn injuries on a daily basis; I strongly support the revocation of the relaxed flammability standards for children's sleepwear. It can make a difference in the prevention of death and disfigurement for our nation's children.

Sincerely,

RN, Burn Center

CP99-1-106

JAMES V RYAN
10817 Old Coach Road
Potomac, MD 20854-2706
(301) 983-0815
March 19, 1999

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

CPSC/OFFICE OF
THE SECRETARY
1999 MAR 22 A 11:00

RE: Sleepwear Revocation

Dear Chairman and Commissioners:

I strongly urge you to go forward with the Proposed Revocation of Amendments, set out at pages 2867-68 of the Federal Register/ Vol. 64, No. 11/ Tuesday, January 19, 1999.

The Amendments were put forward on assurances from the industry that they would manufacture and market "Infant garments" and "Tight-fitting garments", and would inform parents and other consumers as to the availability of such garments, as to the importance of the safety aspects of tight-fitting garments, and of the fact that such garments would not necessarily pass the flammability test. This has not happened.

Arguments against the suggested Amendments were submitted by various individuals, including myself in a statement opposing the ANPR, dated August 1, 1994. Those arguments now are just as valid as arguments for the Proposed Revocation of Amendments. A copy of that statement is attached.

The statement was prepared and presented during my tenure as a Home Safety Volunteer for AARP (1986-1998), but not in that capacity. It was prepared and presented by and for me, drawing on my personal involvement in the 1967 Amendments to the Flammable Fabrics Act, and in the development of the two children's sleepwear flammability standards (16 CFR 1615 and 16 CFR 1616) promulgated under the Amended Act. Similarly, this letter and the attached earlier statement are my position. AARP staff informed me last year that the Home Safety Volunteer program had been terminated.

Again, I urge the Commission to complete the Revocation of Amendments. Surely you will be preventing numerous burn injuries and possibly saving some lives.

Sincerely,

J. V. Ryan
James V Ryan

Attachment - 3 pages

Sleepwear Revocation, March 19, 1999

JAMES V. RYAN
10817 Old Coach Road
Potomac, MD 20854
(301) 983-0815
August 1, 1994

Views relative to a possible CPSC NPR on Sleepwear to amend the standards for flammability of children's sleepwear to exempt tight fitting garments and garments intended for infants.

Madam Chairman and Commissioners, I speak as an individual who (1) was aware of concerns over the flammability of wearing apparel from the day in October 1950 I joined the Fire Protection Section of the then National Bureau of Standards and (2) who participated actively in the 1967 legislative process amending the original Flammable Fabrics Act and in the development of the children's sleepwear standards under the amended Act.

One issue before you is that of sleepwear garment fit. The January 13, 1993 ANPR spoke of "close fitting" and of "tight fitting" sleepwear garments for children. The two terms were used interchangeably. The staff briefing package for the July 28, 1994 Commission hearing spoke of "tight fitting" (staff making the briefing presentation also used "skin tight") and offered guidelines for "tight fit" determination under a possible amendment to the children's sleepwear flammability standards.

In general apparel usage close fitting refers to those garments designed to follow body contours but not constrain body movement. Tight fitting (or skin tight) refers to garments intended for uses such as in competitive athletics, where wind resistance (e.g. ski jumping and down hill skiing) or water resistance (e.g. swimming) could make the difference between winning and not winning. They are tight, uncomfortable, and difficult to get on and off, but these disadvantages were acceptable in the brief periods of intense, competitive, physical activity. For children's (or anybody's) sleepwear, all these disadvantages will work against comfortable sleep and, therefore, consumer acceptance. The suggested staff definition for tight fitting is that all garment dimensions shall be equal or less than the corresponding body dimensions, guaranteeing that the wearer will be uncomfortable the moment the garment is first put on and assuring an almost absolute probability (for children sized 0 to 6X) to a very high probability (for children sized 7 through 14) that the garment will be outgrown long before it is worn out or even out of style. The guaranteed net result, as recognized by one Commissioner at the July 28, 1994 briefing, is that parents will buy oversize, defeating the intent of this provision for "tight fitting" garments.

"Sleepwear Revocation" March 19, 1999

CPSC/ANPR on Sleepwear

2

James V. Ryan
August 1, 1994

It is generally accepted that loose, free-flowing garments are more likely than close fitting garments to be ignited by common ignition sources such as cooking range burners, decorative candles, space heaters, burning trash, etc. I have seen laboratory experiments and accident reports that support this conclusion. However, understand that this applies to garments designed to be close fitting when worn by an individual of the size anticipated by the garment design. I call your attention to testimony by Mr. Paul Rand Dixon, Chairman, Federal Trade Commission at the 1967 House Hearings on the several bills before the Congress to amend the 1953 Flammable Fabrics Act.* He spoke of evidence that actual use digressed from design intent. He did not specifically include in his testimony the fact the FTC was aware that adolescents were wearing sweat shirts several sizes larger than "close fitting". A few years after those hearings, my daughter, reflecting a current fad, was pestering me to wear my dress shirts to school and for play -- I refused because I was seeing the epidemiological data HEW was gathering under the amended Act and transmitting to NBS. But this recurrent fad is less important than persistent buying practices. Particularly among pre-school children and those in the lower grades (age groups covered by the children's sleepwear standards), a new garment that fits "closely" at the start of the school year will be outgrown before it is worn out. Hence, even with "close fitting" exemptions, garments will be purchased significantly over size.

The goal of increased consumer choice without decrease in safety is commendable, but is unlikely to be achieved without increased cost to the consumer. If parents actually keep young, rapidly growing children clothed in close fitting sleepwear, they will be paying for many more garments than they presently do. More likely, they will buy significantly oversize garments, of fabrics not capable of passing the flammability test, with no increase in safety and some probability, low but real, of a decrease in safety.

These same considerations were raised by the NBS staff during initial development of the standard, and were rejected for the reasons discussed above. I recommend that you not amend the standards but try to educate the consumer to buy with recognition that fit relates to safety. Your staff helped prepare, and your

* FLAMMABLE FABRICS ACT AND PRODUCT SAFETY COMMISSION, Hearings Before the Subcommittee on Commerce and Finance of the Committee On Interstate and Foreign Commerce, House of Representatives, Ninetieth Congress, First Session, April 5, 11, 14, and July 31, 1967, Serial No. 90-2, page 71. The several bills before the Subcommittee were H.R. 5654 (and identical bills), H.R. 5474, H.R. 6142, H.R. 7471, H.J. Res. 280, H.J. Res. 340, and H.J. Res. 357.

"Sleepwear Revocation" March 19, 1999

CPSC/ANPR on Sleepwear

3

James V. Ryan
August 1, 1994

Commission's name appears in, the brochure "What Smart Shoppers Know About Nightwear Safety", which addresses fit among other things. The facts and recommendations in that brochure apply to all ages and all garments, not just sleepwear.

The staff briefing package suggests an exemption for sleepwear garments for infants up to six months. This is not commonly a distinct grouping of garments. The choice of "0 to 6X" was made because it was a size grouping used by the industry - manufacturers made a particular style and fabric pattern for all sizes in that grouping. Exempting "0 to 1/2" might cause an economic burden to manufacturers and, therefore, to consumers. So there would be a good chance the industry might ignore the exemption. As noted in the briefing, only one burn injury to an infant in the 0 to 1 age group had been reported before the development of the 0 to 6X standard. It involved a lit match dropped by an adult lighting a cigarette while standing at the infant's crib. The data for ages 1 through 5 were compelling and, at an early stage in the standard's development, NBS staff considered drafting the standard for "1 to 6X", but every one opposed what could be taken as "indifference to the safety of helpless infants".

Should the Commissioners decide to issue an NPR to exempt certain garments from the two children's sleepwear flammability standards, the NPR should call attention to, and the proposed amendments should include requirements for, the marketing, labeling and promotion of the exempted garments. In the period just before and after the effective date of the 0 to 6X standard, some manufacturers, distributors, and retailers demonstrated great imagination in "clouding" the facts. At a minimum, it should be stated clearly and emphatically that the "exempted" garments are "noncomplying" garments; that the provisions at 16 CFR 1615.31(d) "Segregation of complying and noncomplying items by retailer", and 16 CFR 1616.31(c) "Segregation of complying and noncomplying items by retailer", should be identified as being effective with regard to the exempted garments; and the provision at 16 CFR 1615.2(c) and at 16 CFR 1616.1(e) as not applicable to the exempted garments. It should further be considered if the labeling and promotional information need be expanded to require positive statements regarding the relationship between actual fit and flammability hazard, and that the exemption presumes that children will wear sleepwear garments in their correct size.

I strongly recommend that the Commissioners withdraw the ANPR and terminate the proceeding.

WHAT SMART SHOPPERS KNOW ABOUT NIGHTWEAR SAFETY

1 All fibers used in ordinary clothing can burn, some more quickly than others. The following table ranks the burning behavior of fibers.

Burning Characteristics of Fiber	
Flame Resistant Cotton, Flame Resistant Rayon, Flame Resistant Polyester, Flame Resistant Wool, Modacrylic	Difficult to ignite, self-extinguish when flame is removed from fabric
Wool, Silk	Difficult to ignite, burn slowly
Nylon, Olefin, Polyester	Shrink away from flame. After ignition, burn slowly with melting
Acrylic	Burns with heavy, dense black smoke
Acetate, Cotton, Linen, Rayon	Ignite easily and burn rapidly
For fabrics containing blends of the above fibers, the burning characteristics should be taken to be that of the less flame resistant fibers.	

heavyweight fabrics burn longer when ignited, and can cause severe injuries.

Some people think fabrics labeled "flame resistant" are safer than they really are. As the name implies, these fabrics are designed to resist ignition and burning. They will, however, burn under some conditions. They will not, for example, protect you from burn injury if you are caught in a burning building or reach into a fireplace, wood burning stove or an oven. It is important to follow manufacturers' care and cleaning instructions on a "flame resistant" product to ensure that its flame resistant properties are maintained.

3 The style of a garment is related to safety. Clothes that hang loosely or float away from the body are more likely to catch fire. Long, flowing sleeves, loose-fitting blouses and maternity tops, lace ruffles and puffy designs can cause problems. Close-fitting clothes are much safer. They are less likely to be ignited and burn more slowly.

Clothes that are easily removed can help prevent serious burns. If a garment is quickly stripped off when it catches fire, injury may be far less severe or avoided altogether. It is better

2 In addition to fiber content, the way a fabric is made affects the way it burns. Heavyweight, tightly constructed fabrics ignite with difficulty and burn more slowly than lightweight, open or fuzzy fabrics. However,

if the garment can be removed without having to pull it over the head. Look for quick-release features such as snaps, and fasteners such as Velcro or wrap-style adult clothing. If a garment catches fire and cannot be removed quickly, stop moving, drop to the floor and roll.

Nightwear Safety and Fabric Construction and Fit	
Fabric Construction	Fit and Design
Tight Weave • Tight Knit • Non-Fuzzy	Close-Fit • Large Neck Opening • Quick Release Closures • Wrap Style
Open Weave • Open Knit • Terry • Fleece • Napped • Chenille • Lacy	Loose Fit • Flowing • Frilly • Long, Wide or Puffy Sleeves

5 Above all, it is important to be careful around fire sources. Encourage your loved ones to be alert. Especially remind your children and older people that clothing should be kept away from cigarettes, lighters, matches, candles, gas flames, fireplaces, stoves and space heaters. Charcoal lighter fluids, gasoline and paint thinner are highly flammable and should be handled with caution.

4 Smart Shoppers:

- Look at labels for fiber content and choose garments made of more flame resistant fibers (see tables).
- Avoid open weave or open knit fabrics or fabrics with brushed or pile surfaces.
- Choose close-fitting garments which can be removed quickly and easily;
- Follow the rules when sewing garments for yourself, family and friends.

Remember:

- Don't reach across lighted flames or hot coils on kitchen ranges when wearing full garments or wide sleeves.
- Keep a safe distance from space heaters.
- Always use tongs when reaching into a wood burning stove or fireplace.

WHAT
SMART
SHOPPERS
KNOW
ABOUT

The United States has the highest fire death and injury rate in the world. Most fire deaths and injuries are at home.

Where clothing ignition is involved, older people wearing nightwear run the greatest risk of injury or death.

How can these tragic fires be prevented? Fire experts agree that the key to fewer fires is greater awareness of how accidents can be prevented.

And that means following good safety practices as well as selecting nightwear with the fiber, fabric and fit that makes sense for the person wearing it.

Advisory Committee

Nightwear Apparel Flammability Group

- American Association of Retired Persons
- U.S. Consumer Product Safety Commission
- National Bureau of Standards
- National Fire Protection Association

For more information, contact:

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Consumer Affairs Section
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CF 99-1-107

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March 19, 1999

Ms. Sadye E. Dunn
Secretary
Consumer Product Safety Commission
Washington, DC 20207

RE: Sleepwear Revocation

Dear Ms. Dunn:

I am writing on behalf of the 7500 members of the International Association of Arson Investigators. We are the professional association for fire investigators worldwide.

Our members unfortunately have the tragic duty of investigating fires in which infants are burned. We have seen these tragedies first hand.

The decision of the Commission to relax the sleepwear standards in 1996 was not in the best interest of the children of America.

We urge the Commission to reconsider this issue.

Sincerely,

Stephen P. Austin/ms

Stephen P. Austin
Director of Governmental Relations

SPA/ms

1999 MAR 22 A 11: 29
UPSC/OFFICE OF
THE SECRETARY

