



# American Burn Association

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CPSC/OFFICE OF THE SECRETARY  
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1999 MAR 22 A 11: 27

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John A. Krichbaum, JD

#### Senior Director

Susan M. Browning, MPH

March 19, 1999

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

Re: "Sleepwear Revocation"

Dear Madam Secretary:

The American Burn Association and Shriners Hospitals for Children strongly support revocation of the 1996 amendments to the children's sleepwear flammability standards [ 16 CFR 1615.1(a), 1616.2(a) ].

Please find enclosed for submission to the official record, along with this letter, the statement and supporting documentation of David N. Herndon, MD, which are being submitted on behalf of the American Burn Association, the Shriners Hospitals for Children and the Medical Staff at the Shriners Hospitals for Children.

Sincerely,

John A. Krichbaum

JAK/gb



*Galveston,  
Texas*

March 17, 1999

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

Re: Sleepwear Revocation

Dear Sir,

I strongly believe that the Consumer Product Safety Commission (CPSC), should revoke the relaxation of the flammability standards for children's sleepwear. I feel that the previous, stricter CPSC standards for children's sleepwear flammability are needed to help prevent death, disfigurement, pain and suffering for hundreds of our nation's infants and young children as burn injuries related to sleepwear remain a significant problem.

After reviewing the medical records of patients treated at the Shriners Burns Hospitals for Children in Boston, Cincinnati, Galveston and Sacramento since January 1997, we found that 332 flame injuries have occurred over the last two years which include clothing or sleepwear. Of those, 65 children received burn injuries while wearing sleepwear. The age group of children most at risk for severe disability or death is the 0-9 month old children. Our records have shown there have been 14 infants burned in sleepwear. Infants less than 9 months of age have bodies that are still small and immature. This age group has the most difficult time responding to the devastating stressor of a burn injury and their overall risk of mortality is much greater. They are also at greater risk for deeper burns of the skin, muscle and bone which may result in loss of fingers, hands, feet, ears and noses. The attached page illustrates children who have received burn injuries with sleepwear or clothing involvement that have been treated at Shriners Burns Hospitals. There are 135 designated burn units across the United States. Shriners Burns Hospitals represents only four of these. The numbers of sleepwear injuries treated at these few hospitals can easily be multiplied by the number of units to obtain an approximation of the number of possible injuries occurring in children while wearing sleepwear.

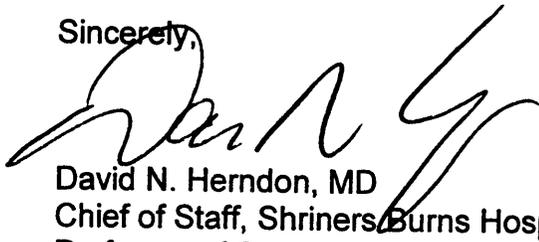
I am a member of a burn team of dedicated professionals whose goal is to provide daily the best care possible for burn victims and their families who have suffered this devastating injury. During their hospitalization we try to decrease their pain and suffering and assist them as they work through the psychological adjustment of their permanent disfigurement. Although we can help most of

**815 Market Street, Galveston, Texas 77550**  
**409-770-6728/409-770-6919 Fax**

these children to survive a burn injury, we can not take away the devastating effect of the physical and psychological scars that are left behind. I believe it is our responsibility as adults to provide a legal system where the safest environment possible is available for our children. We are obligated to do everything within our power to prevent the devastation of burn injuries in any future victims. Therefore, I strongly support the proposed revocation of the relaxed flammability standards for children's sleepwear.

***This letter of has been endorsed by the Board of Trustees of the Shriners Hospitals for Children, the Medical Staff at the Shriners Burns Hospitals and the American Burn Association.***

Sincerely,

A handwritten signature in black ink, appearing to read "D. Herndon", written over the word "Sincerely,".

David N. Herndon, MD  
Chief of Staff, Shriners Burns Hospital  
Professor of Surgery  
Jesse H. Jones Distinguished Chair in Surgery  
University of Texas Medical Branch

### Sleepwear Burns 1997-1999

	0 – 9 months	10 mo – 6.9 yr	7 yr – 14 yr	Total
<b>Galveston</b>	<b>7</b>	<b>25</b>	<b>14</b>	<b>46</b>
<b>Cincinnati</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>11</b>
<b>Boston</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>4</b>
<b>Sacramento</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>
<b>All Shriners Burns Hospitals</b>	<b>14</b>	<b>35</b>	<b>16</b>	<b>65</b>

### Flame Burns With Clothing Including Sleepwear Burns 1997-1999

	0 – 9 months	10 mo – 6.9 yr	7 yr – 14 yr	Total
<b>Galveston</b>	<b>11</b>	<b>104</b>	<b>133</b>	<b>248</b>
<b>Cincinnati</b>	<b>3</b>	<b>47</b>	<b>5</b>	<b>55</b>
<b>Boston</b>	<b>12</b>	<b>14</b>	<b>3</b>	<b>29</b>
<b>All Shriners Burns Hospitals</b>	<b>26</b>	<b>165</b>	<b>141</b>	<b>332</b>

**Table 1: Sleepwear Burns 1997-1999**

**Shriners Burns Hospitals have treated 65 children that we believe were wearing sleepwear at the time of their burn injury according to our records. There may be more cases that have occurred that we have not been able to account for due to lack of documentation in the medical record. We cannot state as to whether the sleepwear was or was not in compliance with the flammability standards. As we are a referral hospital, records are not complete with all specifics of the case at the time of the burn injury. Any sleepwear that was on the child at the time of the burn has been disposed of by the time the child reaches our hospital. Parents also have limited memories as to the exact type of sleepwear their child was wearing, especially months after the incident occurred. What we can say is that burn injuries are still occurring in children wearing sleepwear. Children of all ages are at risk for potential burn injuries while wearing sleepwear and it is an issue of paramount importance that must be dealt with. Children must be protected from the devastating injury that a burn can cause.**

**Table 2: Flame Burns With Clothing Including Sleepwear 1997-1999**

**Shriners Burns Hospitals have treated at least 332 children that have received burns from flame injuries that involved both clothing and sleepwear combined. This population included both sets of pajamas and clothing due to the fact that there is not adequate documentation for sleepwear burn injuries and these numbers demonstrate that the number of burn injuries with sleepwear may be higher. This table also demonstrates that each age group of children can be at risk depending on the type of clothing that they may be wearing.**

## **Children's Sleepwear Flammability Standards**

A burn injury is one of the most devastating of the accidental injuries that can occur to an individual. It is considered by many health care workers to be one of the most intensely painful injuries one can sustain. If one survives a burn injury, it can leave permanent scarring and disfigurement with severe functional disabilities.

The greatest number of fire and burn deaths occurs in residential fires, most frequently in multi-family dwellings and in low-income communities. Eighty percent of unintentional deaths and almost 75% of all deaths from burns in fires are the result of house fires. According to the National Fire Protection Association, a person dies in a residential fire every 105 minutes, with young children and the elderly being the most likely victims. For children under the age of 15 years, fire and burns are the second leading cause of accidental death in the home.

In 1966, Shriners Hospitals for Children decided to help provide care for the thousands of children burned across the country every year and started its first of four burn units in Galveston, Texas. Through intensive research and state of the art clinical care, a burned child's chance of survival has now more than doubled. In the late 1960's, shortly after the Galveston Burn Unit opened its doors, Dr. Truman Blocker and Chief of Staff, Dr. Dwayne Larson realized that the most effective cure for burn injuries was prevention education. Drs. Blocker and Larson were very concerned about the number of children being treated for

burn injuries resulting from their sleep clothing igniting. After investigating the issue, it was found that many people living in the southern USA warmed their homes with open gas fires. Children, while warming themselves next to the fire, sustained burn injuries when their sleepwear ignited from the open flames. To prevent this dreadful tragedy from continuing, Dr. and Mrs. Blocker used their influence in the Texas State Legislature to establish a law to require inflammable sleepwear for children. The Congress of the United States later adopted a law requiring that children's sleepwear be fire resistant. This law has protected thousands of children over the years, preventing burn injury and disfigurement.

Many strides have been made over the years towards preventing burn injuries through safety regulations. Fire and smoke detectors have led to early detection of residential fires allowing occupants to escape more safely and quickly. Childproof cigarette lighters have been developed to prevent toddlers and young children from playing with fire. Appliances such as stoves and ranges have regulations requiring safety mechanisms to prevent burn injuries. Improved safety regulations for gas and electric room heaters now require having tightly meshed grates covering heating elements, and units with open flames are no longer acceptable. Many states have regulations that require gas hot water heaters to be elevated 18 inches off the floor to avoid potential explosions. Currently, many groups are promoting regulation of safer regulators for hot water heaters and requiring upper limits on temperature settings to prevent scald injuries in children. Education concerning burn prevention also has played an important role in decreasing burn injuries. Organizations such as the American

Burn Association, Shriners Burns Hospitals for Children, and the National Fire Protection Agency have been active in local and national education.

Educational programs have been developed for children and adults such as Stop-Drop-and Roll when a person is on fire to extinguish the flame, crawling to escape a burning house, organizing escape plans and scald prevention through decreasing hot water regulator temperatures.

Our government has historically taken the responsibility of protecting its citizens, especially those that cannot protect themselves such as children and the elderly. Many laws have been designed and governmental regulations have been instituted to protect children from potential harm. There are laws to protect children from abuse and neglect from adult caregivers. Car restraint laws protect young children while traveling. Governmental safety regulations exist for crib and walker designs. There are also have requirements for toys for different age groups.

The original flammability standard for children's sleepwear was adopted in 1971, effectively reducing the number of burn-related deaths and injuries in young children. The average rate of deaths and injuries associated with clothing ignition for children under the age of 14 dropped from 60 deaths per year to four. In addition, during the eight-year period between 1980 and 1988 only 7.9 percent of all reported children's burn injuries resulted from the ignition of sleepwear that complied with standards. The National Fire Protection Association has estimated a tenfold decrease in the number of deaths associated with children's sleepwear since the enactment of children's sleepwear standards.

Unfortunately, the Consumer Product Safety Commission (CPSC) voted to relax the flammability standard in 1996 to completely exempt sleepwear for infants under age 9 months and exempt "snug-fitting" sleepwear for children age's 9 months to 14 years. This exposes infants and children to increased risk of serious injury or death. There are approximately 1000 children that die from fire and burn injuries every year. It is estimated from yearly Emergency Room visits, that 90 children receive burn injuries while wearing sleepwear and 200-300 children are burned while wearing other types of garments as sleepwear. The ignition of clothing is the second leading cause of burn admissions for most ages. The burn injury rate due to the ignition of clothing is influenced by poverty and is inversely related to income. The fatality rate of patients with burns due to the ignition of clothing is second only to that of patients with burns incurred in house fires. Burns caused by the ignition of synthetic fabrics, which melt and adhere to skin, are commonly deeper than burns caused by other fabrics and typically exhibit a gravity dependent run-off pattern. Natural cotton ignites easily at a low temperature and the flame spreads rapidly. Flames that occur from the burning process naturally rise upward, increasing the chance of facial burns and inhalation injury.

The CPSC states several reasons for relaxing the standards. Because there were no longer incidences of burns due to sleepwear, the need for regulation has been eliminated. Parents were not buying the commercially available sleepwear, but instead were allowing their children to go to sleep in baggy T-shirts and long underwear. To improve sales manufacturers wanted

market an alternative—tight fitting cotton sleepwear, which they considered safe. The CPSC agreed with manufactures, stating that tight fitting garments are not apt to burn readily and are safe. Infant's 0-9 months did not need fire resistant sleepwear due to insufficient mobility and unlikelihood of independent exposure to an ignition source. The CPSC stated that commercially available flame resistant sleepwear will still be available for those who wish to buy it, and sleepwear education would be provided in order for parents to make informed decisions.

Many arguments can be presented against the decision made by the CPSC and the rationales they offered. The CPSC felt they could relax their consumer protection regulations because the number of injuries due to sleepwear catching fire has been greatly reduced. The CPSC performed an analysis of burn injuries and found virtually no injuries associated with single-point ignition incidents of tight-fitting sleepwear, or of sleepwear worn by infants under one year. If the problem of children's sleepwear catching fire is diminished or gone, that should mean that the regulations enacted in the past are working and we have provided a safer environment for our children. If the system is working, why should it be changed? The National Fire Protection Association (NFPA) responded with disappointment and deep concern, "Children age five and under are twice as likely to die in fire as anyone else. This ruling has removed needed protection from this highly vulnerable group." The American Burn Association has adopted the following position statement concerning children's sleepwear. "The recent decision of the Consumer Product Safety Commission to relax its standard for flammability of children's sleepwear is

disappointing and ill-conceived. This standard has proven to be effective in protecting the lives of our nation's children against clothing fires. The two-to-one decision of the CPSC commissioners has removed or seriously reduced needed protection for a highly vulnerable group. Flammability standards clearly work in preventing death and disfigurement for hundreds of our nation's infants and young children. The American Burn Association strongly opposes the recently relaxed standards and will work towards their repeal."

The CPSC stated that infant's 0-9 months did not need fire resistant sleepwear because they are not likely to be sufficiently mobile to independently expose themselves to an ignition source. Children can be very mobile and are at a great safety risk as early as five months of age. At five months infants may start crawling towards objects of interest. They enjoy reaching, touching and pulling at objects. Infants are also attracted to bright objects such as flame from a fire. It is not possible to teach an infant safety, so it is our responsibility to provide a safe environment for them. Protective clothing may not prevent a child from touching something hot or burning, but it may protect them from a more severe burn injury to the rest of their body from their clothing catching on fire. Infants between 0-5 months are totally unable to protect themselves from injury or even to escape heat or flame by moving away. They don't understand danger and are unable to crawl or sometimes even roll away. Candles, which are used in many homes for decoration or lighting, have caused many burn injuries to children. Space heaters, which are frequently used in the south for heating homes, have been responsible for burn injuries in many children. Older children

who are very active accidentally get too close to the heat source or flame and get contact burns or their clothes catch fire. Infants that are not mobile may be laid next to the heat source for warmth and either gets radiant heat burns or clothing may accidentally catch on fire. Finally, older children who have a tendency to play with matches may accidentally start a fire near an infant and the infant has no way of escaping. Infants from 0-9 months are at the greatest risk for morbidity and mortality. An infant's skin is thinner than an adult's often resulting in a much deeper burn. Relatively immature organs such as the kidneys make recovery more difficult for infants that sustain traumatic injury such as burns. Functional and cosmetic disability affect infants much more than the adult population—they are at a higher risk for losing fingers, toes, hands, feet, ears and noses from burn injuries. In addition, infants have a greater problem with scarring resulting in ugly cosmetic problems as well as severe functional problems with contractions. These children grow and their scar doesn't.

The CPSC stated that many parents have chosen to allow their children to wear baggy T-shirts or long underwear to bed because they wanted natural fabrics rather than synthetics or chemically treated cotton, that meet the fire standard. Although there is a small percentage of the population that only want their children wearing natural fabrics, most choose T-shirts or long underwear for other reasons. Convenience is a large factor. It is much easier to pull an old T-shirt or long underwear out of a drawer to wear at night, than to continually keep up with the forever-changing sizes of growing children. Financial factors also play a role in the choice of sleepwear as well. T-shirts and long underwear are

less expensive and eliminate the need to continually purchase new garments for children as they grow. Though popular trends dictate that school aged children often wear T-shirts to bed, it does nothing to protect children or promote safety conscious decisions. Popular trends among children don't always mean wise or safety conscious decisions. The commission hopes that its action will enable consumers who prefer cotton sleepwear to choose safer tight fitting garments rather than loose fitting non flame retardant clothing such as oversize T shirts. Most people wear T-shirts for comfort and convenience, not because of the material that they are made from. It is unlikely that those people who wear loose, baggy T-shirts will change to a tight fitting garment.

The CPSC has decided that wearing tight fitting garments, for sleepwear is safe. They found that tight fitting sleepwear is less likely to come into contact with a flame, and when ignited, is not apt to burn readily because it does not trap air that feeds a fire. Clothes may be designed as tight fitting, but in reality are not as snug as necessary to prevent air feed. When parents buy clothes for their children, oversized garments are often purchased in order to provide comfort to the child as well as room to grow. This may be especially true with sleepwear where the general public does not see children and an extra large size can last a child more than one season. Financial restraints as well as practical considerations make it unusual for a parent to buy a garment that the child would quickly outgrow. Hand-me-downs are also commonly used for sleepwear. Exact sizing is not considered an issue for this sleepwear, so suggestions to maintain a tight-fit are rarely adhered to. Even though the new regulation may exist to

from hot water in hospitals, schools and communities. There are no such programs about sleepwear.

Industry has successfully pushed for this change in legislation to reduce the standards required for sleepwear in children. When legislation is changed for personal monetary reasons to increase sales, it is certainly questionable as to how well the industry will truly inform and educate the consumers concerning safety risks of children's sleepwear from fire and resulting burn injuries that may occur. Flammability standards were extremely successful in decreasing burn injuries from children's sleepwear in the past. There should be no acceptable reason to put children at risk again for a devastating injury that may cause death or permanent disfigurement and disability.

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CF99-1-109

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 A 11:01

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.

*Julia Hendrickson*  
1053 Hancock Ave  
Bridgeport, CT 06605

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 A 11: 27

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

To Whom It May Concern:

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Robert K O'Donnell  
Robert K O'Donnell

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 A 11: 29

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

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A handwritten signature in cursive script, appearing to read "Donald Griffin".

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 A 11: 27

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

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JoAnn Mahoney

*JoAnn Mahoney  
68 Ferry Ct.*

*Stratford CT 06615-*

MARCH 20, 1999

CF99-1-110



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

Re: sleepwear revocation

I support the proposed revocation by the CPSC of the relaxed flammability standards for children's sleepwear. As an emergency room nurse in a rural hospital, I have seen children as victims of burn injuries. We need to continue to strive for safety measures to protect our children now and in the future.

Thank you.

Betsy Deltman, RN, BSN, CEN  
ER Coordinator  
Horn Memorial Hospital

CF99-1-111

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 AM 11:21

94 Ft. Hale Rd.  
New Haven, Ct.  
06512  
3-17-99

Dear Secty Dunn,

I would like to comment on the "Pajama Debate". The old standard worked and the new standard will put children at risk. It's as simple as that. Our children are more important than the cotton industry's selling more children's sleepwear. Most parents and we grand-parents purchase sleepwear that has lots of room to grow. (Not tight fitting sleepwear.) Please return to more protective standards for children's sleepwear. Children's pajamas and night gowns should be protected by stricter flammability standards.

Sincerely,

Catherine Wynne

Grandparents Raising

Grandchildren Support Group

New Haven, Ct. 06512

CF 99-1-112

118 Green Knolls Lane  
Fairfield, CT 06430

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 A 11: 27

March 18, 1999

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

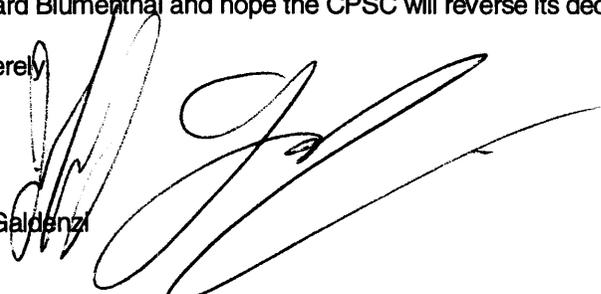
Dear Sadye E. Dunn:

I would like to request that the flammability standards for infant sleepwear be toughened back to the levels enacted in 1972. I can think of nothing more devastating than loosing a child and if the cause is preventable it should be made so.

I support the position of the delegates from my state, U.S. Rep. Rosa DeLauro and Attorney General Richard Blumenthal and hope the CPSC will reverse its decision.

Sincerely

Jeff Galdenzi

A large, stylized handwritten signature in black ink, appearing to read 'Jeff Galdenzi', is written over the typed name and extends across the page.

**BEFORE THE CONSUMER PRODUCTS SAFETY COMMISSION**

CPSC/OFFICE OF  
THE SECRETARY

**IN THE MATTER OF  
SLEEPWEAR REVOCATION**

**MARCH 19, 1999**

1999 MAR 22 A 11: 23

**COMMENTS OF THE ATTORNEYS GENERAL OF THE STATES OF ALASKA,  
ARIZONA, ARKANSAS, CONNECTICUT, ILLINOIS, INDIANA,  
IOWA, NEW YORK, NORTH DAKOTA, OKLAHOMA,  
RHODE ISLAND, TENNESSEE, AND WEST VIRGINIA**

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

On January 19, 1999, the Consumer Products Safety Commission requested public comment on the Commission's proposal to revoke certain amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14. Those amendments endangered children throughout the United States by increasing their exposure to flammable sleepwear. The undersigned urge the revocation of the misguided 1996 amendments and a return to the more protective standards adopted by this Commission in 1972 and 1975.

In 1972, Congress passed the Flammable Fabrics Act, 15 U.S.C. § 1191 et seq. to protect children from the dangers of flammable sleepwear. Pursuant to the Act, the Commission enacted standards in 1972 mandating protected sleepwear for sizes 0 to 6X. In 1975, the Commission extended these standards to include sizes 7 through 14. It is undisputed that these standards dramatically reduced the number of children burned and saved countless lives.

On September 9, 1996, the Commission issued a final rule amending the flammability standards for children's sleepwear. These amendments excluded from the definition of "children's sleepwear" garments sized for infants 9 months of age and younger, and "tight-fitting"

sleepwear for children older than 9 months. As a result of these amendments, the apparel industry may market as "sleepwear" garments that are not flame resistant.

There are substantial problems with the new standards -- problems which endanger the safety of children, their families and firefighters.

First, under the new standards, sleepwear for children aged nine months and younger need not be flame resistant or even tight-fitting. Children of this age -- who are often only able to crawl -- cannot remove themselves from a fire source should clothing catch fire. The new standard leaves these children helpless should fire occur.

Second, permitting the sale of "tight-fitting" non-flame resistant sleepwear for children of any age is profoundly troubling. Many parents purchase over-sized sleepwear with the intention of having children "grow into" the clothing. Additionally, such sleepwear may be passed along as "hand-me-downs" for younger children whom it fits far more loosely than their older siblings. While this sleepwear may be labeled "tight-fitting," it will not be used in a size-appropriate manner. As Chairman Ann Brown stated in her 1996 opposition to the proposed amendments: "There simply is no factual basis to conclude that by amending the sleepwear standards to allow the use of 100% cotton garments, parents will switch from loose-fitting cotton garments (e.g. t-shirts) to exempt tight-fitting sleepwear. There is no evidence of consumer demand for tight-fitting sleepwear."

Common sense suggests that since comfort is an important factor in buying sleepwear, parents are far more likely to purchase loose-fitting sleepwear. Although supporters of the new rule insist that the public can be educated about the dangers of loose-fitting sleepwear, there is little evidence that such a campaign has been undertaken and there is no reason to believe that

such an effort could so drastically change ingrained consumer buying habits. No doubt many parents -- due largely to the success of the pre-1996 amendments -- continue to believe that all sleepwear is flame resistant.

Third, the industry has presented no studies showing that the safety benefits of tight-fitting garments outweigh the dangers associated with more flammable materials. Nothing has changed since Chairman Brown stated in 1996 that "[b]ased on the existing record . . . the potentially higher risk of injury to infants and children from burns exceeds the possible benefits of 100 percent untreated cotton garments."

Finally, since non-flame resistant sleepwear is more likely to catch on fire, it is more likely to ignite a fire that will spread throughout the house, causing injury to family or firefighters. It is for this reason that the National Volunteer Fire Council also supports revocation of the 1996 amendments.

Our children deserve the safest possible sleepwear. This goal was sought and largely achieved by the standards promulgated in the 1970s. For this reason, the undersigned respectfully urge the Commission to revoke the 1996 amendments and return to the standards that helped to protect and save the lives of countless children.

Respectfully submitted,



RICHARD BLUMENTHAL  
Attorney General of Connecticut  
55 Elm Street  
Hartford, Connecticut 06106

On behalf of the following additional States:

BRUCE N. BUTELHO  
Attorney General of Alaska  
P.O. Box 110300  
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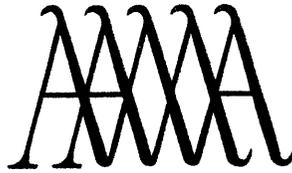
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CF99-1-11



AMERICAN APPAREL MANUFACTURERS ASSOCIATION

CPSC/OFFICE OF  
THE SECRETARY  
1999 MAR 22 P 12:09

March 22, 1999

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

Re: Proposed Sleepwear Revocation (64 FR 2867)

Attached are five copies of the statement from the American Apparel Manufacturers Association – the central trade association for the US apparel industry – regarding the proposed revocation of the 1996 amendments on children's sleepwear flammability standards.

This statement expresses strong opposition to that proposed revocation.

Sincerely,

Stephen Lamar  
Director  
Government Relations

Attachments: 5 copies of AAMA statement

CF99-1-~~12~~  
114

**Statement Submitted To The  
Consumer Product Safety Commission  
In Response To Its  
Proposed Revocation Of The  
Snug-Fitting And 0-9 Month  
Exemptions For Children's Sleepwear**

**March 22, 1999**

For information:

Stephen Lamar or Mary Howell  
703-524-1864

AAMA is the central trade association for US companies that produce clothing. Our members are responsible for about 85 percent of the \$100 billion worth of garments sold at wholesale in this country every year. While the industry is large, most of the companies are relatively small. Three-fourths of our members have sales under \$20 million and more than half have sales under \$10 million. Our members manufacture every type of garment and are located in nearly every state. Many also import from nearly every part of the world. Our industry employs about 725,000 Americans.

AAMA shares the same goals of the Consumer Product Safety Commission to ensure that hazardous products, especially those that endanger children, be removed from the marketplace. Our industry is extremely consumer driven and we consistently strive to make products that are not only functional and meet fashion needs, but which are also safe. Through interaction with the US Consumer Product Safety Commission (CPSC), we have worked to develop guidelines, standards, and informational campaigns on a range of issues, including drawstrings, small parts on clothing, and, of course, flammability of children's sleepwear.

#### **A. APPAREL INDUSTRY SUPPORT FOR SNUG-FITTING AND 0-9 MONTH EXEMPTIONS**

We are writing to express our strong support for the decision the CPSC made in 1996 to update the children's sleepwear flammability standards. That decision reflected the factual record in 1996. It continues to do so today. *Accordingly, and in the strongest possible terms, AAMA urges the CPSC to maintain the exemptions – for both snug-fitting children's sleepwear and for sleepwear made for children aged 0-9 months – that it endorsed in 1996.*

We base our position on several observations. First, cotton sleepwear produced under either one of the two exemptions has proven to be extremely popular. At the same time, we are not aware of any evidence that links these products to burn injuries or other accidents. Moreover, consumers are now incorporating the new children's sleepwear guidelines in their purchasing decisions. Finally, the reasons why the 1996 amendments made sense in the first place – to provide a safe alternative to accommodate natural fiber tastes – remains valid today. Any revocation of the amendments, therefore, are not only unwarranted, but would also be disruptive to consumers.

#### **I. REVOCATION OF RULE PERMITTING SALE OF POPULAR COTTON SLEEPWEAR GARMENTS NOT SUPPORTED BY INJURY DATA**

At the outset, we would note that polyester garments still dominate the market for children's sleepwear and are expected to do so for the foreseeable future. A number of our members (including several who make cotton sleepwear products) make synthetic sleepwear garments and report that sales are very strong. These garments remain popular

for several reasons. Many consumers value them because of their inherent flame resistancy. Others prefer the roomier cut or the added fashion elements (such as feet) that are not possible with the garments made under the snug-fitting standard. Although some observers had previously expressed concern that the snug-fitting standard would reduce availability of polyester sleepwear, this scenario has clearly not materialized as sleepwear made from synthetic fibers remains readily available in all markets.

By the same token, we would note that cotton sleepwear products are doing well. Many of our members currently manufacture children's sleepwear under one of the two exemptions. They have reported strong consumer demand for these cotton products. Several note that cotton sleepwear – either snug fitting or 0-9 months – is the fastest growing segment of their product lines.

Several of our members have reported combined shipments of about 8 million units (individual garments) of exempted sleepwear since 1997. When we factor in other firms that are making snug-fitting or 0-9 month sizes, but which are not included in the above figure, we estimate the market for children's cotton sleepwear to be around 15 percent of the total children's sleepwear market.

By another measure, cotton sleepwear imports (for adult and children's sizes) during that two-year period account for about 228 million units. In contrast, imports of sleepwear using synthetic fibers equaled only about 138 million units during that period. Although these numbers represent both children's and adult sizes, they show that cotton sleepwear products are popular. Moreover, if parents are opting for cotton products, it is a good assumption that they may choose similar natural fiber garments for their children.

Letters from consumers also provide evidence of this satisfaction because they are able to buy cotton products. Several consumers for one manufacturer wrote:

*"I love your cotton PJs and my children wear them all the time."  
-- Belle Mead, New Jersey*

*"I really like [your] products and purchase 100 % cotton products all the time...."  
-- South Dartmouth, Massachusetts*

While we are witnessing healthy consumer demand for these cotton sleepwear products, we have not seen any corresponding increase in burn incidents associated with these garments. In fact, we are not aware of a single case where cotton garments made under the snug-fitting or 0-9 month exemptions were involved in any burn incidents. We understand CPSC investigations confirm this observation. CPSC in-depth investigations (IDI) on thermal burn incidents from 1993 to 1997 revealed no incidents associated with "stay of enforcement" garments or garments exempt from current sleepwear flammability standards (certain tight fitting garments and garments sized for infants 9 months old and under.)

Like the CPSC, our association and our members have also monitored national and local press to identify reports of burn injuries associated with garments. Although we have identified numerous stories on sleepwear flammability issues during that time, we are not aware of any reports that cotton sleepwear pajamas have been involved in burn incidents. Finally, each of our members maintains active consumer relations departments through which they field comments or complaints on their products. Again, despite active discussion of these cotton sleepwear products by consumers, we have not found any evidence that these garments are involved in burn incidents.

**Conclusion: Since the exempted garments are clearly penetrating the market, and since there have been no corresponding burn injuries associated with these garments, there is no evidence to support revocation of the 1996 sleepwear amendments.**

## **II. REVOCATION OF RULE WOULD CAUSE CONFUSION SINCE CONSUMERS HAVE BECOME USED TO THE NEW STANDARDS**

We also believe revocation of the rule at this point would be harmful in that it would confuse consumers. During the past two years, consumers have received considerable information – from the CPSC, from manufacturers and retailers, from advocacy groups, from watchdog organizations – on the meaning of the 1996 amendments. Consumers have had considerable opportunity to absorb these changes and have now begun to adjust their buying patterns to reflect these new standards.

We believe much of this outreach has been accomplished through an aggressive point of sale campaign that was conducted by manufacturers and retailers in close cooperation and partnership with the CPSC. Key elements of that campaign have included:

- Distinctive artwork to readily identify garments as sleepwear.
- Hang tags, which are attached to sleepwear to identify if a product is flame retardant or snug fitting. Those hang tags also provide a simple explanation to the consumer of the need for this standard. That explanation reads:

“Fabric and fit are important safety considerations for children’s sleepwear. Sleepwear should be flame resistant or snug-fitting to meet U.S. Consumer Product Safety Commission sleepwear requirements.”

That statement is then followed by a second statement that reads, as appropriate,

“This garment is flame resistant.” or  
“This garment should be worn snug-fitting.”

- Easy-to-read pamphlets to further describe sleepwear requirements that are posted by cash registers or near clothing racks in children’s departments.

- Signs and display toppers to further identify garments as sleepwear.
- Segregation of sleepwear garments from other garments in stores and catalogs.
- Informational and training materials distributed to sales associates and telephone operators to help customers understand the importance of sleepwear flammability standards as they are making their purchases.

Where appropriate, we have supplemented that campaign through press releases, media interviews, and information on the consumer information section of our web page.

Consumer feedback suggests that this information is reaching customers. A sampling of customer letters received by one manufacturer reveal the following comments:

*"I understand upon buying them they were to 'fit snug. '"*

*-- Shafter, CA*

*"I also know they will fit snugly."*

*-- Houston, TX*

*"The item does say it should be snug fitting...."*

*-- Bakersfield, CA*

The campaign has had two important benefits. First, consumers are now making better-informed decisions in their sleepwear purchases. Second, the campaign essentially encourages them to choose between two safe alternatives – flame resistant polyester or snug-fitting cotton. As noted above, many consumers continue to purchase synthetic pajamas for their children. Others have opted for the safe cotton alternatives. Previously, consumers may have felt the choice was between the polyester garment and a loose oversized T-shirt.

If the amendments were to be suddenly revoked, especially since there does not seem to be supporting evidence that the cotton products have resulted in burn injuries, the CPSC would, in effect, be telling the public to ignore the campaign from the previous two years. We are at a loss to explain how a proposed revocation of a two year old rule, given no apparent evidence to support such a revocation, promotes consumer safety or public confidence. Such an arbitrary revocation could also lead some consumers to question the credibility of the Commission or the basic premise of the children's flammability standards.

We would also note that our members are very consumer focused and consider it a priority to develop and maintain customer loyalty. Many of these same members invested considerable time, resources, energy, and goodwill in developing and promoting the point of sale campaign discussed above. An action by the CPSC that suddenly

negates that effort, with no supporting burn injury data, effectively undermines the credibility of our members and our association as well.

**Conclusion: Customers have begun to adjust their purchasing decisions based on the “fabric and fit” campaign developed by the industry and the CPSC. A sudden revocation of this rule will confuse consumers and undermine credibility of those seeking to ensure availability of safe sleepwear garments.**

### **III. THE LOGIC BEHIND THE 1996 SLEEPWEAR AMENDMENTS REMAINS VALID**

It should be stressed that the CSPC adopted the two amendments in 1996 as a way to enhance consumer safety. The change was motivated by a desire to accommodate parents who wanted to dress their children in cotton products. By updating the standard to provide limited and specific cotton alternatives, the CSPC responded to these fashion demands without compromising children’s safety.

This logic has been articulated repeatedly by the CPSC over the past two years, including in a March 1998 press statement:

The Commission's amendment to the children's sleepwear standard under the Flammable Fabrics Act permits for sale as children's sleepwear 1) natural fabric garments in sizes nine months or lower because infants who wear these sizes are insufficiently mobile to expose themselves to sources of fire, and 2) snug-fitting natural fabric garments in sizes above nine months because tighter-fitting garments are less likely to be ignited and they burn slowly.

At the same time, the CPSC explicitly outlined the following scenario in its Federal Register notice if the sleepwear amendments had not been adopted:

...to satisfy their desire for cotton sleepwear for their children, more people may turn to looser-fitting substitutes which are not flame-resistant and present a greater risk of burn injury.

Finally, in its Federal Register notice announcing the amendments, the CPSC noted that:

Research on the flammability of wearing apparel indicates that fit and fiber are both important factors affecting a garment’s flammability. The existing provisions of the children’s sleepwear standards address the risk of burn injury by specifying a test for flame-resistance. Garments made from fabrics which pass the flammability test of the children’s sleepwear standards do not present an unreasonable risk of injury regardless of their fit. Similarly tight-fitting garments exempted by the amendments issued below do not present an unreasonable risk of burn injury, even if they are made from fabrics which do not pass the flammability test of the children’s sleepwear standards.

Experience over the past two years reaffirms the validity of the logic that permitted the CPSC to update the flammability standard for children's sleepwear. No injuries have been associated with either the snug-fitting garments or the 0-9 month garments. At the same time, given the continued popularity of natural fibers, consumers may opt to dress their children in loose, baggy, or oversized t-shirts if they do not have a safe cotton pajama alternative.

**Conclusion: The 1996 amendments accomplished a key goal by providing consumers with a safe cotton alternative to polyester sleepwear without compromising children's safety. Given this success, revocation of these amendments does not make sense.**

## **B. APPAREL INDUSTRY SUPPORT FOR MINOR MODIFICATIONS TO THE SIZING STANDARD**

Notwithstanding our strong support for the snug-fitting amendment, we believe there is still merit to making minor modifications to one element of the sizing standards that were issued on January 19, 1999. Under the current review, the CPSC is mandated to "(1) revoke, (2) maintain, or (3) modify the 1996 and other later amendments of the flammability standards for children's sleepwear." Accordingly, although the CPSC issued a final rule on the sizing standards on January 19, 1999, we believe it is appropriate to raise this request in this forum.

As you know, AAMA, through comments and meetings with CPSC staff, made a number of recommendations on the sizing standard to promote the most functional garment. Some of those recommendations were incorporated in the rule that was promulgated in January. Others were not. One of the elements that was not incorporated in the final rule concerns the measurement of the upper arm. Specifically, we believe the measurement of the arm hole can be adjusted so as to make the measurement truer for body shapes.

On June 16, 1998, AAMA recommended the following upper arm measurement:

"We recommend the measurement should be made 2" down from the upper arm 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. We stand by that request and wish to renew it with this request."

Our members now have two years experience manufacturing garments under the snug-fitting specification. During that time, several members have reported a noticeable increase in the number of consumer complaints – almost all of which relate to the upper arm measurement. Together, these manufacturers reported more than 900 complaints in 1997 and 1998. They had negligible numbers in previous years.

A sampling of some of the complaints reveals dissatisfaction with the upper arm measurement:

*“The sleeves need to be redesigned to be looser yet snug-fitting.”*  
*North Potomac, MD*

*“I think the sleeves are also too small.”*  
*Waterloo, IA*

*“The arms are so tight they leave marks on my son’s arms.”*  
*East Chester, NY*

*“They are too small through the shoulder width and upper arms.”*  
*St. Clairesville, OH*

*“The sleeves (sic) of the top part of the garment are too tight for any child.”*  
*Ridgefield Park, NJ*

For the snug fitting regulations to be most effective, the garment must be both snug and comfortable. If the garment is too tight, the customer will not purchase the product. If it is too loose, the flame resistant nature of the tight-fitting characteristic is weakened. Given the consumer feedback, we believe there is merit in refining this measurement point to improve the garment’s effectiveness and enhance customer safety and satisfaction.

### **C. CONCLUSION**

Thank you for providing us an opportunity to comment on the children’s sleepwear flammability standards. We strongly support retention of the 1996 amendments that permit the sale of sleepwear made to snug-fitting specifications or made for 0-9 months sizes. We oppose revocation of these amendments because such a revocation is not supported by the data. Any revocation would only confuse consumers and undermine our joint efforts to ensure availability of safe sleepwear products.

At the same time, we believe there is evidence to support a minor modification of the upper arm measurement. An increase in consumer complaints, many of which specifically identify the narrow upper arm measurements, demonstrates that the upper arm measurement could benefit from further refinement. We believe such a change would make the snug-fitting garments more functional, thereby increasing their effectiveness and acceptance by consumers.

CF 99-1-~~1~~  
ORIGINAL '15

MEEKS & SHEPPARD

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March 20, 1999

**BY FEDERAL EXPRESS**

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

Attention: Margaret L. Neily, Project Manager

Re: Proposed Sleepwear Revocation  
Our File: IMPACT-002

Dear Madam:

These comments are submitted on behalf of Impact Imports International, Inc. (hereinafter: "Impact Imports"), and in response to the proposed revocation of the recent amendments to the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and Sizes 7 Through 14 (hereinafter: "flammability standards for children's sleepwear"). Impact Imports is an importer of infants' and toddlers' clothing, including garments that are the subject of the proposed sleepwear revocation.

Impact Imports strongly opposes the proposed sleepwear revocation that was published by the U.S. Consumer Product Safety Commission (hereinafter: "Commission") in the Federal Register on January 19, 1999 at (64 *Fed. Reg.* 2867). We understand that the proposed revocation stems from a legislative provision inserted in the fiscal year 1999 appropriations for the Commission. This provision directed the Commission to propose to revoke the amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14. There are several reasons Impact Imports opposes the proposed sleepwear revocation.

First, although the Congress has directed the Commission to propose, for comment, to revoke the 1996 amendments to the flammability standards for children's sleepwear, we do not believe that the Commission has the authority to ultimately revoke the recent amendments, unless it finds that the current standards, as amended, are insufficient, and the amendments must be revoked "to

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U.S. Consumer Product Safety Commission  
March 20, 1999  
Page 2

adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage<sup>1</sup>.”

On September 9, 1996, the Commission issued a final rule, effective January 1, 1997, that amended the flammability standards for children’s sleepwear under the Flammable Fabrics Act, because it believed that the standard went beyond what was necessary to protect the public against an unreasonable risk of injury. The amendments exempt completely from the sleepwear standards, garments sized 9 month and under. They also exempt tight-fitting sleepwear as defined in the amendments in sizes above 9 months.

As far as we are aware, there has been no increase in burn injuries resulting from the recent amendments, which exempted children’s tight-fitting cotton sleepwear and cotton sleepwear for infants in sizes 9 months and under, from the flammability standards for children’s sleepwear. In fact, we believe that the recent amendments, recognized that the original standards, which covered tight-fitting and infants’ garments, went beyond the scope that was necessary to protect the public from an unreasonable risk of fire. These garments should always have been exempted from the flammability standards for children’s sleepwear, because of an absence of burn data that established a need for their regulation. Thus, the recent amendments corrected an example of over-zealous government regulation.

It is unlikely that at this late date, the Commission will discover additional evidence of children’s sleepwear burn incidents. After all, the Commissioners voted to amend the flammability standards for children’s sleepwear on April 30, 1996, after more than three years of careful consideration. The Commissioners based their votes on staff findings that there were virtually no injuries associated with single-point ignition incidents of tight-fitting sleepwear, or of sleepwear worn by infants under one year. The reasons for the absence of injury were attributable to several factors: (1) tight-fitting sleepwear is less likely to come into contact with a flame; (2) even when ignited, tight-fitting sleepwear is not apt to burn readily, because it does not trap air that feeds a fire and the proximity of the skin soaks up heat that would otherwise cause the fire to spread; and (3) infants are insufficiently mobile to expose themselves to sources of fire.

Impact Imports continues to support the amendments, because there has been no data demonstrating that the garments in question present an unreasonable risk of injury. We note that on January 13, 1993, the Commission issued a stay of enforcement of the standards for tight-fitting garments sold as underwear. The stay applied to garments that are used for sleeping and are skin-tight, and relatively free of ornamentation, and are labeled and/or marketed as underwear.

From the effective date of the stay of enforcement on January 13, 1993, until it expired, after several extensions, in June 1998, we are not aware of any increase in children’s sleepwear burn incidents. There has been no evidence that the use of these garments as sleepwear has reduced the

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<sup>1</sup>15 U.S.C § 1193(b)

level of protection. It is important to note that the garments that were the subject of the stay of enforcement had dimensions that were larger than the tight-fitting garments that ultimately were exempted from the flammability standards for children's sleepwear. The Commission never reported an increase in burn injuries from the more generously sized garments that were sold as underwear and that were the subject of the stay of enforcement. In fact, the Commission noted that in the final amendments published on September 9, 1996 (61 *Fed. Reg.* 47634), that it "received no reports of any burn injury to a child younger than 15 years of age associated with a garment which was identified as one covered by the stay of enforcement." It is therefore extremely unlikely that the snugger, tight-fitting sleepwear garments that are the subject of the 1996 amendments will produce an increase in children's sleepwear burn incidents.

Second, if the Commission decides to proceed with the proposed sleepwear revocation, consumers will again decide to use non-complying, oversized cotton garments for children's sleepwear. The Commission itself understands that loose-fitting, cotton clothing burns quicker than tight-fitting garments. The tight-fitting children's sleepwear that were exempted from the Flammability Standards for Children's Sleepwear are much safer. The tight-fitting children's sleepwear, even if made from untreated cotton, are less likely to come into contact with a flame source. In addition; much less air can come between the garment and the child. This means that there is less oxygen, which is necessary to support rapid burning.

We believe that final rule has achieved its goal by providing consumers with the option to purchase tight-fitting children's sleepwear. The final rule has eliminated the unreasonable risk of injury that arose from consumers purchasing loose-fitting untreated cotton clothing for use as children's sleepwear.

One of the major reasons the Commission initiated the amendment process in January 1993 with an Advanced Notice of Proposed Rulemaking was as a result of a large increase in the use of non-complying, oversized cotton garments for children's sleepwear. The Commission had read the articles that demonstrate that parents dislike putting their children to bed in synthetic sleepwear. Both the children and their parents object to the lack of absorbency in the complying, synthetic sleepwear. Such garments also tend to be uncomfortable and hot. If the children were comfortable wearing the synthetic sleepwear, parents would not be using the more comfortable oversized cotton garments as children's sleepwear.

Third, the proponents of the proposed sleepwear revocation believe that just because there is no data demonstrating burn injuries, it does not mean that there is no risk of injury. This argument might hold some appeal if for many years companies had not been permitted to sell long cotton underwear to consumers. Impact Imports was one of many companies that sold children's long cotton underwear for many years. Impact Imports has reviewed its corporate records, and notes that it could not find one example of a garment that was the subject of a burn injury.

Moreover, Australia, Canada, and New Zealand all have adopted flammability standards for children that exempt tight-fitting sleepwear. These nations have not experienced an increase in burn injuries to children that wear tight-fitting sleepwear. There is no reason that children in the United States should be exposed to an increase in burn incidents from wearing tight-fitting sleepwear if children in these other countries do not experience burn injuries from the tight-fitting sleepwear.

Fifth, manufacturers of infants' and tight-fitting cotton garments exempted from the flammability standards for children's sleepwear are able to produce such untreated garments less expensively because of the elimination of sampling, testing and recordkeeping requirements under the flammability standard for children's sleepwear. This means that consumers of lesser means can opt for safe, cotton sleepwear for their children. Previously, if consumers wanted cotton sleepwear, they were required to purchase treated cotton sleepwear, which is very expensive. Thus, consumers of lesser means were forced to purchase loose-fitting cotton garments for their children because of price considerations. The option to purchase tight-fitting garments as children's sleepwear levels the playing field for consumers of all means, and will lead to children using safe cotton garments as sleepwear.

Sixth, if the Commission proceeds with the proposed sleepwear revocation, it could return to the days when the staff was compelled to make subjective determinations on items of children's sleepwear, and whether they are suitable for use by children for sleeping or activities related to sleeping; the manner in which the product is distributed and promoted, and the likelihood that the product will be used by children for sleeping or activities related to sleeping in a substantial number of cases. These subjective determinations were difficult for the staff to make ten years ago, and the determinations will be equally difficult for the staff to perform if the proposed sleepwear revocation takes place.

Finally, if the Commission does decide to proceed with the proposed sleepwear revocation, we believe that the Commission must provide a stay of enforcement of sufficient duration to allow manufacturers to exhaust their inventory. The stay is required, because the companies will need additional time to comply with new fit characteristics if the proposed sleepwear revocation takes place.

Impact Imports International, Inc. appreciates this opportunity to present its views on the proposed sleepwear revocation. Impact Imports understands that the Commission has been directed by the Congress to initiate the proposed sleepwear revocation. It is hoped that these comments will be given full consideration before any decision is made on whether or not to proceed with the

Office of the Secretary  
U.S. Consumer Product Safety Commission  
March 20, 1999  
Page 5

proposed sleepwear revocation. Impact Imports would be pleased to discuss with the representatives of the Commission the effect of the proposed sleepwear revocation on importers.

Respectfully submitted,

MEEKS & SHEPPARD

A handwritten signature in cursive script that reads "Diane L. Weinberg". The signature is written in black ink and is positioned above the printed name.

Diane L. Weinberg

DLW/bls

*Coalition for American Trauma Care  
Letter to the Consumer Product Safety Commission  
March 19, 1999  
Page two*

- The new standards rely on parents and other consumers to make safety decisions about the snugness of the fit of untreated cotton and cotton-blend sleepwear without properly informing them of the dangers. There is no mention on the hang-tags about flammability and concern about burns; all of the hang-tags directing parents about the importance of a snug fit are written in English. The United States is a multilingual nation. Non-English speaking minorities are placed at a distinct safety disadvantage.
- Many parents and other consumers purchase clothing that is deliberately too large for a child to permit "room-to-grow." It remains to be seen whether this habit will be deterred by a hang-tag directing that certain garments should be worn snug-fitting.
- Many families re-cycle clothing from use by older children to use by younger children where the fit may no longer be snug.
- Many families shop in re-cycled clothing markets such as Goodwill Industries and small consignment stores where the hang-tag and other messages directing consumers about the safety of a snug fit may not be present at all.

The Coalition for American Trauma Care seeks to improve trauma and burn care through improved care delivery systems, prevention efforts, and research. The Coalition seeks to achieve these goals through advocacy activity in both public policy arenas and in the private sector. The Coalition's membership consists of leading trauma center institutions, leading trauma and burn care clinicians, and national organizations committed to improving trauma and burn care services and injury prevention.

The Coalition and the undersigned Advisory Council organizations urge the Commission to reinstate the original flammability standard for children's sleepwear, a standard that was clearly working to protect children from one of the most devastating injuries that can be sustained -- serious burns.

Sincerely,

American Association for the Surgery of Trauma  
Eastern Association for the Surgery of Trauma  
American Burn Association  
Orthopaedic Trauma Association  
A O North America  
Emergency Nurses Association  
American Public Health Association

CF99-1-117

3-16-99

CPSC/OFFICE OF  
THE SECRETARY

Consumers Product Safety Committee  
Attention: Sadye E. Dunn;

1999 MAR 22 P 12:21

Please support the return of  
flame-safe children's sleepwear and  
hopefully other children's wear for  
safety!

I had a niece who suffered  
90% burns on her body because  
her nightie caught fire.

The physical scars can sometimes  
be repaired, but the mental scars  
are always there.

Please support U.S. Rep Rosa De Laura  
and State Attorney General Richard Blumenthal.

Thank you

Mary Kuesch  
59 Knorr Rd.  
Monroe Ct 06468

3-16-99

CPSC/OFFICE OF  
THE SECRETARY

Consumer Product Safety Commission  
Attention: Sadye E. Dunn;

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and State Attorney General Richard Blumenthal.

Thank you

Mary Kuesch

59 Know Rd

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# SOUTHERN ROLLING PLAINS COTTON GROWERS ASSOCIATION, INC.

DAVID KUBENKA, President  
 SCOTTY BELEW, Vice President  
 STUART LEHR, Secretary  
 DOYLE SCHNIERS, Treasurer  
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P. O. Box 30036  
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 Robert Lee, Texas 76945  
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March 15, 1999

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

Re: "Sleepwear Revocation"

Dear Madam/Sir:

On behalf of the approximately 1,500 members of the Southern Rolling Plains Cotton Growers Association, I would like to express our concerns regarding our support of maintaining the amendments, which authorize manufacture and sale of complying untreated cotton products as children's sleepwear:

A. The amendments allowing sale of untreated, snug-fitting cotton sleepwear do not relax safety considerations. Snug-fitting products still have to pass the general wearing apparel standard. And, loose-fitting sleepwear products are still required to pass a severe flame test.

B. Apparel manufacturers and retailers have developed point-of-purchase education materials to inform parents about sleepwear products and the education and training programs will be enhanced.

C. 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 an informed choice to purchase cotton garments with their children's safety protected.

D. The CPSC has stated "(t)his amendment enables consumers who prefer to put their children in bed in cotton garments, to choose safer, snug-fitting garments rather than loose-fitting daywear, such as t-shirts and sweats."

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

Thank you for the opportunity to express our thoughts.

Sincerely,

Sid Long

1999 MAR 22 P M  
 CPSC/OFFICE OF  
 THE SECRETARY

CP#99-1-119

BLACKLAND COTTON & GRAIN PRODUCERS ASSOCIATION, INC. CPSC/OFFICE OF THE SECRETARY

P. O. DRAWER 738, HILLSBORO, TEXAS 76645

1999 MAR 22 P 12: 27

JOHN SAWYER, PRESIDENT  
JOHN PERRYMAN, 1ST V-PRES.  
JAY BECKHUSEN, 2ND V-PRES.  
JERRY GERIK, 3RD V-PRES.  
JACKIE McMAHAN, 4TH V-PRES.  
BUDDY HAWKINS, SECRETARY  
JAY JAECKS, JR., TREASURER

MADLINE JACOBY, OFFICE SECRETARY

SID LONG, EXECUTIVE DIRECTOR  
BOX 587, ROBERT LEE, TX 76945  
PHONE/FAX 915-453-2222

March 15, 1999

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

Re: "Sleepwear Revocation"

Dear Madam/Sir:

On behalf of the approximately 6,000 members of the Blackland Cotton and Grain Producers Association, I would like to express our concerns regarding our support of maintaining the amendments, which authorize manufacture and sale of complying untreated cotton products as children's sleepwear:

A. The amendments allowing sale of untreated, snug-fitting cotton sleepwear do not relax safety considerations. Snug-fitting products still have to pass the general wearing apparel standard. And, loose-fitting sleepwear products are still required to pass a severe flame test.

B. Apparel manufacturers and retailers have developed point-of-purchase education materials to inform parents about sleepwear products and the education and training programs will be enhanced.

C. 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 an informed choice to purchase cotton garments with their children's safety protected.

D. The CPSC has stated "(t)his amendment enables consumers who prefer to put their children in bed in cotton garments, to choose safer, snug-fitting garments rather than loose-fitting daywear, such as t-shirts and sweats."

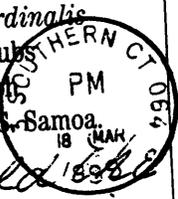
We support CPSC's decision to amend the children's sleepwear flammability standards. We agree with CPSC that this amendment offers the consumer safer sleepwear alternatives. We ask the CPSC to not revoke the amendment.

Thank you for the opportunity to express our thoughts.

Sincerely,

Sid Long

Cardinal Honeyeater, *Myzomela cardinalis*  
Found in the flowering trees and shrubs  
throughout lowland coastal areas such  
as plantations and forest edges of U.S. Samoa.



Loreli! What could be  
reasons be for going  
backwards - i. - to risk  
1 child, or anyone, getting  
burned - in P.A. - it  
has to be money -  
What other reason?

1998 MAR 22  
SOUTHERN CT 0654  
Loreli Sec.  
Consumer Policy Com.  
4330 East Coast Hwy.  
Rm 503  
Bethesda, Md.  
20814

 C.M.C. Mongillo  
365 Mather St Apt 22  
Hamden, CT 06514

March 17, 1999

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

RE: Sleepwear Revocation

My name is Christine Clare. I am a Registered Nurse and the Nurse Manager of Express Care and Employee Health at Loma Linda University Medical Center. I have over 20 years of experience in health care and over 8 years of experience in Emergency Nursing. I adamantly support the revocation of the amended flammability standards for children's sleepwear.

The reasons I support this revocation are as follows:

The old standards were working. Deaths from burn injuries dropped from 60 per year to four and under. Why fix something that isn't broken?

Infants at age 9 months are quite mobile and the CPSC determination that they are not and, therefore, not in need of flammability protection is dangerous. Obviously the members of the CPSC have not had children themselves or they would know this.

Snug-fitting is a very impractical standard. Parents typically buy clothing in sizes larger than the age of the child so that the child has room to grow. Parents often provide younger children with hand-me-down clothing. In addition, parents often purchase clothing in second-hand markets where hang-tag and other information about the importance of a snug fit will be lacking.

CPSC has continued to state that since its 1996 decision there has been no data showing burn injuries or fatalities as a result of the relaxed standard. It is much too soon for such data to emerge. The snug-fitting standard has only been finalized for manufacturers in the past two months. Individual or anecdotal cases are more likely, but very difficult to find. Even so, just one should be enough to change the vote of the CPSC Commissioner's.

Relaxing the children's sleepwear standard does not address T-shirt burn injuries. T-shirt burn injuries need to be addressed in a more direct manner and without diminishing existing safety standards for sleepwear.

The CPSC should revoke the 1996 amendments and reinstate the old flammability standards to avoid even an increase in one injury.

Thank you for your consideration.

Sincerely,



Christine A. Clare, R.N., M.N., C.N.A.  
P.O. Box 583  
Victorville, CA 92393

CF99-1-122

March 3, 1999

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 P 2:33

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 sent 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,

  
\_\_\_\_\_  
Signature  
DENNIS E BEARD, Ct.  
Printed name

ROBERT E. ANDREWS  
FIRST DISTRICT, NEW JERSEY

CF99-1-123

COMMITTEE:  
EDUCATION AND  
THE WORKPLACE  
SUBCOMMITTEES:  
WORKFORCE PROTECTIONS  
POST-SECONDARY EDUCATION,  
TRAINING AND LIFELONG  
LEARNING  
COMMITTEE:  
INTERNATIONAL RELATIONS  
SUBCOMMITTEES:  
ASIA AND THE PACIFIC  
WESTERN HEMISPHERE

**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-3001  
March 17, 1999

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

Dear Ms. Dunn:

I would like to take this opportunity to express my views concerning the children's sleepwear standards currently under review by the Consumer Product Safety Commission (CPSC).

The CPSC should revoke the new children's sleepwear standards adopted in 1996. As you recall, by a vote of 2-1, the CPSC decided to alter regulations which had been in force since 1972. The 1996 ruling eliminates the requirement that certain children's sleepwear be manufactured from flame-retardant materials. In place of this standard, the new regulation simply requires a label informing the consumer that this sleepwear is meant to be tight-fitting. I urge the CPSC to reverse its decision and return to the previous rule.

Many parents will disregard the CPSC's admonition to put their children to bed in tight-fitting pajamas. Most parents with small children buy sleepwear with "room to grow into," because children grow so quickly at those ages. Also, parents with more than one child give younger children "hand-me-down" pajamas which may be more roomy.

In light of the unlikelihood of children's sleepwear being tight-fitting, it is wrong to allow these products to be made from untreated cotton materials. The CPSC does not have the resources, nor apparently the inclination, to mount the necessary full-scale public information campaign about the "tight-fitting" rule. We cannot even be certain whether such an effort would be successful in reversing parents' customary behaviors. Nor can we know for certain whether "tight-fitting" cotton pajamas are indeed less likely to burn.

On the other hand, we do know that untreated cotton burns quickly, and some of the untreated cotton sleepwear sold today will not be tight-fitting. The CPSC should not encourage the use of this flammable material in children's sleepwear. The standard in force from 1972 to 1996 was far more secure.

The previous children's sleepwear standard saved lives. A study of the Shriners Burn Institute found that there were 74 children admitted for sleepwear-related burns the year before the new rule was implemented. The year after the 1972 rule was adopted, that number dropped dramatically, and only one child was admitted for sleepwear-related burns.

REPLY TO:

2439 RAYBURN BUILDING  
WASHINGTON, DC 20515-3001  
(202) 225-6501

506 A WHITE HORSE PIKE  
HADDON HEIGHTS, NJ 08035  
(609) 546-5100

63 N. BROAD STREET  
WOODBURY, NJ 08096-4602  
(609) 848-3900

e-mail at: randrews@hr.house.gov

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

1999 MAR 22 2:02  
CPSC/OFFICE OF  
THE SECRETARY

The CPSC should change the standard now, rather than waiting for the inevitable: a child badly burned, injured, or even killed, because of flammable sleepwear due to this new rule. We must not wait until we can prove that these kinds of accidents have started to recur. To do so is akin to waiting to install a traffic signal until after a fatal accident has occurred. It is an outrage that we are being asked for more research -- why must we relearn this lesson?

Nonetheless, more research is to be conducted before the CPSC can act. Pursuant to Public Law 105-276, Section 429, the General Accounting Office is required to gather data to determine whether the 1996 ruling has had a measurable effect on sleepwear-related burns. Regardless of this research, I would ask the CPSC to consider the most important statistic: one. If one child's pain or injury can be avoided by returning to the pre-1996 sleepwear standards, the CPSC must act now. If a single child has been maimed or burned because of this new rule, it should be revoked.

I am certain that the CPSC will not take cost into consideration as this decision is revisited. For if the pre-1996 standard marginally increased the cost of sleepwear, it was worth it. The extra price is well worth paying if it can ensure greater safety for a defenseless, sleeping child.

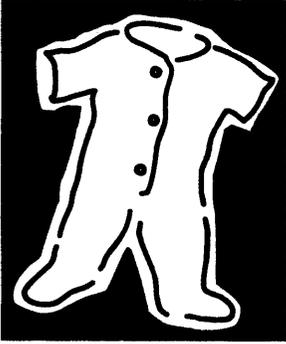
I thank you for your time and consideration on this important issue. I offer my assistance to you if I can help in any way to change these standards to their pre-1996 levels. I eagerly await your decision.

Sincerely,



ROBERT E. ANDREWS  
Member of Congress

REA:cj



## 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

### ENDORSORING 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  
National Fire Sprinkler Association  
North Carolina Jaycee Burn Center  
Orthopaedic Trauma Association  
St. Lukes Health System,  
Burn Trauma Center  
UAB Burn Center

March 22, 1999

Ms. Sadye E. Dunn  
Secretary

U.S. Consumer Product Safety Commission  
Washington, D.C. 20207

CPSC/OFFICE OF  
THE SECRETARY

1999 MAR 22 P 2:00

Dear Madam Secretary:

### Re: Sleepwear Revocation

The undersigned members of the Safe Children's Sleepwear Coalition (SCSC) submit this letter in response to the Proposed Revocation of Amendments published in the Federal Register notice of January 19, 1999, 64 FR 2867.

SCSC was formed in 1997 for the purpose of bringing together organizations with a common interest in convincing CPSC to revoke the 1996 children's sleepwear amendments to the Flammable Fabrics Act. Members of the Coalition include fire service personnel, burn survivors, burn surgeons, trauma surgeons, burn nurses, other health care and injury prevention professionals, educators, and safety experts. SCSC members share a common interest in preventing the devastation caused by fire and burn injuries, especially the tragic ramifications experienced by a burned child.

The pre 1996 sleepwear flammability standards were successful in preventing injuries and deaths to children by fire. The Coalition is not willing to, and cannot in good conscience, wait until burn cases accumulate to convince CPSC to revoke the 1996 amendments. Our members see first hand the horrific reality of severe burn injuries. Nothing can prepare a victim, or the family, for what is to come: the numerous surgical procedures, the physical therapy, and the long-term emotional and social impact. Sadly, not every survivor is fortunate enough to have the strong, dedicated family and other support needed to enter the mainstream of our society. No one should have to suffer so much. Not even one child.

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

U.S. Consumer Product Safety Commission  
Sleepwear Revocation  
Page Two

The 1996 relaxation of the standards purports to address CPSC's concern with parents putting children to bed in loose fitting T-shirts or underwear. Our Coalition disagrees. We do not believe these amendments eliminated any risks. To the contrary, we believe the amendments place children at higher risk by compromising the mandatory flame resistant requirement.

We support the revocation of the 1996 amendments because:

- Under the old standard the number of fire deaths and injuries dropped by 90%.
- It is a misconception to believe that infants 9 months and younger are not mobile. Many children begin crawling and pulling themselves around at younger than 9 months of age.
- Infants do not have to be mobile to get burned. Ignition sources also come to them: matches, lighters, space heaters, and careless smokers all pose real dangers to infants.
- Parents who allow their children to sleep in loose T-shirts and underwear are not going to start buying tight fitting garments. Not many parents can afford to purchase new sleepwear every couple of months; on the contrary the majority buy larger sizes for their children to grow into. Those least able to afford tight fitting sleepwear are at highest risk.
- Promised education and information campaigns have been late in coming, spotty in reaching retailers, worded and placed so as to be hard for most customers to understand, printed only in English, and unnoticed by families shopping for sleepwear in the daywear and playwear sections. These campaigns will not reach shoppers at used clothing stores, or people re-using sleepwear by handing it down to younger siblings or neighbors, thus reducing the value of the new standards.

In summary, the previous children's sleepwear standards were working to prevent fire deaths and injuries. We urge CPSC to return to a documented level of protection by revoking the 1996 amendments to the Flammable Fabrics Act.

U.S. Consumer Product Safety Commission  
Sleepwear Revocation  
Page Three

Thank you for reconsidering this important issue. Ours is not a perfect world, and we must do all that is within our means to protect those at high risk from burn injury.

Submitted by the Undersigned Organizations:

American Academy of Pediatrics

American Burn Association

Burn Foundation

Coalition for American Trauma Care

Congressional Fire Services Institute

Fairfax County Fire & Rescue

International Association of Fire Chiefs

International Association of Fire Fighters

Maryland State Fire Marshal

National Association of State Fire Marshals

National Fire Protection Association

National Fire Sprinkler Association

National Volunteer Fire Council

Shriners Hospitals for Children

Trauma Foundation

Washington Regional Fire & Rescue Aluminum Cans for Burn Children



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

ALFRED K. WHITEHEAD  
President

VINCENT J. BOLLON  
Secretary-Treasurer

Monday, March 22, 1999

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

RE: Sleepwear Revocation.

Dear Secretary Dunn:

On behalf of the more than 230,000 professional fire fighters and emergency medical personnel who are members of the International Association of Fire Fighters (IAFF), I am pleased to submit comments to the Proposed Revocation of Amendments to the Children's Sleepwear Flammability Standard.

The sum of our comments is to encourage the Consumer Product Safety Commission (Commission) to revoke its 1996 amendments to the Flammable Fabrics Act and return to the stronger fire safety standards that kept children safe for more than 25 years.

The pre-1996 children's sleepwear flammability standards were successful in preventing injuries and deaths to children by fire. However, since 1996 when the Commission relaxed this standard, the IAFF has been concerned that the relaxed standard will increase the number of children injured or killed by burns. As first responders who face the dangers associated with fires on a daily basis, we support any initiative that reduces the number and severity of burn injuries. Thus, we strongly believe that children should be afforded the protection of the pre-1996 children's sleepwear flammability standards.

Parents look to the Commission for guidance on how to keep their children safe. If the Commission hopes to maintain this high regard among the American public, it has to do the right thing and undo the mistake it made in 1996.

We look forward to working with you on this issue. If you have any questions, please do not hesitate to contact Hank Kim, Regulatory Assistant, IAFF Governmental Affairs Department.

CPSC/OFFICE OF  
THE SECRETARY  
1999 MAR 22 P 5:43



Sleepwear Revocation Comments  
Monday, March 22, 1999  
Page 2 of 2

We thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Alfred K. Whitehead'.

Alfred K. Whitehead  
General President

AKW/hhk

CF99-1-126

**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: 3/18/99**

**RE: "SLEEPWEAR REVOCATION"**

**PURSUANT TO THE NOTICE IN THE FEDERAL REGISTER DATED JANUARY 19, 1999, I WOULD LIKE TO OFFER MY COMMENTS ON THE PROPOSED REVOCATION OF THE AMENDMENTS TO THE STANDARDS FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR.**

**IT IS OUR POSITION THAT THE CURRENT LAW MUST STAY IN EFFECT. THERE IS NO DATA SHOWING THAT THESE GARMENTS HAVE CAUSED INJURY TO ANY CHILD WEARING THE GARMENTS. FURTHER TO THIS, THE GARMENTS HAVE BEEN ACCEPTED AT THE CONSUMER LEVEL AND TO REVOKE THE LAW WOULD ONLY SERVE TO CONFUSE THE CONSUMER.**

**THE CONSUMER HAS LONG FAVORED COTTON GARMENTS FOR CHILDREN TO SLEEP IN. UNFORTUNATLY, UNTIL THE CPSC ACTED, THE PARENT HAD NO ALTERNITIVE BUT TO ALLOW THEIR CHILDREN TO SLEEP IN UNSAFE GARMENTS SUCH AS OVER SIZED TEE SHIRTS. THE CURRENT LAW ALLOWS THE CUSTOMER THE OPPORTUNITY TO PURCHASE SAFE COTTON GARMENTS FOR THEIR CHILDREN.**

**THE CURRENT LAW MUST STAY IN EFFECT IF WE ARE TO KEEP THE SAFTEY OF THE CHILDREN AS OUR MOST URGENT CONCERN.**

**SINCERELY,**



**DENNIS M. SARGENT  
VICE PRESIDENT- MANUFACTURING AND PRODUCT DEVELOPMENT  
AMERICAN MARKETING ENTERPRISES INC.**



Robert J. Verdisco  
President

March 22, 1999

Ms. Sadye Dunn  
The Office of the Secretary  
U.S. Consumer Product Safety Commission  
Room 501  
4330 East-West Highway  
Bethesda, MD 20814

**RE: SLEEPWEAR REVOCATION**

Dear Ms. Dunn:

The International Mass Retail Association (IMRA) opposes the U.S. Consumer Product Safety Commission's (CPSC) recent proposal to revoke the 1996 amendments that exclude from the children's sleepwear flammability standard infant garments sized nine months or younger and other clothing meeting certain snug-fitting dimensions.

IMRA firmly supports the amendments' goal of offering consumers a safe alternative to flame-resistant sleepwear made of fabric that many parents regard as uncomfortably heavy. At the same time, IMRA believes that some narrowly-targeted changes would make the current exemption more effective and workable.

IMRA represents the mass retail industry--consumers' first choice for price, value and convenience. Its membership includes the fastest growing retailers in the world--discount department stores, home centers, category dominant specialty discounters, dollar stores, warehouse clubs, deep-discount drugstores and off-price stores--and the manufacturers who supply them. IMRA retail members operate more than 106,000 stores and employ millions of American workers. IMRA retail members represent over \$411 billion in annual sales.

Until 1997, Federal regulations for over two decades had required that garments marketed or sold as children's sleepwear pass flammability tests more rigid than those mandated for general wearing apparel. Since only heavy fabrics (e.g., polyester or wool) were able consistently to meet that standard, consumer choice in children's sleepwear was limited to heavy garments made with fabrics that were, in the view of many parents and children, uncomfortably heavy and warm.

Due to the absence of cotton sleepwear, parents were increasingly turning to lightweight but flammable garments (such as oversized T-shirts) for children's sleeping clothing, as an alternative to the heavy, uncomfortably warm garments.

CPSC in 1996 wisely amended its standard so as to allow the sale of children's sleepwear made of non-flame resistant materials that met specified snug-fitting dimensions. This gave consumers a safe, lightweight alternative to flame-resistant sleepwear, and steered parents away from dressing children for bed in more flammable garments.

Any proposal to ban a product should be a last resort, based on clear and convincing data that the product poses a hazard, and cannot be addressed in a less drastic way. This is simply not the case for non-flame resistant sleepwear that meets the agency's snug-fitting dimensions. According to CPSC data, there is no suggestion that snug-fitting sleepwear has ever been involved in a burn injury to a child. Existing data clearly do not support the agency's proposed repeal of the snug-fitting sleepwear exemption.

Those who advocate revoking the 1996 amendments argue that allowing the sale of snug-fitting non-flame resistant sleepwear puts children at an unreasonable risk (a contention which the best available data do not bear out). Repealing the snug-fitting exemption, however, could actually put children in danger.

Even if CPSC unwisely banned the sale of snug-fitting sleepwear, parents will still seek natural fiber garments for sleeping children. Without the alternative of cotton snug-fitting sleepwear, these parents will once again buy for use as sleepwear oversized T-shirts and other garments made of cotton and other lightweight materials that are more flammable than the snug-fitting sleepwear.

The snug-fitting sleepwear concept was developed over a three-year period and was rigidly examined by CPSC for safety in all foreseeable fire scenarios. Snug-fitting sleepwear has not only proven safe for children in theory, but more importantly, also in practice.

Despite IMRA's support for the snug-fitting exemption's objective of giving consumers a safe sleepwear alternative to heavier flame-resistant pajamas, IMRA urges CPSC to adopt three narrowly-crafted changes to the current exemption to enhance the effectiveness of snug-fitting sleepwear.

### **Expansion of Snug-Fitting Dimensions**

Several retailers report that they have encountered difficulties with the existing dimensions that define a snug-fitting sleepwear garment. Many retailers have experienced high rates of return with the snug-fitting garments, and the vast majority of consumers returning the clothing indicate that the garment was uncomfortably tight for their children. The tightness of the upper-arm hole has been a particular target of consumer complaints.

Retailers have also found that consumers may buy sleepwear two or three sizes larger than their children's actual size to compensate for the garment's tight fit, which frustrates the purpose of the snug-fitting sleepwear exemption. Since many parents are clearly

rejecting current dimensions in favor of larger-sized snug-fitting garments, a slight relaxation on dimensions may actually reduce risks to children.

IMRA urges CPSC to increase slightly the dimensions that define a snug-fitting garment exempt from children's sleepwear flammability rules. IMRA believes that particular attention should be paid to the upper-arm hole measurement, since many consumer complaints center around that part of the snug-fitting garment (on January 19, CPSC did issue a technical amendment that changed how the upper arm should be measured, but did not increase the maximum allowable dimension).

The snug-fitting exemption is intended to offer parents a safe cotton sleepwear alternative and deter the use of more flammable garments as sleepwear. Parents seeking to dress their children in cotton garments may not accept snug-fitting sleepwear because they view the fit as too tight. If so, they will continue to dress their children in highly flammable oversized T-shirts, defeating the purpose of the snug-fitting exemption.

Slightly increasing the snug-fitting dimensions may make the garments more attractive to parents currently avoiding snug-fitting sleepwear without compromising the garment's safety. A slightly larger garment is far safer than an oversized T-shirt.

When considering expanding the snug-fitting dimensions, it is important to bear in mind that sleepwear and underwear are two separate clothing categories. Retaining the distinction between sleepwear and underwear is of vital importance to both retailers and consumers.

### **Sewing Tolerances**

The snug-fitting exemption's current lack of a sewing tolerance also adds to consumers' perception that existing sleepwear is too tight, since in many instances garment makers cut below maximum allowable dimensions to avoid enforcement in the event that normal manufacturing variations result in some products with even slightly larger than prescribed dimensions.

To allow for mass-production variances and sewing errors, CPSC should create a narrow sewing tolerance for all parts of a snug-fitting garment. While not significantly increasing the size of the garment, such a tolerance would provide sleepwear makers and retailers with a workable margin of error.

IMRA urges CPSC to allow for the following small variations in the maximum allowable dimensions used by the agency to define a proper snug-fitting garment: a half-inch tolerance for a snug-fitting garment's chest, waist, seat and thigh and a quarter-inch tolerance in a snug-fitting garment's upper arm, wrist and ankle dimensions. These tolerances would allow a better fit, while only minimally increasing the size of the garment.

Such a reasoned approach would allow consumers to buy the most effective and comfortable snug-fitting garment permitted by law, and could alleviate many concerns by parents that snug-fitting sleepwear is too constricting. It should be noted that providing sewing tolerances is a long-recognized practice in the apparel industry, and is used with virtually all clothing (including adult and flame-resistant children's sleepwear) except with snug-fitting children's sleepwear.

### **Clear Definitions of Sleepwear and Underwear**

In a November 25, 1997 letter to retailers, CPSC enforcement officials warned they would take action against firms that sold garments labeled/ marketed as underwear, but which the agency viewed as meant primarily for use as sleepwear. The letter, however, did not offer any insights as to what CPSC viewed as sleepwear or underwear. As a result, sleepwear manufacturers and retailers lack guidance on whether a garment intended to be made/sold as underwear will be viewed by the agency as sleepwear.

In the absence of guidance, well-meaning retailers selling a garment clearly marketed as underwear may nevertheless face enforcement actions if the agency views the item as sleepwear. With no precise distinction between underwear and sleepwear, retailers often must reduce consumer choice in children's clothing due to uncertainty as to whether a garment will be considered sleepwear or underwear.

Retailers have absolutely no control over a garment's ultimate use once it is purchased by the consumer. No matter how clearly a retailer signs and labels a garment as underwear that is not intended for use as sleepwear, it is completely outside the retailer's power to stop parents from using that garment as sleepwear.

Distinct agency definitions of sleepwear and underwear would reduce uncertainty and assist retail compliance efforts by making it unlikely that apparel sellers will be unaware of how the agency views the essential distinctions between the two categories.

Clear distinctions between sleepwear and underwear would eliminate much of the confusion that currently surrounds the snug-fitting exemption, and would increase child safety by ensuring that proper garments are being marketed and sold as sleepwear.

### **Conclusion**

IMRA broadly supports the concept of providing parents a safe cotton sleepwear alternative to heavy flame-resistant pajamas, and strongly opposes CPSC's proposal to return to previous rules requiring that all sleepwear meet stringent flammability guidelines.

The absence of injury data over the two years that the sale of non-flame resistant, snug-fitting garments has been allowed clearly argues for the safety of such clothing. Banning garments that have never been linked to a burn incident is simply bad public policy.

It also has become apparent, however, that there are problems with the existing snug-fitting exemption. Many consumers view snug-fitting sleepwear currently available as uncomfortably tight, and return the garments or buy sizes too large for their children. The acceptability and safety of snug-fitting sleepwear would be enhanced by slightly increasing the exemption's maximum allowable dimensions.

Another common-sense option to bolster consumers' safe use of the garments would be to adopt a sewing tolerance, which makes it less likely that apparel makers and retailers would have to undercut snug-fitting sleepwear in order to compensate for normal production variances and sewing errors.

Clear distinctions between sleepwear and underwear would assist retailers in providing appropriate sleepwear garments to parents, and assist compliance with children's sleepwear rules. Much of the guesswork now involved in children's sleepwear sales would be eliminated by precise agency definitions of sleepwear and underwear.

IMRA urges CPSC to retain the 1996 amendments to the children's sleepwear flammability standard, and to make the modest changes outlined to the snug-fitting regulations. Doing so would increase the snug-fitting exemption's effectiveness and acceptance among consumers.

If IMRA can assist you in any way, please contact IMRA staff member Brian Axell at (703) 841-2300.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Verdisco". The signature is written in black ink and is positioned to the right of the "Sincerely," text.

Robert J. Verdisco  
President, IMRA

CF99-1-128

# Washington Regional Fire & Rescue Departments Aluminum Cans for Burned Children

4100 Chain Bridge Road • Fairfax, VA 22030

E-mail: wrfdacbc@aol.com



Arlington County  
Fire Department

City of Alexandria  
Fire Department

City of Fairfax  
Fire & Rescue Dept.

City of Fredericksburg  
Fire & Rescue

Fairfax County  
Fire & Rescue Dept.

Lake of the Woods  
Fire Department

Loudoun County  
Fire Department

Metropolitan Washington  
Airport Authority  
Fire Department

Montgomery County  
Fire & Rescue Dept.

Prince William County  
Fire & Rescue Dept.

Stafford County  
Fire & Rescue



March 22, 1999

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

RE: Sleepwear Revocation

Dear Ms. Dunn:

The Washington Regional Fire and Rescue Departments Aluminum Cans for Burned Children (ACBC) Program is 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.

The ACBC Program is a non-profit organization that raises funds to assist young burn survivors, who's lives have been forever changed by the devastating effects of our common foe, FIRE, which as we know can strike at any time. Some have argued 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 reporting 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.

The ACBC Program has assisted in the past 10 years with sponsoring approximately 100 children annually to attend the Mid-Atlantic Burn Camp, which is held for one week each August in the Blue Ridge Mountains, just outside of Harrisonburg, Virginia. We do not need any more children which injuries could either have been eliminated or lessened by a stronger sleepwear standard. So please do not provide us with another camper whose life will be forever changed by the effects of fire. No one can predict when and how a fire will start, but with the reinstatement of the old sleepwear standard it will at least give some of our children a fighting chance.

We invited each of the CPSC board members and you to visit our campers on visitors days on Thursday August 26<sup>th</sup> at Mid-Atlantic Burn Camp. Come talk with these brave young survivors and listen to their stories.

Our members 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 for all children, 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.

If you have any questions concerning our program, please do not hesitate to give us a call at ('03) 228-3600 x9253.

Sincerely,

Curtis E. Stilwell, Treasurer  
ACBC Program



## COUNTY OF PRINCE GEORGE

**Kenneth J. Brown**  
**Director of Fire Services**  
**Deputy Coordinator of Emergency Services**

March 19, 1999

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

RE: Sleepwear Revocation

Dear Ms. Dunn,

We are writing to urge the Consumer Product Safety Commission to revoke its 1996 amendment 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 the 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 this protection has worked.

Some argue that there has been no increase in the number of burn injuries and death since the standard changed. This is partially due to the problems in reporting 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 that we believe will put America's 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 will dress their children in tight clothes. Anyone who has bought clothing for a child knows you do not buy anything 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 non-flame-resistant materials and large, baggy clothing can be lethal.

The revised standard which exempts sleepwear for infants nine months and 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 CPSC's decision to relax the fire safety standard was made with the understanding that the manufacture's 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. Furthermore, the tags which are supposed to let parents know the garment is flame resistant are difficult to understand, and almost uniformly written in English - making it impossible for our non English speaking citizens to understand the 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.

If you are unsure of the true need for this stricter standard I urge you to visit a burn center or spend some time at one of the many burn camps around the country. If you do, I'm sure you will find this to be an eye opening experience and you will truly see why we urge you to make the right decision for our children's sake. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth J. Brown', written in a cursive style.

Kenneth J. Brown  
Director of Fire Services

KJB/kdw