

Mr. Lawrence Brownstein said that if the staff proposal was adopted it would create problems because, they make nightgown/pajama and coordinating robe sets and under the proposal one garment could be cotton and the other polyester.

Commissioner Moore asked if they were aware of any market studies showing consumer preference for fire-resistant sleepwear. Mr. Krulwich said he was unaware of any such studies. The Commissioner then asked how far reaching is parental knowledge of the current sleepwear standard. Mr. Krulwich stated he believes parents assume they are getting safe, fire-resistant garments when they buy children's sleepwear. He also stated that up until the stay was put into effect, there was no lack of knowledge about flame resistance but since the stay consumers have become confused.

Mr. Lawrence Brownstein showed the Commissioner various cotton underwear garments he had purchased which he felt were unsuitable for underwear because of their bright colors and style. He stated that retailers only have so much money to put into their sleepwear/underwear category. Mr. Krulwich said that amending the regulation will actually remove choice as retailers will buy cotton.

Mr. Lawrence Brownstein stated that tight-fitting garments, as proposed by the staff, would not be comfortable and would have too short a life to appeal to consumers. Mr. Jack Brownstein pointed out that the tight-fitting definition is based on an average sized child rather than on an individual child. He also stated that the ribbing elasticity goes away after a few washings, so the cuffs will not stay tight.

Mr. Lawrence Brownstein indicated the CPSC should focus enforcement efforts on retailers rather than manufacturers. Mr. Jack Brownstein expressed concern that the new tight-fitting regulatory proposal would merely add another layer of regulation without solving the enforcement problem.

Mr. Krulwich said they questioned the accuracy of the Canadian studies showing no burn injuries from the relaxation of their sleepwear standard. He stated the U.S. is more urban centered and the people in those urban centers were the ones that needed the sleepwear protection the most.

Commissioner Moore asked how they accounted for the lack of injury data from the cotton garments already on the market. Mr. Lawrence Brownstein stated that the cotton underwear had not been on the market long enough for us to see problems with it yet. He said the CPSC should maintain sleepwear as it is. He also said that the garments being marketed as underwear are taking money directly from sleepwear.

The Commissioner asked if they saw an advantage for the flame-resistant sleepwear if the regulation was changed. Mr. Lawrence Brownstein said no because the retailers won't educate the public.

Waterbury provided the Commissioner with a letter from a mother whose daughter was protected when her polyester nightgown had melted after being exposed to a heat source, rather than catching fire as cotton might have done (attached). The Commissioner pointed out that nightgowns would still be polyester under the staff proposal.

Commissioner Moore indicated that this was a very important issue and that he had already given it a great deal of thought and would give consideration to the points they had made. The meeting concluded with Commissioner Moore thanking Waterbury for their input in this proceeding.



mart APPAREL CORP. 7370 WEST SIDE AVENUE, NORTH BERGEN, N.J. 07047 (201) 861-9100

March 8, 1988

Waterbury Garment
180 Madison Avenue
New York, NY 10016

Attn: Mr. Jack Brownstein

Dear Mr. Brownstein:

Please find enclosed a letter recently received by the K mart Apparel Corporation. The contents, I'm sure, you will find very moving.

Based on this, I would like to extend our thanks to you for your efforts in assuring that the products at K mart are not only safe but meet our required quality specifications.

Sincerely,

Richard G. Pellino

RGP/db
Attachment

February 19, 1988

K-Mart Apparel Corporation
7373 Westside Avenue
North Bergen, New Jersey 07047

To whom it may concern:

I purchased a nightgown for my 7 year old daughter from your K-Mart store located at 4000 block of E. Sprague, Spokane, WA. The label I have enclosed.

I realize it is a law that children's sleepwear be flame resistant, but I wish to express my thanks to you and to the manufacturer that because the gown was flame resistant, it saved my daughter's life.

She was wearing the nightgown and was in the bathroom located at the back of the house. I was in the livingroom. We have a small wall heater in the bathroom. She was standing with her back to it and noticed she was getting warm. When she looked in the mirror, she saw a hole approximately 3"x3" in the gown. The material had just melted. She came out to show me and I realized that if the gown was not flame resistant, a tragedy would have occurred. By the time I could have gotten to her, she would have been engulfed in flames. It is very scary to think now, that in just those few seconds, she would have been gravely injured if not for the gown's resistance to flame.

I commend the K-Mart store for handling such merchandise and the manufacturer for the fine standards of their product.

My daughter, Nikki, is a very smart, beautiful and loving little girl and thanks to you, she still is.

Sincerely,

Mary Nido
4519 E. 7th
Spokane, WA 99212

