U.S. Consumer Product Safety Commission

Selling Compliant Apparel in The United States

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This presentation was prepared by CPSC staff, has not been reviewed or approved by, and may not reflect the views of the Commission.

Federal Hazardous Substances Act (FHSA)

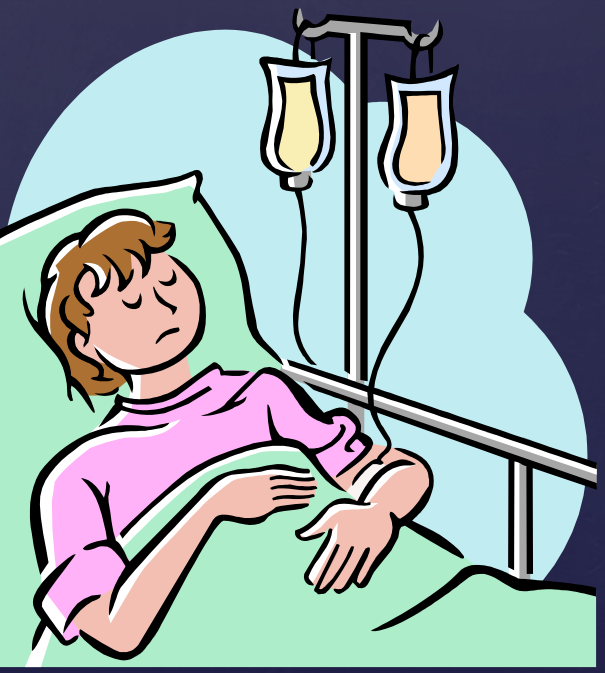
- Provides cautionary labeling on immediate container and outer containers/wrappings of hazardous household substances
- Allows Commission to ban products that are so hazardous that the labeling required by the Act is not adequate to product consumers
- Risk-based, substance must meet two-part definition
  - Hazardous substance
  - Exposure

The FHSA Regulation

- Provides test methods to determine if a substance or mixture meets the statutory definition of a "hazardous substance"
- Provides the essence for a cautionary label
  - Prominence, placement, conspicuousness

FHSA-Definition of a "Hazardous Substance"

- Toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, AND
- May cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including ingestion by children.



FHSA-Second Part of Definition

- Evaluation is specific to the individual product formulation.
- Examples of things to consider:
  - Consumer exposure to product during customary and reasonably foreseeable use and handling of product
    - Likelihood
    - Duration
    - Quantity
  - How consumers will use the product
  - How consumers will store the product

FHSA-Children's Products

- Any toy or other article that is intended for use by children and that contains a hazardous substance is also banned under the FHSA if a child can gain access to the substance. In addition, the Act gives the Commission authority to ban by regulation any toy, or other article intended for use by children which presents a mechanical, electrical or thermal hazard.

Formaldehyde

- Regulated under the FHSA
- Determined to be a strong sensitizer under the FHSA
  - 1% free formaldehyde
- Formaldehyde in Textiles
  - Health risks depend on type of exposure and extent of exposure.

Restricted Substances List

- Restricted Substance List (RSL) was created by the American Apparel & Footwear Association's (AAFA) Environmental Task Force.
  - provides apparel and footwear companies with information related to regulations and laws that restrict or ban certain chemicals and substances in finished home textile, apparel, and footwear products around the world.
  - includes only materials, chemicals, and substances that are restricted or banned in finished home textile, apparel, and footwear products because of a regulation or law.
  - does not include regulations that restrict the use of substances in production processes or in the factory; rather, the focus is on whether the substance can be found in finished home textile, apparel, and footwear products at a certain level.
- Restricted Substances List: https://www.wewear.org/assets/1/7/RSL12english-March2013.pdf

Flammable Fabrics Act (FFA)

Regulated Products

- Clothing Textiles, 16 CFR Part 1610
- Vinyl Plastic Film, 16 CFR Part 1611
- Children's Sleepwear, 16 CFR Parts 1615/1616
- Carpets and Rugs, 16 CFR Parts 1630/1631
- Mattresses and Mattress Pads, 16 CFR Part 1632
- Mattress Sets, 16 CFR Part 1633

16 C.F.R. Part 1610 Standard for the Flammability of Clothing Textiles

- 16 CFR Part 1610 – commonly known as the General Wearing Apparel Standard
- Enacted in the 1950s
- Keeps the most dangerously flammable textile products and garments out of the marketplace

16 C.F.R. Part 1610-Test Summary

- The Standard applies to all adult and children's wearing apparel
  - except children's sleepwear, which must meet a more stringent standard
  - does not apply to certain hats, gloves, footwear, interlining fabrics

- The Standard specifies testing procedures and determines the relative flammability of textiles used in apparel using three classes of flammability.

- Fabrics that meet a *specific exemption* do not require testing

- First step: Determine fabric type and specifications
  - Plain-surface textile fabric or raised-surface textile fabric
  - Fabric weight
  - Fiber content

§1610.1(d)-Specific Exemptions

- Fabrics that meet a specific exemption do not require testing.

- Plain surface fabrics ≥88.2 g/m2 (2.6 oz/yd2), regardless of fiber content

- Plain and raised surface fabrics made of:

acrylic,
modacrylic,
nylon,
olefin,
polyester,
wool,

or any combination of these fibers, regardless of weight.

16 CFR Part 1610 - Test Summary

- Preliminary burns are conducted to determine the fastest burning area and direction of fabric.

- Fabrics are tested in their original state, 5 specimens
  - Tested in direction of fastest burn time
  - Raised-surface fabrics are brushed to raise fibers
- Class 1 and 2 fabrics are refurbished and tested again, another 5 specimens
  - All samples are dry cleaned
  - All samples are washed and tumble dried, 1 cycle
- The burn time of several specimens is averaged, and a Class (Class 1, 2, or 3) designation is made based on the average burn time (speed of burning) and surface characteristics of the sample.
- Class 3 textiles are considered dangerously flammable and are not suitable for use in clothing due to their rapid and intense burning.

16 CFR Part 1610-Test Summary

- 50 mm x 150 mm (2 inches x 6 inches) specimen
- Conditioning requirements
- Specified test cabinet
- A 16 mm (5/8 in) flame impinges on a specimen mounted at a 45-degree angle for 1 second.
- The specimen is allowed to burn its full length or until the stop thread is broken (burn time is recorded).

16 CFR Part 1610-Classifications

- **Class 1**

Plain-surface and raised-surface fabrics that have no unusual burning characteristics and are acceptable for use in clothing

- **Class 2**

Raised-surface fabrics only, intermediate flammability- use with caution

- **Class 3**

Fabrics are dangerously flammable and <u>CANNOT</u> be used in wearing apparel

Common Noncomplying Fabrics

- Sheer 100% rayon skirts and scarves
- Sheer 100% silk scarves
- 100% rayon chenille sweaters
- Certain rayon/nylon chenille and long-hair sweaters
- Certain polyester/cotton and 100% cotton fleece garments
- 100% cotton terry cloth robes

16 C.F.R. Part 1611 Vinyl Plastic Film

- Part of original FFA commercial standard from the 1950s, codified as 16 C.F.R. Part 1611 in 1975
- Applies to nonrigid, unsupported vinyl plastic film, including transparent, translucent, and opaque material used in wearing apparel subject to the FFA
  - Disposable diapers
  - Raincoats
- Wearing apparel is tested to either Part 1610 or Part 1611

16 CFR Parts 1615 & 1616 Standards for the Flammability of Children's Sleepwear

- The children's sleepwear, standards 16 CFR Parts 1615 and 1616) were developed in the early 1970s to address the ignition of children's sleepwear, such as nightgowns, pajamas, and robes.

- The standards are designed to protect children from small open-flame sources, such as matches/lighters, candles, fireplace embers, stoves, and space heaters.

- The standards are not intended to protect children from large fires or fires started by flammable liquids, such as gasoline.

Children's Sleepwear Standards 16 CFR Parts 1615 & 1616

- Children's sleepwear means any product of wearing apparel intended to be worn primarily for sleeping or activities related to sleep in sizes larger than 9 months through size 14.
- Nightgowns, pajamas, robes, or similar or related items, such as loungewear, are included.
- Several factors determine if a garment is sleepwear:
  - suitability for sleeping, likelihood of garment to be used for sleeping
  - garment and fabric features
  - marketing, merchandising/display, intended use

16 CFR Parts 1615 & 1616 Exemptions

Category Exceptions

Diapers and Underwear (exempt)

- Must comply with 16 CFR Part 1610

Infant garments (exempt)

- Sizes 9 months or younger
- One-piece garment does not exceed 64.8 cm (25.75”) in length
- Two-piece garment has no piece exceeding 40 cm (15.75”) in length
- Must comply with 16 CFR Part 1610

16 CFR Parts 1615 & 1616 Tight-Fitting Exemption

Tight-Fitting Sleepwear (exempt)

- **Tight-fitting garments (defined by the Standards) are exempt from testing to the sleepwear requirements.**
- **Must meet specific maximum dimensions.**
- **Must comply with 16 CFR Part 1610.**
- **Must meet labeling requirements.**

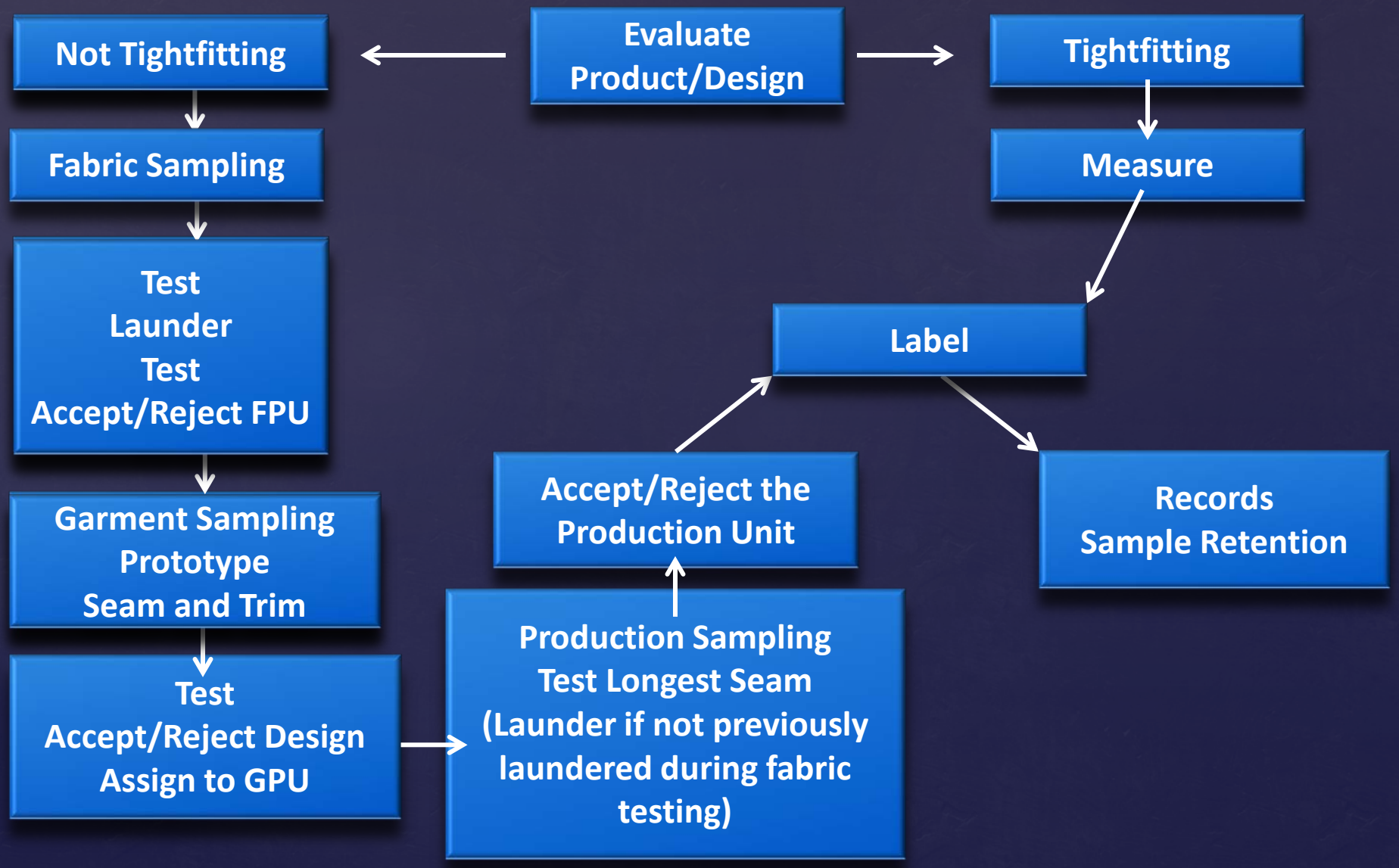
Children's Sleepwear Standards 16 CFR Parts 1615 & 1616

- Children's sleepwear (that is not tightfitting) must pass the flammability requirements.
- All fabrics and garments must be flame resistant and self-extinguish (not continue to burn) when removed from a small, open-flame ignition source.
- The fabric, garments, seams, and trims must pass certain flammability tests.

16 CFR Parts 1615 & 1616 Testing Summary

- Standard requires tests of fabric, seams, and trim.
- Each test sample consists of five specimens (minimum of three samples).
- Each specimen is placed in a metal holder and suspended vertically in the test cabinet.
- Tests conducted in original state and after 50 laundering cycles (if the sample passes the original state test).

16 CFR Parts 1615 & 1616 Testing Summary



Children's Sleepwear Standards

- Five 8.9 cm x 25.4 cm (3.5 inches x 10 inches) specimens of fabric, seams, and trim.
- Specimens are conditioned before testing.
- The gas flame of 3.8 cm (1.5 inches) is applied to the bottom edge of the specimen for 3 seconds.
- Char (burn) length is measured after the flame/afterglow has ceased.

Specimen is placed in a metal holder.

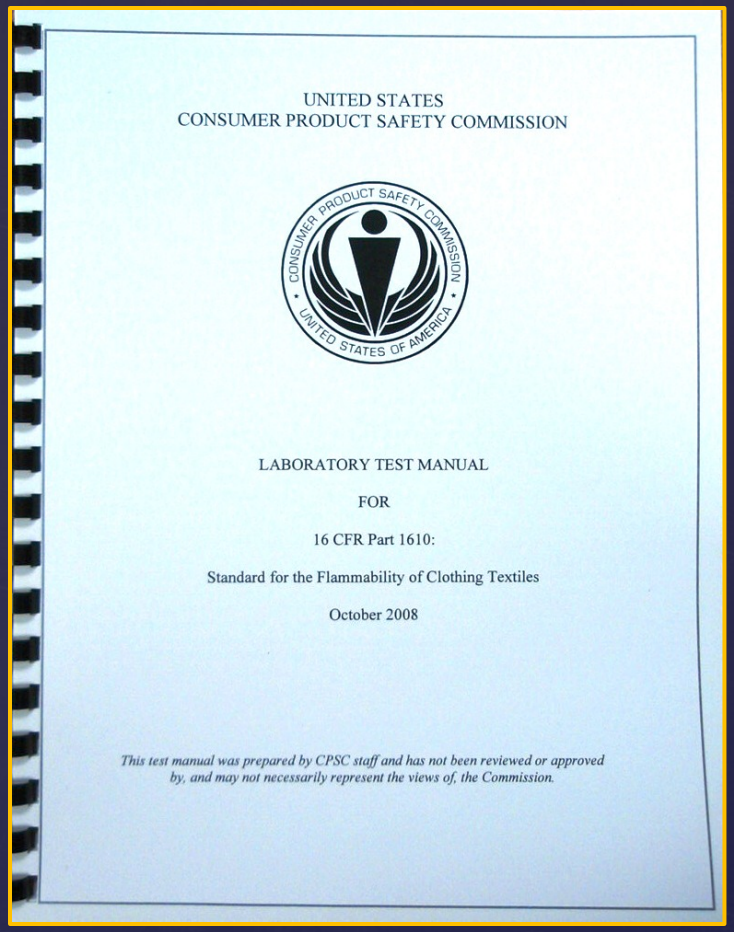
16 CFR Parts 1615 & 1616 Results

- The average char length of five specimens cannot exceed 17.8 cm (7.0 inches).
- No individual specimen can have a char length of 25.4 cm (10.0 inches) (full-specimen burn).
- Tested samples are required to be retained.
- Standards include production testing and recordkeeping requirements.

Summary of Part 1610 and Parts 1615/16

16 C.F.R. Part 1610	16 C.F.R. Parts 1615/16
▪ 2” x 6” inch specimen ▪ 45-degree angle ▪ 16 mm flame ▪ 1 second ignition ▪ Surface ignition ▪ Burn time is recorded	▪ 3.5” x 10” inch specimen ▪ Vertical position ▪ 38 mm flame ▪ 3 second ignition ▪ Bottom edge ignition ▪ Char length is measured

16 C.F.R. Part 1610 Laboratory Manual



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

LABORATORY TEST MANUAL

FOR

16 CFR Part 1610:

Standard for the Flammability of Clothing Textiles

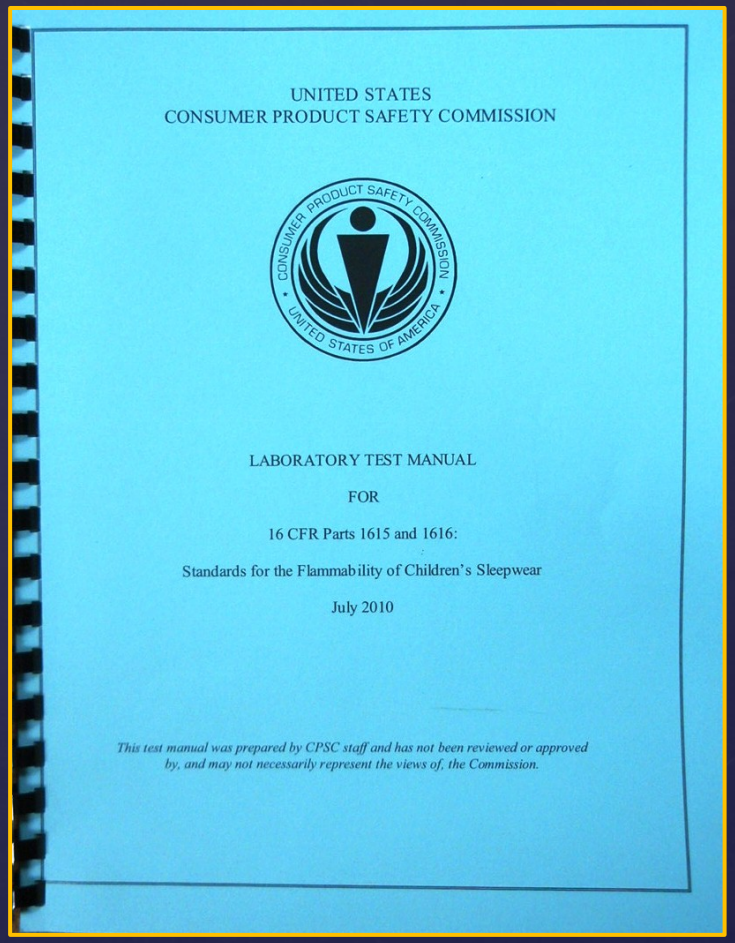
October 2008

This test manual was prepared by CPSC staff and has not been reviewed or approved by, and may not necessarily represent the views of, the Commission.

A laboratory test manual is available for all to view and use. To visit the manual access this link:

http://www.cpsc.gov/PageFiles/115435/testapparel.pdf

16 CFR Parts 1615 & 1616 Laboratory Manual



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

LABORATORY TEST MANUAL

FOR

16 CFR Parts 1615 and 1616:

Standards for the Flammability of Children's Sleepwear

July 2010

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A laboratory test manual is available for all to view and use. To access the manual access this link:

http://www.cpsc.gov/PageFiles/112002/sleepwearlab.pdf

Special Requirements for Children's Clothing and Textile Products

- Lead Requirements
- Screen Prints
- Small Parts
- Drawstrings

Lead in Clothing and Textiles

- Lead content and surface coating limits must be met for certain components of textile products, clothing, and clothing accessories.
  - Buttons, snaps, grommets and zippers must meet total lead content requirements.
  - Painted buttons and snaps, painted zippers, heat transfers, and screen prints are subject to the lead in surface coating ban.
  - Inaccessible lead component parts are exempt.
- Component part testing.

Lead-Textiles

- 16 CFR Section 1500.91: Lists determinations made by CPSC staff where certain materials will not exceed lead limits; includes dyed or undyed textiles and nonmetallic thread and trim used in children's apparel and fabric products.

- Currently do not require third party testing.

Screen Printing

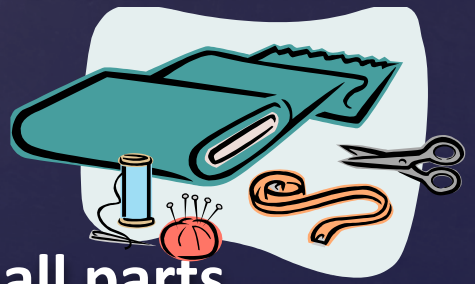
- Screen printing—generally considered to be a surface coating
  - Subject to the lead in paint and surface coating limits (90 ppm)

- Compliance and Testing
  - Test finished product at CPSC-accepted laboratory
  - Component part testing—Obtain testing results or CPC from print ink, paint, pigment supplier

- Screen printing on children's sleepwear for children under 3 (child care article) subject to phthalate requirements

Small Parts on Clothing

- CPSC regulations for small parts used on products for children under 3
  - Regulation prevents deaths and injuries to children from choking



- Children's Clothing and Accessories
  - Fabrics and buttons are exempted from small parts regulations and testing requirements.
  - Buttons and other fasteners are not required to be tested for small parts conformity but should be secure.
  - If buttons start falling off due to poor construction and they pose a substantial product hazard, this should be reported to the CPSC as a possible hazard.

Drawstrings

- Young children can be seriously injured or subject to fatal entanglement if the drawstrings of the upper outerwear they are wearing catches or snags.

- In 2012, the Commission determined that drawstrings on children's upper outerwear present a substantial product hazard and issued a 15(j) under the Consumer Product Safety Act (CPSA).

- Children's upper outerwear sold in the United States should comply with the voluntary safety standard, ASTM F-1816 Standard Consumer Safety Specification for Drawstrings on Children's Upper Outerwear.

Drawstrings - What is restricted?

- Drawstrings are not allowed at the hood and neck area on children's upper outerwear in sizes 2T through 12.
- Waist and bottom drawstrings in upper outerwear for sizes 2T to 16 must meet certain requirements.
- CPSC defines "upper outerwear" as clothing such as jackets, ski vests, anoraks, and sweatshirts that generally are intended to be worn on the exterior of other garments, including lightweight outerwear that is appropriate for use in warmer climates.
- Underwear, inner clothing layers, pants, shorts, swimwear, dresses and skirts are not considered upper outerwear.

Violative Upper Outerwear Examples

The Consumer Product Safety Improvement Act of 2008 (CPSIA)

- Amendment to the statutes under which CPSC's authorities are executed
- CPSIA
  - Established new consumer safety mandates
  - Reauthorized the CPSC
  - Amended civil penalties
  - Imposed new mandatory requirements for consumer products for both non-children's products (adult) and children's products

CPSIA-Product Classification

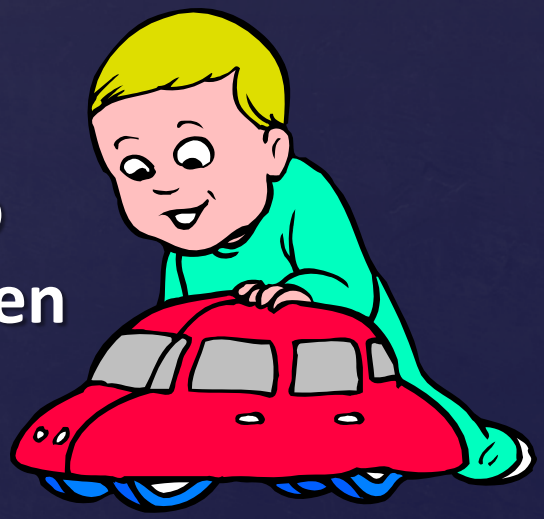
- **CPSIA has requirements for general purpose (non-children's), children's, and child care products:**
  - **Is the product a General Purpose or Non-children's Product?**
  - **Is the product a Children's Product?**
  - **If it is a Children's Product, is it a Child Care article?**

More About CPSIA

- Many of the new requirements are specifically for children's products.

- <u>Children's product</u>: Children's products are products designed and intended primarily for children 12 years or younger.

- <u>Child care article</u>: Items that are used to facilitate sleeping and feeding for children 3 years or younger. Additional requirements for child care articles.



CPSIA Testing Requirements- General Purpose/Non-children's Products

- General Purpose/Non-children's products: A General Certification of Conformity (GCC) is required for all products subject to a similar rule, ban, standard, or regulation under and enforced by the CPSC
  - GCC shows conformance to applicable requirements (e.g., flammability)

- Not required to use CPSC-accepted laboratory
  - First party, third party, component part testing
  - Based on reasonable testing plan

CPSIA-Certification

- Certification is required for all products subject to a similar rule, ban, standard, or regulation under and enforced by the CPSC
  - Certification shows conformance to applicable requirements
  - Can be paper document or electronic
  - Accompanies product when it enters commerce
  - Furnished to CPSC or at import to CBP
  - Upon request, furnished to CPSC or at import to CBP
- Type of certification depends on product type;
  - General Certificate of Conformity (GCC)
  - Children's Product Certificate (CPC)

General Certificate of Conformity (GCC)

- **Manufacturers and importers of general use products (i.e., non-children's products) for which consumer product safety rules apply, must certify, in a written General Certificate of Conformity (GCC) based on testing or a reasonable testing program, that their products comply with those applicable rules.**

GCC Requirements

- **Elements Required in a GCC**
  - **Identification of the product**
  - **Citation to each applicable product safety rule**
  - **Name of manufacturer or U.S. importer—name, mailing address, telephone number**

(more)

GCC Requirements

- **Elements Required in a GCC**
  - Identification of the product
  - Citation to each applicable product safety rule
  - Name of manufacturer or U.S. importer—name, mailing address, telephone number
  - Date and place of testing

General Certificate of Conformity (GCC)

Example:

[redacted]

General Conformity Certificate

(1) Style (VPN): _____

(2) Date of Issue (Month/Day/Year): _____

Rule / Ban / Standard / Regulation

(3) Check all that apply:	Location of Test (City, Country)	Date of Test (M/D/Y)
☐ Flammability of General Wearing Apparel | 16 CFR 1610		
☐ Flammability of Children's Sleepwear | 16 CFR 1615/1616		
☐ Lead in Surface Coating | 16 CFR 1303		
☐ Lead in Substrate | CPSIA 101		
☐ Sharp Edges/Points | 16 CFR 1500.48, 16 CFR 1500.49		
☐ Small Parts | 16 CFR 1501		
☐ Flammability of Small Carpets and Rugs | 16 CFR 1631		
☐ Flammability of Mattress Pads | 16 CFR 1632		
☐ Phthalates in Children's Products | CPSIA 108		
☐ Other: _____		

(4) Testing Facility:

(name) (Address)

(Telephone) (Address)

Manufacturer

(5) Manufacturer Name:	
(6) Date of Manufacture (M/Y):	
(7) Location of Production:	

Test Records

Records of the test(s) conducted to support this General Conformity Certification are maintained by the Importer. For questions regarding such records, please contact:

17 [redacted]

Importer

Nordstrom, Inc. hereby certifies that, as of the date of this General Conformity Certificate, the Style (VPN #) indicated above complies with all applicable rules, bans, standards, and regulations under the Consumer Product Safety Improvement Act of 2008 (CPSIA) or any other Act, ban or regulation enforced by the United States Consumer Product Safety commission (CPSC)

16 [redacted]

FORM: NPG GCC – 12/08v2

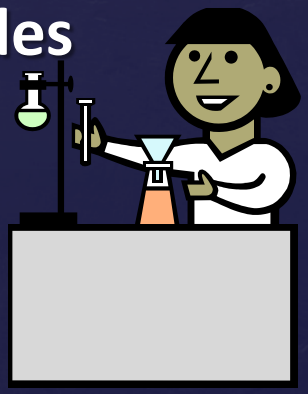
CPSIA-Requirements Children's Products

- Testing and Certification requirements
- Lead limit requirements
- Phthalate requirements
- Tracking information

CPSIA-Children's Products

- The Consumer Product Safety Improvement Act (CPSIA) of 2008 requires that nearly all children's products:
  - comply with all applicable children's product safety rules;
  - are tested for compliance by a CPSC-accepted laboratory;
  - have a written Children's Product Certificate (issued by the manufacturer or importer) that provides evidence of the product's compliance; and
  - have permanent tracking information

  affixed to the product and its packaging.



CPSIA Requirements- Children's Products

- Lead content and lead surface coating limits must be met.
- Tracking labels are required.
- Child care articles (for children 3 and under) are subject to phthalate requirements.
- Children's Product Certificate (CPC) is required:
  - CPC shows conformance to applicable requirements (*e.g.*, flammability, lead, phthalates), based on third party testing.
- Third party testing: Certification based on testing performed by an accredited third party laboratory recognized by the CPSC.
  - Subject to testing and certification requirements

CPSIA-Lead Requirements

- **Total Lead Content**
  - **Children's products**
  - **Limits total lead in accessible parts to 100 ppm**

- **Lead in Paint and Surface Coatings**
  - **16 CFR Part 1303: Protects consumers, especially children, from being poisoned by excessive lead in surface coatings on certain products**
  - **Children's products, toys, and some furniture**
  - **Bans paint and other similar surface coatings that contain more than 0.009% lead (90 ppm)**
  - **Separate from the underlying substrate**

www.cpsc.gov/lead

CPSIA-Phthalates Child Care Articles

- Phthalates are chemical plasticizers that are often used in the production of many types of plastics, certain inks, paints, and other products.
- Six types of banned phthalates in toys and child care articles:
  - Three types permanently banned (DEHP, DBP, BBP) in any amount greater than 0.1 percent (computed for each phthalate, individually)
  - Three types interim banned (DINP, DIDP, and DnOP)
- Applies to:
  - Plasticized component parts in toys and child care articles
  - Accessible component parts

www.cpsc.gov/phthalates

Third Party Testing- Children's Products

- Children's products must be tested by a CPSC-accepted third party laboratory.

- Types of third party testing for Children's Products:
  - Initial Testing
  - Material Change Testing
  - Periodic Testing
  - Component Testing

- Children's Product Certificate (CPC) based on passing results of the third party testing

www.cpsc.gov/testing

Children's Product Testing

- Initial Testing/Certification: Tested for compliance with applicable children's product requirements
  - Before importation or distribution
  - Sufficient number of samples

- Material Change/Reissue certification: Tested when product design, manufacturing process, or component part changes
  - Recertification or material change resets the periodic testing interval

- Periodic testing: Tested on the continuing production of a children's product to ensure continued compliance over specified time frames.
  - Conducted at maximum testing intervals
    - One year
    - Two years (with production testing plan)
    - Three years (testing plan using ISO/IEC 17025:2005 laboratory)

- Component part testing may be used to support the testing.

Component Part Testing

- Allows testing of component parts: Manufacturers and importers may use test results or certification from component part supplier

- Exercise due care
  - Ensure validity of results
  - Documentation and access to records
  - CPSC-accepted third party laboratory

- Component part testing may be sufficient for a material change to only one component

Children's Product Certificate (CPC)

- **Manufacturers and importers of children's products must certify, in a written Children's Product Certificate (CPC) based on test results from a CPSC-accepted laboratory, that their children's products comply with applicable children's product safety rules.**

CPC Requirements

- Elements Required in a CPC
  - Identification of the product
  - Citation to each applicable product safety rule
  - Name of manufacturer or U.S. importer—name, mailing address, telephone number
  - Contact information for the individual maintaining records—must be an individual, name, mailing address, telephone number, e-mail address
  - Date of manufacture (month and year) and place of manufacture (city and country, factory specific)
  - Date and place of testing
  - Identification of third party laboratory, if any (CPC)—name, mailing address, telephone number

Children's Product Certificate (CPC)

Example:

[redacted]

[redacted]

Westport, CT 06881
Phone: 1-800-284-3948 Fax: 1-888-441-8883

USA GENERAL CONFORMITY CERTIFICATE

Product style number	**Product Description**
[redacted]	Vehicles in a Box

We, Melissa & Doug LLC, declare that the above designated product is in conformity with the following CPSC product safety regulation, as applicable:

- ❑ CPSIA 101/16 CFR 1303 Lead in Paint & Surface Coatings
- ❑ CPSIA 101- Lead in Substrate of Children's Products
- ❑ 16 CFR 1500.19 – CPSA Labeling (small parts, etc)
- ❑ CPSIA 106 – ASTM F963-07 Toy Safety Specification
- ❑ CPSIA 108 – Phthalates in Children's Products
- ❑ 16 CFR 1500.44 – Flammability
- ❑ 16 CFR 1500.48 & .49 – Sharp points/Edges
- ❑ 16 CFR Part 1501 – Small Parts

Date of manufacture (month/year): 09/2008

Place of manufacture (region/country): JIANGSU / CHINA .

Date of testing (month/year): 09/2009

Test Lab:

Intertek Testing Services Ltd., Shanghai
TFH Division
Block B, Jinling Business Square,No.801 Yi Shan Road,
Shanghai, China, 200233
Tel: +86 21 6120 6565
Fax: +86 21 6127 9740
E-mail: labtest.shanghai@intertek.com
www.intertek.com
www.intertek-labtest.com.cn
China Toll-Free: 800 999 1338

Test Report #: SHAH0008419601

Person maintaining test records: Jane McGarry, JMcGarry@MelissaAndDoug.com
(contact info above) [redacted]

Date of Issue:2009-09-09

Federal Trade Commission (FTC)

- The FTC helps companies comply with requirements for labeling products made of cashmere, cotton, down, feather, fur, wool, rayon made from bamboo or other materials; attaching care instructions to garments; making truthful "Made in the USA" claims, and more.
- More information is located on www.ftc.gov

What is Required for Adult Clothing?

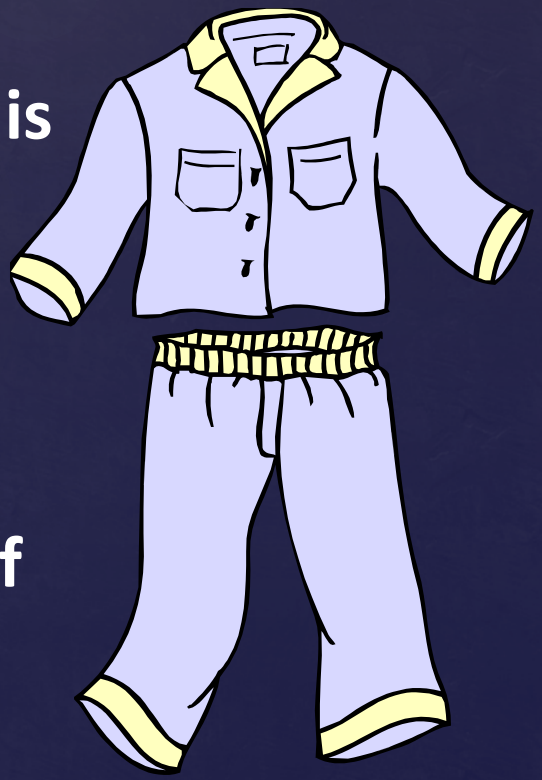
- 16 C.F.R. Part 1610 (Flammability)
- A General Certificate of Conformity (GCC) is required, including products that are exempt from testing.

What Is Required for Children's Clothing?

- 16 C.F.R. Part 1610 (Flammability)
- A Children's Product Certificate (CPC) is required showing third party testing.
- Lead Content
- Lead Surface Coating
- Tracking Labels
- Drawstring Requirements
- Phthalate Requirements (bibs)

What Is Required for Children's Sleepwear?

- 16 C.F.R. Parts 1615 and 1616 (Flammability)
- A Children's Product Certificate (CPC) is required showing third party testing.
- Lead Content
- Lead Surface Coating
- Tracking Labels
- Phthalate Requirements (under age of three)



For Further Information:

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