

# U.S. CONSUMER PRODUCT SAFETY COMMISSION



## Office of Compliance

### Children's Sleepwear Regulations<sup>1</sup>, 16 C.F.R. Parts 1615 & 1616

#### *What is the purpose of the children's sleepwear flammability standards?*

To protect children from burns, these rules require that children's sleepwear must be flame resistant and self-extinguish if a flame from a candle, match, lighter or a similar item causes it to catch fire. The rules cover all children's sleepwear above size 9 months and up to size 14 and require that

- (1) the fabric and garments must pass certain flammability tests; or
- (2) be "tight fitting" as defined by specified dimensions.

#### *Where can I find the requirements for children's sleepwear?*

The regulations are published in the Code of Federal Regulations in Title 16, Part 1615 for children's sleepwear sized above 9 months and up to 6X, and in Title 16, Part 1616 for children's sleepwear sized 7 through 14. The two rules contain basically the same requirements, with the main difference being the sizes of the garments covered by each.

#### *What is children's sleepwear?*

Children's sleepwear is any article of clothing, such as a nightgown, pajama, robe or loungewear, that is sized above 9 months and up to size 14 and that is intended to be worn primarily for sleeping or activities related to sleeping.

To determine whether a garment is sleepwear, the Commission considers:

1. The nature of the garment and its suitability for sleeping or activities related to sleeping;
2. How the garment is promoted and distributed; and
3. The likelihood that the garment will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases.

Underwear and diapers are not children's sleepwear.

A garment sized nine months or smaller intended for use by infants is not required to meet the standard if:

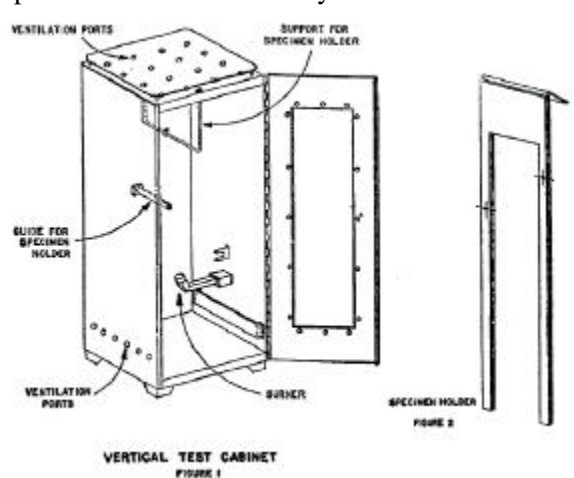
- (1) It is a one-piece garment and is not longer than 25  $\frac{3}{4}$  inches, or it is a two-piece garment and has no piece longer than 15  $\frac{3}{4}$  inches; and
- (2) It has a label stating in months the age of the children for whom it is intended.

Even though these types of garments are exempt from the requirements of this rule, they must still meet the flammability requirements for clothing textiles, 16 C.F.R. 1610 and vinyl plastic film, 16 C.F.R. 1611.

#### *How do I test sleepwear to make sure that it complies with the flammability standards?*

Because of the detail in the regulation, we have only provided a general overview of the sampling and testing requirements. For more detailed information about the test equipment and procedure, sampling garments or fabric, selecting specimens, and other requirements, please refer to the regulation or contact the Office of Compliance.

The general test uses a sample of five 3½ inch by 10-inch specimens cut from the fabric or garment seams and trim being tested. Each specimen is tested separately. Place each specimen in a metal holder and suspend each holder vertically in the test cabinet.



Apply the gas flame to the bottom edge of the specimen for 3 seconds. Measure the char length of each specimen.

<sup>1</sup> This document is a simple summary of the children's sleepwear requirements and does not replace the requirements published in 16 C.F.R. Parts 1615 & 1616. The summary does not include all of the details included in those requirements. For those details, please refer to the regulation or contact the Office of Compliance at the address below.

Testing for flammability involves selecting and testing a specified number of samples of three different items – fabric, prototype seams and trim, and production garment seams. Fabric (or garments) must be tested as produced (or after one laundering) and after 50 launderings.

Depending on the results of testing, an item may be accepted, rejected, or require additional sampling and testing. In general, a sample of five specimens cannot have an average char length greater than 7.0 inches or have more than a specified number of individual 10-inch char lengths.

**Fabric:** Finished fabric that is ready to be made into sleepwear must be grouped into Fabric Production Units (FPUs) and tested before you use the fabric to make prototype garments. An FPU may be up to 5,000 linear yards of the fabric. You may include different colors or print patterns of the same fabric in the same FPU if they exhibit similar burn characteristics. Test one sample of five specimens from each end of each FPU (two samples per FPU).

The FPU is accepted or rejected based upon the fabric sampling plan criteria. If 15 consecutive FPUs of a fabric are accepted, the number of linear yards of fabric in the FPU may be increased. If an FPU is rejected, subsequent FPUs must be tested with a third sample of five specimens taken from the middle of the FPU.

**Garment prototypes:** Before you actually produce garments that will be sold, you must test prototypes of each garment design characteristic. This testing helps to ensure that you have designed a garment that will comply with the standards when it is mass-produced. Seam types and trim that will actually be used in the garments must be tested. Most sleeve and neckline bindings/rib cuffs do not have to be tested. Test three samples, five specimens each, of the longest seam type, three samples of each different seam type 10 inches or longer, and three samples of each type of trim.

Prototype seams and trims are accepted or rejected based upon the prototype sampling plan criteria.

**Production garments:** Finished garments produced for sale must be grouped into Garment Production Units (GPUs) and tested. One GPU may include up to 500 dozen garments. A GPU may include garments with different trim and fasteners, as long as the other characteristics of the garments (e.g. fabric, thread, and seam construction), are identical, except for size, color, and print pattern.

From randomly selected garments, test three samples, five specimens each, from the longest type of seam.

GPUs are accepted or rejected based upon the production garment sampling plan.

### ***What if sleepwear fails the flammability tests?***

Rejected units may not be retested, used, or promoted for use in children's sleepwear. Rejected units can be destroyed, exported (only with CPSC approval), or reworked to improve their flammability resistance.

You must retest reworked units according to the FPU and GPU testing procedure. Such units must comply with the flammability requirements before the fabric or garments are introduced into commerce as children's sleepwear.

### ***How do I make tight-fitting sleepwear?***

Tight-fitting sleepwear garments must

- (1) not exceed the maximum dimensions specified in the regulations for the chest, waist, seat, upper arm, thigh, wrist, or ankle;
- (2) have no fabric ornament or trim, such as lace or ribbon, which extends more than ¼ inch from the point at which it is attached to the garment;
- (3) have sleeves that taper from the shoulders to the ends of the sleeves
- (4) have pant legs that taper from the thighs to the ends of the pant legs;
- (5) if they are 1-piece, taper from the chest down to the waist and from the seat up to the waist;
- (6) if they are 2-piece,
  - (a) have an upper piece that tapers from the chest to the bottom of the piece,
  - (b) if the upper piece has fastenings, have the lowest fastening located within 6 inches of the bottom of the piece, and
  - (c) have a lower piece that tapers from the seat to the top of the piece;
- (7) bear a permanent label stating size of garment.
- (8) bear a hang tag alerting buyers that the garments are not flame-resistant and should be worn snug fitting because loose-fitting garments are more likely to catch fire
- (9) comply with all of the flammability requirements for clothing textiles and vinyl plastic film.

For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

**Figure 3 - Text of Hangtag**

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***What are the marketing responsibilities of retailers, distributors and wholesalers who sell children's sleepwear?***

Retailers, distributors and wholesalers of children's sleepwear (including infant sleepwear (sized 9 months and under) and tight fitting sleepwear) should

- (1) not advertise, promote, or sell as children's sleepwear, any garment which another party has indicated does not meet the requirements of the children's sleepwear flammability standards and/or are not intended or suitable for use as sleepwear;
- (2) place or advertise fabrics and garments covered by the children's sleepwear standards in different parts of a department, store, catalog, or web site, from those in which fabrics and garments which may resemble but are not children's sleepwear are sold or marketed;
- (3) use store display signs, and/or catalog or web site notations that point out the difference between different types of fabrics and garments, for example, by indicating which are sleepwear items and which are not; and
- (4) avoid advertising or promoting garments or fabrics that do not comply with the children's sleepwear standards in a manner that may cause consumers to view those items as children's sleepwear or as being suitable for making such sleepwear.

***Are there any requirements for labeling and keeping records?***

Yes, for sleepwear garments that meet the flammability performance requirements there are additional requirements. Please refer to the regulation for more detailed information. In general:

- (1) each article of children's sleepwear must have a permanent label with instructions on how to take care of the garment to protect it from chemicals or other treatments that can reduce its flame resistance;
- (2) children's sleepwear must have a permanent label with a unit identification (number, letter, date, or combination thereof) so manufacturers can track the garment's associated fabric and garment production lots in the event of a recall;
- (3) manufacturers and importers must maintain written records as specified in the regulations.

***Are there any other requirements for children's sleepwear?***

Yes. The Federal Trade Commission (FTC) has labeling laws that apply to clothing. Contact the FTC at <http://www.ftc.gov> for more information. In addition, even though functional attachments to clothing, such as buttons and zipper pulls, are exempt from the "Small Parts" regulation, we recommend that you voluntarily test such attachments on garments up to and including size 2 to ensure that those children cannot choke, aspirate, or swallow those attachments. (See the "use and abuse" tests described at 16 C.F.R. §§ 1500.50 through 1500.52, and the small parts requirements at 16 C.F.R. Part 1501.)

***Where can I find additional information?***

You can obtain the Standards for the Flammability of Children's Sleepwear, 16 C.F.R. Parts 1615 & 1616, from the CPSC web site at: <http://www.cpsc.gov>. For more information on the requirements for children's sleepwear contact the Consumer Product Safety Commission, Office of Compliance, Washington, D.C. 20207, telephone: (301) 504-7913, e-mail: [sect15@cpsc.gov](mailto:sect15@cpsc.gov).