



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

Memorandum

Date: May 12, 2009

TO : Office of the General Counsel

FROM : Todd A. Stevenson, Director,
Office of the Secretary

SUBJECT : **Tracking Labels for Children's Products Under Section 103 of the
Consumer Product Safety Improvement Act**
Published in the *Federal Register* February 26, 2009
Comments due by April 27, 2009 – CPSC-2009-0010

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0003	3/04/09	Laurel Thomas	laurelschreiber@hotmail.com
0004	3/12/09	James Kreisman	Beka, Inc. 542 Selby Avenue St. Paul, MN 55102
0005	2/20/09	Linda Kessler	lkcreation@yahoo.com
0006	2/20/09	Francine Janowiak Import Compliance Coordinator	Paris Presents, Inc. fjanowiak@parispresents.com
0007	2/21/09	Allyson van Ginneken	greenthumb_ally@hotmail.com
0008	2/22/09	Moshe-Zur	moshe@halilit-israel.co.il
0009	2/22/09	Joanna Hrabovsky	weSmootch@localnet.com
0010	2/23/09	Eric Liu	QA/Manley Toys Ltd., ericliu@manley.com.hk

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0011	2/24/09	Tom Brodahl Sourcing Manager	DRG 306 East Park Road Berne, IN 46711
0012	2/26/09	Eric Berghoff	Eric.Berghoff@ARS.USDA.GOV
0013	2/26/09	Desiree Vittorio	www.MiaCarina.com dv@miacarina.com 7175 Durango St. Las Vegas, NV 89120
0014	2/26/09	Beatrice A. Brickell	Sharretts, Paley, Carter & Blauvelt, P.C.
0015	2/26/09	Susanna DeFazio Owner	Papa Don's Toys 87805 Walker Creek Road Walton, OR 97490
0016	2/26/09	Will Robison	will@yasutomo.com
0017	2/27/09	Kelly Nelson	New Baby Products
0018	2/27/09	esabatine@cox.net	
0019	2/27/09	Penny Post	Pomchies LLC
0020	2/27/09	Matt Del Duke Product Development/ Quality Assurance Manager	Ginsey Industries, Inc.
0021	2/27/09	Joanna Hrabovsky	weSmootch@localnet.com
0022	2/28/09	William B. Morris	Creative Crafts 3205 Cottonwood Ln. Temple, TX 76502-1703
0023	2/28/09	Trinlay Khadro	trinlay63@wi.rr.com
0024	3/03/09	William B. Morris	Creative Crafts 3205 Cottonwood Ln. Temple, TX 76502-1703

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0025	3/02/09	Jaminda Springer	Nato Bello 174 State Street Hillsdale, MI 49242
0026	3/03/09	Gordon Lowe Vice President	Perine Lowe Inc. Child to Cherish
0028	3/04/09	Carl Sisco	csisco@belart.com
0029	3/08/09	Karin Yang	Lerado (ZhongShan) Industrial Co., Ltd. Guang Dong, China
0030	3/10/09	Stephen M. Zelman	Stevezelman@aol.com
0031	3/11/09	Aaron Weed	Aaron Charles Promotions LLC
0032	3/12/09	Kimberly Snigger Quality Lab Technician	CHF Industries
0033	3/12/09	Dan McCarty President	BizPins, Inc. 2111 Big Timber Dr. Elgin, IL 60123
0034	3/13/09	Michelle T. Mittelman	Gray Dog Originals, LLC 129 Glenmore Lane Keswick, VA 22947
0035	3/16/09	Beth Weeks	vbw@rosalinababy.com
0036	3/16/09	Richard Recupero Director of Logistics & USC Compliance	CJ Apparel Group, LLC/ Ellen Tracy, LLC
0037	3/17/09	Miriam Sharif-Murray Regulatory Affairs Manager	Phillips Consumer Lifestyle Phillips Avent
0038	3/17/09	Louise DeDera President	TamiLou Designs, Inc.
0039	3/18/09	Bernard Lo	Wing Hing Mfg Co Ltd Hong Kong

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0040	3/18/09	Joe Lee Hardware Environmental Coord.	SMART Technologies
0041	3/18/09	Tammy Gerber Vice President	TamiLou Designs, Inc.
0042	3/22/09	Marilyn Chalais	Chalais Associates 1127 15 th St., #E Santa Monica, CA 90403
0043	3/23/09	Gerald B. Horn on behalf of Made To Fit Garment, Inc.	Sandler, Travis & Rosenberg Attorneys at Law 551 Fifth Avenue New York, NY 10176
0044	3/26/09	Kevin Burke President & CEO	American Apparel & Footwear Association 1601 North Kent Street Suite 1200 Arlington, VA 22209
0045	3/27/09	Kang-min Kim	Korea Environment & Merchandise Testing Institute
0046	3/26/09		Handmade Toy Alliance
0047	3/27/09	Elizabeth Salazar-Garchloo	elizabeth_salaza@hotmail.com
0048	3/31/09	Peter T. Mangione President	Footwear Distributors and Retailers of America 1319 F Street, NW, Suite 700 Washington, DC 20004
0049	3/30/09	Annette Block	bearygodmother@earthlink.com
0050	3/31/09	Stephen Skoutas	Chrisha Creations, Ltd. 7 Industrial Drive South Smithfield, RI 02917
0051	3/31/09	David Stone Vice President	It's Academic, Inc. 4080 Commercial Avenue Northbrook, IL 60062
0052	4/02/09	Sarah Natividad	Curious Workmanship

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0053	4/04/09	Helen Cheng	ht216@hotmail.com
0054	4/07/09	Oliver Giner Cardona	Spanish Association of Toy Manufacturers
0055	4/08/09	Eduardo Gonzalez	Imperial Toy 16641 Roscoe Place North Hills, CA 91343
0056	3/03/09	Mike Rizner CPSC Compliance Coordinator	Augusta Sportswear Group
0057	4/12/09	Dawn Miles	B.Bo&Me 145 Maple Blvd. Wood Village, OR 97060
0058	4/13/09	Melanie J. Morris on behalf of JDSU Authentication Solutions Robbinsville, NJ	Simon & Co., LLC 2000 K Street NW Washington, DC 20006
0059	4/14/09	Brian Scarlett President	Didax Education 395 Main Street Rowley, MA 01969
0060	4/14/09	Nicole Kittersong & Robin Riversong	Go Goose Go! Portland, OR
0061	4/14/09	Robert M. Hupe Director & Associate Corporate Counsel	Virco Mfg. Corporation 2027 Harpers Way Torrance, CA 90501
0062	4/16/09	Ada Leung	Ada.Leung@target.com
0063	4/17/09	Nancy MacPherson Director of Quality & Compliance	LEGO Systems, Inc. Enfield, CT 06083
0064	4/17/09	Robert M. Yoksh Vice-President of Operations	Cramer Products, Inc. 153 W. Warren Gardner, KS 66030
0065	4/20/09	Chris van der Walt	chris@indygo.co.za

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0066	4/21/09	John B. Pellegrini on behalf of the United States Association of Importers of Textiles and Apparel	McGuire Woods LLP 1345 Avenue of the Americas New York, NY 10105
0067	4/21/09	Carter Keithley President	Toy Industry Association 1025 F St., 10 th Floor Washington, DC. 20004
0068	4/21/09	Robert T. Stack Craig C. Briess	Tompkins & Davidson, LLP 5 Hanover Square, 15 th Floor New York, NY 10004
0069	4/21/09	Stephen Snyder	Spring Swings, LLC
0070	4/21/09	Jenny Yelin	473 Alcatraz Ave., Apt. B Oakland, CA 94609
0071	4/22/09	Linda Wilson Contractor Compliance Manager	American Recreation Products 111 Industrial Dr New Haven, MO 63068
0072	4/22/09	Kathleen McHugh President	American Specialty Toy Retailing Association 432 N Clark St, Ste, 401 Chicago, IL 60654
0073	4/22/09	C.J. Erickson On behalf United Legwear	Cowan, Liebowitz & Latman, P.C. 1133 Ave. of the Americas New York, NY 10036-6799
0074	4/22/09	Kelly Smirlies Purchasing	SI Manufacturing 150 Pony Drive NewMarket Ontario

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0075	4/23/09	Allan Adler Vice President for legal & Government Affairs	Association of American Publishers 50 F Street, NW 4 th Floor Washington, DC 20001
0076	4/23/09	Kara	Grasshopper 1816 NE Alberta ST. Portland, OR. 97211
0077	4/24/09	Tony Fuentes	Milagros, LLC 5433 NE 30 th Ave. Portland, OR 97211
0078	4/24/09	Caryn Stockwell Owner	Second Star Design
0079	4/24/09	Thandose Kalinda	guavamama@gmail.com
0080	4/24/09	Charlotte MacDonald	Everyday Play Gear
0081	4/24/09	Robert Waller, Jr., CAE President	The Juvenile Products Manufacturer Association 15000 Commerce Pkwy, Suite C Mount Laurel, NJ 08054
0082	4/24/09	Shawne McGibbon Acting Chief Counsel Linwood Rayford, III Assistant Chief Counsel Anna Rittgers Mercatus Fellow	Office of Advocacy
0083	4/24/09	Congresswoman Jean Schmidt	Congress of the United States House of Representatives Washington, DC 20515-3502
0084	4/24/09	Steven Z. Berger Chief Executive Officer	Craft & Hobby Association

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0085	4/24/09	Daniel J. Coplan	Sheldon Mak Rose & Anderson PC 100 E. Corson St. Third Floor Pasadena, CA 91103
0086	4/24/09	Katie Meier-Raetz	burdyflyaway.etsy.com
0087	4/24/09	Michele Marini Pittenger President	Travel Goods Association 5 Vaughn Drive, Suite 105 Princeton, NJ 08540
0088	4/24/09	Sara Mayes President	Fashion Accessories Shippers Association, Inc. 350 Fifth Avenue, Suite 2030 New York, NY 10118
0089	4/24/09	John-Paul Newton Head of Product Compliance	SmileMakers
0090	4/24/09	Tara Chatterton Owner	Mamababy (Generations) 4029 SE Hawthorne Blvd. Portland, OR 97214
0091	4.24.09	Sheila A. Millar	Keller and Heckman LLP 1001 G Street, NW Suite 500 West Washington, DC 20001
0092	4/24/09	Geoff Jones Director, Quality Assurance	Excelligence Learning Corp.
0093	4/24/09	Martin Crowley Product Manager Safety & Compliance	Toy Investments Inc. 3101 West Valley Hwy East Sumner, WA 98390
0094 (Confidential)	4/24/09	Michael Walsh Business Development Mgr.	SICPA Securink Corporation 8000 Research Way Springfield, VA 22153
0095	4/25/09	Stephanie Stewart Founder	www.armbibs.com 1121 SE 50 th Ave Portland, OR 97215

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0096	4/25/09	Steve Slagle, CAE President and CEO	Promotional Products Association International 1100 H Street NW Suite 540 Washington, DC 20005
0097	4/27/09	Product Safety Department	J. Rousek Toy Company
0098	4/27/09	William A. McGrath	Wiley Rein LLP 1776 K Street NW Washington, DC 20006
0099	4/27/09	Paul C. Vitrano General Counsel	Specialty Vehicle Institute of America & Motorcycle Industry Council 2 Jenner, Suite 150 Irvine, CA 92618
0100	4/27/09	Michele Biordi Executive Director	Halloween Industry Assoc. 15000 Commerce Parkway Suite C Mt. Laurel, NJ 08054
0101	4/27/09	Christopher Hudgins Vice President Government Relations & Policy	International Sleep Products Association 501 Wythe Street Alexandria, VA 22314-1917
0102	4/27/09	Robert Shapiro General Manager Legal Affairs & Compliance	Casio America, Inc. 570 Mt. Pleasant Avenue Dover, NJ 07801
0103	4/24/09	Roger R. Urbanski Executive Director Global Customs Compliance & Product Assurance	Cognitive Solutions
0104	4/27/09	Randy Chilton President (submitted by Quin Dodd Mintz Levin)	National Bulk Vendors Association 7782 East Greenway Rd. Suite No. 2 Scottsdale, AZ 85260

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0105	4/27/09	Michael J. Tedesco CEO	MAM USA Corporation 106 Corporate Park Dr. Suite 409 White Plains, NY 10604
0106	4/27/09	Marcia Y. Kinter Vice President Government and Business	Specialty Graphic Imaging Association 10015 Main Street Fairfax, VA 22031
0107	4/27/09	Robert Stack Esquire	Tompkins & Davidson, LLP 5 Hanover Square, 15 th Floor New York, NY 10004
0108	4/27/09	Jim Schollaert Executive Director	Made in USA Strategies 2256 N. Upton St. Arlington, VA 22207
0109	4/27/09	Jim Neill Vice President Product Safety	Retail Industry Leaders Association 1700 N. Moore Street Suite 2250 Arlington, VA 22209
0110	4/27/09	David T. Whitaker Senior Vice President & General Counsel	Fruit of the Loom One Fruit of the Loom Drive Bowling Green, KY 42102
0111	4/27/09	Charles C. Keely Regulatory Technical Leader Global Regulatory Affairs	Kimberly-Clark Corporation
0112	4/27/09	Andrew Bopp	Association for Safe Glass & Ceramic Products 1444 I Street, NW, Suite 700 Washington, DC 20005
0113	4/27/09	Steve Pfister Senior Vice President Government Relations	National Retail Federation Liberty Place 325 7 th Street, NW, Ste 1100 Washington, DC 20004

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0114	4/27/09	Kevin Burke President and CEO	American Apparel & Footwear Association 1601 North Kent St. Suite 1200 Arlington, VA 22209
0115	4/27/09	Gary A. Jones Director, EHS Affairs	Printing Industries of America 200 Deer Run Road Sewickley, PA 15143
0116	4/27/09	Tim Holt President/CEO	National School Supply and Equipment Association 8380 Colesville Road Suite 250 Silver Spring, MD 20910
0117	4/27/09	Keith A Jenkins on behalf of Gildan Activewear	Sorini, Samet & Associates Ten G St NE, Suite 710 Washington, DC 20002
0118	4/27/09	Martha J. Swicegood on behalf of Paris Accessories Inc.	McQuire Woods, LLC One James Center 901 East Cary Street Richmond, VA 23219
0119	4/27/09	Paige Rivas on behalf of Renfro Corp.	King & Spalding 1700 Pennsylvania Ave, NW Washington, DC 20006
0120	4/27/09	Sally Kay	The Hosiery Association 7421 Carmel Executive Park Suite 200 Charlotte, NC 28226
0121	4/27/09	Richard Woldenberg Chairman	Learning Resources, Inc. 380 North Fairway Drive Vernon Hills, IL 60061
0122	4/27/09	Michael Warring President	American Educational Products LLC

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
0123	4/27/09	Bill Chiasson Executive Vice President, COO	ETA/Cuisenaire 500 Greenview Court Vernon Hills, IL 60061
0124	4/27/09	Deborah M. Fanning, CAE Executive Vice President	The Art and Creative Materials Institute, Inc. 1280 Main Street, 2 nd FL Hanson, MA 02341
0125	4/27/09	Judith L. Young Vice President and Assistant General Counsel Office of Products and Sustainability	Avery Dennison 50 Pointe Drive Brea, CA 92821
0126	4/27/09	Megan Hunt	CHAMPRO Sports 1175 Wheeling Road Wheeling, IL 60090
0127	4/27/09	Bob Kirke Executive Director	Canadian Apparel Federation 708-151 Slater St. Ottawa, ON K1P 5H3
0128	4/27/09	Terra Anders Director of Product Safety & Testing	Lakeshore Learning Materials 2695 E. Dominguez St. St. Carson, CA 90895
0129	4/27/09	Andrew B. Schroth on behalf of HK AMCHAM Apparel & Footwear Committee	Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP 1201 New York Ave., NW Washington, DC 20005

2009-0010-0003

PUBLIC SUBMISSION

As of: May 05, 2009
Received: March 04, 2009
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Posted: March 09, 2009
Tracking No. 808e9c31
Comments Due: April 27, 2009
Submission Type: Web

Docket: CPSC-2009-0010

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Comment On: CPSC-2009-0010-0001

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Document: CPSC-2009-0010-0003

Comment from Laurel Thomas

Submitter Information

Name: Laurel Thomas

Address: United States,

Email: laurelschreiber@hotmail.com

General Comment

I create 100% textile, one of a kind, products for children. I sell less than 5000 items per year and am able to access all product and customer information at the click of a mouse. My items do not and would not harbor lead or pthalates nor are they created from small parts. If for some reason I needed to contact past customers because of an issue with the product I could easily do so. The labeling requirement would present an additional hardship.

I believe makers that sell an amount of product under a certain threshold should be exempt from labeling requirements.

2009-0010-0004

PUBLIC SUBMISSION

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Status: Posted
Posted: March 16, 2009
Category: Manufacturer
Tracking No. 8090e2f8
Comments Due: April 27, 2009
Submission Type: Web

Docket: CPSC-2009-0010

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Comment On: CPSC-2009-0010-0001

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Document: CPSC-2009-0010-0004

Comment from James Kreisman

Submitter Information

Name: James Kreisman**Address:**542 Selby Avenue
Saint Paul, MN, 55102**Email:** info@bekainc.com**Phone:** 651-222-7005**Fax:** 651-222-3965**Submitter's Representative:** James Kreisman**Organization:** Beka, Inc.

General Comment

Ref:

CPSC-2009-0010-0001

Document Title Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

I represent a small company making natural wood products for children.

I understand our all natural wood blocks and other items made solely from unfinished hard maple are exempt from lead and phthalate testing.

Given the inherent safety of these products, my hope is to receive an exemption from product labeling, as labeling our hard maple blocks especially poses a

significant challenge to us. We produce wood parts on an ongoing basis, then assemble products for shipping as they are ordered. The size of our company (total sales under 500,000 annually; 7 people) and the nature of our production process makes labeling individual "toys" an activity that will add significant cost without improving public safety.

Please consider this email a formal request to issue an exemption to Beka, Inc. for adherence to the rules on product labeling within the CPSIA rules.

Thank you,
James Kreisman
Beka, Inc.
St. Paul, MN
www.bekainc.com
(blosk set information attached)

Attachments

CPSC-2009-0010-0004.1: Comment from James Kreisman

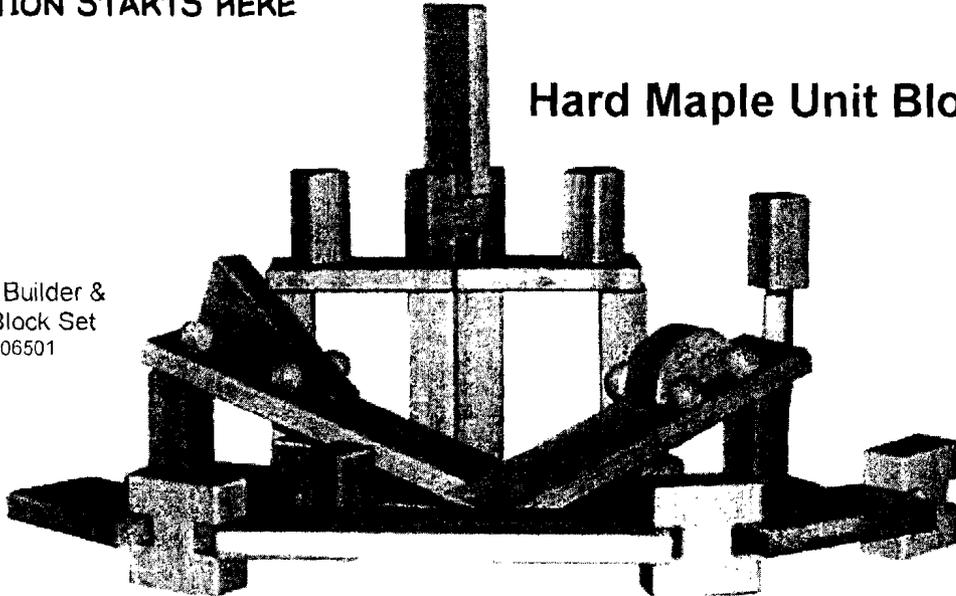


IMAGINATION STARTS HERE

You get what you pay for,
And sometimes you get more than you think!
That's the case with our Maple Block Sets!

Hard Maple Unit Blocks

30 pc Little Builder &
Whimsie Block Set
Model # 06501



Of all the playthings in the history of the world, blocks may be the most important, because a child's imagination is required to bring them to life. Building with blocks, children create castles, roadways, playhouses, forts, garages, stables and more. Block play builds hand-eye coordination and gives children number skills. ***When you give children blocks, you're giving them tools to build minds and develop unlimited imagination.***

Why Hard Maple?

Heirloom quality, designed to last a lifetime (hand them down)
Dense hardwood for greater durability (avoid chips and dings)
Increased stability of "towers" from added weight (more success)
Renewable domestic resource (small carbon footprint)

**Every block is smooth, has rounded edges and corners, and no artificial finish.
Beka's blocks are made in Minnesota with regional maple. That means a lot!**

Check out their Whimsical Wheels.....six unique blocks.... for some extra fun!

Beka blocks are based on the traditional rectangular "unit": 1-3/8" x 2-3/4" x 5-1/2".

Traditional Sets: 68 pc Deluxe Set
36 pc Standard Set
30 pc Starter Set

Little Builder Sets: 100 pc Little Builder Set
50 pc Little Builder Set
18 pc Little Builder Set
** 30 pc Little Builder & Whimsie combination set

New Special Shapes Sets: New Sets - More Shapes - More Blocks!

24 pc set #06024 90 pc set #06090 120 pc set #06120
7 pc Add-on Set #06007 51 pc Ultimate Set #0605

Beka, Inc. • 542 Selby Avenue • St. Paul, Minnesota 55102 • USA
1-888-999-2352 • www.bekainc.com • 651-222-3965 fax

2009-0010-0005

Stevenson, Todd

From: LINDA KESSLER [lkcreation@yahoo.com]
Sent: Friday, February 20, 2009 4:09 PM
To: Tracking Labels
Subject: Tracking Labels

Hi, I am writing in regards to tracking labels required on products for children under the age of 12. I design handcrafted jewelry and childrens' apparel, hair accessories and most of the items I design are custom designed at the time orders are placed, therefore tracking labels would be virtually impossible to apply to my items of handcrafted products. I do have clothing labels with my company's name on them that are sewn into the clothing that I design, but to put a date on a label or a batch number is impossible, as I do not create items in a batch, they are custom designed with a child's name or designed at a customer's request for a certain design. As for the other products that I design, I cannot adhere "labels" to them, so cards are enclosed in the packaging when the products are shipped with warnings if the products contain small parts for children under the age of three with a choking hazard warning. So tracking labels will not work for the handcrafting community of artists who design items in small batches or custom designed products.

Stevenson, Todd

2009-0010-0006

From: Francine Janowiak [fjanowiak@parispresents.com]
Sent: Friday, February 20, 2009 5:00 PM
To: Tracking Labels
Subject: Children's products/permanent labels/tracking labels

Hello,

We are a distributor of bath/body sets as well as makeup brushes and the like.

The only products that we have as far as children's products are animal looking sponges for the bath tub and stuffed animals that are sold with our lotion sets occasionally.

I have two questions:

- 1) How would we permanently mark such products as a sponge and a stuffed-animal?
- 2) Distinguishing marks stating what exactly?

The Consumer Product Safety Improvement Act of 2008 requires that, effective August 14, 2009, the manufacturer of a children's product must place permanent distinguishing marks on the product and its packaging that provides certain identifying information.

I appreciate your reply.

Thank you,

Francine Janowiak
Import Compliance Coordinator
Paris Presents, Inc.
(847) 263-4101 direct phone
(847) 263-4985 fax
email: fjanowiak@parispresents.com

Please consider the environment before printing this e-mail.

Visit us on the Web at: <http://www.parispresents.com>

Message Disclaimer:

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Stevenson, Todd

2009-0010-0007

From: Allyson van Ginneken [greenthumb_ally@hotmail.com]
Sent: Saturday, February 21, 2009 7:58 PM
To: Tracking Labels
Subject: tracking labels

To whom it may concern,

This new CPSIA law continues to be a source of constant aggravation & has more ridiculous clauses than anyone could imagine. I cannot believe the stupidity of those so called educated people who proposed such silliness in the first place. It's too bad those who are responsible for all this would have put some serious thought into this legislation instead of haphazardly throwing together a retaliatory proposal to cover all the mistakes & poor regulation from the past number of years. The so called good intentions are a disaster & proof of the lack of intelligence to put forth a workable solution to the problems that the CPSIA is trying to control. This law is not about the safety of the nation's children, this law is retaliatory reaction against imported products that should have been regulated more closely. Now this law is proposing to negatively affect the entire US nation.

With regards to permanent labels on children's products...just how far is the CPSIA going to take this stupidity with permanent labels on everything...just how the hell do think a home crafter who makes & sells wood toys for children, is going to permanently label a wood toy??

Grab a brain CPSIA people because this CPSIA law certainly is a brainless piece of shit.

Ally

Twice the fun— [Share photos while you chat with Windows Live Messenger.](#)

Stevenson, Todd

2009-0010-0008

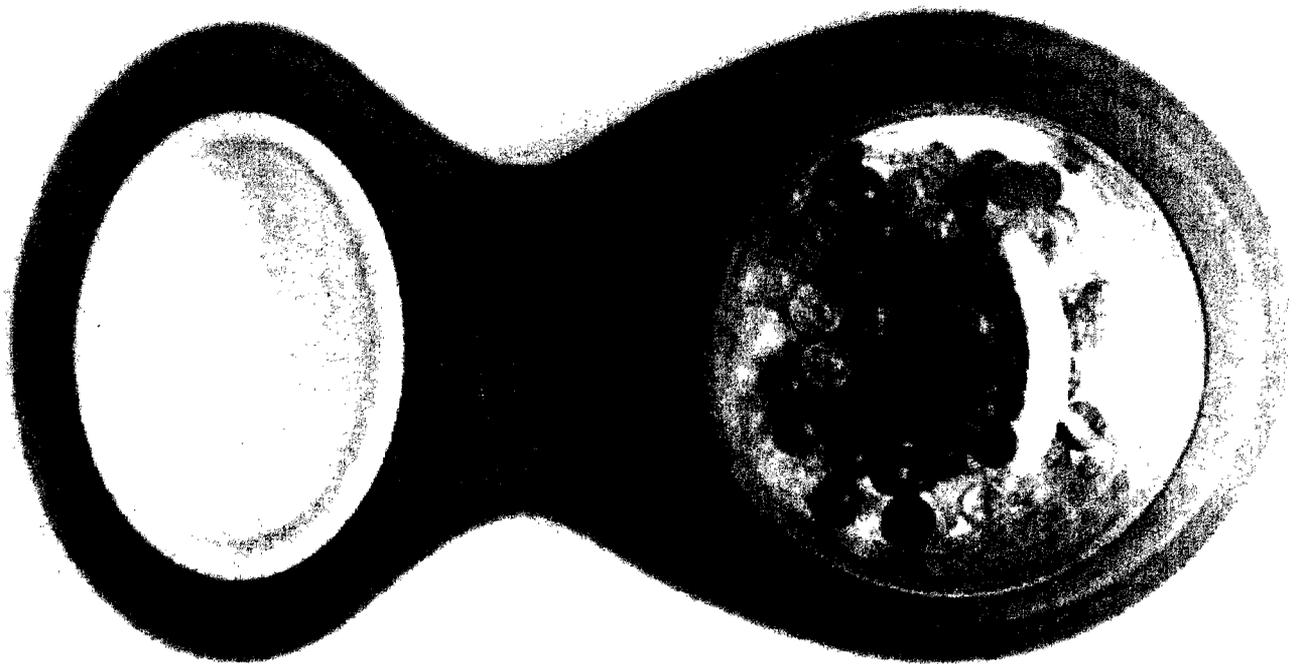
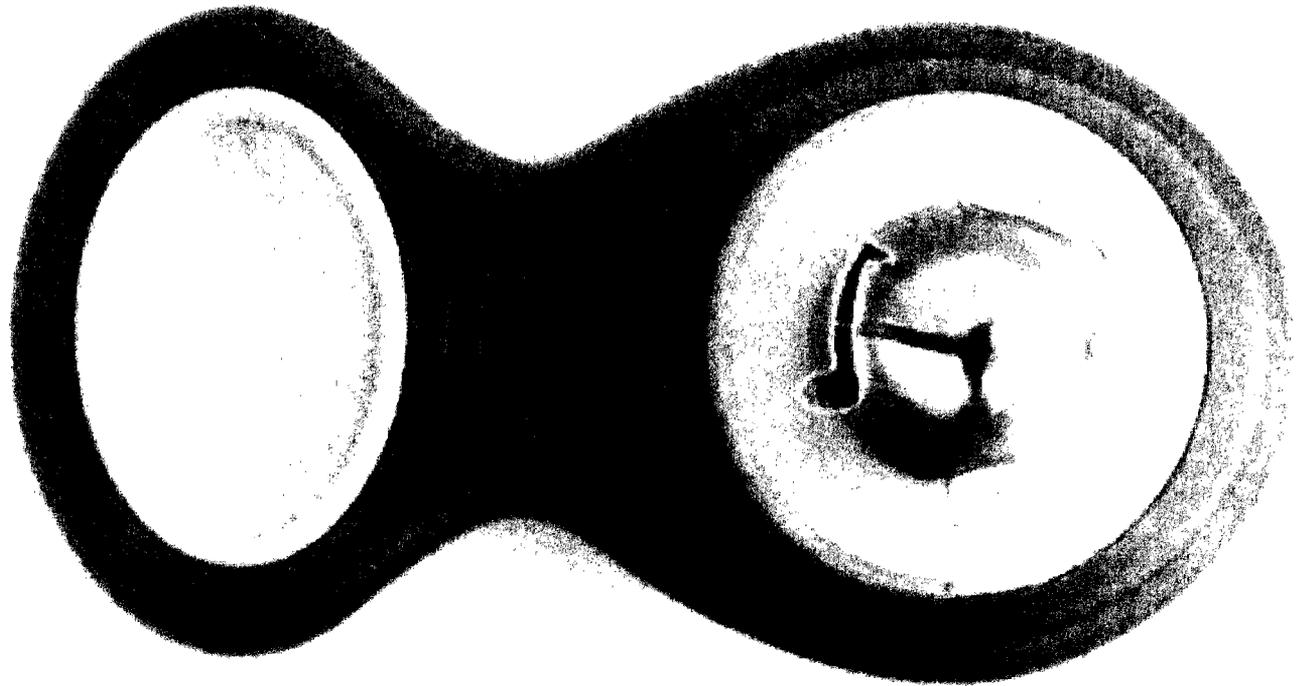
From: Moshe-Zur [moshe@halilit-israel.co.il]
Sent: Sunday, February 22, 2009 2:16 AM
To: Tracking Labels
Subject: BABY PRODUCTS MARKING
Attachments: 367 368.JPG; 392 LADY BEETLE JINGLE.jpg; 390 FISH SHAKER.jpg

Dear Sir ,

We produce Baby Musical Toys designed for small hands in smooth and rounded shape and finish .
We found the new CPSIA rule [103] for marking as very difficult if not impossible for implementation.
1.Many of our products have no space [or very limited] for marking on the product [image enclose]
2.The size, shape and texture of the products prevent marking .
3.The marking on those products that do have the space create an ugly large mark on very gentle product and we believe that customers will not buy a product with long detailed mark.
4.We mark the batch code on the packaging [retail and masters]
5.In 25 years we have exported to the US markets many millions of Musical Toys produced in very high level of quality and safety.
6.We would like to fully implement the new CPSIA rules but have all reasons to believe that our sales will be effected very much if our products will carry the tracking marking.

Please let us have your comments.

Regards , Moshe







2009-0010-0009

Stevenson, Todd

From: Joanna Hrabovsky [weSmootch@localnet.com]
Sent: Sunday, February 22, 2009 4:47 PM
To: Tracking Labels
Subject: Re:

Dear Mr. Mullan,

I am a (single parent) craft artist ...I make plush dolls, one by one, per order in my dining room. No two are alike. I have large minimum order requirements from the company i will get their fabric care/ content labels from....how should I go about dating them? Right now, they sport a (non-fixed) paper Logo hang tag that is signed and dated

by my hand. Must it be a precise day/month/year format or could i date them with simply the year of manufacture? I really dont think i could afford the cost of ordering even a monthly fabric tag to make them "batch dated". Since i have not been making them for very long, i do not have an annual estimate of my sales to base the quantity of labels i would need to order. The fixed fabric tags i get would have to carry me till theyre used up, and who knows how well my dolls will sell.

Joanna

2009-0010-0010

Stevenson, Todd

From: Eric Liu [ericliu@manley.com.hk]
Sent: Monday, February 23, 2009 2:45 AM
To: Tracking Labels
Subject: Tracking Labels

Dear CPSC commission,

In regard to yr collection of public comment for the captioned, I would like to know the followings:

1. for the cohort information , you said it may be run no. or batch no. Pls give us the solid example.
2. we have already the detail date code information on the product , will it be still necessary to add the cohort information ?
3. what is the font size requirement of the tracking label content ?
4. Is it necessary to add the label on bare product and the packaging respectively ?
5. Can the label be really need a stick-on-label style ? Can it be substituted by printing process such as silk-screen or tampo printing ?

Will you answer me by email ?

Thanks.

Best Regards,

Eric Liu

Office direct line:(852)23707019
QA/Manley Toys Ltd.,

Stevenson, Todd

2009-0010-0011

From: Tom Brodahl [Tom_Brodahl@DRGnetwork.com]
Sent: Tuesday, February 24, 2009 10:18 AM
To: Tracking Labels
Subject: tracking label requirements

Madam / Sir:

We are importers of craft kits, commonly referred to as DIY (Do It Yourself) craft kits. Most of our kit-of-the-month clubs are targeted to adults, but we have two clubs, Creative Girls and Young WoodWorkers, that are intended for children ages 7 -12.

These kits contain multiple components that are assembled to create a finished project. The labeling requirement presents issues such as:

1. Do all components need labeled? Common sense would be, no, totally impractical and often impossible – many are too small and often times a kit will contain 25 to 50 items.
2. Like components are often packaged separately in poly bags, which are discarded after assembly. Based on this, it doesn't make common sense to label the individual packages either.
3. Label the chief component? Depending upon the kit, this may be fabric, wood, plastic or paper. Sewing a label to the fabric is feasible and incorporating an image onto the paper is feasible. Making a permanent mark on the wood is possible and incorporating a mark into the plastic when molding it is also possible. If cost isn't an issue, almost anything is possible. In reality, consumers will snip off the label on the fabric so it doesn't detract from the finished product and they will cut off the printed image on the paper prior to making the craft for the same reason. Our wood kits contain unfinished wood. If we provide a burned-in label, they will probably sand it off or cover it with paint. A label molded into plastic is the most permanent of the lot, though, it is also the most expensive to incorporate. A mold charge often runs \$300 to \$1500. A new mold will be needed for each production run in order to identify the batch.
4. We provide instructions with each of our kits. For our type of products, it makes sense to provide the labeling information within the instructions. This will enable consumers to identify a particular batch or product if there a problem arises.

Being realistic, with the implementation of 3rd party testing, most potential problems will be identified and addressed in advance. No solution is foolproof and we welcome the efforts being made to ensure the safety of consumers. The requirement of a "permanent" label on every product is admiral but unrealistic. Manufacturers and importers can comply with affixing a label to products to enable consumers to identify a particular product. But, once consumers take possession of products they must assume some responsibility also. They need to be aware of the products in their possession, monitor the news for any bulletins about potential problems and make certain that their families use the products properly and as intended.

Our company is in a unique position since we mail individual kits to consumers' homes. We have the data of where every product we sell is shipped. In the event of a problem with a product, we can notify each of our affected customers very quickly. This is another reason why we feel that the tracking requirements being implemented will cause us added expense while realizing a minimal gain. Our type of business is in the minority, but I'm certain that many small businesses fall into this category also. An exemption or modification for these businesses would be wonderful!

Best regards,

Tom Brodahl
Sourcing Manager

DRG

306 East Parr Road

Berne, Indiana 46711 USA

260-589-4000 ext. 343

Tom_Brodahl@drgnetwork.com

Skype: tom.brodahl

2009-0010-0012

Stevenson, Todd

From: Berghoff, Eric [Eric.Berghoff@ARS.USDA.GOV]
Sent: Thursday, February 26, 2009 8:09 AM
To: Tracking Labels
Subject: Comments - section 103 of the CPSIA, Tracking Labels for Children's Products

Good morning,

I like the idea of a tracking system for product recalls. In addition to the proposal, I would like to see a website, a central clearing house, where consumers could register and enter purchases by the tracking number in a profile and be automatically notified of recalls by email or by mail.

Eric Berghoff

Stevenson, Todd

2009-0010-0013

From: Desiree Vittorio [dv@miacarina.com]
Sent: Thursday, February 26, 2009 12:52 PM
To: Tracking Labels
Subject: tracking labels

Dear Todd Stevenson,

I am a home based clothing designer that specializes in custom boutique clothing for girls. Just about every outfit is made per order.

I have the care / content labels, business name label, and size label currently.

These labels are really perfect as is. First, my business label reads, "MiaCarina.com."

I have a link here that shows one of my simple dresses where the labels can be seen

<http://www.miacarina.com/Sale/babytanks/bright-flowers.jpg>

Since the label is a simple tag with the business name very clearly written with MiaCarna.com, any customer can go to my website and find my address, email, and phone number on every single page of my website.

Actually, it is far harder to find a business without an address.

It cannot be easier than that and adding another address label is simply adding another scratchy label that customers simply cut off.

Secondly, when a business is created, they must have a mailing address And a business address. This should be self explanatory.

Third, the new requirements ask for style and batch numbers. Now that clothing must meet certain regulations, certain textiles have been exempt from testing.

For small manufactures or one of a kind designers, a new label will need to be created for every clothing item.

When testing will be either exempt or enforced for other materials, these 2 bits of information are redundant.

Especially, batch information. I would have to put batch #1 on every design and styles change at least 4 times a year.

Fourth, the date of manufacture has no relevance if an item is safe or not. An unsafe or noncompliant item will still remain so regardless of the date and vice versa.

ALSO, if a customer sees a date for, perhaps, last season when manufacturing often happens 10 months in advance, customers may assume they are purchasing old designs and want discounts.

Actually, since I have read these labeling requirements, I looked at some of my clothing and their overload of labels.

Some have the date and when I saw a pair of my pants had 07/07, I was aghast that my pants were 2 years old and wondered if they were still in fashion.

This is silly and could be determinate for fashion and the fashion minded. What is quality and compliant has nothing to do with the date and should remain timeless.

Fifth, cohort information is an unclear term. Does this mean manufactures have to state their material sources and give away proprietary information?

Finally, I cut off the tags on all of my personal clothing because they are bulky and leave big red itchy scratches on my skin.

Most everyone that I know rips their tags out and children literally cry to have their "itchy" tags removed.

The current tags are full of information and these new bits of information are wasteful.

Cordially,
Desiree Vittorio
www.MiaCarina.com
dv@miacarina.com
702-898-7591
7175 Durango St.
Las Vegas, NV 89120

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75 Broad Street

New York, N.Y. 10004

Phone: (212) 425-0055

Fax: (212) 425-1797

(212) 742-2180

February 26, 2009

Via Email: TrackingLabel@cpsc.gov

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

Att'n Gib Mullan, Director of Compliance and Field Operations

Dear Gib:

We are submitting this letter on behalf of Hamco, Inc., a subsidiary of Crown Crafts Inc. located in Gonzales LA, importers of children's and infants' textile products, in response to the CPSC's request for comments and information published in today's Federal Register: *Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act; Notice of Inquiry; Request for Comments and Information*, 37 Fed. Reg. 8701-02 (February 26, 2009).

In that notice the CPSC requests in part comments and information concerning implementation of its tracking label program for children's products, including compliance with the program's labeling requirements without the use of standardized nomenclature, appearance and arrangement and whether or not successful tracking label models already exist.

Hamco Inc. respectfully submits that it has implemented such a successful tracking label model on all its products in June 2008 which meets the requirements of the CPSC. The tracking code is permanently affixed to the product and is visible at the time of sale either on the packaging or on the product. The tracking code is an alpha-numeric code which can be

recognized without the use of language. It is based on the FOB date of the product and the factory where it is produced. The format is the Julian Date and the year (YY) of the FOB date and the factory code. For example, a product with an FOB date of 5/19/2009 produced at our Ningbo factory in China will have the date code 13909 NI. Should product from a specific lot need to be located, Hamco can make the affected code available to customers who then can identify affected product by matching the code on their product. Currently, for private labeled product, the customers contact the retailer who passes our contact information to them.

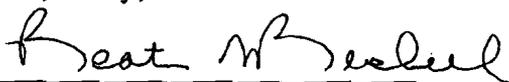
We submit that if a tracking code already in use by an individual company meets the requirements of the CPSIA, there is no need to require such a company to standardize its coding method to the CPSC tracking code. The layout of the tracking identification code should not affect its ability to identify product. Moreover, requiring those companies to replace their tracking code with another will only disrupt product identification which is already operational and functioning and will not result in any greater tracking ability for the CPSC or the public.

For all of the above reasons, we respectfully request that the CPSC allow companies such as Hamco, who have already implemented effective tracking codes for children's products, to retain their tracking system rather than adopt any new standardized system proposed by the CPSC.

Thank you in advance for your help. Should you have any questions or require additional information, please do not hesitate to contact me by phone or by email: bbrickell@spcblaw.com

Sincerely yours,

Sharretts, Paley, Carter & Blauvelt PC

By: 
Beatrice A. Brickell

Cc: Leslie Dewberry, QA Manager Hamco

Stevenson, Todd

From: Tanya Haralampieva [taniahar@spcblaw.com]
Sent: Thursday, February 26, 2009 2:53 PM
To: Tracking Labels
Subject: CPSC- Tracking Labels
Attachments: Tracking Labels- Hamco, Inc..pdf

Dear Mr. Mullan,

For your consideration I am sending you a copy of our client - Hamco, Inc. letter. Please see the attachment. If you need more information please let me know.

Thank you in advance for your time and assistance.

Kind regards,
Tanya Haralampieva
Paralegal- Sharretts, Paley

Stevenson, Todd

2009-0010-0015

From: Susi Klare [susiklare@yahoo.com]
Sent: Thursday, February 26, 2009 4:18 PM
To: Tracking Labels
Cc: dominic DeFazio
Subject: official comments

I don't understand how our small toy manufacturing company will be able to meet the tracking label requirements as written in the rule to go into effect August, 2009.

If we cannot tag the toys, how are we to label them? Perhaps industrial-size companies can afford laser equipment or engraving machinery or whatever is required to create the label you require (I have no idea how it's done - please advise)

We are a very small, two person woodworking business. We sell our toys without packaging. Our gross sales are well under \$100,000 per year. We sell wooden rattles and floor toys. If you cannot provide specific doable guidance for products such as ours, then I request an exemption from the tracking label rule.

Susanna DeFazio
Owner
Papa Don's Toys
87805 Walker Creek Road
Walton, OR 97490
541-935-7604

From: Will Robison [will@yasutomo.com]
Sent: Thursday, February 26, 2009 4:44 PM
To: Tracking Labels
Subject: Tracking Labels

Dear CPSC;

I will let wiser heads decide how tracking labels should be formatted, keeping in mind that some products are too small to carry labels except on the packaging. What I wish to discuss is implementation.

With the roll out of other CPSIA requirements, the biggest problems have related to 1) The implementation period and 2) The lack of a grandfathering period. I can see that the biggest problem with tracking labels will be if the decision comes too late to implement in a reasonable time period (like a few weeks before they are due) and a potential decision that ALL products currently on the shelves will meet the new tracking label laws.

As an importer of products from overseas, I know that any changes made today won't be seen for at least three months on new products. Old products, products already sold, or products not needing a re-order any time soon, might take years before any perceptible change occurs. In talks of labeling, this will require current manufacturers to either alter or completely destroy previously made labels - which would be a cost burden - and then replace those bad labels with new ones. Just getting a manufacturer to agree to do this (never mind getting them to agree to pay for it) is a negotiation that can stretch on for weeks or months. And this is only assuming one manufacturer. As an importer, we have to deal with more than two dozen different manufacturers, which means at least that many negotiations. So the longer we have to implement this change, the better everyone will feel about it.

Second, a reasonable amount of sell through time must be created so that manufacturers and retailers have time to change over their stock and sell off the old stock. It seems silly to me and very un-businesslike to throw out perfectly good stock merely because it is not labeled correctly with a label that hasn't even been invented yet.

I appreciate the need for consumers to know which batch number their product belongs to in the event of a recall. But presumably if a product is on the shelf it is because it already meets all the safety requirements to be there. Therefore the sense of urgency for issuing these labels should be minimal. After all, the real urgency should come from the manufacturers in this case because if a product is in need of a recall, without a label, they will have to recall ALL of the product. With a label, they will be spared a recall of the entire line. A reasonable time period for implementation and for sell through will not, in any way, affect the overall safety of the consumer.

Stevenson, Todd

2009-0010-0017

From: New Baby Products [kelly@newbabyproducts.com]
Sent: Friday, February 27, 2009 11:11 AM
To: Tracking Labels
Subject: Retailer Perspective

As a retailer who works closely with small manufacturers, I have the following suggestions and comments:

*Some sort of code that allows the manufacturer to identify the product would be better than a date, location, batch number, etc. for most products.

*Some items are too small to have the required information printed/etched in full.

*The cost savings to consumers will be far overshadowed by the additional production and recording costs to manufacturers which will be passed along to customers. This is going to cause further price increases in an already dim economy.

*As a specialty retailer, I can contact any of my manufacturers at any time and ask for the required information without a problem.

*Some toys will require laser etching instead of paint or other methods of labeling. This is going to be incredibly expensive but there will be no alternatives for some categories.

I hope that my input is of some help to the CPSC. You guys are doing an amazing job with all of this mess that congress has given you. Keep up the good work!

-Kelly Nelson

Kelly Nelson
New Baby Products
Kelly@NewBabyProducts.com

404-321-3874 Atlanta, GA
770-978-9810 Snellville, GA

Industry Blog at www.KidsTodayOnline.com
Now on Facebook!

Stevenson, Todd

2009-0010-0018

From: esabatine@cox.net
Sent: Friday, February 27, 2009 12:21 PM
To: Tracking Labels
Subject: Law

I am not really sure you really want to open this can of worms but if you want comments on this law and the BRANDING process, be prepared to get an ear full...

I think that this law and labeling issue sucks. I know many manufactures don't know much about this law but I also believe nor does the idiots that put it into effect to begin. I am a very small home based business that makes in addition to other items, children's hair accessories. I do not know how the he double hockey sticks you expect me or any other hair bow maker to not only get testing done and remember where ever 1-6 inch piece of ribbon came from, but now you expect me to buy a branding iron for every single ribbon of bow I make. You have got to be out of your F***ing mind. Here Mr Obama has been trying his hardest to keep this country afloat and jack ass republicans such as those associated this law come in and really don't give a rats behind if you are not only forcing thousands of business to go under but also breaking up families and putting more families on the street because they were forced to shut down. The items I make contain extremely low if any at all amounts of lead, and I would like to know how many children died or were critically injured due to lead content in hairbows... do you have those results, I did not think so. Yet you are having small business such as myself now buy thousands of dollars worth of labeling equipment all of which can only be used once or twice. I really wish you would get your head out of your asses and really consider the repercussions that this has on the economy.

Stevenson, Todd

2009-0010-0019

From: Penny Post [penny@pomchies.com]
Sent: Friday, February 27, 2009 1:14 PM
To: Tracking Labels
Subject: Tracking labels

To Whom it may Concern,

We are a small business with 4 great products that are made out of swimwear fabric. We have had all of our products tested and have not had a problem with lead but we are very concerned about the label issue. We can put a tracking label on our hang tag but there is no way that we can figure out how to put it on our product. It just can't be done – or at least we can't figure out how to do it.

I you look at our website, you will understand what we mean about not being able to put a tracking label on the product. Can you please give me suggestions on how we can put a tracking label on it?

What do we do with the inventory we have in stock? Will we be able to sell this?

We understand the intention of the new rules and regulations but you are going to put us out of business. All these new requirements are too much and with the economy so difficult it is just one extra hurdle. We have always tested our fabric and it is all OekoTex® certified but we are being punished for the actions of a few greedy people! Please do not make the new rules and regulations so stringent that they put us out of business.

I will look forward to your suggestions on how we can put a tracking label on our product!

Penny Post
Pomchies LLC
602.493.1745
www.pomchies.com

Stevenson, Todd

2009-0010-0020

From: Matt DelDuke [MDeIDuke@ginsey.com]
Sent: Friday, February 27, 2009 3:05 PM
To: Tracking Labels
Subject: Comments on CPSIA Tracking Labels

Good Day:

I am writing to express my concern with the possible "over regulation" of the Tracking Label requirements of Section 103 of the CPSIA.

The main intent of a tracking label on a juvenile and consumer product is to provide the retailer and the ultimate purchaser with a means to identify their product in the event of a recall. Since all products are different, it would be impossible for the CPSC to mandate a standardized nomenclature or date code format for all products.

You must leave it up to the manufacturer to best decide how to date code their product and packaging. The term "where practical" must remain in the guidelines. A date code "label" on a product may be the only method a manufacturer can use due to the limitations of a products material or manufacturing process.

A provision must be made where a product is date coded and that date code is visible through the packaging, it should not be necessary to add a redundant date code on the package itself. An example of this would be a hang tag, belly band type package, clear blister or clam shell package where the actual product and its date code are visible to the retailer and purchaser while on the retail shelf.

Additionally, a sell off period for non-date coded product must be established for the time after the Aug 14, 2009 effective date. The CPSC should know by now the many problems with the no-sell-off period from the lead and phthalate ban that went into effect Feb10, 2009. The fact that a product that was legal and safe on Feb 9 but became a banned hazardous substance on Feb 10 does not make any sense.

I implore you to use reason and common sense when implementing Section 103.

Thanks,
Matt



Matt Del Duke
Product Development/Quality Assurance Manager
Ginsey Industries, Inc.
P: 856.933.1300 ext. 125
F: 856.933.2342
mdelduke@ginsey.com

Stevenson, Todd

2009-0010-0021

From: Joanna Hrabovsky [weSmootch@localnet.com]
Sent: Friday, February 27, 2009 6:15 PM
To: Tracking Labels
Subject: re: small handcrafter

Would it be acceptable to "hand write" the exact day of manufacture on the fabric tags of my dolls? Then i can go ahead and order my labels??
Joanna

Stevenson, Todd

2009-0010-0022

From: Bill Morris [wmorris@fastmail.fm]
Sent: Saturday, February 28, 2009 9:22 AM
To: Tracking Labels
Subject: tracking labels comments

I read with interest the requirements of HR 4040 in respect to the labeling requirements for the toys made by a manufacturer. Identification is a very important issue.

In our small business of making Hardwood toys we have a guarantee for the customer and it is posted in our booth for the customer to read. It says "If anything happens to one of our toys the customer can send the item to us and we will repair or replace the item and send it back to the customer at our cost, for the life of the product, no questions asked." By providing this kind of guarantee, it drives us to making a higher quality item. We only have one or two items returned in a year, and it is usually where I missed a glue joint, and can repair it easily.

I preface my comments with this statement to let you know that we have been in business 26 years and we intend to do what is right to conform with the new law that you are to guide us on.

In a small business like ours, we think the business card in every sack has been the best method of letting the customer know who we are. The item itself has a string label attached to the item with a price marked on the label.

It is recommended that a Label containing the "Item number, and telephone number" should be sufficient to place on a string tag attached to the product for the customer to have as identifying information in addition to the business card they receive with each purchase.

It should be noted that in order to stay in business, we have planned to spend one years profits to cover the cost of the testing and tagging requirements. Requiring these new procedures to be in compliance with HR 4040 is a definite hardship for all small businesses, because there were no provisions made for the small mom and pop businesses in America that are trying to do what is right for our children. If an item number is required to placed on the item itself, even more money will have to be spent to figure out a method of labeling each item to be in compliance. A definitive ruling will help set us up for a plan of action.

If the Commission will make the ruling concerning the fact that products that are made in America and made out of natural resources, such as wood and cotton fiber, which ours are, then it would permit the small business to thrive again as has been in the past.

What can the Commission do to help us?

Thank you for this opportunity to comment on Labeling and tracking products manufactured for children ages birth to 12 years of age.

William B. Morris

Creative Crafts
3205 Cottonwood Ln.
Temple TX 76502-1703

254 771 2161

wmorris@fastmail.fm

Stevenson, Todd

2009-0010-0023

From: Trinlay Khadro [trinlay63@wi.rr.com]
Sent: Saturday, February 28, 2009 9:12 PM
To: Tracking Labels
Subject: tracking labels for small One of a kind items?

several people I know are really confused, Me too...

the law says "permanent label" that can't be a hang tag, a sticker or something that would come out in the wash.
with tiny items... a 4 in tall crochet plushie (no smooth surface to print on) which is a One of a kind item... how do you put a permanent label on something like that, that is legible AND not larger than the finished item?

what about things like baby socks (usually knit/crochet and generally tiny) ? Or hair skrunchies?

There isn't a appropriate surface on any of these items (textured too small) for printing ON the item.

Stevenson, Todd

2009-0010-0024

From: Bill Morris [wmorris@fastmail.fm]
Sent: Monday, March 02, 2009 3:09 PM
To: Tracking Labels
Subject: Example of a tracking tag label

Hi, Creative Crafts again.

Thought you might like to see a sample of a label attached to a product with a string tag that has the following information on it.

" CREATIVE CRAFTS "
Item # 112
Batch # 112 - 03/02/2009
Phone # 254 771 2161

We believe this would be the information that needs to be attached to each item Handmade to be able to track the item back to the manufacturer.

Thank you for allowing us to comment.

William B. Morris
3205 Cottonwood Ln.
Temple TX 76502

254 771 2161

wmorris@fastmail.fm

Stevenson, Todd

2009-0010-0025

From: Jaminda Springer [mrsspringer@comcast.net]
Sent: Monday, March 02, 2009 8:52 PM
To: Tracking Labels
Subject: CPSIA Labeling Requirements

Jaminda Springer
Nato Bello
174 State Street
Hillsdale, MI 49242
734-717-0401

March 2, 2009

To: CPSC
Re: Comments regarding the CPSIA Labeling Requirements

To Whom It May Concern:

I am writing to comment on the labeling requirements of the CPSIA and their impact on my business. I am a small manufacturer of baby carriers. For your reference, my carriers are viewable online at www.natobello.com. I employ 4 people in a small, economically depressed community. If the CPSIA labeling requirements are unchanged, it will not be financially possible for me to continue producing my carriers.

I pride myself in producing my carriers in the USA. I pay my employees well above minimum wage and run a safe, pleasant production facility. For these reasons, I am only making a slim profit on each carrier I sell. If I have to comply with the labeling requirements, this profit would disappear.

Currently, I purchase 2 types of labels. One label identifies my company and the location of production. The second label contains information about fiber content and use/care. This second label must be printed separately for each of my six different types of fabric (cotton, wool, polyester, cotton/poly blend, silk, and hemp). So, I ultimately have to stock seven different labels. I buy these labels in quantities from 100-1000. The minimum I can purchase is 100 at a cost of \$30.

Given the label purchase minimums and the cost of each label printing, it would be impossible for me to permanently label my carriers for batch and production date, as well. This would mean that each time I produce even just 1 sling (as I do, often, for a special order) I would be required to attach a label with a specific batch and production date on it. How could I absorb the \$30 for each of these labels to be produced. Even if I was producing 30 carriers in a batch (the most I have ever produced at one time) this labeling cost would add \$1 to each sling. I just could not divert this much profit to labeling.

Furthermore, the current legislation requires that the information, accessible by a batch number and production date, would be public and presumably available upon request to anyone. This means that the components I use in production, recorded and accessed with the batch/prod. date label, would be free information for anyone interested. This is a huge problem. This proprietary information is important to keep confidential. I work hard to find interesting and unique sources for my components. It would be disastrous to make the confidential sourcing of businesses available to the public (ie. competitor businesses).

Lastly, I am overwhelmed to think of the intricate tracking system I will have to develop for my components. In order to be able to give the information about when and where each component was manufactured, I will have to completely change how I order and stock inventory. Currently, when I order zippers (already tested and declared lead and phthalate free by YKK, company wide for all zippers) I restock them into bins by color. Now, I will have to have a separate bin labeled with a reference to the YKK invoice and the batches of carriers produced with the zippers for each bunch of 10-25 zippers that I order. The extra space and time it will take for me to do this with each component I use makes my head spin. It forces me to think about how many hours there are in a day and begs the question - can I stay in business?

I am a wife and mother and my time is precious to me. The financial burdens of the CPSIA labeling requirements, along with the logistical issues with inventory changes and additional time spent record keeping, make it seem impossible to stay in business. This would mean that my 4 employees would be out of work, further adding to the economic problems of our community.

Here is my basic message: If my product is lead and phthalate free (tested in it's entirety or proven so by component testing, should that become allowable) then keeping exact track of when my product was produced and which batch it was a part of should be a non-issue. I realize that large manufacturers producing a thousand or more products in one batch could more easily absorb the cost of individual batch/production date labeling. But, small manufacturers, like myself, could not absorb this additional labeling cost. If unchanged, the current CPSIA labeling requirements will put me out of business.

Very Truly Yours,
Jaminda Springer

Nata Bello

Beautiful Baby Slings
For the Artful Mother
734-717-0401
www.natobello.com

Stevenson, Todd

2009-0010-0026

From: Gordon [gordon@childtocherish.com]
Sent: Tuesday, March 03, 2009 10:27 AM
To: Tracking Labels
Cc: Mike Sanchez; BH Cho
Subject: Tracking Labels for Children's
Attachments: trackinglabels[1].pdf

Concerns with the "Practicality"

(A) The manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks;

(B) The ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including batch, run number, or other identifying characteristic).

In cases where the "manufacture" is having product made from multiple batches of raw materials. What tracking will be required.

Example:

Plush toy has fabrics of multiple colors and types. Factory assembling plush toy will use small pieces from 6-10 different fabrics which they have in stock. They also will use multiple color threads to assemble the plush toy.

Question:

Will each fabric and thread need to have a separate log to track the production run and will the factory need to maintain records throughout their assembly process to trace each raw material back to each of "their suppliers" batch runs? Will "their supplier" need to have a tracking system to identify all their raw materials they used to manufacture the fabric. Will the raw material supplier (cotton, polyester, ect.) need to have a tracking system to identify all their raw materials?

Where does the chain of documentation start and end?

Conclusion:

Many small factories, assembling product in China/Vietnam/etc., do not have the capability of tracking their raw materials as mentioned above. They could track the assembly process but that is about the extent of what they can do.

The product will be tested by a 3rd party testing agency and I believe that the importer needs to work with their factories to insure that all the future production runs (raw materials) have not changed or test again if they have changed.

If there is no written guidance as to the level of tracking required then importers will be subjected to the possible legal cost to defend that their products are in compliance.

Confidentiality:

I have not yet seen any documents that address the "confidentially issues" with the information required to track product/materials.

Importers/Manufactures are in business because they have created a product that is being sold at a fair price. The Importers/Manufactures need to protect their businesses and not let the public and other Importers/Manufactures know how they manufacture, who are their raw material suppliers, where their products are made/assembled etc.

As a importer/manufacture I would love to know how/where/when/what my competitors are doing. These regulations, as I understand them, will give me the ability to obtain the information I need to determine what my competitors are doing.

Thank you,

Gordon Lowe

Vice President

Perine Lowe Inc

Child to Cherish

(714) 990-1590

www.childtocherish.com

Dated: February 20, 2009.

John M. Andersen,
Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.

[FR Doc. E9-4130 Filed 2-25-09; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Florida Keys National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applications for the following vacant seats on the Florida Keys National Marine Sanctuary Advisory Council: Citizen at Large—Middle Keys (alternate), Diving—Upper Keys (member), Fishing—Recreational (alternate), and Tourism—Upper Keys (alternate). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the council's Charter.

DATES: Applications are due by March 23, 2009.

ADDRESSES: Application kits may be obtained from Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 292-0311 x245; Lilli.Ferguson@noaa.gov.

SUPPLEMENTARY INFORMATION: Per the council's Charter, if necessary, terms of appointment may be changed to provide for staggered expiration dates or member resignation mid term.

Authority: 16 U.S.C. 1431, *et seq.*
(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 18, 2009.

Daniel J. Basta,
Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9-3976 Filed 2-25-09; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XN56

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene its Law Enforcement Advisory Panel (LEAP).

DATES: The meeting will convene at 1:30 p.m. on Tuesday, March 17, 2009 and conclude no later than 5 p.m.

ADDRESSES: The meeting will be held at the Royal Sonesta Hotel, 300 Bourbon St., New Orleans, LA 70130; telephone: (504) 586-0300.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Interim Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) will convene the Law Enforcement Advisory Panel (LEAP) to review an emergency action to reduce reef fish longline and sea turtle interactions. The LEAP will also review a preliminary draft of Amendment 31 to the Reef Fish Fishery Management Plan that would include additional alternatives to reduce interactions between sea turtles and bottom longline gear in the reef fish fishery. Finally, the LEAP will receive a report of the status of recently completed management actions and scheduled activities, and possibly provide reports on individual state and federal law enforcement activities.

The LEAP consists of principal law enforcement officers in each of the Gulf States, as well as the National Oceanic and Atmospheric Administration

(NOAA) Law Enforcement, U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement. A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348-1630.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the LEAP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see ADDRESSES) 5 working days prior to the meeting.

Dated: February 23, 2009.

Tracey L. Thompson,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9-4136 Filed 2-25-09; 8:45 am]

BILLING CODE 3510-22-S

CONSUMER PRODUCT SAFETY COMMISSION

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act; Notice of Inquiry; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of inquiry.

SUMMARY: The Consumer Product Safety Improvement Act of 2008 requires that, effective August 14, 2009, the manufacturer of a children's product must place permanent distinguishing marks on the product and its packaging that provides certain identifying information. The United States Consumer Product Safety Commission ("Commission") is requesting comments and information about implementation of this program.

DATES: Written comments must be received by April 27, 2009.

ADDRESSES: Comments should be e-mailed to TrackingLabels@cpsc.gov. Comments also may be mailed, captioned "tracking labels," preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address (telephone (301) 504-7923). Comments may also be filed by facsimile to (301) 504-0127.

FOR FURTHER INFORMATION CONTACT: John "Gib" Mullan, Director, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7626.

SUPPLEMENTARY INFORMATION:

A. Statutory Tracking Label Requirement

The U.S. Consumer Product Safety Commission invites comments on implementation of section 103 of the CPSIA, Tracking Labels for Children's Products. Effective August 14, 2009, section 103 of the CPSIA requires, to the extent practicable, the placement of permanent, distinguishing marks on children's products and packaging to enable:

(A) The manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks; and

(B) The ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including batch, run number, or other identifying characteristic).

Public Law 110-314, sec. 103(a), 122 Stat. 3016 (August 14, 2008). Under the CPSIA, a "children's product" is "a consumer product designed or intended primarily for children 12 years of age or younger." *Id.* sec. 235(a).

Section 103 of the CPSIA also amends section 14(c) of the Consumer Product Safety Act ("CPSA") (15 U.S.C. 2063(c)), which already authorizes the Commission to require, by rule, the use of traceability labels (including permanent labels) where practicable, on any consumer product. This section allows the Commission to require labels that may include these elements:

- Manufacturer or private labeler.
- Date and place of manufacture.
- Cohort information (including batch, run number, or other identifying characteristic) of the product.

This same section provides that, where traceability labels are required by rule under CPSA section 14(c) and a covered product is privately labeled, the product must carry a code mark permitting the seller to identify the manufacturer upon a purchaser's request.

The Commission is aware of the potential public interest in implementing a tracking label approach in close consultation with other national and regional jurisdictions. To the extent that a uniform approach can be developed, consumers may be better informed in the event of a recall. Manufacturers also may have greater certainty in identifying affected products and production management costs may be reduced, with possible pricing benefits to consumers. The Commission intends to draw from responses to this request for comments in its discussions on tracking label policy with other national and regional regulators.

B. Request for Comments

Given the spectrum of options available to CPSC to implement the tracking labeling requirement for children's products, the staff is interested in comments and information regarding:

1. The conditions and circumstances that should be considered in determining whether it is "practicable" to have tracking labels on children's products and the extent to which different factors apply to including labels on packaging.

2. How permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information would affect:

a. Manufacturers' ability to ascertain the location and date of production of the product; and

b. Other business considerations relevant to tracking label policy.

3. How consumers' ability to identify recalled items would be affected by permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information.

4. How, and to what extent, the tracking information should be presented with some information in English or other languages, or whether presentation should be without the use of language (e.g., by alpha-numeric code with a reference key available to the public).

5. Whether there would be a substantial benefit to consumers if

products were to contain tracking information in electronically readable form (to include optical data and other forms requiring supplemental technology), and if so, in which cases this would be most beneficial and in which electronic form.

6. In cases where the product is privately labeled, by what means the manufacturer information should be made available by the seller to a consumer upon request, e.g.: Electronically via Internet, or toll-free number, or at point of sale.

7. The amount of lead time needed to comply with marking requirements if the format is prescribed.

8. Whether successful models for adequate tracking labels already exist in other jurisdictions.

A study on possible product labeling protocols "Feasibility Study: Post-manufacturing Traceability System between the PRC and the EU, November 2008" may be found at the following Web site: http://www.euchinawto.org/index.php?option=com_content&task=view&id=258&Itemid=1 (referenced here with permission). The Commission does not necessarily endorse or support any views or conclusions in that study. However, the document provides useful background for discussion of traceability labeling policies.

The Commission understands that other jurisdictions plan to request comments on tracking label policy in the near future. On its Web site <http://www.cpsc.gov>, CPSC will provide links to Internet notices by other jurisdictions as staff becomes aware of them.

Dated: February 20, 2009.

Todd Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. E9-4066 Filed 2-25-09; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors Meeting

ACTION: Notice of meeting of the Air University Board of Visitors.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the Air University Board of Visitors' meeting will take place on Monday, April 19th,

Stevenson, Todd

2009-0010-0028

From: Carl Sisco [csisco@belart.com]
Sent: Wednesday, March 04, 2009 11:07 AM
To: Tracking Labels
Subject: Manufacture Dates

Importance: High

If a company produces a product (example: Injection Molded Part) and the production run requires the manufacturing run for a specific lot number 123456 to be molded over numerous days (example a 10 day period) (Start Date 02/10/09 End Date 02/20/09) does the label have to reflect the actual **Day** that a particular piece was manufactured (02/13/09) or can the date on the label be the Start Date (02/10/09). Since everything is traced back by the lot number (Start Date, End Date, Resin Lot #, Machine #, Employee #, etc.) the most important part of the label should be the lot number I would think. We currently run the labels the day the production starts for the amount of product that is needed to complete the order, not knowing the exact end date until the production quantity is reached.

Example Label:

Product Name
Product Part Number
02/10/09 Lot # 123456

OR

Product Name
Product Part Number
02/13/09 Lot # 123456

Urgently waiting your reply.
Sincerely
Carl Sisco

2009-0010-0029

Heggs, Angela

From: 00283 [00283@lerado.com.cn]
Sent: Sunday, March 08, 2009 10:11 PM
To: Tracking Labels
Subject: Some questions about the tracking label

Importance: High

Ladies and gentlemen,

Our company manufactures the stroller. And we see the information about the tracking label and we got some questions about that. Our clients say that after 8/14 the children products need to have the tracking label **every single component**, for example the tubes, the canopy or the other. Can you give us more information about that? Does the tracking label needs to follow the request information that CPSC ask? Or just have the information for us to track, would be OK. If we put the PO number, is it OK?

We hope to get your reply.

Best regards,
Karin Yang

=====
Karin Yang
LERADO GROUP QA dept.
Cell: 15976098251
TEL: 0760-23372563
E-Mail: 00283@lerado.com.cn
Lerado (ZhongShan) Industrial Co.,Ltd
Address: No.28, Kui Xing Road, Dong Sheng Town , Zhong Shan , Guang Dong , China(Postal Code:528414)

Stevenson, Todd

2009-0010-0030

From: Stevezelman@aol.com
Sent: Tuesday, March 10, 2009 2:02 PM
To: Tracking Labels
Subject: Tracking Labels

To: Consumer Product Safety Commission
Subject: **Tracking Labels**
From: Stephen M. Zelman, Esq. on behalf of Fownes Brothers & Co., Inc
Date: March 10, 2009

These comments are made in response to the CPSC's solicitation of comments on specific requirements for tracking labels on children's articles. Our client is an importer and distributor of gloves, headgear and wearing apparel accessories that are worn by children, some of which are branded with the trademark under license.

We believe that the requirements of the law would be satisfied by either a permanent label sewn into such articles or a hang tag attached to them that contains a code devised by the manufacturer, importer or distributor that will enable it to determine all required information on request.

We request clarification as to the following

- a. Cohort information: As the products imported by our client have designated style numbers, we believe that this, in conjunction with reference to date and place of manufacture, is sufficient cohort identification.
- b. Date of manufacture: We believe that year of manufacture will sufficiently identify a product should there be an alert or recall, particularly as to items sold on a seasonal basis such as gloves and hats. Changing labels to more specifically identify precise date of manufacture is impractical as to such goods.
- c. Place of manufacture: We suggest that the identification of the manufacturer by code will of necessity indicate place of manufacture. Where the manufacturer has more than one factory, the code would be annotated accordingly. Alternatively, place of manufacture could be satisfied with a label identifying country of origin, currently required under the Customs laws, 19 USC Section 1301.
- d. Identity of manufacturer: While such information must of course be made available on request by the CPSC, we believe that disclosure of such information to consumers is open to abuse by competitors seeking to determine product sourcing. Such information is unarguably proprietary business information and it should be protected from disclosure on anything less than a confidential basis. A consumer should not have the right to such information without good cause and identification of manufacturer by code would be sufficient to alert retailers and consumers if and when there is a product recall.
- e. Consumers' ability to identify recalled items with or without standardized nomenclature, appearance and arrangement of information: We believe that as long as the labeling is clear and conspicuous, there is no need to standardize the manner the information is presented. Any recall could simply identify the coding used on the product labels.
- f. Labeling generally: Some information required under the CPSCIA currently appears on labels that are attached to the articles, such as country of origin and the importer's, distributor's or private labeler's name or RN number. We suggest that the CPSC make it clear that all information required under the CPSCIA need not appear on a single label.

g. Lead time if a format is prescribed: The comment period remains open until April 27th and the requirement for tracking labels, to the extent practicable, is effective August 14th. It is likely that there will be at best three months between the date of the issuance of final regulations on the tracking labels and the effective date. For items such as gloves headgear, and similar wearing apparel accessories, labels will have to be drafted, ordered and produced, and the manufacturing cycle will have to be altered to accommodate whatever is required. At present little if any advance preparations can be made as regulations on how to satisfy CPSCIA requirements have not yet been drafted. It would not be practicable to require tracking labels until after one year from the issuance of final regulations, and the CPSIA such allows flexibility.

Respectfully submitted,
Stephen M. Zelman

Worried about job security? [Check out the 5 safest jobs in a recession.](#)

Stevenson, Todd

2009-0010-0031

From: Aaron Weed [aaron@coinsandpins.com]
Sent: Wednesday, March 11, 2009 7:03 PM
To: Tracking Labels
Subject: Tracking labels for coins

Hello,

Here are my inputs for the questions you have asked. Please let me know if you have any questions. I hope I explained them OK. Your quests are in red and my inputs are in black.

Given the spectrum of options available to CPSC to implement the tracking labeling requirement for children's products, the staff is interested in comments and information regarding:

1. The conditions and circumstances that should be considered in determining whether it is "practicable" to have tracking labels on children's products and the extent to which different factors apply to including labels on packaging.
It is not practicable to have tracking information placed on coins that are smaller than 1.5" (38.1mm) in diameter and thinner than 3.5mm. It is also not practicable to have tracking on lapel pins that are smaller than .68" (17.5mm) in diameter. Both of these factors apply as long as the labeling requirement is 6 digits or less. Anything longer will increase the coin/pin minimum size accordingly.
I see no problem to have tracking information placed on packaging for tracking codes as long as the codes required for labeling is short and small.
2. How permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information would affect:
 - a. Manufacturers' ability to ascertain the location and date of production of the product
We only need to add a 6 digit code to the items to be able to retrieve the information. Any other information, other than website name, will be too large to add on coins and lapel pins.
 - b. Other business considerations relevant to tracking label policy.
3. How consumers' ability to identify recalled items would be affected by permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information.
The consumer can read the 6 digit code directly from the item. However, this will not allow for the end user to know who the private labeler is without the packaging. Most coins and lapel pins are too small to add further information. However, coins 1.5" in diameter or larger and 3.5mm thick or thicker can have the private labeler information added such as a website name, but further information will be too much for their size.
4. How, and to what extent, the tracking information should be presented with some information in English or other languages, or whether presentation should be without the use of language (e.g., by alpha-numeric code with a reference key available to the public).
We support short alphanumeric codes for small items such as coins and lapel pins. However, since the codes we apply to our coins and lapel pins already serve a purpose other than identification, any additional codes, such as standardized codes mandated by the government, will require more space and therefore require the minimum size of the manufactured items to be increased. For small items, I believe that a code designated by the manufacturer or private labeler and their website or business name should be sufficient.
5. Whether there would be a substantial benefit to consumers if products were to contain tracking information in electronically readable form (to include optical data and other forms requiring supplemental technology), and if so, in which cases this would be most beneficial and in which electronic form.
We do not see a benefit.
6. In cases where the product is privately labeled, by what means the manufacturer information should be made available by the seller to a consumer upon request, e.g.: Electronically via Internet, or toll-free number, or at point of sale.

The customer should email or phone the private labeler. It should be left at the discretion of the private labeler since some businesses are exclusively web based while other are not listed on the internet, and others are in between.

7. The amount of lead time needed to comply with marking requirements if the format is prescribed.

If a non-standardized format is implemented, then we are currently doing that and no lead time is required. If a government standard is implemented, then we will need a 14 week lead time.

8. Whether successful models for adequate tracking labels already exist in other jurisdictions.

We are currently making coins and lapel pins with 6 digit alphanumeric codes. Each piece manufactured has a different code as a serial number and these codes are generated in batches. We can also generate one code for each separate batch, but currently we prefer using the serial numbers since these numbers currently perform another function in addition to tracking for lead content and manufacturing date. We can reference date of manufacture and the factory where they were made by referencing these codes. We also add our company website to the edge of the coins and the back of lapel pins so that people can go to our website and retrieve our contact information if they have questions. There is normally no room for further information on these small type items. Also, there is no room on items such as coins and pins if the coin is smaller than 1.5" diameter and 3.5mm thick, and no room on lapel pins that are smaller than .67" diameter.

Thank you,

Aaron Weed

www.CoinsAndPins.com

www.CompassRoseGeocoin.com

Aaron Charles Promotions LLC

Stevenson, Todd

2009-0010-0032

From: KSnigger@chfindustries.com
Sent: Thursday, March 12, 2009 1:53 PM
To: TrackingLabels@
Cc: KCluzel@chfindustries.com; JPorto@chfindustries.com; RDiPaola@chfindustries.com
Subject: CPSC Tracking Labels Question

Importance: High

Please help to provide direction in regards to the following issues directly related to tracking labels;

Do tracking labels need to state an actual 'approximate' date of manufacture, if the manufacturer/ supplier can trace the actual date of manufacture through the other assigned information they provide on the tracking label?

How are we to mark this information permanently on small hardlines items such as shower hooks? (is it ok to just provide on the packaging, even though the consumer may discard the package?)

Is it OK to cover the permanent tracking label with a UPC or other sticker labels that are not permanent, but are necessary for the retailer, due to lack of space on the items underside?

We appreciate your time and consideration in regards to these matters.

Sincerely,
Kimberly Snigger
CHF Industries
Quality Lab Technician

Stevenson, Todd

2009-0010-0033

From: Dan McCarty [danm@bizpins.com]
Sent: Thursday, March 12, 2009 5:21 PM
To: Tracking Labels
Subject: Comment on Tracking Label program

Dear Sir or Madam,

We manufacture promotional products for children (and adults). Each order is custom made, such as a lapel pin, zipper pull, etc. and the size of the item is quite small. Most of our products are metal based, and the decoration and finishing processes vary. The most common item would be a lapel pin 1" in diameter. The front of the lapel pin has the customer's design on it. The back of the lapel pin would be too small to permit legible marking of tracking information. The tracking information could be put on the poly bag packaging material that contains the item, but this packaging in most cases is disposed of immediately upon receiving the product. Many orders are for a quantity of 100 pieces, and the cost of custom printing tracking information on 100 poly bags would be prohibitively high in proportion to the cost of the entire order.

Because each order is custom made for an individual organization, and the organization knows from whom they ordered the product, I suggest that the system that would work well in this case is the same one we use for quality problems. For any issue involving the product, our customer simply contacts us for resolution, as they know it is our product.

Regards,
Dan McCarty
President
BizPins, Inc.
2111 Big Timber Dr, Elgin, IL 60123
Phone: 888-477-5577
Email: danm@bizpins.com

Stevenson, Todd

2009-0010-0034

From: Gray Dog Originals, LLC [michelle@graydogoriginals.com]
Sent: Friday, March 13, 2009 9:31 PM
To: Tracking Labels
Subject: Thoughts on tracking labels

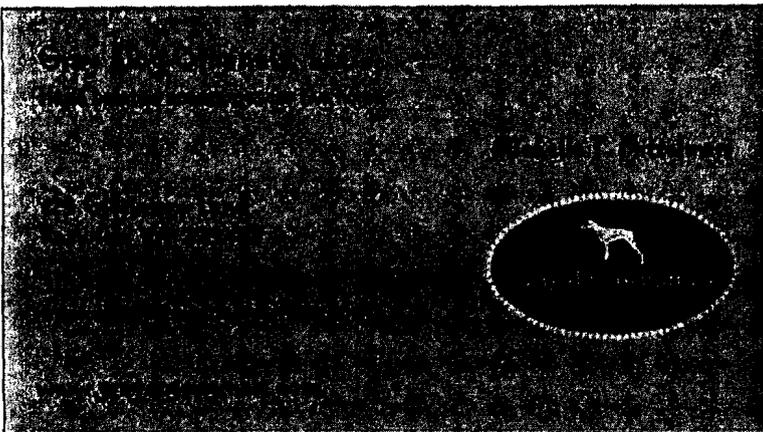
Hello,

I paint ceramic switchplates and have recently passed the required lead testing. Now, my next battle is trying to understand the upcoming tracking requirement. My switchplates are made-to-order, so they aren't done in a "batch". Once the piece is hand painted, glazed, and fired, I do not know how I would permanently tattoo anything on the back, unless it was with a sharpie.

What sort of information are you looking for with tracking?

Please consider allowing "made-to-order" people like myself, be exempt from tracking requirements.

Thank you for your consideration.
Michelle



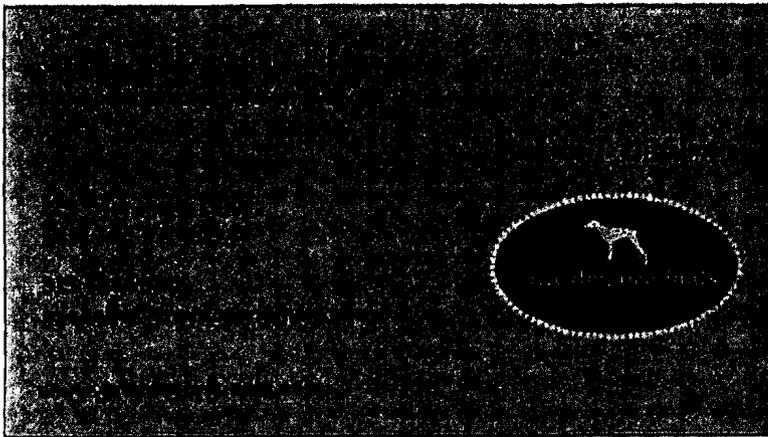
Stevenson, Todd

From: Gray Dog Originals, LLC [michelle@graydogoriginals.com]
Sent: Friday, March 13, 2009 9:33 PM
To: Tracking Labels
Subject: One additional thought

One additional thought---

People like myself, who do made-to-order for retailers, can't identify ourselves on the switchplate because then it doesn't protect our retailer selling the product and then the client can come direct to me. This needs to be revisited.

Thanks
Michelle



Stevenson, Todd

2009-0010-0035

From: Verna Bunao-weeks [vbw@rosalinababy.com]
Sent: Monday, March 16, 2009 12:10 PM
To: Tracking Labels
Subject: Tracking labels - negative impact on hardworking small businesses

My name is Beth Weeks. We own a small business, distributing children's toys mostly from the Philippines. We also import dolls and doll strollers from China. Putting our suppliers name on a tracking label would possible mean losing our valuable customers and costing us invested time and money. Traveling, especially for small business is very expensive and time consuming. Having suppliers name on a consumer product means giving a full access to our competitors, especially to a large company who can afford to meet minimum orders by Chinese suppliers. For example, as a small business like us, we can only afford 500 pieces of an item. But if a bigger company orders 5,000 pcs, we will most likely loose this supplier over this new big company. Just like any other business, we conduct research and sourcing to find items to sell in the USA. Part of this task is to invest a lot of money by traveling to find suppliers. . Not mentioning the cost of developing these products via fedexing samples back and forth to the suppliers, the TIME and effort made is valuable to many of us as small business owners.

Tracking labels need **not** to be advertised on each consumer product. There are ways to locate a supplier in case a problem arises. If the purpose of the tracking label is to locate the manufacturer's name and location, this information is available simply by contacting the distributor by an "authority" and making it known to the distributor the need for the information. Another way of locating an overseas supplier is by contacting a freight forwarding company whose services was used to import products. US Customs also keep a record of imported goods.

From: Richard Recuperero [rrecuperero@CJApparelGroup.com]
Sent: Monday, March 16, 2009 2:44 PM
To: Tracking Labels
Subject: CPSIA - Comments - Tracking Label Requirements for Children's Products Under Section 103 of the CPSIA - 3/16/09

3/16/19

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Rm 502
Bethesda, Md 20814

Dear Sir/Madam;

Re: Comments - Tracking Label Requirements for Children's Products Under Section 103 of the CPSIA

With regard to the implementation of the above referenced, I offer the following comments and suggestion as requested in the Federal Register notice dated February, 26 2009. My comments and suggestions are however limited to the product of children's apparel as this is the only children's product that we are involved in the manufacturer and distribution of.

Apparel under current FTC rules and US Customs requirements already bear specific permanent labels that identify items as to the Country of Origin, Fiber Content, Care Instructions, Importer Identification and Size. Much of this information is in both English and Spanish thus creating sometimes very large and uncomfortable labels to the wearer. It is however practical to meet the Tracking Label Requirement providing such information does not extend the current label or add yet another label. With amount of information currently required, extending the label or adding another label would in our opinion be impractical and unnecessary. We therefore suggest using some of the existing information and adding two pieces of new information, in many cases it may require the addition of only one more piece of information. The two pieces that we suggest to add are the style number and date on manufacturer. I'll break it out in relation to the Rules Requirement;

- 1 - Manufacturer or Private Labeler - This currently exists in the apparel label, we feel that the existing R/N satisfies this requirement.
- 2 - Date and Place of Manufacturer - The country of origin exists in the label, further identifying the exact place can be determined by the next item discussed in point three, the style number. We however propose to add the date of assembly to the current label under the country of origin. It should be considered though, if the date of manufacturer can be obtained by information provided by the added style number then perhaps this can be left off of the label.
- 3 - Cohort Information - A style number or reference number can be added to the label (some manufacturers are already adding this to the label), the style or reference should be able to trace back to the documentation for which the goods were imported against - or manufactured with. In our case it would also track back to the documentation pertaining to the current CPSIA Suppliers Declaration.

Taking all into consideration, by locating the R/N number on the label, a consumer, through the FTC can identify the manufacturer/importer. From the same label the style number and date of assembly/manufacturer would be used by the manufacturer/importer for location of identifying characteristics of the garment. In most if not all cases, the identifying characteristics will include - the actual batch or purchase order, the exact factory and place of manufacturer, Customs entry documents, colors, packing and corresponding design and spec information.

Considering the time period for comments ends in May 2009, and required label specifications may not be immediately available, meeting the August 14th deadline will be challenging. Once guidelines and specifics are issued of the type of

label we would need a minimum of 2 months prior to the effective date to insure the labels are developed, approved and included in all production. It may be prudent to reconsider the August 14th deadline once specifics of the required label are issued.

I hope that my comments are helpful in determining the type and information required for the tracking label. Please feel free to contact me either by e-mail or by the phone number listed below.

Regards,

Richard Recupero
CJ Apparel Group, LLC/Ellen Tracy, LLC
Director of Logistics & USC Compliance
Licensed CHB

Direct Line (212) 515-5309
Fax Line (212) 869-5137
Email rrecupero@cjapparelgroup.com

Stevenson, Todd

2009-0010-0037

From: Sharif, Miriam [miriam.sharif@philips.com]
Sent: Tuesday, March 17, 2009 11:47 AM
To: Tracking Labels
Subject: Comments on Location of Manufacture

To whom it may concern:

In instances where a product is distributed by a private labeler, we believe that it will be confusing to the consumers if both the name of manufacturer and the name of the private labeler must appear on the package. For our products, in the case of a recall, the consumer should contact us, the private labeler. Many manufacturers are outside of the country and have vast time differences and office hours. Asking the consumer to contact a foreign country for information about a recall will not be effective. The most efficient, expedient way to handle a recall is to have consumers call the 1800 number on the package and mail the product back to the U.S. address on the packaging (or return to retail, if required). Adding the manufacturers address and/or contact information, in addition to the private labeler will only make a recall more difficult. It would best to provide the manufacture information via toll free customer service number or via the private labeler website.

Regards,

Miriam Sharif-Murray

Regulatory Affairs Manager
Philips Consumer Lifestyle
Philips Avent
630.396.0510
Fax: 713.977.7920
www.philips.com/avent

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Stevenson, Todd

2009-0010-0038

From: LOUISE DEDERA [loudloud@sbcglobal.net]
Sent: Tuesday, March 17, 2009 9:34 PM
To: Tracking Labels; Tracking Labels
Cc: Tammy Gerber
Subject: Input on Tracking Labels

I respectfully request that the only information required to be on a sewn-in tracking label on any item made of fabric be only the country of origin. If anything else needs to be added, it should be on a paper label that can be attached to packaging.

Just imagine the impossible task of trying to get more information sewn on items already ordered, paid for, and on their way here from China (we have thousands).

- * Would need to find someone to print this information on little fabric pieces
- * Would need to find someone to hand-sew all of these little pieces onto a fabric item (you can't sew anything by machine after the fact without ruining the item)
- * You would put us out of business and we are a new start-up. We couldn't possibly sell all of this inventory (or even more than 10% of it by the end of 2009). Is this really what the USA needs in these present economic times?

Thank you,

Louise DeDera
President TamiLou Designs, Inc.

Stevenson, Todd

2009-0010-0039

From: bernard.lo [bernard.lo@winghingmanu.com]
Sent: Wednesday, March 18, 2009 1:50 AM
To: Tracking Labels

TO WHOM IT MAY CONCERN,

We are a Hong Kong based Toys manufacturer with factories in China. We are also one of the vendors of Wal-Mart and Target Stores and many other retailers. We are generally welcomed the tracking label requirement of CPSIA Improvement Act and in fact we are actually doing similar practices on our products already.

However we think that this requirement might not be feasible when the products are small in size. For example, there is no space to put the country of origin, production batch code and manufacturer name on marbles. There a lot of novelties products that are also very small in size and a guideline to help manufacturers or private labelers is necessary.

Sincerely,

Bernard Lo
Wing Hing Mfg Co Ltd
19/F, Blk K, Stg 2, Superluck Ind Bldg,
57 Sha Tsui Road, Tsuen Wan, NT, Hong Kong
Tel: +852 24902557
Fax: +852 24133059
Direct Fax: +852 30062772
Email: bernard.lo@winghingmanu.com

Stevenson, Todd

2009-0010-0040

From: Joe Lee [JoeLee@smarttech.com]
Sent: Wednesday, March 18, 2009 2:48 PM
To: Tracking Labels
Subject: Feedback on Tracking Labels

Dear Sirs:

In regards to the Tracking Label content I would like to the Consumer Product Commission consider the use of a Serial Number and a product BRAND on the consumer product. The distributor and reseller could contact the owner of the BRAND and request all the cohort information by supplying the Serial Number.

I would suggest that Section 103 include wording that would require the manufacturer to keep information that will enable the distributor/reseller to ascertain the location and date of production of the product and cohort information (including the batch, run number, or other identifying characteristic) and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product available, for each Serial Number

This would facilitate minimal information being required on the product, but a means to get all the required information.

Regards
Joe Lee
Hardware Environmental Coordinator
SMART Technologies
smarttech.com
613-836-8457
joelee@smarttech.com



Working with you for a better Environment!

Stevenson, Todd

2009-0010-0041

From: Tammy Gerber [tgerber2004@yahoo.com]
Sent: Wednesday, March 18, 2009 4:58 PM
To: Tracking Labels
Cc: Louise DeDera
Subject: Input on Tracking Labels

Dear Sir/Madam - I also respectfully request that the only information required to be on a sewn-in tracking label on any item made of fabric be only the country of origin. If anything else needs to be added, it should be on a paper label that can be attached to packaging.

Adding additional "permanent" labels to childrens/baby products can be a potential choking hazard, especially if the labels are added after the original manufacturing process. We have a large inventory that was produced prior to this new regulation. Adding labels to our inventory can pose additional risks. We are doing everything to insure that all standards met. We have had the lead testing completed but if we are required to put labels on all products, we may lose our inventory and our business could fail.

Many thanks for your consideration.

Tammy Gerber
Vice President
TamiLou Designs, Inc.

From: LOUISE DEDERA <loucloud@sbcglobal.net>
To: TrackingLabels@cpsc.gov; TrackingLabels@cpsc.gov
Cc: Tammy Gerber <tgerber2004@yahoo.com>
Sent: Tuesday, March 17, 2009 6:34:28 PM
Subject: Input on Tracking Labels

I respectfully request that the only information required to be on a sewn-in tracking label on any item made of fabric be only the country of origin. If anything else needs to be added, it should be on a paper label that can be attached to packaging.

Just imagine the impossible task of trying to get more information sewn on items already ordered, paid for, and on their way here from China (we have thousands).

- * Would need to find someone to print this information on little fabric pieces
- * Would need to find someone to hand-sew all of these little pieces onto a fabric item (you can't sew anything by machine after the fact without ruining the item)
- * You would put us out of business and we are a new start-up. We couldn't possibly sell all of this inventory (or even more than 10% of it by the end of 2009). Is this really what the USA needs in these present economic times?

Thank you,

Louise DeDera
President TamiLou Designs, Inc.

Stevenson, Todd

2009-0010-0042

From: Chalais Associates [mchalais@chalaisassociates.com]
Sent: Sunday, March 22, 2009 1:41 PM
To: Tracking Labels
Subject: Comments on Tracking Labels Under Sec.103 CPSIA

March 22, 2009

Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway, Room 502
Bethesda, Maryland, 20814
TrackingLabels@cpsc.gov <<mailto:Sec102ComponentPartsTesting@cpsc.gov>> and fax: (301) 504-0127

Re: Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act (CPSIA)

To the Secretary of the CPSC:

I have a very small business involved in small-batch importing to the United States of European-made, handcrafted wooden toys that have been ordered by other small businesses, neighborhood toy stores. The imminent requirements for batch labeling and tracking under the CPSIA will essentially put me out of business, and I respectfully submit the following comments regarding this issue.

These products were not created specifically for the American market, and it would not be economically feasible for the manufacturer to have to go to the added expense of creating and administering a batch-labeling and tracking system specifically for these small shipments to the US. They are high-quality toys meeting all safety requirements and have never been involved in any recalls. Under the CPSIA, as the importer, I am considered the manufacturer and would be responsible for batch-labeling/tracking information. However, what I have for each small shipment is simply the date of importation, and this bears no relevance to production batches and would not serve the intent of the batch-labeling requirement. Imposing the batch-labeling requirement on such small-scale importers as myself would create an impossible situation.

I understand that the recalls of 2007 highlighted the need for the CPSC and consumers to be able to quickly identify tainted items, but in Section 103 of the CPSIA, Congress included the phrase "to the extent practicable." It is not practicable or feasible to require batch-labeling and tracking information for the importation of these small shipments.

I urge the CPSC to allow flexibility in this requirement for small manufacturers and small importers for whom it will mean the end of our businesses, as well as limiting the types of toys available to our children. I appreciate your consideration of my comments.

Sincerely,

Marilyn Chalais

--

Chalais Assoc.
toy manufacturers' representatives
1127 15th St., #E, Santa Monica, CA 90403
310-899-4400; fax 310-899-1253
e-mail: mchalais@chalaisassociates.com
website: <http://www.chalaisassociates.com>

2009-0010-0043

SANDLER, TRAVIS & ROSENBERG, P.A.

ATTORNEYS AT LAW
551 FIFTH AVENUE
NEW YORK, NEW YORK 10176

(212) 883-1300
FAX (212) 883-0068
E-MAIL-ADDRESS: ghorn@strtrade.com
WEBSITE: www.strtrade.com

GERALD B. HORN

March 23, 2009

Via Email: trackinglabels@cpsc.gov and section108definitions@cpsc.gov
Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814

Re: **Phthalates and Tracking Labels**

Dear Sirs:

This office represents Made To Fit Garment, Inc., a Canadian company in operation since 1942. Made To Fit also does business through its wholly owned U.S. subsidiary, Cantex Apparel, Inc. Made To Fit submits these comments in response to the CPSC's Requests for Comments in connection with both Sections 103 and 108 of the CPSIA.

Made To Fit has implemented a program with its manufacturers/suppliers to ensure compliance with the CPSIA and will not distribute any product anywhere that it knows is unsafe, unfit or in any other manner non-compliant or in violation of domestic laws or regulations. Made To Fit currently provides its branded children's garments to countries around the world including the United States, all of the Middle East, Russia, South and Central America, Ireland, Australia, and Malaysia to name just a few. Although its original business was as a direct manufacturer of children's clothing, Made To Fit presently contracts its proprietary brands to third party manufacturers, who ship their globally manufactured goods to Made To Fit for ultimate sale to retail customers either in combination sets or as unique stand-alone items.

SANDLER, TRAVIS & ROSENBERG, P.A.

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March 23, 2009
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Section 103- Tracking Labels on Children's Products

If tracking labels are required on all products and packaging, identifying information such as batch numbers and production runs, Made To Fit will have no alternative but to consider the cessation of its distribution of products into the United States.

When a licensee ships its products to Made To Fit, it does so via normal "shipping" procedures and documentation requirements. It provides Made to Fit with a bill of lading number and an anticipated date of receipt. It does not provide Made To Fit with information as to production lots, batch numbers or date of manufacture. Should Made To Fit, as the private labeler, have a need to contact any particular manufacturer about any particular garment or component, it maintains its own records identifying the part with its manufacturer. Made To Fit also tracks products received via "group" identification – each such "group" referring to a particular product line or garment set. It would be nearly impossible for Made To Fit to maintain, on a garment to garment basis, all of the information described in Section 103 as being necessary to include on these labels and would be absolutely impossible to then recreate unique packaging labels combining the variety of information applicable to the variety of different garment types received, stored, commingled and later exported by Made To Fit to U.S. retail customers.

Until and unless each and every location of manufacture standardizes labeling requirements for manufactured children's garments it is impossible and cost prohibitive to require a private labeler to customize product labels and packaging labels to comply with exclusively U.S. agency requirements. Presently, a product arrives at the distribution warehouse and its arrival is entered into a computerized system tracking arrival date, garment type and shipper. When an order arrives at the warehouse, that product may be combined with 1 or 10 others in a carton or may be customized into a pre-packaged set consisting of different clothing parts, such as a hat together with a jacket or a sock together with pajama. The labels of these different articles of clothing do not identify lot numbers or production runs and the documentation accompanying the goods upon warehouse receipt similarly do not contain any of the information described in Section 103 of the CPSIA.

Which leaves Made To Fit with only several options for compliance with Section 103, each adding significantly to the cost of doing business and ultimately the product cost for U.S. consumers and none providing the desired level of assurances that the information being provided to the ultimate purchaser is accurate, comprehensive or of any measurable value.

- Made To Fit could require its product suppliers to provide it with information about production dates, lot numbers, batch runs and other information known only to the

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manufacturer itself. But Made To Fit would have no means to verify this information and, once the goods are entered into the warehouse, tracking such information to particular garment or apparel set components would be nearly impossible.

- Made To Fit could require its product suppliers to affix all of this information on a permanent clothing label, which label is not required in any other country of manufacture or export. To accomplish this, Made To Fit would have to provide each of its suppliers with customized label formats and would have to pay additional costs for the extra time and labor necessary to create such an exclusive U.S. product label.
 - In certain countries and manufacturing facilities, production may not be tracked via lot numbers or batch code. Production may instead be tracked by product type, incorporated components or purchaser identification. As a result, Made To Fit would not only have to wrestle with the logistics of label format, content and application, but would also need to reassess each of its suppliers to limit its product sources to only those maintaining the exact type of records the CPSC requires be noted on such product labels. This would not only result in limited product availability and escalating consumer costs, but, of most import, would not necessarily improve the ability of ultimate purchasers to track product manufacture. A manufacturer tracking production via components or purchaser may be better equipped to identify a particular production “batch” than a supplier merely recording lot numbers (which can easily be juxtaposed) or unrecognizable batch codes.
 - Requiring a producer in a non-English speaking country to apply labels to a product as a method of complying with U.S. law is not only risky but perhaps even foolish. This is not the same as requiring a producer to affix a label indicating fiber content. 100% cotton in any language in 100% cotton. However, there is no easy translation, whether in the form of training or application, of “batch codes” or “lot numbers”, both of which may be completely alien to any known method of recordkeeping.
- Made To Fit could require its warehouse personnel to contact each of the garment manufacturers prior to customized packaging or export to a retail customer to obtain the required information in order to create customized labels for each product and

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then cumulative packaging labeling. The added costs for this particular option are almost too great to contemplate. Warehouse personnel would need to be much better trained and compensated, and the potential for miscommunication or misunderstanding of information passed between foreign manufacturer and Made to Fit would be immeasurable and without concomitant benefit.

Section 103 requires tracking labels to *the extent practicable* to permit manufacturer identification of production information assumedly necessary to facilitate effective product recalls and for consumers to similarly identify manufacturers or private labeler information sufficient to provide purchaser access to production data. It is imperative that CPSC do everything possible to craft regulations that are the least burdensome upon industry and which cause the least amount of disruption to existing, legitimate distribution systems. It is not practical for private labelers to have to label packaging with the noted "cohort information" that is not readily available to it or that may, in fact, consist of a variety of data that would require labels larger than the packaging itself. It is not reasonable for private labelers to insist that their non-U.S. manufacturers affix product labels to garments in a form and with content disclosing proprietary trade secrets and business information that is not required to be provided in the country of manufacture or export, and, in fact, should be protectable under U.S. trade secret laws and protections. It is not practical to impose requirements upon industries that are already suffering significantly from an incredibly troubled global economy – especially when those requirements fail to standardize international practices and create the very real possibility that American consumers could be deprived of cost-effective, brand name and safe consumer goods at a time when a thriving competitive marketplace should be the universal objective of all trading partners.

So long as the ultimate purchaser can readily identify the private labeler and that private labeler is able to identify the manufacturer and the manufacturer can identify a particular production lot or batch run there is no need to require tracking labels that identify all of this distribution chain information in a readable fashion on both the products and the packaging of even combination product sets. To do so would be to intentionally create extraterritorial application of U.S. regulations in a manner solely intended to deprive U.S. consumers of cost-effective, safe, fit brand name goods that meet all requirements in terms of component chemical constituency and related limitations.

Section 108 – Phthalates

In connection with the Request for Comments on Phthalates, it is imperative that the

SANDLER, TRAVIS & ROSENBERG, P.A.

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CPSC exclude garments from the required limitations and anticipated certification/testing requirements.

Made To Fit distributes children's pajamas, among its other catalog items. These products are admittedly used when a baby sleeps, but they do not "facilitate" sleep. "Facilitate" according to Merriam-Webster's online dictionary means to "make easier." A baby sleeps in anything it has on, or in nothing at all. Babies sleep all of the time; they do not condition sleep on what they are wearing. While a child's sleep may be facilitated by a music box or crib mobile, a rocking chair or a moving car, sleep is not at all made more or less easy because of the outfit the child happens to be wearing come night time.

The concern with phthalates must be linked with risk. Merely because a product may be used by a child during sleep time or eating time, does not mean that a child risks ingestion of some dangerous chemicals. For this reason, Made to Fit supports the CPSC staff's categorization of products into primary and secondary items, with enforcement efforts focused on primary articles only. However, it is imperative that garments not be included within primary articles since clothing cannot be considered to facilitate anything at all other than body heat or compliments to the parents on the choice of baby attire.

Summary Conclusion

While the CPSC has received numerous comments noting the unintended and fatal consequences of the variety of requirements set forth in the CPSIA, Made To Fit recognizes that the Agency is limited to rulemaking and not rule-changing. However, the CPSC must enact rules that permit industry to continue providing U.S. consumers with cost-effective and safe products. Requiring detailed tracking labels on products and packaging that is not required in any other country and that consists of information proprietary to upstream product manufacturers compromises that goal. Moreover, subjecting garment manufacturers to certification and testing requirements to evidence compliance with phthalates limitations when children are at no greater risk of ingesting such chemicals whether or not wearing certain garments is nothing more than intentionally imposing burdensome business costs on an industry already struggling to meet customer needs in this incredibly scary and volatile economic environment.

Made To Fit appreciates this opportunity to comment on these regulations and sincerely appreciates the efforts made by the CPSC to reach out to industry and create productive and meaningful dialog. It is imperative that all efforts be made to protect children in each and every country of the world just as it is imperative to collaboratively meet those goals without threatening the viability of an entire industry or risking product availability to the detriment of U.S. consumers desperate to maintain a competitive domestic marketplace.

SANDLER, TRAVIS & ROSENBERG, P.A.

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Consumer Product Safety Commission
March 23, 2009
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Should you wish to discuss any of the foregoing comments or learn more about Made To Fit, Inc.'s operations, please feel free to contact the undersigned directly at any time.

Sincerely,

SANDLER, TRAVIS & ROSENBERG, P.A.

By: 

Gerald B. Horn

cc: Made To Fit, Inc.
Lauren V. Perez

Stevenson, Todd

From: Nelly Koosau [nkoosau@strtrade.com] on behalf of Gerald Horn [GHorn@strtrade.com]
Sent: Monday, March 23, 2009 3:20 PM
To: Tracking Labels; Section 108 Definitions
Cc: 'sonia_m@kricketsworld.com'; Lauren Perez
Subject: Phthalates and Tracking Labels
Attachments: Ltr to CPSC re Phthalates and Tracking Labels.pdf

Please see attached letter. Thank you

Gerald B. Horn
SANDLER, TRAVIS & ROSENBERG, P.A.
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2009-0010-0044

March 26, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, Maryland, 20814

Dear Mr. Stevenson,

I am writing on behalf of the American Apparel & Footwear Association – the national trade association representing the apparel and footwear industries – to request an immediate, year-long delay of enforcement of the "Tracking Label" requirement (Section 103) of the Consumer Product Safety Improvement Act (CPSIA).

It is our hope that the Consumer Product Safety Commission (CPSC) can use the time between now and August 14, 2009 (the date the tracking label requirement is scheduled to take effect) to work with industry, consumer groups, and other stakeholders to develop and issue guidance relating to these new requirements while the following year could be used to educate companies on proper compliance with Section 103 and provide companies the opportunity to integrate this labeling requirement with their supply chain.

Like many of the new requirements under the CPSIA, the tracking label requirements are vague and industry is having difficulty understanding what they need to do to comply. The statute reads:

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)), as amended by section 102 of this Act, is further amended by adding at the end the following:

"(5) Effective 1 year after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the manufacturer of a children's product shall place permanent, distinguishing marks on the product and its packaging, to the extent practicable, that will enable—

"(A) the manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks; and

"(B) the ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including the batch, run number, or other identifying characteristic)."

(b) LABEL INFORMATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

"(2) The cohort information (including the batch, run number, or other identifying characteristic) of the product."

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.— Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

"(d) REQUIREMENT FOR ADVERTISEMENTS.—No advertisement for a consumer product or label or packaging of such product may contain a reference to a consumer product safety rule or a voluntary consumer product safety standard unless such product conforms with the applicable safety requirements of such rule or standard."

AAFA members have posed the following questions including (but certainly not limited to):

- What are distinguishing marks? Can codes be used?
- What does "to the extent practicable" mean?
- What does "ascertain" mean? If a company has internal processes that allows a customer services representative (if called) to "ascertain" the required information – is that sufficient?

- What information satisfies the "location" requirement? Apparel is already subject to country of origin labeling. Is that sufficient?
- Manufacturing is a fluid process – what exactly is the date of production? Can a range be used? How specific does the range need to be?
- Some products are manufactured in one factory, shipped, then screen printed in another country at a factory that does not have labeling capabilities. Who needs to label these products?
- What is "cohort information"? How precise does this information need to be?
- Who is the "manufacturer or private labeler"? Will the importer suffice? Will companies have to include proprietary information?

Because there currently are no clear answers to these questions – or even obvious parameters to operate and comply within – manufacturers (who have already begun sourcing labels for their products) are using their own judgments to determine proper labeling. At the same time, retailers are beginning to implement their own tracking label systems. Manufacturers who sell to several retailers will have an impossible task of separating inventory and labeling accordingly in order to adhere to individual retailer requirements. As a result, the CPSC **cannot wait to issue the delay of enforcement**. Already, the comment period extends to the end of April providing only 3 months for the CPSC to review the comments and issue guidance and even less time for industry to integrate the new requirements into supply chain. Given the lead time in modern supply chains, and the complex issues raised by this requirement, we respectfully state that this is insufficient time for this new requirement to be properly implemented.

The Commission must send a clear message to manufacturers and especially retailers that these next five months will be used to develop tracking label system guidance that *permits flexibility*, and helps all stakeholders understand and comply with the requirements. Such action will better enable the CPSC and industry to effectively use the labels in product recalls. The following year will give manufacturers time to source labels that contain the required information and give all companies the opportunity to put in place internal tracking systems that will further help in "ascertaining" the mandatory information. This time is also crucial as companies are still developing general conformity certificate systems that inherently require liable parties to trace the product all the way through the supply chain – from sourcing to selling. Furthermore, industry, the CPSC and consumer groups can work together to create systems that will facilitate identifying recalled products.

While we urge the Commission to immediately announce a stay in enforcement, we would also encourage the CPSC to issue immediate interim guidance on several initial questions (AAFA will be submitting further comments on tracking labels in connection with the CPSC's comment request). First and foremost, the CPSC needs to publicly clarify the definition of "manufacturer". The CPSIA requirement reads that the ultimate purchaser must be able to ascertain either the manufacturer *or* the private labeler. Furthermore, the Consumer Product Safety Improvement Act (CPSA) defines the manufacturer as "any person who manufactures or imports a consumer product." Without guidance, stakeholders have conflicting interpretations on what information constitutes a "manufacturer" and companies are concerned that the label may require business confidential information – a concern the CPSC recognized and addressed when issuing regulations on the general conformity certificate.

Second, guidance must also begin to exempt products that are not practicable to label. Some examples include socks, hair accessories like barrettes, shoelaces and reversible hats – products that are already exempt from various labeling requirements due to the nature of the product. In making an initial determination for products that are not practically labeled, the CPSC should consider the following factors:

- Risk: products that are low risk and already exempt from labeling requirements (like socks, shoe laces, boys' neck ties, hats, diaper liners, arm bands etc.) should be exempt from the tracking label requirements as well. The above listed products are exempt from the Federal Trade Commission's (FTC) Textile and Wool Act.
- Product aesthetics: some products do not have tags, labels, or markings due to the product function or design. These may include socks, boys' ties and reversible hats. Customs and Border Protection's (CBP) Country of Origin Marking requirement recognizes these exemptions.
- Size of the product: some products, like children's jewelry or hair accessories, are too small for labels. As above, CBP's Country of Origin Marking requirement recognizes these exemptions
- Aside from those listed above, CPSC should consider other exemptions already recognized in pre-existing labeling requirements enforced by both the FTC and CBP.
- Size of the company: companies that make a small number and variety of products, only source from one or two factories, and/or sell exclusively to one or two retailers should be exempt from the tracking label requirements. Tracing the required information is fairly easy in these situations, which obviates the need for tracking labels.

Finally, guidance must address products that contain multiple units – for example a pair of shoes or a girl's two piece bathing suit. These products should only require tracking label information on one part of the set and the manufacturer should be allowed the flexibility to determine where the tracking label would be added. In the case of children's footwear, it makes sense to only require a tracking label on one of the pair of shoes as the right shoe does not function without the left. Therefore, should one shoe be lost, a child cannot continue to use the product. We imagine the CPSC should extend this rational past footwear to products that, while sold in sets, may still be used if one of the components is lost (the "lego" example). The statute reads that the "manufacturer of a children's product shall place permanent, distinguishing marks on the *product* and its packaging." One product may include multiple parts and so long as the components are sold as a single product – a single tracking label should suffice. The CPSC may consider language on the packaging or hangtag that informs the consumer of where the tracking information may be found.

Thank you for your consideration in these matters. Please contact Rebecca Mond (at rmond@apparelandfootwear.org or at 703-797-9038) with our staff if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Kevin M. Burke".

Kevin Burke
President and CEO

Stevenson, Todd

From: Rebecca Mond [rmond@apparelandfootwear.org]
Sent: Thursday, March 26, 2009 2:45 PM
To: Stevenson, Todd
Cc: Falvey, Cheryl; Steve Lamar
Subject: Tracking Label Delay Request
Attachments: tracking label delay comments.doc

Importance: High

Todd,

Please see attached AAFA comments requesting an immediate year long delay of enforcement of the tracking label requirement. These comments supplement the multi-industry tracking label delay request sent in earlier this week that AAFA signed onto. We will further be submitting comments on the actual tracking label content.

Thanks and regards,

Rebecca Mond
Government Relations Representative
American Apparel and Footwear Association
1601 North Kent Street
Suite 1200
Arlington, VA 22209
www.apparelandfootwear.org
1-703-797-9038

Stevenson, Todd

2009-0010-0045

From: 김강민 [toy@kemti.org]
Sent: Friday, March 27, 2009 12:32 AM
To: Tracking Labels; Midgett, Jonathan; Amodeo, Vincent
Cc: McCallion, Richard
Subject: Re: SAFETY : Inquiry for tracking labels
Importance: High

Dear Jonathan Midgett,

Good morning!!
Hope the everything is alright with you always!!

I have a question about tracking labels.
We wonder if the below address meetsthe requirement of tracking labels in CPSIA. (Please see the below detail.

(EX. Bourbon St., New Orleans) : The label marked just the name of state and street, doesn't have zip code.

Always thank you for your help.
Longing to hear from you, soon.

Thanks and best regards,

Kang-min Kim/ KEMTI(Korea Environment & Merchandise testing Institute)
459-28, Gasan-Dong, Geumchon-Gu, Seoul, Korea
Tel: (82) 2 2102 2560~7
Fax: (82) 2 854 6667

2009-0010-0046



March 26, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway,
Bethesda, Maryland, 20814
TrackingLabels@cpsc.gov
fax: (301) 504-0127

Re: Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act (CPSIA)

Dear Mr. Stevenson:

On behalf of the Handmade Toy Alliance, an alliance now numbering 326 independent retailers, toymakers and children's product manufacturers from across the country who want to preserve unique handmade toys, clothes, and children's goods in the USA, we respectfully submit the following comments regarding tracking label requirements under the CPSIA.

We understand and appreciate Congress's intent when it mandated batch labeling on children's items. Certainly the recalls of 2007 in particular highlighted the need for the CPSC and consumers to be able to quickly identify non-compliant products. However, we have found that for some of our manufacturers, the tracking and labeling requirements may be as insurmountable as the CPSIA's third party testing requirements.

In Section 103 of the CPSIA, Congress wisely included the phrase "to the extent practicable." We urge the Commission to interpret this phrase in the widest possible sense and adopt an extremely flexible batch labeling policy based on the particulars of each product, its scale of production, and the feasibility of labeling.

Since the entire benefit of batch labeling is to expedite the recall process in the event of a substandard batch, we feel that manufacturers should be able to reduce or even eliminate batch tracking based on *scale*, *feasibility*, and *efficacy*. Where one of these factors leads a manufacturer to opt out of batch labeling, they should be allowed to do so with the understanding that they are running a risk of a more widespread recall than if tracking labels were in place should their product be found defective. We will explain below what we mean by scale, feasibility, and efficacy in order to illustrate why this approach is necessary.

Scale

The issue of scale is important because the meaning of the term “batch” often falls apart in a non-factory setting. One of our members, Jason Gold of Camden Rose, a small manufacturer in Ann Arbor, Michigan writes:

Sometimes our items are created and assembled from one piece of cherry or walnut, but this is rare. Most of the time what happens is multiple components are created for an item at many different stages. They are then assembled over period of time. So, if we follow the CPSIA labeling mandate each of these multiple component items will have text all over them with production date batch ranges. We will need to be able to keep these production batches separately stored, organized and marked which again adds a tremendous cost above and beyond the actual cost of the label.

We argue that in such a circumstance, which is common in very small scale manufacturing, the entire concept of a batch loses meaning altogether and is no longer relevant.

Also, because the consumer for these types of products is either buying directly from the crafter or from a merchant who buys directly from him or her, we feel that the intimacy of these transactions mitigates the need for batch tracking.

We do not believe that it should be the CPSC's role to define how many units produced annually constitute small scale. Rather, this decision should be left up to the manufacturer with the caveat that if a small-scale producer chooses not to track or label batches, any recall that may be required would have to be based on sales records of the manufacturer or distributor within the time period that the recalled product was available for sale.

Feasibility

For many products, batch labeling is technically unfeasible. The law requires a permanent marker which cannot be removed by the consumer. Certainly for many products, including larger items, apparel, and molded plastics, this standard may be achievable. For many others, however, the standard is impossible to achieve due to either limitations of marking technology, cost, or aesthetics. One example, cited by Heather Flottmann of Liliputians NYC in Staten Island, New York, is decorative hair barrettes. Heather's barrettes are made of ribbon and measure 3/8 inches wide and 1-3/4 inches long. “How exactly would one even go about labeling a barrette?” asks Heather. “This is where the labeling starts to get silly.”

The example of the wooden rattle further illustrates this problem. Camden Rose has been researching this issue for their rattles, which are hand-carved out of cherry wood. They write:

A wood burn brand is commonly used for marking wood. However, in order to comply with the law as it is written, we will need to purchase a wood burn brand for each variety of item we make. For us, that would mean over thirty brands. Each brand costs \$150-200, so the cost is \$4,500-6,000 just to be able to mark each item, not including the labor required. Yet, each wood burn brand must be made specific to the date of batch production. If we make four batches in a year those dollar figures must be quadrupled. So, we would need to cut back on batch

*production and move to segmented yearly production - thus the cost in our situation would be between \$4,500-6,000 per year just in labeling requirements, not to mention the economic costs of a less flexible production cycle. We could use ink branding instead of wood burning, which will lessen the financial blow by using stamp pads rather than brands. However, third party testing for lead would need to be conducted on the ink. Finally, laser engraving is possible. This adds a per item manufacturing cost of \$1.00-1.75. While this cost seems small please realize that if a manufacturer creates a quantity of 10,000 of each item that is a labeling cost of over \$10,000. This again must be passed on to the customer - in hard economic times raising the cost of our wooden rattles by \$1.50 is not friendly. Furthermore, this branding would actually **decrease** the value of our products because our core customers have professed over and over again their desire to have items that are not visually branded.*

Whole classes of children's items simply have no feasible way of marking a permanent batch number on the product itself. Other examples include everything from mitten clips to finger puppets. To ensure the continued availability of these products, we need a flexible marking standard that allows manufacturers to opt out of batch labeling where such labeling is unfeasible. Again, we are willing to stipulate that opting out due to feasibility issues would broaden the scope of a recall in the event of a defect.

Efficacy

The intent behind the CPSIA's requirement for batch labeling is not about improving product safety, but rather about improving the ability of the manufacturer and the CPSC to issue accurate and meaningful recall notices in the event of a product recall.

For some product types, batch labeling cannot and will not accomplish this purpose. In these cases, batch labeling lacks efficacy. In such circumstances, the manufacturer should be allowed to opt out of batch labeling.

The clearest example of this lack of efficacy is with small-batch importers. For example, a retailer may import wooden toys directly from Germany or specialty anime figures from Japan. In such cases, the product was not created specifically for the American market and the importer does not have any control over the means of the product's production nor any information about when the product was made. Under the CPSIA, such an importer is considered the manufacturer and is responsible for third party certification. However, the only knowledge the importer would have about batches would be the date of importation, which would bear no relation to production batches and therefore would not serve the intent of the batch labeling requirement. Imposing the batch labeling requirement on such small-scale importers would therefore lack efficacy.

Another example of a lack of efficacy would be construction toys, such as erector sets, tinker toys, wooden blocks, lincoln logs, etc. Each set is made of hundreds of pieces, often of different shapes and sizes. In the production environment, a batch would be based on each part type, not on finished units. Thus, on day one the machinery is set up to make square blocks. The next day, triangle blocks. Then rectangles, circles, arches, etc. Each are kept in bins until they are assembled in different size packages, each with a different selection of blocks. Labeling each individual block with a separate batch number would prove impossible for a manufacturer to keep track of and would be meaningless to a consumer, who would be highly unlikely to sort through a bin of pieces to locate an errant

batch number. Yet providing the consumer with some other tracking number on the product's packaging would neither meet the letter of the law nor would it provide any better information to the consumer. Again, batch labeling would lack efficacy.

Finally, batch labeling lacks efficacy for kitted products which are made from an assembly of pieces, often made by many different manufacturers. Consider an assortment set of musical instruments made up of 5 different pieces and sold together. Must the company which assembles and market such a kit also compile and archive the batch information for each component piece? What if the kit contains an item such a metal whistle, which would not be considered a children's item in most circumstances and whose manufacturer therefore does not track batches as mandated by the CPSIA? The company which assembles the kit might only track batches based on the date the kit is assembled, but this would provide no information whatsoever regarding the origins of the component pieces.

We therefore urge the commission to allow manufactures to opt out of the batch labeling requirement when such labeling would not make product recalls more effective.

Staying Enforcement

We have joined with the National Association of Manufacturers and over thirty other national trade groups to urge the CPSC to stay the CPSIA tracking label requirements for one year. We feel this stay is necessary to allow our members to adapt to the final rules once they are promulgated by the Commission.

Conclusion

We urge the CPSC to consider our framework for defining such practicality by scale, feasibility, and efficacy. We believe this flexibility is essential for the survival of many children's product manufacturers, both large and small, for whom the specifics of their products or their production process is simply incompatible with permanent batch labeling.

Tracking labels are ultimately in the best interests of many manufacturers, especially large scale operations. In the event of a product defect, tracking labels would significantly reduce the cost of a recall. For many small manufacturers, however, this equation is reversed and the cost of batch labeling is far greater than the potential costs of a broad-based recall. Allowing manufacturers to determine which strategy is best for a given product based on the criteria we have defined would not diminish public safety, but it would preserve many small businesses and the livelihoods of their employees.

Finally, we feel that allowing considerable flexibility within the batch labeling requirement of the CPSIA is supported and required by the Regulatory Flexibility Act, which is designed to protect small businesses from regulations which do not take into account the needs of small business.

Respectfully Submitted,

The Handmade Toy Alliance

A listing of all 326 business members of the Handmade Toy Alliance is available at <http://www.handmadetoyalliance.org/members-of-the-handmade-toy-alliance> .

Stevenson, Todd

From: Handmade Toy Alliance [savehandmadetoys@gmail.com]
Sent: Friday, March 27, 2009 12:55 AM
To: Tracking Labels
Cc: Nord, Nancy; Falvey, Cheryl
Subject: Handmade Toy Alliance Response to the CPSC's Request for Comments on Section 103 of the CPSIA: Tracking Labels
Attachments: HTA Comments on Tracking Labels.pdf

[Formatted Text Attached]

March 26, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway,
Bethesda, Maryland, 20814
TrackingLabels@cpsc.gov
fax: (301) 504-0127

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Finally, we feel that allowing considerable flexibility within the batch labeling requirement of the CPSIA is supported and required by the Regulatory Flexibility Act, which is designed to protect small businesses from regulations which do not take into account the needs of small business.

Respectfully Submitted,

The Handmade Toy Alliance

A listing of all 326 business members of the Handmade Toy Alliance is available at <http://www.handmadetoyalliance.org/members-of-the-handmade-toy-alliance> .

Stevenson, Todd

2009-0010-0047

From: Elizabeth S. Gharchloo [elizabeth_salaza@hotmail.com]
Sent: Friday, March 27, 2009 5:03 PM
To: Tracking Labels
Subject: Tracking label question

Hi -
I am a children's apparel importer, I would like to know if only the country of origin needs to be on the label or the full address of the manufacturer?
Is there a website or sample that you can refer me to ?

Thank you,
Elizabeth Salazar-Gharchloo

Internet Explorer 8 - Get your Hotmail Accelerated. [Download free!](#)

2009-0010-0048



Via Electronic Mail

March 31, 2009

Mr. Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Section 103 - Tracking Labels

Dear Mr. Stevenson:

We write on behalf of the Footwear Distributors and Retailers of America (“FDRA”)¹ and in response to the request for comments on the implementation of Section 103(a) of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), 74 *Federal Register* 8781 (February 26, 2009).

Section 103 of the CPSIA requires that children’s products have “permanent, distinguishing marks on the product and its packaging, to the extent practicable” that will permit the ultimate purchaser “to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including the batch, run number, or other identifying characteristic). The plain purpose of this provision is to ensure that, in the event of a recall, consumers are able to identify the product involved.

Although the tracking label requirement does not go into effect until mid-August and then only for products manufactured on or after that date, it is important to importers and retailers that the Commission’s views with respect to the tracking label be issued as promptly as possible. The fact of the matter is that orders for products to be manufactured on and after mid-August are being placed now.

Definitive guidance on the proper label format is needed right away.

FDRA proposes that the tracking label requirement be satisfied by use of a unique identifier on the product and its packaging. The unique identifier could take a number of forms. Most imported footwear has identifying marks which enable importers, private labelers, retailers and ultimately consumers, to identify the product. These unique identifiers usually consist of numerals or a combination of numbers and letters and allow the product to be traced to particular

¹ FDRA is a trade association representing an estimated three-quarters of all footwear sales in the United States through its retailer, importer, distributor and manufacturer members.

Mr. Todd Stevenson

March 31, 2009

Page 2

manufacturers, origins as well as a general period of production. It is not normal for footwear manufacturers and/or importers to record batch or run information for the reason that most footwear styles are not produced for an extended period. When footwear styles are produced over an extended period, there will be multiple purchase orders and/or style number changes. The unique identifiers proposed by FDRA allow products to be identified as to the place, and time (year/month) of manufacture, and in some cases a particular shipment, even in the absence of complete cohort information.

These unique identifiers can take a number of forms. They might represent a style, a purchase order, a shipment or an arbitrary tracking number. A consumer having this information is able to contact the retailer or brand, who, based on the identifier, will be able to isolate the product, place, and date of manufacture as well as available cohort information. The means of contact can vary, website, toll-free phone number, etc, and FDRA urges that the Commission allow wide discretion in this respect.

In addition to the unique identifier, the product and packaging would have a reference to the retailer or private labeler, usually in the form of a permanent label of some sort. The combination of the unique identifier and the identity of the brand, private labeler or retailer is sufficient to enable a consumer to ascertain the requisite product information.

Use of these codes is and will continue to be effective. For example, the Commission recently issued a notice relating to boy's pajamas which failed to meet children's sleepwear flammability standards. (Release #09-103) The pajamas were the subject of a voluntary recall. The products were identified by reference to an item number that appeared on sewn-in labels in the neck of the top and the waistband of the pajama bottoms. Clearly, use of this item number (a code or unique identifier) is sufficient to allow consumers to identify whether a product in their possession are covered by the recall.

To summarize, it is FDRA's view that the tracking label requirement is satisfied by a unique identifier coupled with the identity of the brand, retailer and/or private labeler. This information will enable consumers to contact a knowledgeable party (the private labeler or retailer). With the unique identifier, retailer or private labeler will be able to identify the manufacturer, date of manufacture and all other pertinent information. Nothing further is necessary or practicable.

FDRA urges that the Commission make it clear that this information is required only in a recall or similar situation. Consumers should not be able to obtain this information without some specific need. If this is not the case, importers, retailers and private labelers run the risk that confidential and proprietary business information will become available to competitors. Accordingly, FDRA asks that the Commission make it clear that this information need not be divulged except under the appropriate circumstances.

FDRA responds to the request for comments in specific areas as follows:

1. “Practicable”. It will be impractical to provide any type of unique identifier on some children’s footwear. One example is a child’s zori. A zori is a flat sandal with a thong upper, typically not sold with any type of packaging. The typical retail price for a child’s zori is as low as \$1.99. Consumer information is communicated by means of hang tags or stickers. A sticker could be used for a unique identifier. However, it would not survive extended wear by the consumer.

The areas on children’s footwear available to recite the information apparently required by Section 103 are severely limited. The only practicable ones are the heel seat and the lining area around the heel. Other areas are not visible to the consumer. A single identifier can be printed in the area but requiring additional information will not be practicable. Simply put, there is no room on most children’s footwear.

2. Uniformity – Effect on Manufacturers.² Requiring that manufacturers adopt a uniform tracking label will be expensive and unnecessary. Many manufacturers have existing systems which enable them to identify the source of a product, the date of manufacture, country of origin, etc. These systems are in place and are working. If importer or retailer is obliged to adopt a uniform system, it is likely that the existing systems would be discarded since it would be unnecessarily expensive and complex to run separate systems.

Given this expense and given that a case has not been made that a uniform system would benefit manufacturers or consumers, there is no justifiable reason to require a uniform system.

FDRA understands that a uniform system may be useful in the international context in which a manufacturer shipping to multiple jurisdictions could use the same system for exports to all countries. This is a laudable goal but the likelihood of achieving such a system, even in the long term is problematic. Experience shows that it is very difficult to adopt uniform systems of this nature. Garment labeling requirements are a ready example. These requirements have been in effect in the United States for many years and there are parallel requirements in the EU and other jurisdictions. However, efforts to develop a uniform system have proven unavailing even within the three countries that make up the North American Free Trade Agreement. Efforts to develop a uniform system, which has been ongoing since the inception of NAFTA in 1994, have yet to produce tangible results.

3. Uniformity – Effect on Consumers. It is FDRA’s view that a lack of uniformity will have no adverse impact on consumers. As long as there is a relatively simple way for consumers to determine whether a product is subject to a recall, any form of tracking number will suffice. The fact that manufacturers may use a different configurations or types of unique identifiers will have no impact on the consumer’s ability to obtain the necessary information.

4. Form of Tracking Information. As noted above, it is FDRA’s position that a tracking number, which could be made up of numbers or combination of letters and numbers, will suffice

² The term manufacturer is defined in the Consumer Product Safety Act to include any person who manufactures or imports a consumer product. 15 U.S.C. § 2052(a)(4). Here FDRA uses the term to mean the importer, which in many cases is also the private labeler.

in most situations. It is not necessary to make a reference key available to the public. The reality is that most tracking number systems are entirely arbitrary. The only practical way consumers will be able to extract the necessary information is to contact the retailer or private labeler with the tracking number. The retailer or private labeler will provide the appropriate information. Again, if the purpose of the information is to enable a consumer to determine whether or not a product is subject to a recall, the guiding principle should be the effectiveness of the tracking label.

5. Electronic Readable Form. There would be no benefit to consumers if products were to contain tracking information in electronically readable form. This will require the consumers have the apparatus and technology to read optical data. Few consumers have access to this technology. In fact, tracking information in electronically readable form would be a serious disadvantage to consumers. In order for them to determine whether a product is covered by a recall, they would have to take the product to someone who would have the necessary device to read the tracking label. Tracking labels should be in a form easily read by consumers and not in a form requiring particular apparatus or technology.

6. Means of Communication. FDRA suggests that the appropriate tracking information could be made available to the consumers by a variety of means. This determination should be left up to the seller and/or private labeler. Contact information should not be required on the product or its packaging. Contact information, be it a toll-free number or an internet address, changes. Consumers know where they purchased a product and know how to contact the retailer. Requiring contact information on the product is not necessary and may be confusing because of the possibility that it changed in the interval between purchase and a consumer's attempt to contact the retailer.

7. Lead Time. If the approach adopted by the Commission requires revamping of current systems, it would take at least one year for most private labelers/importers/manufacturers to put a new system in place.

On the other hand, if the Commission recognizes that existing systems used by many will satisfy the requirements of Section 103, the lead time would be relatively minimal. Again, to the extent that the position adopted by the Commission requires major changes in current systems and methods, the lead time will be at least a year.

8. Other Jurisdictions. FDRA is not aware of any systems currently in place in other jurisdictions which represent models for adequate tracking labels.

* * *

FDRA urges the Commission adopt a rule that allows manufacturers, importers and private labelers wide latitude to develop tracking labels that are practical and effective. The only requirement should be that a consumer will be able to identify a recalled product easily.

Mr. Todd Stevenson
March 31, 2009
Page 5

Please feel free to contact me if you have any questions on this submission.

Sincerely,

Peter T. Mangione

\7295761.2

Stevenson, Todd

From: Peter Mangione [ptmangione@fdra.org]
Sent: Monday, March 30, 2009 5:18 PM
To: Tracking Labels
Cc: Pellegrini, John B.; mpriest@fdra.org
Subject: Tracking Labels under the CPSIA
Attachments: CPSC Tracking Label Comment Mar 30, 2009.DOC

Dear Mr. Secretary -- Enclosed pls find the comments submitted on behalf of the members of the FDRA on the above captioned subject.

Pls let us know if you have any questions.

Best regards.

Peter T. Mangione
President
Footwear Distributors and Retailers of America
1319 F Street, NW, Ste 700
Washington, DC 20004
P: (202)737-5660 x15
F: (202) 638-2615
M: (703)328-0802
www.fdra.org

2009-0010-0049

Heggs, Angela

From: Annette Block [bearygodmother@earthlink.net]
Sent: Monday, March 30, 2009 5:42 PM
To: Tracking Labels
Subject: Tracking Labels

Hi - After many months of delay due to the confusion surrounding the CPSIA (which I am now only slightly less confused about), I am currently (and nervously) putting product into production (plush toys). I want to make sure that I comply with any new regulations that are now or will be implemented regarding sewn-in label and/or box markings. Because the CPSC is requesting comments and things may change, what do you think is the best course for me to take? If standard nomenclature is implemented, how can I be sure that what I do now will conform in case the future standard is different? I've already lost countless dollars due to the CPSIA nightmare, and I don't want to set myself up for losing more because my sewn-in label or box markings don't comply.

If you have a sample of what a sewn-in label should look like for my industry, I would greatly appreciate your emailing it to me.

Thank you very much for your prompt response,
Annette Block
818 300 5840

_____ Information from ESET NOD32 Antivirus, version of virus signature database 3975 (20090330)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Stevenson, Todd

2009-0010-0050

From: Stephen Skoutas [steve@chrisha.com]
Sent: Tuesday, March 31, 2009 10:20 AM
To: Tracking Labels
Subject: request for information

Are there any sample tracking labels in approved formats available yet? Can we see examples of what would be considered an acceptable tracking label? Thanks in advance.

best regards,

stephen skoutas

steve@chrisha.com • [t] 401.949.4328 • [f] 401.949.4111

chrisha creations, ltd. • 7 industrial drive south • smithfield, rhode island 02917

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From: David Stone [dstone@its-academic.com]
Sent: Tuesday, March 31, 2009 1:58 PM
To: Tracking Labels
Subject: Tracking Labels

Dear Sir or Madam...

We have found the following issues as it relates to permanent tracking labels on several of our proprietary products. It is our hope that the comments we provide will be considered when ultimately defining the tracking label impracticability.

- 1) Given the current ambiguity of the tracking label statute, we are proceeding with advice from legal counsel to what we believe will satisfy the tracking label requirement. The revision to tooling in advance of the date the statute goes into effect will cause production delays and come with increase cost in molds and piece part costs.
- 2) We have additional concern that while the revisions to tooling to incorporate the tracking labels will satisfy the requirements as they are written today, the ultimate definition or clarification of the statute may cause further required revisions at additional costs. This seems highly inefficient.
- 3) Certain products in our line are injection molded plastic items with very thin or small surface areas. We are finding that information with a changing value (i.e. dating) is impracticable to mold into the product. Adding a screen print is proving to be very difficult, if not impossible, on such small parts with small surface areas. The additional process is also an added cost that could price us out of the market. Our customers will not accept price increases for CPSC compliance.
- 4) Certain products in our line have surfaces that are uneven or thin. Since these products are not molded, the tracking information required cannot be molded in. The small and irregular surface areas and material types prohibit marking by printing or stamping processes. The addition of a reasonably permanent tag or label will add significant cost to these products. It should be noted, that many of the small products that we produce are sold at very low wholesale prices. In some instances that addition of label or tag can add more than 50% to our current production costs. At 10-20% gross profit margins, the addition of the tag or label will render the item itself "impracticable".
- 5) The ambiguity of the statute as currently written has caused us to invest considerably in legal counsel. The failure to put forth a simple yet definite system or format for these tracking labels will only add to the mounting costs associated with obtaining legal opinion in these matters.

We consider our company to be a small business. The additional unforeseen financial burden in these rough economic times are unreasonable and potentially damaging to the point that our business model as presently structured will no longer prove viable. We are certainly on board with making sure that our products are quality products from a safety perspective. We have been dedicated to providing safe products since our inception in 1995. We have perhaps gone

beyond what was legally required to ensure that our products have met safety requirements. That being said, the generalities in the CPSIA of 2008 and the tracking label statute in particular have caused considerable and unreasonable costs in the name of safety and recall management. There must be alternative ways to achieve the same safety standards and manage product recalls in a reasonable timetable without the burden of the significant extra costs associated with this act.

Sincerely,

David Stone

It's Academic

Vice President

P: 847.291.6882

F: 847.291.6991

dstone@its-academic.com

It's Academic, Inc. • 4080 Commercial Avenue • Northbrook, IL 60062 • www.its-academic.com

Stevenson, Todd

2009-0010-0052

From: Sarah Natividad [sarah.natividad@gmail.com]
Sent: Thursday, April 02, 2009 9:46 PM
To: Tracking Labels
Subject: Tracking labels

I am writing in response to your request for comments on the tracking label provisions of CPSIA. I am a microbusiness owner, and I make hand-crocheted baby booties that look like shoes.

I would like to preface my remarks by saying that I trust that CPSC will, as it has been doing with other aspects of CPSIA, use whatever leeway the strict new law allows them to implement the tracking label provisions with as much common sense as Congress has allowed them. Hopefully with this provision, that's a greater amount than with some of the other provisions.

I'm not a noted expert in any field other than crocheting baby booties, so I would like to walk you through how tracking labels would apply to my products, in hopes that it will provide you with some insights as to some of the difficulties that will need to be ironed out when it comes to tracking labels.

CPSIA requires that tracking labels bear the following information:

Manufacturer or private labeler.

Date and place of manufacture.

Cohort information (including batch, run number, or other identifying characteristic) of the product.

I personally make most of my baby booties, but I occasionally hire independent contractors to help me meet large wholesale orders for international distribution. If you were watching the Ellen DeGeneres show on Mother's Day 2008, you saw some of the booties I and my contractors made. That's about the biggest thing my business has done. Because this is a shoestring operation (no pun intended), sometimes the contractors and I use yarn of different dye lots to complete an order. Little to no yarn is ever wasted and even scraps of 4 yards' length can be made into the tongue of a sneaker bootie. The yarn comes on cones, but since a cone is unwieldy my contractors and I usually wind smaller balls of yarn off the cone.

The booties that are made by contractors are all made in the same place at the same time, but that's not the case with the booties made by me. I almost never sit down and make one pair of booties at a time. Instead, I make soles in batches of 10 during the slow months (again, often using up scraps of different dye lots of yarn) and keep them in reserve so that if I get a wholesale order of booties I don't have in stock, it takes that much less time to make them. Frequently I'll make a pair of soles and it will get kicked under a piece of furniture. I'll find it months later and make it up into a pair of booties. Again, this is a shoestring operation and I can't afford to waste even a pair of soles.

My point in telling you how my booties are made is to illustrate the difficulty I'll have with determining the date of manufacture and the cohort information. One batch of soles made one week can be made into booties over a period of months. If I made the sole in December and put the upper on it in May, what is the date of manufacture? Because I mix dye lots around, how will I determine a cohort? Is each unique combination of dye lots a cohort of its own? If so, how will I go about tracking it? Once I wind a yarn ball off the cone, I don't have the dye lot information. It's not uncommon for me to lose a ball of yarn and then find it again. Will I have to then throw away balls of yarn and work off the cones because I won't be able to determine which dye lot a ball came from and therefore to which cohort the booties belong?

Truly, my booties have no really sensible identifying characteristic other than their color, which is plain for

everyone to see and therefore doesn't need to be on a label-- except now it's required by law.

Next comes the challenge of attaching a label of sufficient size to baby booties.

Assuming I can come up with some way to track cohort information, I would have to put the following on the label:

Curious Workmanship

Tooele, UT 4/09

1-2390-857 [or whatever cohort code I come up with]

I have been looking into options for how to make such a label. Getting fabric labels specially printed for such a small operation as mine would be prohibitively expensive, so I settled on the idea of printing them out on my inkjet printer onto fabric specially made for that purpose. However, the problem with that is that the labels may fade with washing. I have no idea how often my customers wash their booties; I only know how often I washed mine, which was a few times during their wear. I suspect many of my customers buy the booties only for portraits or special occasions. I also don't know what happens after my customers' babies grow out of the booties, whether they give the booties away or bronze them or whatever. So I don't know how "permanent" the labels really have to be. Now if I could put the cohort code and date on a separate label, I could get professional labels made up that said "Curious Workmanship, Tooele, UT" and maybe I could use a Sharpie marker to make a little tag on a ribbon that had the cohort code and date.

Next is the size of the label. Will there be a minimum size for the label? I make booties as small as Premie size. They are truly dinky (the soles are 2" long) and there's scarcely any way a label could be attached to the inside of them without it hanging like a flap, because my sewing machine just can't get that far inside them. Would a "flap" label, which could fall off more easily, be considered some sort of a hazard? If I use a tiny font to make a label small enough to fit inside a Premie bootie, so tiny that on fabric it becomes illegible, does it count?

If the label needs to contain less text, maybe instead of my business name I could put an RN number. That would be convenient, if I could get one. I applied for one but was rejected because evidently baby booties are considered "footwear" and therefore don't qualify for an RN number. I reapplied emphasizing that my booties are 100% textile and not for walking children; we'll see how it goes.

Finally, I would like to mention a few questions I thought up about the practicality of using tracking labels on various items.

(1) Someone I know raised the question of how one would attach a permanent tracking label to a bar of handmade soap. Evidently some soap falls under FDA but some other soap falls under CPSC's jurisdiction (e.g. soap with a rubber ducky embedded in it). Truly, even if it were feasible, I see no need for a permanent tracking label on a bar of soap, as it is an item that is rarely passed on to other consumers in a used state, even at thrift stores. My husband thought of embedding the tracking label on the inside of the bar of soap.

(2) The issue of customers cutting out clothing labels. I realize the goal in labeling is to keep the item traceable in perpetuity back to the manufacturer. In practice that might not work so well, especially given that many people cut the tags out of their clothing. My autistic kids thankfully tolerate apparel tags, but I know a lot of people's kids do not and for some autistic kids it's a sensory issue; if you try to put clothes with tags on them, they pull off their clothes. So that begs the question of how permanent a permanent label really is on apparel, and how many sequential users of an item will have the info on it. I'm surprised that Congress in its infinite "wisdom" forgot to make it illegal to cut the CPSIA-required tracking labels out of clothes. (Shhh... don't give them any ideas)

(3) The issue of tracking labels on items that are made of other children's items. E.g. if you sew a fabric skirt onto a onesie, and the onesie has a tracking label of its own, do you now need to affix a second tracking label? Do you need to retain the onesie's tracking label? What if instead of adding something, you cut it off, e.g. you

buy children's jeans that have tracking labels and artfully wear and slash the jeans with grindstones and blades? Are you then the manufacturer? Do you have to add a tracking label then? What if the area you slash out is the area where the tracking label is sewn, say if the label is sewn in the side seam and you cut out part of the side seam? Do you have to reattach the label?

(4) PLEASE tell me no lawsuits are in process to make the tracking label requirements retroactive too.

(5) If a tracking label is affixed on an item that has to be tested for phthalates, does the label also have to be tested for phthalates?

(6) Can tracking labels be placed somewhere inaccessible, so that they don't also have to be tested for lead?

That's all the comments I can think of for now. I hope that this helps you to come up with some common sense labeling requirements!

Sincerely,
Sarah Natividad
Curious Workmanship

--

Sarah Natividad
<http://www.curious-workmanship.com>
<http://organicbabyfarm.blogspot.com>

Heggs, Angela

2009-0010-0053

From: helen cheng [ht216@hotmail.com]
Sent: Saturday, April 04, 2009 11:43 PM
To: Tracking Labels
Subject: tracking labels

Hi,

I have a couple of questions regarding the tracking label that is effective Aug 14, 2009.

1. Does the information on the label need to be inside the product AND also on the box/packaging?
2. Can the label be a stamp?
3. Just to clarify, is it correct that we need to provide on the label:
 - a. name of manufacturer
 - b. location of manufacturer
 - c. date manufactured
 - d. cohort information

Thank you.

Helen

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Heggs, Angela

2009-0010-0054

From: Oliver Giner [oginer@aefj.es]
Sent: Tuesday, April 07, 2009 6:45 AM
To: Tracking Labels
Cc: Manuel Pérez; Paula Díaz
Subject: tracking label (Comments from the Spanish Association of Toy Manufacturers)

Dear Sirs;

First of all, we, the Spanish Association of Toy Manufacturers, appreciate very much the opportunity to raise our comments about the tracking label.

There are some issues that worry us:

Taking in to account that apparently, it will be necessary to mark the toy and the box, is it necessary to mark all the components of the toy?. I want to say, if it would be necessary to mark with the tracking label (that I suppose it will be able to be a ciphered code), for example all the pieces of a puzzle or all the pieces from a construction game.

On the other hand, we are concerned about how is going to work the confidentiality. The companies are worried if anyone could know where and who makes his toys, for example, in China.

Best regards

Oliver Giner Cardona

Technical Department

Spanish Association of Toy Manufacturers

www.aefj.es oginer@aefj.es

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2009-0010-0055

PUBLIC SUBMISSION

As of: May 06, 2009
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Tracking No. 8094a897
Comments Due: April 27, 2009
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Docket: CPSC-2009-0010

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Comment On: CPSC-2009-0010-0001

Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

Document: CPSC-2009-0010-0055

Comment from Eduardo Gonzalez

Submitter Information

Name: Eduardo Gonzalez

Address:

16641 Roscoe Place
North Hills, CA, 91343

Email: ed@imptoy.com

Phone: 818-536-6470

Fax: 818-536-6471

Organization: Imperial Toy

General Comment

My question is to the practicality of applying labels to items such as balloons when sold in packs of different quantities of 50, 75, 100 etc. Is it expected that every piece inside the package must have a tracking code?

Also, for items that are made of thermo plastic rubber with many tentacles and no available surface to apply a tracking code; is it acceptable to place it on the package or hang tag?

Stevenson, Todd

2009-0010-0056

From: Mike Rizner [mrizner@augustasportswear.com]
Sent: Tuesday, March 03, 2009 4:30 PM
To: Tracking Labels
Cc: Jon Letzler; Dean Riggs; Mark Vondenhuevel (Holloway); Robin Slater (Holloway); Bill Swint; David Garrison; Donna Hansen (Jones and Mitchell); Tami Podell; John Chambley; Mike Gastelle; Burt Bradley; Evette Bitto
Subject: Notice of Inquiry - Section 103 of CPSIA 2008 Reply
Attachments: Track Label Reply.doc

Dear Mr. Mullan: Please find attached our response to the Notice of Inquiry regarding Tracking Labels for Children's Products, Section 103 of CPSIA 2008. We trust that the CPSC will consider both the practical and the financial implications involved in complying with this section alongside the existing safety concerns and make a decision that takes the entire picture into consideration.

Thank you,

Mike Rizner
ASG CPSC Compliance Coordinator
706-228-6343

3/3/09

Tracking Labels

Notice of Inquiry – Request for Comments and Information

Re: Section 103 CPSIA 2008

Attn: Mr. John “Gib” Mullan; trackinglabels@cpsc.gov

On behalf of all the divisions comprising the Augusta Sportswear Group, we appreciate the opportunity to comment on the implications of the tracking label requirement for children’s products set forth in Section 103 of the CPSIA 2008.

After reviewing the details in the notice and after reviewing the ROC-EU Feasibility Study, we present the following comments, concerns and suggested solutions:

1. Issue: **Confidentiality of the Product Source**
 - a.) Discussion: As an importer, if we are required to list detailed information about our manufacturing source on the product and package, the potential exists for our competitors, resellers, distributors or end users to circumvent us in the future by going directly to our source; thus, having the real possibility of eroding our business. We view this as a potentially disastrous cost of complying with Section 103 the way it is currently stated.
 - b.) Recommended Solution: We recommend the CPSC revise the instructions in this section to provide for the use of the Manufacturer’s ID # or MID (assigned by US CBP in the case of foreign suppliers) and the use of the Registered ID # or RN (assigned by the FTC for domestic suppliers). Both of these numbers exist in US government databases and are searchable on the internet. A consumer could contact either the FTC or CBP if necessary to find out the details behind the MID or RN (such as name, address, etc.). Furthermore, the CPSC could provide links to these databases from its site or could include a searchable database for consumers on its own website for both MID and RN#’s.
2. Issue: **Label Size/Cost**
 - a.) Discussion: As an importer, if we are required to list the manufacturer’s name, address and other contact information to enable a consumer to directly contact the manufacturing source of the product, the label size would have to be unusually large to accommodate the amount of alphanumeric characters typically found in a foreign manufacturer’s address without making the font so small that it could not be read. If the label exceeds a certain size, it is very likely that the consumer would tear the label off the product. Further, the larger the label and the more ink required, the more costly this type of label would be.

- b.) Recommendation: Again, we suggest allowing the MID or RN number to take the place of detailed manufacturing source information.
3. Issue: **Dynamic Label Information-Cost and Margin for Error**
- a.) Discussion: While the executive or management staff of most foreign manufacturers has a good grasp on the English language and are likely to make fewer errors, the employees on the manufacturing floor do not necessarily have the ability to ensure that the right label with the right information is being put on the right product. This process becomes more complex and there is a greater margin for error as the amount of dynamic label information increases. If the incorrect labels are put on the product and package, there will be a large cost to re-label the product and packaging with the correct labels.
- b.) Recommendation: Aside from any internal label content needs that may not be regulatory in nature, we recommend that the regulatory label requirements be kept to a minimum and be as simple and static as possible to decrease the chance for error. Use of the MID or RN #'s as described herein will accomplish this objective. If a date is absolutely required to be placed on the label, we recommend a format of MMY (ie. 0409). However, we also recommend that for products where dates are not significant in terms of the safety of the product or useful in facilitating product recalls, that the date be an optional piece of data.

Sincerely,

Michael J. Rizner
Augusta Sportswear Group CPSC Compliance Coordinator

Heggs, Angela

2009-0010-0057

From: bboandme@comcast.net
Sent: Sunday, April 12, 2009 2:41 PM
To: Tracking Labels
Subject: comment regarding the tracking label requirement

I request that the CPSC adopt rules that allow for manufactures to have the flexibility to comply with labeling based upon their unique production methods. Labeling compliance for US-based crafters and related "cottage industries" that produce unique or small batch items should be completely voluntary.

I have a very small business making toys, shirts & other children items. They are all one-of-a-kind and it would be cost prohivative to have to label all of them. Each label would be unique and expensive to make. I could recover the cost of the labels if I made large quantities of my products, but that is not the case.

So please make it possible for business like mine to continue making beautiful, fun & safe children items.

Thank you,
Dawn Miles
B.Bo&Me
bboandme.etsy.com
bboandme@comcast.net
145 Maple Blvd.
Wood Village, OR 97060
503-674-7038

Heggs, Angela

2009-0010-0058

From: Melanie J. Morris [mmorris@mjsimonandcompany.com]
Sent: Monday, April 13, 2009 5:13 PM
To: Tracking Labels
Cc: Garth Zambory
Subject: Public Comments on Tracking Labels
Attachments: Comments CPSC.doc; ATT00001.htm; ASG Overview 13apr09.pdf; ATT00002.htm

See comments in attached documents.

Thank you,
Melanie Morris

Melanie J. Morris
Senior Director
Simon & Co., LLC
2000 K Street, NW, Second Floor
Washington, DC 20006
202.587.2541
703.501.7839 (mobile)
202.955.0044 (fax)



2 Applegate Dr.
Robbinsville, NJ 08691

April 13, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814

Re: Notice of Inquiry; Request for Comments and Information on Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act

JDSU Authentication Solutions respectfully submits these comments to the Consumer Product Safety Commission (CPSC). JDSU Authentication Solutions offers a general suggestion that the CPSC consider incorporating anti-counterfeiting technology into the labels. It is important that both CPSC and consumers be able to verify that the labels are authentic and that the toys have actually been inspected and deemed safe. CPSC could incorporate such authentication technologies such as a proven color shift technology or holograms on the labels to help verify the authenticity of the label (see attached document for information about JDSU Authentication Solutions).

1. The conditions and circumstances that should be considered in determining whether it is "practicable" to have tracking labels on children's products and the extent to which different factors apply to including labels on packaging.

JDSU Authentication Solutions suggests that CPSC consider how the labels will be affixed to the toys. If they are affixed by an adhesive there is a risk that the label may be able to be separated from the toy with a resulting risk of ingestion. Ingesting the label has a two-fold risk; that of poisoning due to the adhesive as well as choking from the label itself.

2. How permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information would affect:

a. Manufacturers' ability to ascertain the location and date of production of the product; and

b. Other business considerations relevant to tracking label policy.



No comment

3. How consumers' ability to identify recalled items would be affected by permitting manufacturers and private labelers to comply with labeling requirements with or without standardized nomenclature, appearance, and arrangement of information.

JDSU Authentication Solutions strongly suggests that a standard format for presenting the information along with a standard overt security feature is required to make it simpler for consumers to both trust and understand the label. Consumers need to be educated as to what to look for and if every manufacturer produces labels in different formats there will be a continued lack of trust as to the genuine nature of the label and the data provided. Many product manufacturers utilize a hologram as an overt element of security on their product and product packaging. Consumers are familiar with this and it is suggested that these labels would benefit from the use of this technology. For some classes of products a washable hologram could be used. This is a flexible hologram on cloth that withstands being washed and can be sewn onto a product.

4. How, and to what extent, the tracking information should be presented with some information in English or other languages, or whether presentation should be without the use of language (e.g., by alpha-numeric code with a reference key available to the public).

No comment.

5. Whether there would be a substantial benefit to consumers if products were to contain tracking information in electronically readable form (to include optical data and other forms requiring supplemental technology), and if so, in which cases this would be most beneficial and in which electronic form.

No comment.



6. In cases where the product is privately labeled, by what means the manufacturer information should be made available by the seller to a consumer upon request, e.g.: Electronically via Internet, or toll-free number, or at point of sale.

No comment.

7. The amount of lead time needed to comply with marking requirements if the format is prescribed.

No comment.

8. Whether successful models for adequate tracking labels already exist in other jurisdictions.

No comment.

Thank you for the opportunity to provide this input. We strongly believe that this sort of a general authentication technology is a necessary part of creating labels for toys.



Authentication Solutions Group
2 Applegate Dr.
Robbinsville, NJ 08691

April 14, 2009

JDSU is a multi-national company headquartered in Milpitas, California. Annual revenue is approximately \$1.5 billion with slightly more than 5,000 employees worldwide.

The Authentication Solutions Group (ASG) of JDSU is one of three Groups within the Advanced Optical Technologies (AOT) division of JDSU. AOT has been providing American made high security solutions to the financial, identification, pharmaceutical and brand protection markets for several decades. These solutions include Optically Variable Pigment that is used to protect the banknotes and identity documents of over 100 nations around the globe as well as innovative holographic products protecting approximately 40% of the transaction cards issued annually. Highly secure demetalized holographic products are also used in the USA and around the globe protecting important identity credentials.

We possess the widest range of in house overt and covert document security solutions that can aid our clients in their efforts to reduce the threat to their products and brands through counterfeiting or diversion. At the same time we drive the enhancement of their brands through the use of specially formulated pigments, inks and holography. All of this is done via a secure channel in which ASG delivers these technologies in a wide variety of applications.

At a high level the technologies employed by ASG in providing these solutions are:

- Light interference pigments manufactured in California that provide easily recognizable color shift effects when used in printing inks.
- Diffractive pigments manufactured in California that provide interesting, eye catching optical effects that enhance brand image.
- Metalized and demetalized holograms designed, originated and manufactured in New Jersey.
 - One of the only firms to conduct all phases of hologram creation in one secure facility in the USA.
 - Several state of the art origination laboratories to create both classical and digital holographic images.
 - Three distinct hologram manufacturing processes employed (hard embossing, soft embossing and direct casting) to provide the most appropriate hologram to meet the unique needs of our clients.



Authentication Solutions Group
2 Applegate Dr.
Robbinsville, NJ 08691

April 14, 2009

JDSU is a multi-national company headquartered in Milpitas, California. Annual revenue is approximately \$1.5 billion with slightly more than 5,000 employees worldwide.

The Authentication Solutions Group (ASG) of JDSU is one of three Groups within the Advanced Optical Technologies (AOT) division of JDSU. AOT has been providing American made high security solutions to the financial, identification, pharmaceutical and brand protection markets for several decades. These solutions include Optically Variable Pigment that is used to protect the banknotes and identity documents of over 100 nations around the globe as well as innovative holographic products protecting approximately 40% of the transaction cards issued annually. Highly secure demetalized holographic products are also used in the USA and around the globe protecting important identity credentials.

We possess the widest range of in house overt and covert document security solutions that can aid our clients in their efforts to reduce the threat to their products and brands through counterfeiting or diversion. At the same time we drive the enhancement of their brands through the use of specially formulated pigments, inks and holography. All of this is done via a secure channel in which ASG delivers these technologies in a wide variety of applications.

At a high level the technologies employed by ASG in providing these solutions are:

- Light interference pigments manufactured in California that provide easily recognizable color shift effects when used in printing inks.
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 - Three distinct hologram manufacturing processes employed (hard embossing, soft embossing and direct casting) to provide the most appropriate hologram to meet the unique needs of our clients.

Heggs, Angela

2009-0010-0059

From: Brian Scarlett [Brian@didax.com]
Sent: Tuesday, April 14, 2009 11:40 AM
To: Tracking Labels
Cc: awatts@nssea.org
Subject: Comment on Tracking Labels

To the Consumer Product Safety Commission:

We are small publisher of educational materials for math and special needs students and teachers. Along with books, many our products are hands-on models to help children understand key concepts. These models include stacking small blocks, geometric shapes and other materials made generally of plastic. Because of the limited market for our materials, our production runs are done in small, frequent batches, both in the U.S. and overseas.

It is possible for us to label the packaging of these products with cohort information, but to label the physical individual products would not be practical and would result in these materials not being economically feasible to produce.

An additional concern about labeling is that that we have been provided no guidelines for the specific information required on the labels from the CPSC or other agency. It will not be possible to receive this information and effect the recommended labeling by the implementation date now required, August 14, 2009.

Our company has a periodic, and random testing procedure for lead and phthalates that we believe is superior to the new CPSIA requirements. This way we can sample from batches at any time to be sure our manufacturers are maintaining standards consistently. We have never found lead in any of our products in 25 years of testing.

I believe that educational materials intended for use in supervised settings, (i.e. schools) should be exempted from this specific requirement.

Please feel free to contact me for further information.

Sincerely,

Brian Scarlett

Brian Scarlett
President
Didax Education
Creative Solutions for Learning
395 Main Street Rowley, MA, USA 01969
Ph: 1 978 948 2340 x310 Fax: 1 978 948 2813
www.didax.com All Rights Reserved

Heggs, Angela

2009-0010-0060

From: Go, Goose, Go! [admin@gogoosego.com]
Sent: Tuesday, April 14, 2009 12:19 PM
To: Tracking Labels
Subject: Comments on Labeling

To Whom It May Concern:

My partner and I own a small business in Portland Oregon (zip 97211) that makes hand screen printed t-shirts and sewn play clothes for infants and toddlers. Our items are made to order, one at a time. We sell primarily on the web through our website. At this point I have verified that all our fabric (100% cotton), notions, snaps and inks are Lead Free. This is through the manufacturers testing. I only buy items from US companies that can certify.

The labeling requirement is the CPSC is suggesting would be nearly impossible for me to meet.

I request that the CPSC adopt rules that allow for manufactures to have the flexibility to comply with labeling based upon their unique production methods. Labeling compliance for US-based crafters and related "cottage industries" that produce unique or small batch items should be completely voluntary.

Thank you,

Nicole Kittersong & Robin Riversong

Go Goose Go!

Portland Oregon

Heggs, Angela

2009-0010-0061

From: Robert Hupe [roberthupe@virco.com]
Sent: Tuesday, April 14, 2009 1:07 PM
To: Tracking Labels
Cc: Falvey, Cheryl; gmullan@cpsc.gov
Subject: Tracking Label Requirement Under Section 103 of CPSIA
Attachments: Tracking Label Requirement Under Section 103 of CPSIA

Mr. Stevenson,

Attached is Virco Mfg. Corporation's comments in Response to the Notice of Inquiry Regarding Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act of 2008. Feel free to contact me if you have any questions.

Robert M. Hupe

Director and Associate Corporate Counsel

Virco Mfg. Corporation

2027 Harpers Way

Torrance, California 90501

(310) 533-0474

(310) 533-5029 (fax)

RobertHupe@virco.com

This e-mail (including any attachments) may contain privileged, confidential, or proprietary information to Virco and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please delete this message and notify the sender immediately.



VIRCO MGMT. CORPORATION • LEGAL DEPARTMENT
2027 HARPERS WAY, TORRANCE, CA 90501 • PH: 310-533-0474 • FAX: 310-533-5029

April 14, 2009

Via Electronic Mail

TrackingLabels@cpsc.gov
Todd A. Stevenson
Director, Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Room 502
Bethesda, MD 20814

Re: Notice of Inquiry Regarding Tracking Labels for Children's Products Under Section 103 of the CPSIA

Dear Mr. Stevenson:

Virco Mfg. Corporation (Virco) is pleased to submit these comments in response to the above-referenced Notice of Inquiry Regarding Tracking Labels for Children's Products Under Section 103 of the Consumer Product Safety Improvement Act of 2008 (CPSIA).¹ Virco is a manufacturer and retailer of furniture, largely for business and institutional use. Many of our furniture and other products are designed and intended primarily for children 12 and under, principally in school settings, and are thus will be subject to various obligations under the CPSIA, including the tracking label requirement.

Section 103 of the CPSIA requires, effective on August 14, 2009, that the manufacturer of a children's product place:

...permanent, distinguishing marks on the product and its packaging, to the extent practicable, that will enable

(A) the manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristics, and any other information determined by the manufacturer to

¹ 74 Fed. Reg. 8781 (February 26, 2009).



- facilitate ascertaining the specific source of the product by reference to those marks; and
- (B) the ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including the batch, run number, or other identifying characteristic).

The principal purpose of tracking labels is to facilitate identification of products in the event of a recall. We recognize that instituting a scheme of permanent tracking labels for all children's products on products and packages rests, at the outset, on the "practicability" of such a system. A single, uniform system may be neither feasible nor desirable, and may not materially advance the objectives of Section 103. Consequently, we are providing here a summary of the process our Company uses to track our products, which we ask the Commission to recognize in any rule or guidance issued on tracking labels.

Our labeling regime for tracking a multitude of products is particular to our business. We use our Uniform Product Code (UPC), a 9-digit coding system, to identify specific products covered by certificates of conformity as well as for quality management purposes. As we explain more fully below, our system of tracking labels both meets the requirements of Section 103 and corresponds to our certifications under Section 102. We therefore strongly urge the Commission to recognize a system such as ours, rather than adopting "one size fits all" requirements for tracking labels.

All products manufactured by Virco include a label with Virco's name, the manufacturing date, and the manufacturing location. We have also employed a unique identifier which allows for the identification of additional information, such as the particular assembly line and shift involved in the manufacture of the item, as well as its specific day, month, and year of manufacture. In the furniture industry, this constitutes the relevant "batch, run number or other identifying characteristic" contemplated by Section 103. Note that our products are not typically sold in a "package" form because of the bulk, so these labels do not appear on packaging. However, our code is referenced on invoices and shipping documents as evidence of compliance with Section 102 obligations. Consequently, both our products and our certificates of conformity will use this same code. We provide, on our certificates, the following information to assist recipients in understanding the information:

NOTICE

TO PREVENT STRUCTURAL FAILURES AND POSSIBLE INJURY, FURNITURE SHOULD NOT BE USED OTHER THAN FOR ITS INTENDED PURPOSE AND SHOULD BE INSPECTED REGULARLY FOR LOOSE OR MISSING SCREWS OR RIVETS, METAL FATIGUE, CRACKS, BROKEN WELDS, MISSING ATTACHMENTS, LOOSE STAPLES, AND GENERAL INSTABILITY. FURNITURE THAT IS DAMAGED OR APPEARS TO BE UNSTABLE SHOULD IMMEDIATELY BE REMOVED FROM SERVICE, REPORTED TO THE FACILITY MANAGER, AND REPLACED OR REPAIRED.

FOR INFORMATION ON FURNITURE MAINTENANCE, OR TO REPORT FURNITURE WHICH REQUIRES SERVICE, CALL VIRCO TOLL FREE AT 1-800-44-VIRCO. REPAIRS SHOULD ONLY BE MADE USING FACTORY AUTHORIZED PARTS AND METHODS.



M-2945

BLK01 - CHRIM

29459C59

108K03113

The next two digits, which are always in the range of 01 to 99, indicate the assembly line on which the labeled product was manufactured; 01= assembly line 1, and so on.

The next digit, which is always in the range of 1 to 3, indicates the shift during which the labeled product was manufactured; 1= first shift, and so on.

The next two digits, which are always in the range of 01 to 31, indicate the specific day of the production month; 01= the first of the month, and so on.

The next digit, which is always a letter in the range of A to L, indicates the production month; A=January, B=February, and so on.

The next two digits indicate the production year; 00= the year 2000, 01=2001, and so on.

The first digit, which is always either 1 or 2, indicates the manufacturing site of the labeled product; 1=Virco Torrance, CA and 2=Virco Conway, AR.

As you can see, these instructions for translating the 9-digit code that accompanies each product and its label are available so anyone in the supply chain, including our school and other institutional customers, and any consumer, can access the identifying information on the product itself by cross-referencing it with the general certificate of conformity. The label also includes a telephone number in case of questions regarding proper maintenance or repair of the product.

Our labels are comprised of a paper label that adheres to the bottom of a furniture item. Virco uses UPM and Fasson® labels with permanent adhesive. Thus, the label qualifies as a “permanent distinguishing mark” of pertinent information on each product. The “practicability” of placing these permanent distinguishing paper labels on the bottom or underside of our furniture products is not an issue, but any change in the form (*e.g.*, requiring that information be molded into the underside of plastic chairs), would not be practicable as it would require significant and frequent retooling at a high cost to provide the same information that appears on these labels. The fact that our labels are not in electronically-readable form in no way detracts from the usefulness of the labels to the ultimate purchaser of these products, which tends to be schools and businesses.

Virco’s tracking labels meet the requirements of CPSIA Section 103. As the Commission collects comments regarding this portion of the law, we respectfully request that it considers the existence of tracking label systems, such as ours, which have already been implemented by certain stakeholders before it attempts to construct and require a “one size fits all” approach to comply with Section 103. Depending on the parameters of a final rule,

April 14, 2009
Page 4

requirements that do not recognize a system such as ours, which is simple and works well, could force costly changes.

We appreciate this opportunity to share our views, and would be happy to discuss any questions you have about our system.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Hupe". The signature is written in a cursive style with a large, stylized initial "R".

Robert M. Hupe
Director and
Associate Corporate Counsel

cc: Cheryl Falvey
John "Gib" Mullan

Heggs, Angela

From: Ada.Leung [Ada.Leung@target.com]
Sent: Thursday, April 16, 2009 7:06 AM
To: Tracking Labels
Subject: Children's Products tracking label issues

Dear Sirs,

We have few issues below regarding the new regulation on Children's products tracking labels. Could you pls help to clarify and answer by return in early convenience?

1. Tracking label size on product :
 - Based on information we have, the max size is 20 x 20mm.
 - Can tracking label in 13mmx23mm instead of 20x20mm max?

2. Is tracking label must be on both product and packaging?
 - Can socks tracking Hangtag (on the packaging only) instead of tracking label on socks(actual product).
 - Due to the elastic feature for socks products, it's not easy to add tracking label or stamp on actual product.

3. Can tracking label apply to all age regardless kids or adult?

Thanks in advance.

Rgds,
Ada Leung

Heggs, Angela

2009-0010-0063

From: Nancy MacPherson [nancy.macpherson@LEGO.com]
Sent: Friday, April 17, 2009 2:35 PM
To: Tracking Labels; Mullan, John; Falvey, Cheryl
Cc: Nancy MacPherson
Subject: Sec 103 Tracking Label Comments
Attachments: Final CPSIA Product Marking Comments.doc

On behalf of LEGO Systems, Inc. I am submitting our comments with respect to Sec 103 of the CPSIA regarding tracking label requirements. Please feel free to contact me with any questions. Thanks,

Nancy

Nancy MacPherson
Director of Quality and Compliance
LEGO Systems, Inc.
Enfield, CT 06083

office 860-763-6886 | mobile 860-716-0518 | nancy.macpherson@LEGO.com



Cheryl A. Falvey, General Counsel
John Gibson Mullan, Director, Office of Compliance
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

April 17, 2009

Subject: Comments on Tracking Label Requirements as defined in CPSIA Section 103.

Dear Ms. Falvey and Mr. Mullan,

The LEGO Group ("LEGO") is the major distributor of high quality interlocking plastic construction toys in the United States. Since 1949, more than 400 billion LEGO® elements have been distributed worldwide. Current output is over 24 billion elements per year, with about 40% of those sold in the United States. These numbers are provided to add some perspective to the practicability of providing tracking labels on products such as ours. There are two specific areas that I'd like to address;

Key Issues:

- 1.0 We request that CPSC support a reasonable interpretation of 'extent practicable' as it relates to product tracking labels and allow manufacturers flexibility in meeting the requirement to provide cohort information that would enable a consumer to determine if a product was affected by a recall.
- 2.0 We request that the definition of permanent marking be more clearly defined to include permanent, durable adhesive labels.

Rationale:

As written, the requirements in Sec 103 of the CPSIA state that "the manufacturer of a children's product shall place permanent, distinguishing marks on the product and its packaging, to the extent practicable."

1.0 "Extent practicable"

In determining the extent to which a tracking label is practicable, we would request that the Commission take a flexible approach that would allow manufacturers in certain circumstances to mark the packaging and not the product itself.

What is 'practicable' can be influenced by size, shape, geometry, aesthetics and the complexity of the marking process. With small plastic parts, e.g. LEGO bricks, it is impracticable to add date



code wheels to every cavity of production molds or to surface print the small plastic pieces. Typically there is not a main component as the finished products are unique combinations of common components used across many SKUs. Arts and crafts sets, crayons and similar items would share this type of SKU configuration. Since the intent of the requirement is to make it possible for manufacturers, retailers and consumers to clearly identify items that may require corrective actions, we believe that the presence of a distinctive logo on the majority of the products can also serve this purpose. Our concern is that without CPSC guidance as to what is 'practicable', there will be conflicting interpretations between labs, retailers, and the manufacturers leading to non conforming test reports on a subjective requirement.

2.0 "permanent markings" as per Sec 103 (a)

Based on our practical experience and existing regulations, one of which is cited below, we believe that ordinary adhesive labels satisfy the requirement to place 'permanent' marks on the packaging. LEGO currently provides traceability information on our products by printing relevant information on the plastic adhesive labels used to seal the box. (See Exhibit A). The code indicates the day, week, year and production location. This label is printed at the production line and applied directly to the box as it is packed. The label is designed to be durable to ensure the box stays closed until reaching the end consumer and stays with the box until the box is discarded. We believe this type of tracking label meets the requirement that the marking be permanent.

We raise this point because there is a related FAQ indicating that labels are not acceptable *on textiles* because they are not considered to be permanent¹. We are concerned that this FAQ may create confusion at the labs in accepting any labels as permanent. Whereas sealing/tracking labels are designed to be a permanent and functional part of the packaging, adhesive labels on textiles are designed to be applied and removed without damaging the product, and are present only to convey general consumer information (such as garment size) that is not otherwise readily visible in a common retail display.

Additionally, we would point out that the CPSC has previously allowed durable labeling to be used in bicycle helmets where the information conveyed consists of multiple warnings that have immediate impact on the user's safety.²

¹ CPSIA FAQs Sec 103 Could hangtags and adhesive labels be used as tracking labels for textile-type items? No. The law requires that markings with the specified information be permanent. Hangtags and adhesive labels are not permanent

² PART 1203 SAFETY STANDARD FOR BICYCLE HELMETS

Sec. 1203.6 Labeling and instructions.(a) Labeling. Each helmet shall be marked with durable labeling so that the following information is legible and easily visible to the user.

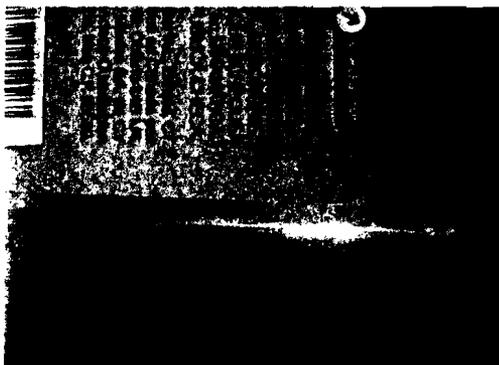
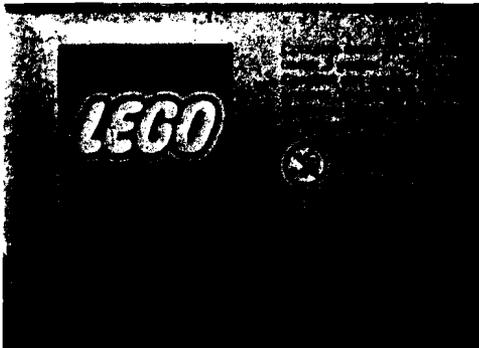
I hope that these comments are helpful to the Staff as you continue to refine the scope and requirements of Section 103. Please do not hesitate to contact me if I can clarify any points raised in these comments.

Sincerely,

Nancy MacPherson

Nancy MacPherson
Director of Quality and Compliance
LEGO Systems, Inc.
Enfield, CT 06082
1-860-763-6886
nancy.macpherson@lego.com

Exhibit A



From: Bob Yoksh [byoksh@cramersportsmed.com]
Sent: Friday, April 17, 2009 4:28 PM
To: Tracking Labels
Subject: Response to request for comments 74FR8781-8782



April 17, 2009

VIA E-MAIL

Office of the Secretary
Consumer Products Safety Commission
4330 East West Highway, Room 502
Bethesda, MD 20814-4408

Re: TRACKING LABELS FOR CHILDREN'S PRODUCTS UNDER SECTION 103 OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT; NOTICE OF INQUIRY; REQUEST FOR COMMENTS AND INFORMATION; 74FR8781-8782.

Dear Mr. Stevenson:

Cramer Products is a ninety-one year old, employee-owned manufacturer and distributor of sportsmedicine and physical education products. Our products are distributed to schools and institutions in the United States through a network of independent distributors. Our children's products are packaged and labeled for institutional sale and not for retail sale. The intended users are children from K through the 6th grade. The products are used for physical education activities during school. The typical use would be one hour per week.

Because we package our products for sale to institutions, many of the products we sell are packaged in bulk or in sets. Therefore they include multiple components, for example an indoor hockey set containing ten or twelve hockey sticks, hockey pucks and balls, and goalie sticks. Another example is a box of 100 Funballs®, our equivalent of a Wiffle® ball. The burden of adding a permanent label to each component will not only be costly and difficult, but in many instances may not be feasible.

An example where a permanent label may not be feasible would be the plastic Funball. Labeling Funballs may not be feasible for the following reasons: 1) the surface is approximately 50% "holes" which reduces the area for application; 2) Funballs are molded of polyethylene which would likely require some type of surface preparation for labels to adhere permanently; 3) Funballs are meant to be struck by a bat which would affect label adhesion; 4) Funballs are injection molded in halves and heat sealed together. Molding in the required information could be very difficult and costly given the round surface of the ball.

Other examples of products in our line where permanent labeling might not be feasible include plastic bowling balls and pins, hockey sticks, pucks and balls.

As packaged for institutional sale, all of our products have the necessary information on the packaging to provide the eventual customer with the means to obtain all of the CPSIA required information from us. It is our belief that it is impractical to apply this information to each and every component in the package. Since our products are not sold at retail, we believe this should be sufficient to be in compliance with the CPSIA. Our CPSIA certification is available on a link from our websites enabling the customer to readily obtain the required certificate.

We appreciate this opportunity to express our concerns and thoughts on this important issue. We are hopeful that the Commission will find it possible to ease some of the regulatory burden on our industry while maintaining the spirit of the CPSIA.

Respectfully,

CRAMER PRODUCTS, INC.

A handwritten signature in black ink that reads "Robert M. Yoksh". The signature is written in a cursive, flowing style.

Robert M. Yoksh
Vice-President of Operations

Heggs, Angela

From: Bob Yoksh [byoksh@cramersportsmed.com]
Sent: Friday, April 17, 2009 4:30 PM
To: Tracking Labels
Subject: Response to request for comments 74FR8781-8782



April 17, 2009

VIA E-MAIL

Office of the Secretary
Consumer Products Safety Commission
4330 East West Highway, Room 502
Bethesda, MD 20814-4408

Re: TRACKING LABELS FOR CHILDREN'S PRODUCTS UNDER SECTION 103 OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT; NOTICE OF INQUIRY; REQUEST FOR COMMENTS AND INFORMATION; 74FR8781-8782.

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Respectfully,

CRAMER PRODUCTS, INC.

A handwritten signature in black ink, reading "Robert M. Yoksh". The signature is written in a cursive, flowing style.

Robert M. Yoksh
Vice-President of Operations

From: Chris van der Walt [chris@indygo.co.za]
Sent: Monday, April 20, 2009 9:59 AM
To: Tracking Labels
Subject: CPSIA Section 103 tracking labels: Request for Comments

Dear Sirs

- 1 If all childrens clothing was manufactured by giant corporations, this law would make sense – fact is, a large portion of clothing is manufactured by small businesses & the law does NOT make sense.
- 2 b) How about prohibitive cost as a consideration? This, along with lead testing requirements, will put us & many small companies out of business because we don't have the capacity to cater to lawmakers' ivory tower tunnel vision.
- 3 If it has to be done, at least standardise it, otherwise customs officials & other assorted clipboard jockeys will have more reason to make manufacturers' lives a misery.
- 4 Our country has 11 official languages, how about yours?
- 5 Oh, sure, why not require barcodes, that will take care of most of the 3rd world 'emerging economies' small manufacturers – not having or being able to afford high-tech devices means you have no right to apply your acquired skills to earn a living.
- 6 Great, require everyone to host & maintain a website, especially those who don't have broadband, let them sit at a computer instead of making clothes & providing employment, that will only leave large corporations able to comply.
- 7 Make it 6 weeks notice, because that is how long it takes on average to retrench all your staff when you have to close your factory due to idiotic nanny-state laws.
- 8 a 3rd party, international database located in an independent country with hierarchically differentiated internet access to the data dependent on the user's profile, with a batch based numbering system based on the EPC standard and where each and every product should be tagged individually.
...the marking cost of the products should not exceed 3% of its FOB value, making both optical and RFID marking technologies eligible for most products – this may be fine for the Chinese, who run one giant sweatshop with their government facilitating it.

The only way we can comply with this law is to print labels with our production location & manufacturer name, then handwrite (with laundry pen) the dates & batch numbers – we do not know in advance how many items we will produce each month.

Do you have any idea how bad things already are in the clothing industry?

You people should get out more often: the real world is NOT the high-tech hollywood fantasy you all think it is. The cost of this & crony-accredited lead testing will not only ultimately result in massive unemployment throughout the world, but also in a severe limitation of clothing products available to your market. Why not cut out all the posturing & just make a law that only massive corporations may produce anything at all? Cut to the chase and design a standard uniform for all citizens, featuring their identity numbers & tracking chips and why not tattoo it & implant it on their foreheads while you're at it, that will solve all the world's problems.

Yours in utter disgust,

Chris van der Walt
+2721 448-7838

PS Already aiming for the 'trash' icon?

Stevenson, Todd

2009-0010-0066

From: Pellegrini, John B. [jpellegrini@mcguirewoods.com]
Sent: Tuesday, April 21, 2009 4:26 PM
To: Tracking Labels
Subject: Tracking Labels for Children's Products
Attachments: USA-ITA Tracking Labels.pdf

Dear Mr. Stevenson:

Please accept the attached comments of the United States Association of Importers of Textiles and Apparel.

Regards,

John B. Pellegrini

McGUIREWOODS
McGuire Woods LLP
1345 Avenue of the Americas
New York, NY 10105-0106
212.548.7020 212.715.2301 (fax)
jpellegrini@mcguirewoods.com

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.



**UNITED STATES
ASSOCIATION OF
IMPORTERS OF
TEXTILES AND
APPAREL**

HEADQUARTERS:
13 EAST 16TH STREET, 6TH FL.
NEW YORK, NY 10003
212-463-0089
FAX: 212-463-0583

2100 L STREET, NW
SUITE 210
WASHINGTON, D.C. 20037
202-638-7640
FAX: 202-419-0487

Via Electronic Mail

April 21, 2009

Mr. Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Section 103 – Tracking Labels

Dear Mr. Stevenson:

These comments are submitted on behalf of the United States Association of Importers of Textiles and Apparel (“USA-ITA”) in response to the request for comments regarding the implementation of Section 103(a) of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), 74 *Federal Register* 8781 (February 26, 2009).

USA-ITA is a voluntary association of some 200 importers and retailers of textile products and wearing apparel as well as related service industries such as international transportation concerns. The importer and retailer members of USA-ITA import textile and apparel products with a first cost in excess of \$60 billion.

Section 103 of the CPSIA requires that children’s products have “permanent, distinguishing marks on the product and its packaging, to the extent practicable” that will permit the ultimate purchaser “to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including the batch, run number, or other identifying characteristic). The plain purpose of this provision is to ensure that, in the event of a recall, consumers are able to identify the product involved.

USA-ITA proposes that the tracking label requirement be satisfied by use of a unique identifier on the product. The unique identifier could take a number of forms. Most imported apparel has identifying marks which enable importers, private labelers, retailers and ultimately consumers, to identify the product. These unique identifiers usually consist of numerals or a combination of numbers and letters and allow the product to be traced to particular manufacturers, origins as well as a general period of production. The unique identifier proposed by USA-ITA allows products to be identified as to the place, and time (year/month) of manufacture, and in some cases a particular shipment, even in the absence of complete cohort information.

These unique identifiers can take a number of forms. They might represent a style, a purchase order, a shipment or an arbitrary tracking number. A consumer having this information is able to contact the retailer or brand, who, based on the identifier, will be able to isolate the product, place, and date of manufacture as well as available cohort information. The means of contact can vary, website, toll-free phone number, etc, and USA-ITA urges the Commission to permit wide discretion in this respect.

In addition to the unique identifier, the product would have a reference to the retailer or private labeler, in the form of a permanent label of some sort. Apparel is generally subject to the Textile Products Identification Act, 15 U.S.C. § 70, *et seq.* The act, and the regulations promulgated thereunder, 16 C.F.R. Part 303, require that apparel be labeled to identify the manufacturer, importer, distributor or retailer either by a house name registered with the Federal Trade Commission or a registration number issue by the FTC. The combination of the unique identifier and the identity of the importer, private labeler or retailer is sufficient to enable a consumer to ascertain the requisite product information.

Use of these codes is and will continue to be effective. For example, the Commission recently issued a notice relating to boy's pajamas which failed to meet children's sleepwear flammability standards. (Release #09-103) The pajamas were the subject of a voluntary recall. The products were identified by reference to an item number that appeared on sewn-in labels in the neck of the top and the waistband of the pajama bottoms. Clearly, use of this item number (a code or unique identifier) is sufficient to allow consumers to identify whether a product in their possession are covered by the recall.

USA-ITA responds to the request for comments in specific areas as follows:

1. "Practicable". Since all imported children's apparel has a sewn-in label reciting the country of origin, fiber content and the identity of the importer or retailer, adding a unique identifier will not be a problem in most instances.

2. Uniformity – Effect on Manufacturers.¹ Requiring that manufacturers adopt a uniform tracking label will be expensive and unnecessary. Importers and retailers of apparel are subject to labeling requirements by the FTC and many have existing systems which enable them to identify the source of a product, the date of manufacture, country of origin, etc. These systems are in place and are working. If importer or retailer is obliged to adopt a uniform system, it is likely that the existing systems would be discarded since it would be unnecessarily expensive and complex to run separate systems.

Given this expense and given that a case has not been made that a uniform system would benefit manufacturers or consumers, there is no justifiable reason to require a uniform system.

USA-ITA understands that a uniform system may be useful in the international context in which a manufacturer shipping to multiple jurisdictions could use the same system for exports to all countries. This is a laudable goal but the likelihood of achieving such a system, even in the long term is problematic. Experience shows that it is very difficult to adopt uniform systems of this nature. Garment labeling requirements are a ready example. These requirements have been in effect in the United States for many years and there are parallel requirements in the EU and other jurisdictions. However, efforts to develop a uniform system have proven unavailing even within the three countries that make up the North American Free Trade Agreement. Efforts to develop a uniform system, which has been ongoing since the inception of NAFTA in 1994, have yet to produce tangible results.

¹ The term manufacturer is defined in the Consumer Product Safety Act to include any person who manufactures or imports a consumer product. 15 U.S.C. § 2052(a)(4). Here USA-ITA uses the term to mean the importer, which in many cases is also the private labeler.

3. Uniformity – Effect on Consumers. It is USA-ITA's view that a lack of uniformity will have no adverse impact on consumers. As long as there is a relatively simple way for consumers to determine whether a product is subject to a recall, any form of tracking number will suffice. The fact that manufacturers may use a different configurations or types of unique identifiers will have no impact on the consumer's ability to obtain the necessary information.

4. Form of Tracking Information. As noted above, it is USA-ITA's position that a tracking number, which could be made up of numbers or combination of letters and numbers, will suffice in most situations. It is not necessary to make a reference key available to the public. The reality is that most tracking number systems are entirely arbitrary. The only practical way consumers will be able to extract the necessary information is to contact the retailer or private labeler with the tracking number. The retailer or private labeler will provide the appropriate information. Again, if the purpose of the information is to enable a consumer to determine whether or not a product is subject to a recall, the guiding principle should be the effectiveness of the tracking label.

5. Electronic Readable Form. There would be no benefit to consumers if products were to contain tracking information in electronically readable form. This will require the consumers have the apparatus and technology to read optical data. Few consumers have access to this technology. In fact, tracking information in electronically readable form would be a serious disadvantage to consumers. In order for them to determine whether a product is covered by a recall, they would have to take the product to someone who would have the necessary device to read the tracking label. Tracking labels should be in a form easily read by consumers and not in a form requiring particular apparatus or technology.

6. Means of Communication. USA-ITA suggests that the appropriate tracking information could be made available to the consumers by a variety of means. This determination should be left up to the seller and/or private labeler. Contact information should not be required on the product or its packaging. Contact information, be it a toll-free number or an internet address, changes. Consumers know where they purchased a product and know how to contact the retailer. Requiring contact information on the product is not necessary and may be confusing because of the possibility that it changed in the interval between purchase and a consumer's attempt to contact the retailer.

7. Lead Time. If the approach adopted by the Commission requires revamping of current systems, it would take at least one year for most private labelers/importers/manufacturers to put a new system in place.

On the other hand, if the Commission recognizes that existing systems used by many will satisfy the requirements of Section 103, the lead time would be relatively minimal. Again, to the extent that the position adopted by the Commission requires major changes in current systems and methods, the lead time will be at least a year.

8. Other Jurisdictions. USA-ITA is not aware of any systems currently in place in other jurisdictions which represent models for adequate tracking labels.

Finally, USA-ITA believes that importers, private labelers and retailers should not be obliged to disclose the identity of their sources except in a recall or similar situation and then only when the information is necessary for the consumer to determine whether his or her child has been exposed to a hazardous product. Consumers should not be able to obtain this information without some specific need. Otherwise, importers, retailers and private labelers run the risk that confidential and proprietary business information will become available to competitors.

USA-ITA appreciates the opportunity to comment on this important matter and urges that its views be adopted.

Sincerely,



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