

U.S. CONSUMER PRODUCT SAFETY COMMISSION 4330 EAST WEST HIGHWAY BETHESDA, MD 20814

STATEMENT OF COMMISSIONER NANCY NORD ON THE VOTE TO APPROVE THIRD PARTY TESTING FOR CLOTHING TEXTILES REQUIREMENTS FOR ACCREDITATION OF THIRD PARTY CONFORMITY ASSESSMENT BODIES August 9, 2010

I voted against issuing laboratory accreditation requirements for compliance with flammability rules relating to clothing textiles because this regulation is not a children's product safety rule. Instead it is a standard of general applicability. As such, the third party testing requirements of the CPSIA do not apply.

The general wearing apparel standard provides minimum protection to prohibit the use in all wearing apparel of the most dangerously flammable textiles. Unlike other standards, such as the children's sleepwear standard, aimed specifically at children, this standard provides the same level of protection for everyone. It does not differentiate children's wearing apparel from that of adults.

My rationale against issuing these requirements for accreditation is consistent with the concerns I raised in my previous statements explaining my votes opposing the <u>vinyl plastic film</u> and the <u>carpet and rug</u> laboratory accreditation requirements. To summarize, I believe third party testing is meant to apply to regulations that address products that present special risks to children and have been enacted to protect children from these specific risks.

An issue that I do not believe the Commission has adequately addressed is the impact of third party testing on the guarantee programs established under the Flammable Fabrics Act. These programs have been working well and do not need to be displaced by a third party testing program that does not provide additional protection but does impose additional requirements. There is no indication that Congress meant to supplant programs that are providing guarantees of safety. Consequently, I believe that my colleagues are unnecessarily over-reading the statute and requiring a result that safety does not require.

As a practical matter, staff notes in the briefing package that under the requirements of the act, so many fabrics are exempt from testing that most children's wearing apparel will not require third party testing. This appears to me to be another example of regulating just to regulate.