



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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CHAIRMAN INEZ M. TENENBAUM

**JUNE 29, 2011**

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION  
DECISION ON A FINAL RULE TO ESTABLISH CHILDREN’S UPPER  
OUTERWEAR IN SIZES 2T TO 12 WITH NECK OR HOOD DRAWSTRINGS  
AND CHILDREN’S UPPER OUTERWEAR IN SIZES 2T TO 16 WITH CERTAIN  
WAIST OR BOTTOM DRAWSTRINGS AS SUBSTANTIAL PRODUCT HAZARDS**

Today the Commission voted to increase protections for children from the entrapment, strangulation, and dragging hazards presented by ties or drawstrings attached to children’s sweatshirts, jackets, or other children’s upper outerwear. The Commission has long educated makers of children’s clothing of the risks presented by drawstrings either in the hood and neck area, or the waist of jackets and sweatshirts.

Between 1985 and April 2011, CPSC is aware of 56 reports of incidents where drawstrings in the neck or hood of upper outerwear became entangled, often on playground equipment. Tragically, 18 of these incidents resulted in fatalities. Between January 1985 and April 2011, drawstrings on the waist and bottom of these garments are associated with 28 reports of entanglement resulting in eight fatalities. Seven of eight of these fatalities resulted when the drawstring became caught in a bus, and the bus pulled away.

Section 223 of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”) added a subsection (j) to Section 15 of the Consumer Product Safety Improvement Act (“CPSA”).<sup>1</sup> This section authorizes the Commission to issue rules establishing that defined characteristics of a consumer product that present a risk of injury will be deemed to be a substantial product hazard. The Commission, however, first must determine that the characteristics are readily observable and have been addressed by an applicable voluntary standard. The Commission also must find that the standard has been effective in reducing the risk of injury and that there has been substantial compliance with the standard.<sup>2</sup>

The adoption of the ASTM voluntary standard in 1997 disallowing the use of drawstrings, defined as “a non-retractable cord, ribbon, or tape of any material to pull together parts of upper outerwear to provide for closure” is credited with a decrease in the number of incidents associated with drawstrings. The standard applies to upper outerwear, defined as

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<sup>1</sup>15 U.S.C. § 2064(j).

<sup>2</sup>*Id.*

“clothing, such as jackets and sweatshirts, generally intended to be worn on the exterior of other garments.”

Commission staff has demonstrated properly that the characteristics of drawstrings at issue meet the criteria to establish them as substantial product hazards under CPSA section 15(j). Children’s upper outerwear in sizes 2T to 12 with neck or hood drawstrings and children’s upper outerwear in sizes 2T to 16 with certain waist or bottom drawstrings are readily observable and have been addressed by an applicable voluntary standard. In addition, CPSC staff has concluded that the standard has been effective in reducing the risk of injury and there has been substantial compliance with the standard.

Commission staff noted that trade associations representing garment manufacturers expressed confusion as whether ties on upper outerwear that do not “pass through a channel,” are covered by the ASTM voluntary standard. The commenters stated that the common industry understanding is that such ties do not fall under the ASTM voluntary standard. The definition for a drawstring under the ASTM voluntary standard includes “a non-retractable cord, ribbon, or tape of any material to pull together parts of upper outerwear to provide for closure.” The Commission long has understood that such ties are drawstrings. This interpretation is evidenced by our recall and other enforcement efforts. How the ASTM drawstring definition could be read not to include ties designed to aid in closing a garment defies common sense. More important, ties pose the same risks regardless of whether they pass through a channel. For this reason, I have joined my fellow Commissioners in supporting a clarification that the Commission interprets the ASTM standard to cover such ties. As such, the Commission appropriately has included ties within the rule approved today.

All serious injuries to children are tragic. There is something particularly senseless, however, when a child is killed or injured because a manufacturer or retailer has failed to exclude drawstrings from clothing for a child. To date, there have been far too many recalls involving this defect—more than 100 recalls in recent years involving millions of items of clothes. This rule strengthens CPSC’s authority to regulate drawstrings, and empowers our import staff and federal partners at Customs and Border Protection to quickly halt shipments of potentially hazardous children’s outerwear at the ports of entry. The conversion of these longstanding voluntary guidelines into a mandatory standard could not have come soon enough. It is time for the garment industry to achieve complete compliance with this simple requirement designed to keep our nation’s children safe in homes, on playgrounds, and at the bus stop.