



## APPAREL AND FOOTWEAR PRODUCT SAFETY STANDARDS MATRIX

Last updated: November 13, 2008

### Overview

The attached chart (the “chart”) is provided by the American Apparel & Footwear Association (AAFA) as an educational tool regarding national consumer product safety standards that apply to a random selection of apparel and footwear products. The chart is divided up between current mandatory regulations, future mandatory regulations and voluntary/optional regulations. The recently enacted Consumer Product Safety Improvement Act (CPSIA) requires a conformity assessment certificate to accompany all products subject to a **mandatory** consumer product safety standard. However, the apparel and footwear industry has adopted many toy and voluntary regulations as industry standards. In fact, the majority of apparel and footwear recalls over the past few years have been due to a violation of voluntary standards. Therefore, while the CPSIA mandates that the conformity assessment certificate only include mandatory standards, you may want to include the voluntary standards as well.

### Voluntary Standards

While these standards are not required on the general conformity certificate, you may consider testing for and complying with the following standards:

- **Drawstrings:** the CPSC issued a letter on May 19, 2006 stating that all children’s upper outerwear should conform with ASTM F-1816 and should not have hood drawstrings that can pose a strangulation hazard to children. In 2008 alone, there have been 17 drawstring related apparel recalls to date.
- **Small Parts:** According to 16 CFR 1501.3 (d), “children’s clothing and accessories, such as shoelace holders and buttons” are exempt from small parts regulations. However, in 2008, there have been 5 small parts related apparel and footwear recalls to date.
- **Sharp Points and Edges:** According to 16 CFR 1500.48, products intended for children under 8 years old that have sharp points for functional purposes are exempt from this ban. This may include a pin that is attached on a garment. The industry commonly recognizes that apparel products made for children 3 years of age and younger should be free of all sharp points and edges.

### Federal Hazardous Substances Act (FHSA)

The FHSA (16 CFR 1500) says that any product that is toxic, corrosive, flammable or combustible, an irritant, a strong sensitizer, or that generates pressure through decomposition, heat or other means requires labeling, if the product may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonable foreseeable handling or use, including reasonable foreseeable ingestion by children. Unfortunately, we are unclear how the FHSA applies to apparel and footwear products.

### Phthalates

While footwear and **most** apparel products do not fall under the phthalate ban as mandated in section 108 in the CPSIA, many retailers are requesting that **all** children’s products be phthalate-free. AAFA recently **received a letter** from the CPSC general counsel confirming that footwear is exempt from the phthalate ban in the CPSIA. Moreover, a baby’s sleeper with footies may be seen as a child care article or (as described in the CPSIA) “a consumer product designed or intended by the manufacturer to facilitate sleep...of children age 3 and younger” and therefore covered by the phthalate ban. There also exists a Washington state law that bans phthalates from all children’s products (including apparel and footwear) that currently goes into effect July 31, 2009.

### Flammable Fabrics Act

Those x’s with an asterisk fall under 16 CFR 1610.37, which exempts certain fabrics from testing. These fabrics include plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more and all fabrics, both plain surface and raised-fiber surface, regardless of weight, made entirely from any of the following fibers or entirely from combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester or wool. For products that fall under this exemption, the conformity assessment certificate must still include the standard and the reason for the testing exemption.

**AAFA continues to track and update product safety standards as they apply to the apparel and footwear industry and will update the chart as appropriate**



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### **Disclaimer:**

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## Apparel and Footwear Product Safety Standards Matrix

	Current Mandatory Regulations:			Future Mandatory Regulations:			Voluntary/Optional Regulations:		
	Flammable Fabrics Act 16 CFR 1610	Flammability Standard for Children's Sleepwear 16 CFR 1615, 1616	Lead Paint 16 CFR 1303	Amended Lead Paint 16 CFR 1303	Lead H.R. 4040 Section 191	Phthalates H.R. 4040 Section 108	Drawstrings ASTM F 1816	Small Parts 16 CFR 1501	Sharp Points and Edges 16 CFR 1500.48
Infant's shoe			X	X	X			X	X
Child's shoe (age 8)			X	X	X				X
Adult's shoe									
Adult's plain white cotton tee shirt	X*								
Child's plain white cotton tee shirt (age 8)	X*				X				
Child's screen printed tee shirt with embellishments (age 3)	X*		X	X	X			X	X
Pair of child's cotton snug-fitting pajamas (age 8)	X*	X	X**	X**	X				X
Child's flame resistant pajamas (age 8)		X	X**	X**	X				
Baby's sleeper with footie	X*	X	X**	X**	X	X***		X	X
Boy's blue jeans (age 8)	X*		X**	X**	X			X	X
Adult male man-made fiber pants	X*								
Woman's cotton blouse	X*								
Woman's brassiere	X*								
Man's cotton-poly fleese sweatshirt	X								
Woman's wool skirt	X*								
Boy's plain cotton hoodie (age 8)	X*		X**	X**	X		X		

**last updated: November 13, 2008**

\* 1610.37 - depending on the fabric, must prove exemption

\*\* applies if there is a painted design on the garment

\*\*\* only if this item is identified as a "child care article"

for further guidance and disclaimer, please see introduction