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# ❖SPC&B Safety News❖

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A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

May 4, 2010

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## *CPSC to Discuss Mandatory Drawstring Ban and Testing Procedures on May 5, 2010*



Consumer Product Safety Commission (CPSC) staff submitted a draft proposed rule to specify that children's upper body garments in sizes 2T to 12 with neck or hood drawstrings and children's upper body garments in sizes 2T to 16 with certain types of waist or bottom drawstrings are a substantial product hazard, effectively making the current voluntary drawstring standard a mandatory ban. Because the agency has been treating children's upper body garments with drawstrings at the hood and neck area as posing a substantial risk of injury to young children, resulting in numerous recalls over the past few years, the new regulation would not represent a significant change in actual practice.

The standard prohibits the use of drawstrings on the hood and neck areas of children's clothing sizes 2T to 12 and requires waist/bottom drawstrings on children's upper body garments to not exceed 3 inches in length outside the drawstring channel when the garment is expanded to its fullest width. Furthermore, the drawstrings at the waist/bottom cannot have toggles, knots, or other attachments at the free end. If the waist/bottom drawstring is one continuous string, it must be bartacked or sewn to the garment at the midpoint of the channel so that it cannot be pulled out of the channel. (Fully retracting waist/bottom drawstrings contained within the garment are exempt.) The CPSC staff noted that the standard also covers drawstrings that are stationary ties — *i.e.*, the drawstring does not have to be designed to slide through a sleeve or grommet to be subject to the standard.

The Commission is holding a decision meeting on Wednesday to discuss the proposed drawstring ban, as well as the proposed testing procedures discussed in our *Safety News* of April 14, 2010 (we note that initially a decision was to be reached on the testing procedures on April 21, but the decision was postponed).

Sharretts, Paley will attend the meeting on Wednesday and will advise of any decisions reached by the CPSC on these issues. In the meantime, if you have concerns about features of your children's products that might be considered a risk of injury, please contact Donna Shira or Alli Baron at [dshira@spcblaw.com](mailto:dshira@spcblaw.com) or [abaron@spcblaw.com](mailto:abaron@spcblaw.com), respectively, or by calling 212-425-0055. A safety review conducted now can prevent the inadvertent distribution of hazardous products into commerce and the enforcement actions and safety recalls that can ensue.

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