❖SPC&B Safety News❖

Third Party Testing and Certification Will be Required for Vinyl Plastic Film in Children's Apparel

In a *Federal Register* notice to be published tomorrow, July 21, 2010, the Consumer Product Safety Commission sets forth requirements for accreditation of third party testing facilities for testing children's garments and fabric for children's clothing containing exposed vinyl plastic film, under the Flammable Fabrics Act. All products manufactured more than 90 days from tomorrow must be subjected to accredited third party testing and will require Certificates of Conformity. **A Flammable Fabrics Act (FFA) guaranty issued by the manufacturer based on reasonable and representative tests will no longer be sufficient for children's apparel and fabric for children's apparel, although it remains a valid method for adult garments**.

Fabrics intended or sold for processing into interlinings or other covered or unexposed parts of apparel, as well as fabrics for hats, gloves and footwear, which are not defined as wearing apparel subject to the FFA, are excluded from these requirements. Handkerchiefs not exceeding a finished size of twenty-four inches on any side or not exceeding 576 square inches in area are also not considered to be wearing apparel, unless they are affixed to, incorporated in , or sold as a part of articles of wearing apparel as decoration, trimming, or for any other purpose.

If you require assistance in determining whether your products are subject to the new testing and certification requirements, please contact Gail Cumins at gcumins@spcblaw.com or Donna Shira at dshira@spcblaw.com or call us at 212-425-0055.