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# ❖SPC&B Safety News❖

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

July 30, 2010

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## *CPSC To Vote on Third Party Testing and Certification Requirements for Flammability of Children's Textile Clothing*



The Consumer Product Safety Commission (CPSC) has posted a draft *Federal Register* notice on requirements for accreditation of third party testing facilities for testing children's textile garments and fabric under the Flammable Fabrics Act (FFA). If approved, all products manufactured more than 90 days from the publication of the Federal Register notice must be subjected to accredited third party testing and will require Certificates of Conformity. An 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. We estimate that the new requirement will go into effect some time in November 2010.

**The draft notice confirms that third party testing will not be required to demonstrate that a product meets one of the specified exemptions to the flammability standard in Sections 1610.1(d)(1) and (2).**

The specified exemptions are as follows:

- (1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
- (2) All fabrics, both plain and raised surface textiles, regardless of weight, made entirely from any of the following fibers or entirely from combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester, wool.

In addition, the following products are specifically excepted from the flammability standards:

- (1) Hats, gloves, and footwear.
- (2) Interlining fabrics.

Anyone with questions regarding the applicability of the testing and certification requirements to their children's clothing should contact Gail Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com) or Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com) or call us at 212-425-0055.

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