
❖SPC&B Safety News❖

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

August 18, 2010

CPSC Lifts Stay on Testing and Certification for Flammability of Children's Textile Clothing and Children's Mattresses, Mattress Pads, and/or Mattress Sets



The Consumer Product Safety Commission (CPSC) published in today's *Federal Register* the notices setting forth requirements for accreditation of third party testing facilities for testing children's textile garments and fabric, as well as for children's mattresses and mattress sets, under the Flammable Fabrics Act (FFA). Accordingly, all products manufactured after November 16, 2010 (90 days from today's publication date) must be subjected to accredited third party testing and will require Certificates of Conformity.

As discussed in our *Safety News* of July 30, 2010, 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. **Once again, the notice for children's textile clothing 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 or Donna Shira at dshira@spcblaw.com or call us at 212-425-0055.

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