

# Tab C



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
Washington, D.C. 20207

MEMORANDUM

DATE: 3/17/99

TO : ES  
Through: Sadye E. Dunn, Secretary, OS  
FROM : Martha A. Kosh, OS  
SUBJECT: Sleepwear Revocation

ATTACHED ARE COMMENTS ON THE CF99-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CF99-1-1	2/1/99	Stephen Morris MD, FACS, Assoc. Professor of Surgery, Dir. Trauma Services	The University of Utah School of Medicine Department of Surgery 50 North Medical Dr. Salt Lake City, UT 84132
• CF99-1-2	2/2/99	H. Obenshain	HC 75, Box 146-P New Creek, WV 26743
CF99-1-3	2/3/99	Kim Berggren, RN, BSN, Nurse Manager, Burn Unit	Dameron Hospital Assoc. Associated with Sutter Health 525 West Acacia St Stockton, CA 95203
• CF99-1-4	2/4/99	Fred Allinson Chairman	National Volunteer Fire Council 1050 17 <sup>th</sup> St, NW, Suite 1212 Washington, DC 20036
CF99-1-5	2/4/99	Ernest Grant RN, MSN Outreach Nurse Clinician & Michael Peck, Director, NC Burn Center, Prof Of Surgery & Charles Hall Nurse Manager	North Carolina Jaycee Burn Center Univ. of NC Hospitals Chapel Hill, NC 27514  Address same as above  Address same as above

CF99-1-6	2/5/99	Patricia Taggart MBA, PT, Dir, Burn Ctr.	Children's Hospital Oakland 747 Fifty Second St. Oakland, CA 94609
• CF99-1-7	2/5/99	Leonard Schwab Executive VP	Little Me P.O. Box 1742 Cumberland, MD 21501
• CF99-1-8	2/9/99	David Herndon MD, Chief of Staff, Prof of Surgery, Jesse Jones Distinguishhd Chair in Burn Surgery University of Texas Medical Branch	Shriners Hospitals for Children Shriners Burns Hospital Galveston 815 Market St. Galveston, TX 77550
CF99-1-9	2/9/99	Warren Garner, MD, Director, Burn Center	Los Angeles County University of Southern California Medical Ctr. 1200 N State St Los Angeles, CA 90033
CF99-1-10	2/10/99	Mary Crossland RN, BSN Clinical Dir & Joseph Boykin Medical Dir & Yvonne Humphries Burn Specialist	Wound Healing Center 2621 Grove Avenue Richmond, VA 23220 Address same as above Address same as above
		Vicki Sommer, RN & Carolyn Hassan	Address same as above
CF99-1-11	2/10/99	Anne Brown	Fairfield Medical Center 401 N Ewing St Lancaster, OH 43130
CF99-1-12	2/15/99	Jay Yelon, DO Evans-Haynes Burn Center & Leslie Riddel, RN & Christine Turner RN & Deborah Graham	MCV Hospitals General Surgery Section Of Trauma/Critical Care/ Burn Surgery 1200 East Broad St P.O. Box 980454 Richmond, VA 23298

CF99-1-13	2/16/99	Mark Mandell President	Association of Trial Lawyers of America 1050 31 <sup>st</sup> St, NW Washington, DC 20007
CF99-1-14	2/17/99	R. Gillespie MD, Medical Director Burn Center	Nebraska Health System Clarkson Hospital University Hospital 4350 Dewey Ave Omaha, NE 68105
CF99-1-15	2/17/99	R. Gillespie, MD Chairman, Federal Issues Committee	American Burn Assoc. Surgical Specialties 4239 Farnam South Tower Doctors Bldg Suite 509 Omaha, NE 68131
• CF99-1-16	2/19/99	J. Amesterdam Head, Emergency Medicine Dept. Univ. of MN & Lynn Solem, MD Burn Center Director	Regions Hospital Emergency Center 640 Jackson St St Paul, MN 55101 Address same as above
• CF99-1-17	2/22/99	Deb Motz, RN Clinical Coordinator, & Larry Foster MD	Burn Trauma Unit St. Luke's Regional Medical Center 2720 Stone Park Blvd Sioux City, IA 51104
• CF99-1-18	2/23/99	Ann M Ahee, RN Burn Research Pediatric General Surgery	The Detroit Medical Ctr Children's Hospital of Michigan 3901 Beaubien Blvd Detroit, MI 48201
• CF99-1-19	2/24/99	G.P. Kealey, MD Director, Section of Trauma, Burns & Critical Care	The University of Iowa Hospitals & Clinics Department of Surgery Division of General Surgery 200 Hawkins Dr. Iowa City, IA 52242
CF99-1-20	2/22/99	S. Knizek Prevention Education Dir	Alisa Ann Ruch Burn Foundation 3600 Ocean View Blvd, #1 Glendale, CA 91208
• CF99-1-21	2/25/99	Michelle Staggs Chief Flight Nurse & Trauma Registry Coordinator	Baptist MedFlight/Baptist Medical Center #18 Emeral Court Little Rock, AR 72212

CF99-1-22	2/26/99	Wendy Nivison Chairperson Government Affairs Committee	Maine Emergency Nurses Association 4 Waren Terrace Winslow, ME 04901
CF99-1-23	2/15/99	David Meaghee Burn Surgeon and 7 Colleagues on Burn Team	The Children's Hospital 1056 East 19 <sup>th</sup> Ave Denver, CO 80218
• CF99-1-24	2/24/99 (e-mail)	Debra Reilly, Asst Professor Of Surgery	University of Southern California Dept. of Surgery, Div of Burn & Plastic Surgery
• CF99-1-25	2/12/99 (e-mail)	David Gregg Brown Univ.	25 Memorial Road Providence, RI 02906
CF99-1-26	3/01/99	Mark Spicer Assistant Fire Marshal	County of Albermarle Fire & Rescue Admin. 401 McIntire Road Charlottesville, VA 22902
• CF99-1-27	2/22/99	Donna Crane Director of Congressional Affairs	American Public Health Association 1015 Fifteenth St, NW Washington, DC 20005
CF99-1-28	3/4/99	C. Sninsky	International Assoc Of Fire Chiefs 4025 Fair Ridge Dr Fairfax, VA 22033
CF99-1-29	3/4/99	Linda Bindner RN, BA	Baum-Harmon Memorial Hospital 255 N. Welch Ave Primghar, IA 51245
CF99-1-30	3/4/99	David Voigt, MD Director of Burn Research	Saint Elizabeth Regional Medical Center 555 South 70 <sup>th</sup> St Lincoln, NE 68510
• CF99-1-31	3/4/99	Members of Congress (48)	Congress of the United States Washington, DC 20515
CF99-1-32	3/5/99	Barbara Edwards	121 Brunswick Ave. Bloomsbury, NJ 08804
• CF99-1-33	3/10/99 (e-mail)	Susan Francis	701 Palm Valley Dr East Harlingen, TX 78552

CF99-1-34	3/11/99 (e-mail)	Sue Elsesser	Oakland County Health Division 27725 Greenfield Rd Southfield, MI 48076
◦ CF99-1-35	2/13/99 (e-mail)	Cindy Palmer	Moorhead, MN
CF99-1-36	2/25/99 (e-mail)	Karen Dionne	8137 E. Fremont Ave Englewood, CO 80112
• CF99-1-37	3/1/99	Margaret Wright	138 Hillside Ave Shelton, CT 06484
• CF99-1-38	3/1/99	Marjorie Bolack	376 Soundview Ave Stratford, Ct 06615
◦ CF99-1-39	3/3/99	Marshall Grant	RR 1 Box 66 Garyburg, NC 27831
CF99-1-40	2/19/99	Richard Burgess Director of Public Relations	Shriners Burns Hopsital 51 Blossom St Boston, MA 02114
CF99-1-41	2/19/99	C. Fred Moulton (Shriners Hosp)	1754 State Road Plymouth, MA 02360
CF99-1-42	2/19/99	Elmer Maxwell (Shriners Hosp)	21A Sweetser St Wakefield, MA 01880
CF99-1-43	2/19/99	Donald Chalmera (Shriners Hosp)	10 Caltha Road Brighton, MA 02125
CF99-1-44	2/19/99	Charles Gerrard (Shriners Hosp)	44 Fiske St. Tewksbury, MA 01876
CF99-1-45	2/19/99	Linda Fringuelli (Shriners Hosp)	48 Blaney St Revere, MA 02150
CF99-1-46	2/19/99	Margaret Hoey (Shriners Hosp)	32 P St, South Boston, MA 02117
CF99-1-47	2/19/99	Thomas Campbell (Shriners Hosp)	91 Kenmere Rd Medford, MA 02155
CF99-1-48	2/19/99	M. Phillips (Shriners Hosp)	152 Clark St Newton, MA 02459
CF99-1-49	2/19/99	Sandra Mullen (Shriners Hosp)	1 Willis Rd Peabody, MA 01960
CF99-1-50	2/19/99	Linda Posata (Shriners Hosp)	73 Davis St. Malden, MA 02148

CF99-1-51	2/19/99	Norma Marotta (Shriners Hosp)	1609 State Rd Plymouth, MA 02360
CF99-1-52	2/19/99	N. Littlehale (Shriners Hosp)	10 Orange St Reading, MA 01867
CF99-1-53	2/19/99	Kelleigh Manlton (Shriners Hosp)	30 High View Rd Norwood, MA 02062
CF99-1-54	3/2/99	Melinda Bridges	13805 Lowry Dr Chanilly, VA 20151
CF99-1-55	3/4/99	Gale LaFountain	4700 Courthouse Rd Chesterfield, Va 23832
• CF99-1-56	3/3/99	Rob Sheridan, MD Asst Chief of Staff	Shriners Hospitals for Children 51 Blossom St Boston, MA 02114
CF99-1-57	3/3/99	David Herdon MD, Chief of Staff	Shriners Hospitals for Children 815 Market St Galveston, TX 77550
• CF99-1-58	3/5/99	J. Boatright RN, CEN Assoc Director	Priority Mobile Health P.O. Box 6379 New Orleans, LA 70174
CF99-1-59	3/5/99	J. Boatright RN, CEN President Elect	Louisiana Council of the Emergency Nurses Association
CF99-1-60	3/6/99	Keith O'Connor	7007 Barnacle Pl Burke, Va 22015
CF99-1-61	3/8/99	R. Greenwald	844 Holliday Lane Westminster, MD 21157
CF99-1-62	3/8/99	C. Snyder	Maryland Aviation Admin. 3 <sup>rd</sup> Floor, Terminal Bldg P.O. Box 8766 BWI Airport, MD 21240
CF99-1-63	3/4/99	Marilyn Lofflin RN, BSN Director of Patient Care Services	Orange City Hospitals & Clinic 400 Central Ave, NW Orange City, IA 51041
• CF99-1-64	3/11/99	Andrew McGuire Exe. Director	Trauma Foundation San Francisco General Hospital San Francisco, CA 94110

CF99-1-65	3/12/99	David Riedel	6506 Harvest Mill Ct Centreville, VA 20121
• CF99-1-66	3/15/99	Renee Stilwell	5435 Plymouth Meadows CT Fairfax, VA 22032
CF99-1-67	3/10/99	Margie Mayfield Texas Chairman	National Cotton Women's Committee 1918 North Parkway Memphis, TN 38112
CF99-1-68	3/8/99	James Hansen & Jess Hansen & Kendall Gardner	Vista Verde Farms, Inc Corcoran Airport P.O. Box 398 Corcoran, CA 93212
CF99-1-69	3/12/99	Gene Taubert	Valley CO-OP Oil Mill P.O. Box 533609 Harlingen, TX 78553
CF99-1-70	3/12/99	Bobby Crum	Address same as above
CF99-1-71	3/12/99	Hollis Sullivan	Address same as above
CF99-1-72	3/11/99	Kara Graafeiland	2816 8 <sup>th</sup> St Arlington, VA 22204
CF99-1-73	3/12/99	Kaye Ridings College Coordinator	Texas Food & Fibers Commission Apparel Research: Design And Marketing 1412 Ridge Rd Rockwall, TX 75087
CF99-1-74	3/12/99	Mark Abbott & Maxine Abbott & Jack Abbott & John Abbott & Mrs. John Abbott	Rt 2, Box 74 Harlingen, TX 78550
CF99-1-75		Maxine Abbott	Ladies for Cotton Rt 2, Box 75 Harlingen, TX 78550
CF99-1-76	3/12/99	Consumer	The Harlingen Gin Co Rt 2, Box 74 Harlingen, TX 78550
CF99-1-77	3/12/99	Consumer	D.L. Smith Farms Rt 2, Box 305 Harlingen, TX 78550

CF99-1-78	3/12/99	Consumer	National Cotton Women's Committee 1918 North Parkway Memphis, TN 38112
CF99-1-79	3/16/99	Keith Arnold Chairperson	Virginia Fire & Life Coalition VA Dept of Fire Programs 1704 Eastborn Dr Virginia Beach, VA 23454
CF99-1-80	3/14/99	Sandra Burns	1204 Shepherd Ave Laurinburg, NC 28352
CF99-1-81	3/3/99	Consumers (1,294)	
		Form letters In support of Sleepwear Revocation	
• CF99-1-82	3/3/99	Edward Tagge, MD & H. Othersen, Jr MD & Jill Evans, RN, MSN & Andre' Hebra, MD	MUSC Children's Hospital Pediatric Surgery 165 Ashley Ave, Suite 633 CH P.O. Box 250916 Charleston, SC 29425
CF99-1-83	3/10/99	Professional Staff at Shriners Hosp (75)	Shriners Hospitals for Children Burns Hospital Boston 51 Blossom St Boston, MA 02114
CF99-1-84	3/10/99	Terrell Price	10 Melody Lane Geneseo, NY 14454
CF99-1-85	3/10/99	Heather Paul Exe Director	National Safe Kids Campaign 1301 Pennsylvania Ave, NW, Suite 1000 Washington, DC 20004
CF99-1-86	3/6/99	John Slais & Nancy Slais	444 Curtis Ave Stratford, CT 06615
• CF99-1-87	3/10/99	J. Hannebaum RN	Mercy Health Center 4300 West Memorial Rd Oklahoma City, OK 73120
• CF99-1-88	3/15/99	Edith Weaver	Box 158 Petersburg, TX 79250

CF99-1-89	3/15/99	Virginia Boyd	Box 608 Petersburg, TX 75250
• CF99-1-90	3/13/99	Flora Van Dyke	100 York St, Apt 14S New Haven, Ct 06511
CF99-1-91	3/3/99	Prof. Staff at Hollifield Station School (4)	Hollifield Station Elementary School 8701 Stonehouse Dr Ellicott City, MD 21043
CF99-1-92	3/3/99	Donna Garafalo Eg Mahan	853 Marco Place Venice, CA 90291
• CF99-1-93	3/16/99	S.V. Ritter	22 Katie Lane New Haven, CT 06473
• CF99-1-94	3/17/99	Mary Michos Chief	County of Prince William Dept of Fire & Rescue 1 County Complex Court Prince William, VA 22192
• CF99-1-95	3/16/99	Shelley Michaels	15 Lindsley Pl Stratford, CT 06615
• CF99-1-96	3/16/99	Dorothy Sommers	50 Fairlane Dr Shelton, CT 06484
CF99-1-97	3/16/99	Barbara Barry	33 Skyline Dr West Haven, CT 06516
• CF99-1-98	3/17/99	Regis Dognin	342 Long Hill Ave Shelton, CT 06484
• CF99-1-99	3/12/99	Gina Fitzgerald	27 Partridge Run Wallingford, CT 06492
• CF99-1-100	3/15/99	Dorothy Sullivan	49 Ojibwa Rd Shelton, CT 06484
• CF99-1-101	3/16/99	Tammy Fisher	2680 Birmingham Rd Maury City, TN 38050
CF99-1-102	3/16/99	Brenda Bushart	833 Riddick Rd Friendship, TN 38034
• CF99-1-103	3/17/99	Buddy Adamson Director & Hollis Isbell Chairman	Alabama Farmers Federation P.O. Box 11000 Montgomery, AL 36191

• CF99-1-104	3/18/99	Anthony O'Neill Vice President	National Fire Protection Association Executive Offices 1 Batterymarch Park P.O. Box 9101 Quincy, MA 02269
CF99-1-105	3/18/99	Prof. Staff At Mercy Medical Center (32)	St. John's Mercy Medical Center Burn Center 615 S New Ballas Rd St. Louis, MO 63141
• CF99-1-106	3/19/99	James V Ryan	10817 Old Coach Rd Potomac, MD 20854
• CF99-1-107	3/19/99	Stephen Austin Director of Governmental Relations	International Asso. Of Arson Investigators, Inc 300 South Broadway Suite 100 St. Louis, MO 63102
• CF99-1-108	3/19/99	John Krichbaum Exe Director	American Burn Assoc. 625 N Michigan Ave Suite 1530 Chicago, IL 60611
CF99-1-109	3/22/99	T. Hendricks Robert O'Donnell Donna Griffin (3)	1053 Hancock Ave Bridgeport, CT 06605
CF99-1-110	3/22/99	Betsy Dettman RN, BSN, CEN ER Coordinator	Horn Memorial Hosp. 701 East Second St Ida Grove IA 51445
CF99-1-111	3/22/99	Catherine Wynne	Granparents Raising Grandchildren Support Group 94 Ft Hale Rd new Haven, CT 06512
CF99-1-112	3/22/99	Jeff Galdenzi	118 Green Knolls Lane Fairfield, CT 06430
• CF99-1-113	3/22/99	R. Blumenthal Atty General Of CT (13)	Atty General of the States of AK, AZ, AK, CT, IL, IN, IA, NY, ND OK, RI, TN & WVA
• CF99-1-114	3/22/99	Stephen Lamar Director Government Relations	American Apparel Manufacturers Assoc. 2500 Wilson Blvd Suite 301 Arlington, VA 22201

•	CF99-1-115	3/22/99	D. Weinberg Atty On behalf of Impact Imports International	Meeks & Sheppard Attorneys at Law 330 Madison Ave, 39 <sup>th</sup> Fl New York, NY 10017
•	CF99-1-116	3/22/99	Prof Staff American Assoc. For the Surgery Of Trauma, Eastern Assoc. For the Surgery of Trauma, American Burn Assoc, Orthopaedic Trauma Assoc, AO North America, Emergency Nurses Assoc, American Public Health Assoc	The Coalition For American Trauma Care Suite 200 11479 Waterview Reston, VA 22090
•	CF99-1-117	3/33/99	Mary Ruesch	59 Knorr Rd Monroe, CT 06468
•	CF99-1-118	3/33/99	Sid Long Exe Director	Southern Rolling Plains Cotton Growers Association Inc. 1574 Holiman Ln San Angelo, TX 76905
	CF99-1-119	3/22/99	Sid Long Exe Director	Blackland Cotton & Grain Producers Assoc, Inc P.O. Drawer 738 Hillsboro, TX 76645
	CF99-1-120	3/33/99	C. Mongillo	365 Mather St. Apt 22 Hamden, Ct 06514
	CF99-1-121	3/22/99	Christine Clare	P.O. Box 583 Victorville, CA 92393
	CF99-1-122	3/33/99	Dennis Beard	Howard Co. MD Depart. Of Fire & Rescue Services
•	CF99-1-123	3/33/99	Robert Andrews Member of Congress	U.S. House of Representatives Washington, Dc 20515
•	CF99-1-124	3/33/99	Members of the Safe Children's Sleepwear Coalition (16 org)	Safe Childrens Sleepwear Coalition Trauma Foundation San Francisco General Hospital San Francisco, CA 94110

- CF99-1-125 3/22/99 Alfred Whitehead International Assoc. of  
General President Fire Fighters  
1750 New York Ave, NW  
Washington, DC 20006
- CF99-1-126 3/22/99 Dennis Sargent American Marketing  
Vice President Enterprises Inc.  
10 West 33<sup>rd</sup> St  
Suite 516  
New York City, NY 10001
- CF99-1-127 3/22/99 Robert Verdisco International Mass  
President Retail Association  
1700 North Moore St  
Suite 2250  
Arlington, VA 22209
- CF99-1-128 3/22/99 Curtis Stilwell Washington Regional Fire  
Treasure & Rescue Departments  
ACBC Programs Aluminum Cans For Burned  
Children  
4100 Chain Bridge Rd  
Fairfax, VA 22030
- CF99-1-129 3/19/99 Kenneth Brown County of Prince George  
Director of Fire P.O. Box 68  
Services Prince George, VA 23875
- CF99-1-130 3/22/99 Phillip Wakelyn National Cotton Council  
Ph.D, Senior of America  
Scientist, 1521 New Hampshire Ave,  
Environmental N.W.  
Health & Safety Washington, DC 20036
- CF99-1-131 3/22/99 Maria Leightley Fairfax County Fire and  
Rescue Department  
Fairfax, VA
- CF99-1-132 3/22/99 Bill Lockyer State of California  
Atty General Department of Justice  
(also see: 300 South Spring St  
CF99-1-113) 5<sup>th</sup> Floor, North Tower  
Los Angeles, CA 90013
- CF99-1-133 3/22/99 Beth A. Littman KIDS 'R' US  
(Restricted) Supervisor of 461 From Rd  
Quality Assurance Paramus, NJ 07652
- CF99-1-134 3/33/99 Polly Clark 120 Bradford Place  
Kennett, MO 03857
- CF99-1-135 3/22/99 James turner, III Delaware Volunteer  
Secretary Firemen's Association  
1461 Chestnut Grove Rd  
Dover, DE 19904

CF99-1-136	3/22/99	Ellen AcAlinden	8706 Melwood Rd Bethesda, MD 20817
• CF99-1-137	3/23/99	Sarah Whitaker Director. Government Relations	National Retail Federation Liberty Place 325 7 <sup>th</sup> St, NW Suite 1000 Washington, DC 20004
• CF99-1-138	3/22/99	Henry Borilla Member of Congress	Congress of the U.S. House of Representatives Washington, DC 20515
• CF99-1-139	3/22/99	Merle Morrison SW Regional Director	P.O. Box 14 Lorenzo, TX 79343
• CF99-1-140	3/22/99	Sharon Newell	Newell Forms, Inc. 5339 Papaya Circle Harlingen, TX 78552
• CF99-1-141	3/33/99	Joan Balfour	7460 St. Pauls Rd Lumber Bridge, NC 28357
• CF99-1-142	3/22/99	Jon Hardwick President	Louisiana Cotton Producers Association 3000 Kilpatric Blvd Suite 100 Monroe, IA 71201
• CF99-1-143	3/22/99	Eva Lucas	Route 1, Box 70 Elmer, OK 73539
CF99-1-144	3/22/99	Sherry Wiesman	114 Nueces Park Harlingen, TX 78552
• CF99-1-145	3/33/99	David Borowski	8624 Jane Lane Vienna, VA 22180
• CF99-1-146	3/22/99	Jeff Meyer Fire Marshal	Columbus Fire Dept Fire Prevention Division 510 10 <sup>th</sup> St P.O. Box 1340 Columbus, GA 31902



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
 Washington, D.C. 20207

MEMORANDUM

DATE: 3/29/99

TO : ES  
 Through: Sadye E. Dunn, Secretary, OS  
 FROM : Martha A. Kosh, OS  
 SUBJECT: Sleepwear Revocation

ATTACHED ARE ADDITIONAL COMMENTS ON THE CF99-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CF99-1-147	3/26/99	Steven Dietz Captain	Bakersfield Firefighters Burn Foundation 7912 Westwold Dr, Station 9 Bakersfield, CA 93309
CF99-1-148	3/29/99	L.L. Orie, Chief & R.L. Ware, Fire Marshal & Lisa King, Fire & Life Safety Education Officer	Newport News Fire Dept. City Hall Building 2400 Washington Ave Newport News, VA 23607
* CF99-1-149	3/29/99	Senators Bill Roth Joe Biden Paul Wellstone Paul Sarbanes Chris Dodd James Jeffords	United States Senate Washington, DC 20510
* CF99-1-150	3/30/99	Thomas Lamar Exe Director	Palouse-Clearwater Environmental Institute P.O. Box 8596 112 West 4 <sup>th</sup> St Moscow, ID 83843

CF99-1-151	3/30/99	Congressman Larry Combest Chairman Committee on Agriculture	U.S. House of Representatives Washington, DC 20515
CF99-1-152	3/30/99	Brian Golightly Angela Golightly	11 Olivia Court Baltimore, MD 21220
CF99-1-153	3/30/99	Consumers (4)	
Form letters In support of Sleepwear Revocation			
CF99-1-154	4/1/99	Frederick Yates Rosemary Yates	4489 Reservoir Rd Geneseo, NY 14454
CF99-1-155	4/1/99	Prof Staff Burn Unit (16)	Avera McKennan Hospital 800 East 21 <sup>st</sup> St P.O. Box 5045 Sioux Falls, SD 57117
Form letters In support of Sleepwear Revocation			
CF99-1-156	4/5/99	Al Vedel Fire Chief	City of Olivette 9473 Olive Blvd Olivette, Missouri 63132
CF99-1-157	4/6/99	Consumers (1,450)	
Form letters In support of Sleepwear Revocation			
CF99-1-158	4/7/99	Beth Littman Supervisor of Quality Assurance	KIDS 'R' US 461 From St Paramus, NJ 07652
CF99-1-159	4/9/99	Donald Douglas & F. L. Douglas	1230 Gilcrest Ave Sacramento, CA 95831
CF99-1-160	4/13/99	Consumers (17)	
Form letters In support of Sleepwear Revocation			

Total Number of Comments: 3,174

**U.S. Consumer Product Safety Commission  
Public Hearing on Proposed Revocation of  
Amendments to Children's Sleepwear Standards**

April 22, 1999  
10:00 a.m.

**OPENING STATEMENTS**

Chairman Ann Brown  
Vice Chairman Thomas H. Moore  
Commissioner Mary Sheila Gall

**PRESENTATIONS:**

**CONGRESSIONAL REPRESENTATIVE**

\*The Honorable Rosa L. DeLauro, U.S. House of Representatives, 3<sup>rd</sup> District,  
Connecticut

**FIRE SAFETY ORGANIZATIONS**

Anthony O'Neill and John Hall, National Fire Protection Association  
Andrew McGuire and Mary Weitzel, Trauma Foundation  
Ernest Grant, Safe Children's Sleepwear Coalition

**INDUSTRY REPRESENTATIVES**

Phillip Wakelyn, National Cotton Council, and Joan Balfour, National Cotton Women's  
Committee  
Stephen Lamar and Mary Howell (assisting), American Apparel Manufacturers  
Association  
Bruce Navarro, American Association of Exporters & Importers  
Julie and Marlaine Goldscheider, Impact Imports  
Vivian Reisman, Baby Steps

**LUNCH BREAK (approximately 1:00 p.m.)**

**HOSPITALS/BURN CENTERS/SURVIVORS**

David Herndon, The American Burn Association and Shriners Hospitals for Children  
Marcia Mabee, Coalition for American Trauma Care  
Renee Henningsen, mother of a burn survivor, Fairfax County Fire & Rescue Department  
David Borowski, a burn survivor

**FIRE SERVICES**

Hank Kim, International Association of Fire Fighters  
Edward Stinnette, International Association of Fire Chiefs  
Curtis Stilwell, Washington Regional Aluminum Cans for Burned Children  
\*Fred Allinson, National Volunteer Fire Council

\*Speakers unable to be present; written testimony was added to the record.

# Tab D



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
Washington, D.C. 20207

MEMORANDUM

DATE: May 12, 1999

TO : Margaret L. Neily, Directorate for Engineering Sciences, Project Manager, Children's Sleepwear

THROUGH: Alan H. Schoem, Assistant Executive Director, *AHS*  
Office of Compliance

THROUGH: Terri Rogers, Acting Associate Director, Recalls and Compliance Division *Rogers*

FROM : Marilyn Borsari<sup>MB</sup>, Compliance Officer, Chemicals, Clothing and Household Products Team

SUBJECT: Enforcement History of Children's Sleepwear Standards

The following history (prior to the 1996 amendment) of the enforcement of the children's sleepwear standards is based on Liz Gomilla's March 12, 1992 memo to Terrance R. Karels, Project Manager, Children's Sleepwear Standards Evaluation Project.

Background

There are two mandatory flammability standards for children's sleepwear. The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) became effective on July 29, 1972 and the Standard for the Flammability of Children's Sleepwear: sizes 7 through 14 (FF 5-74) became effective May 1, 1975, and differ only in their size requirements.

The standards require that all garments and fabrics self-extinguish when exposed to a small, open-flame ignition source. Fabric and garment specimens, including trim and seams, are tested in a vertical direction. The average char length of the specimens must not exceed seven inches and no single specimen can burn the entire length of ten inches. Prototype and production garments must be tested.

Children's sleepwear is not required to carry a label stating that the garment is sleepwear or that it complies with the standards. Labels with care instructions are required if the

flame resistance is affected by laundering.

The standards do not require or prohibit the use of any particular fabric or flame retardant treatment. Generally, untreated cotton and cotton blend fabrics will not pass the test requirements because they do not self-extinguish. Today, polyester accounts for the vast majority of complying sleepwear.

#### Definition of Children's Sleepwear

The two sleepwear standards define "children's sleepwear" as:

"any product of wearing apparel up to and including size 6X (size 7 through size 14), such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition."

The term "item" as used in the standards is defined as:

"any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear."

The rationale for excluding underwear was based on comments that assert body hugging underwear is less likely to be exposed to flame than outer garments and, if covered by flame resistant outer garments such as sleepwear, the number of burn incidents involving underwear would be substantially reduced.

#### Enforcement Policy History

Prior to the effective date of the 0-6X standard in 1972, the industry raised questions concerning the interpretation of "intended or promoted" in the definition of the term "item" and the phrase "intended to be worn primarily for sleeping or activities related to sleeping" in the definition of "children's sleepwear." The Federal Trade Commission, which enforced the FFA at that time, published an enforcement policy statement in the Federal Register (37 FR 5982) which stated that the word

"intended" implies more than just the manufacturer's intent. Factors to be consider in deciding whether or not a particular fabric or garment falls within the scope of the standard include:

-the nature of the product and its suitability for use as children's sleepwear;

-the manner in which the product is distributed and promoted; and

-the likelihood that the product will be used by children for sleeping or activities related to sleeping in a substantial number of cases.

In 1976, CPSC staff drafted an enforcement policy statement that provided more definitive criteria with which to make sleepwear determinations because of an increase in the number of noncomplying garments that should have been categorized as sleepwear. In 1977, the Commission directed the staff to redraft the policy statement to identify more specifically the characteristics of sleepwear garments. The staff met with industry to develop more specific criteria to use in sleepwear determinations. The industry believed that more specific criteria would (1) encourage designers to design garments to circumvent the standards and (2) inhibit the design of complying garments in a constantly changing market.

#### Bates Nitewear Company

On February 21, 1979, Bates Nitewear, a manufacturer of children's sleepwear, petitioned the Commission to require negative labeling on thermal underwear. They alleged that certain manufacturers had recently produced decorated and trimmed thermal underwear which were promoted for use as sleepwear. In July 1980, the commission voted to grant this petition and directed the staff to prepare a draft labeling rule for thermal underwear.

In late 1980, CPSC published two policy statements, codified at 16 CFR § 1615.64 and 16 CFR § 1616.65. These statements contained the same factors to be considered in determining whether a garment is sleepwear as those in the Federal Trade Commission Policy statement. However, the draft statements recommended voluntary negative labeling for thermal underwear and noted that any disclaimer (that the product does not meet the sleepwear standards and is not intended or suitable for use as children's sleepwear) would not bind the commission in an enforcement action if, in the Commission's opinion, a fabric or garment is intended or promoted to be used primarily for sleeping or activities related to sleeping.

In 1981, the Commission voted not to propose a labeling rule for thermal underwear on the basis that a rule was not needed to protect the public from risks of injury from fires associated with children's thermal underwear. This decision reversed the vote of July 1980 and in effect, denied the Bates Nitewear petition.

### National Knitwear Manufacturers Association

On December 11, 1981, the Court of Appeals for the Fourth Circuit granted a petition submitted by the National Knitwear Manufacturers Association (NKMA) to review the Commission's two 1980 enforcement policy statements. Upon review, the court set aside the two policy statements. The NKMA argued that diapers and underwear are excluded from the coverage of the standards regardless of their marketing, labeling, or use. The NKMA also argued that in instances where the policy statements would require the labeling of certain underwear or attempt to apply the requirements of the standards to certain underwear, the Commission was amending the standards to extend its coverage to certain underwear instead of simply issuing policy statements. The court concluded the Commission's policy statements had, in reality, amended the children's sleepwear standards without complying with the rulemaking requirements of Section 4 of the Flammable Fabrics Act.

In 1982, an attorney representing Bates Nitewear Company requested an advisory opinion from the Commission concerning the effect of the National Knitwear decision. The Office of the General Counsel in Advisory Opinion No: 285 responded in part:

We do not believe that the decision in the National Knitwear case would prohibit the Commission from initiating an action to enforce the applicable children's sleepwear standard in a case involving garments which are labeled as underwear, but are in fact promoted, sold, and used as children's sleepwear, that is 'to be worn primarily for sleeping or activities related to sleeping.' See 16 CFR 1615.1(a) and 1616.2(a).

On February 11, 1983, the Commission revoked the policy statements codified at 16 CFR §§ 1615.64 and 1616.65 and proposed issuance of two revised policy statements. On March 20, 1984, two final policy statements were published in the Federal Register. These statements contained no language advising the use of a label to warn that fabrics or garments do not comply with the sleepwear standards and no statement concerning the effect of such a label in any decision by the Commission to initiate an action to enforce the standard with regard to any item bearing a disclaimer on the label.

### Amendments to Children's Sleepwear Standards

On October 26, 1977, the Commission proposed several amendments to the sleepwear flammability standards. The Commission proposed deleting the requirement for residual flame

time testing and criteria in FF-3-71 (16 C.F.R. Part 1615), to exempt garments below size 1 from the standard (16 C.F. R. Part 1615), and to revise the method of testing trim in both standards. In February, 1978, the Commission adopted the amendments to the sleepwear standards except for the exemption for garments below size 1.

The Commission issued these amendments to make the requirements of both standards consistent and to reduce the necessity for using chemical flame retardants on fibers and fabrics used in children's sleepwear. The latter was a result of the national concern over the addition of the probable human carcinogen, TRIS ((2, 3-Dibromopropyl) phosphate), to some children's sleepwear. TRIS was used on some 100 percent polyester children's sleepwear and on all sleepwear containing acetate and triacetate. In 1976, the Commission determined that TRIS-treated children's clothing was hazardous within the meaning of the Federal Hazardous Substances Act and therefore a banned hazardous substance (42 Fed. Reg. 18,850, 42 Fed. Reg. 28,060, and 42 Fed. Reg. 61,621).

Flame retardant cotton sleepwear garments (treated with flame retardants other than TRIS) were available in the late 1970's. Shortly after the TRIS issue, all children's sleepwear garments treated with a flame retardant disappeared from the marketplace.

In July 1978, the Commission withdrew its proposed exemption for garments below size 1. The Commission balanced the consumer desire for untreated cotton garments as expressed in written comments against its responsibility under the Flammable Fabrics Act to protect the public from the unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. The Commission concluded that the potentially higher risk of injury to infants due to burns exceeded the possible benefits from untreated cotton garments.

#### Enforcement Guideline Pamphlet

The Compliance staff developed an enforcement guideline pamphlet in May 1984. This pamphlet provided guidelines to distinguish between sleepwear and non-sleepwear garments. The distinctions were based upon garments in the marketplace at that time which the staff considered to be sleepwear but were being promoted for use as playwear, daywear, beachwear, etc. The pamphlet featured various garment diagrams and designs to assist manufacturers, importers, and retailers in determining whether a garment is children's sleepwear and, therefore, subject to the sleepwear standards. Because of frequent fashion changes, generally based on consumer demands and uses, the pamphlet was revised five times (December 1984, September 1985, May 1986, October 1986 and February 1989).

The March 1986 revision provided guidance that garments designed to be skin tight, made of fabrics traditionally used in long underwear and clearly promoted as underwear were not subject to the sleepwear standards. This guidance was conditioned upon the garments not being decorated with a large amount of trim such as ribbons, laces and ornaments and/or large designs or pictures painted, embroidered or otherwise applied to the surface of the fabric. The May 1986 revision also modified the narrative in the pamphlet as it applies to certain "skin-tight" garments made of rib-knit, interlock, jersey and stretch terry fabrics and promoted as daywear or playwear. Later, in October 1986, the term skin-tight was defined by chest, hip and thigh measurements.

We revised the pamphlet in 1989, based primarily on the fact that an unknown number of cotton garments were imported into the U.S. under the guise of playwear or daywear, but were being marketed and used as sleepwear. In mid-1988, the American Apparel Manufacturers Association, and several individual firms recommended revisions to the pamphlet. Clothing experts from the academic community reviewed several garment designs and gave their opinion on whether those garments were sleepwear or playwear/daywear. Based on this information, and the staff observations of changed market practices, we made a number of revisions to the pamphlet. In general, these revisions increased the number of garments the staff considered to be sleepwear, especially in infant sizes (0-24 months).

After meeting with various industry groups and obtaining their views, the staff issued the revised enforcement policy pamphlet in February 1989. To give firms an opportunity to comply with the new guidance, the staff applied it to any product imported or manufactured domestically after February 1, 1990 or sold at retail after October 1, 1990. At that time, nearly all garments specifically manufactured as sleepwear were found to be in compliance with the standards.

The staff has not updated the pamphlet since 1989 because each time we revised it, firms would design garments around the designs depicted and argue their newly designed garments were not sleepwear.

In recent years Compliance staff observed a strong consumer desire for cotton sleepwear garments. We were concerned that some daywear/playwear manufacturers and importers were making garments that did not comply with the sleepwear standards that appeared to be sleepwear items. Further, some retailers were co-mingling complying and non-complying garments. In addition, some retailers were allegedly directing consumers to non-complying cotton garments to be used as sleepwear. We were concerned that consumers purchasing these garments were not aware of the importance or even the existence of the sleepwear standards.

## 1996 Amendment

In January 1993, CPSC published an Advance Notice of Proposed Rulemaking (ANPR) for the children's sleepwear standards. This notice solicited comments on exempting certain close-fitting garments and garments intended for children under the age of six months from the existing sleepwear standards. Simultaneously CPSC published a notice announcing that it was staying enforcement of the sleepwear requirement against garments used as sleepwear if those garments were skin-tight or nearly skin-tight, relatively free of ornamentation, made from fabrics such as rib knit, interlock knit, or waffle knit, and labeled as "underwear."

After considering more than 2,100 comments received in response to the ANPR, information compiled by the staff, and information presented at an oral briefing by the staff, the Commission decided to propose amending the sleepwear standards. The notice to propose amending the standards was published in October 1994. That notice proposed to amend the standards by exempting: 1) garments intended for children six months of age and younger; and 2) "tight-fitting garments. A separate notice extended until further notice the stay of enforcement of the sleepwear standards published in 1993 for cases involving skin-tight or nearly skin-tight garments similar in design and manufacture to underwear, provided those garments were labeled and marketed as underwear.

In September 1996, the Commission published the final amendments in the Federal Register. The amendments issued were similar to those proposed in October 1994. The final amendments differ from those proposed in that the Commission increased the size of infant garments exempted from the current standard to nine months, the maximum dimensions specified for tight-fitting garments changed, and the requirement for a permanent label on tight-fitting garments to advise the purchaser that the garments are not flame-resistant was eliminated. These amendments became effective on January 1, 1997. At that time, the Commission published a notice to continue a stay of enforcement for tight-fitting garments which are labeled and promoted as underwear through March 9, 1998. In November 1997, the Commission extended the stay of enforcement on garments labeled and marketed as underwear until June 9, 1998.

Shortly after the September 1996 amendments were published, it became apparent that some adjustments needed to be made to the locations for certain specified measurements. The adjustments included the point of measurement for the upper arm, the seat, and the thigh. The maximum dimensions for each size specified in the 1996 amendment would remain unchanged. These adjustments were the subject of the May 21, 1998 proposed amendment and changed only the location where these measurements were made.

The upper arm measurement would be measured at a point approximately one quarter the length of the arm down from the shoulder or armpit. The seat would be measured at a point four inches above the crotch for all sizes. The thigh measurement would be taken at a point one inch down the inseam from the crotch seam. These technical changes were finalized on January 19, 1999.

### Enforcement Issues

A primary problem in enforcing the children's sleepwear standards is that "children's sleepwear" is a moving target. In addition to considering style, fabric and color, we also take into account changing fashion trends including how garments are used and the purposes for which they are worn.

Over the past 20 years, we have been aware of frequent fashion changes and changing consumer demands for children's sleepwear. Traditionally, most thermal underwear garments were plain white and sized to hug the contour of the body. However, in recent years women's and girl's thermal underwear garments have become more stylish and/or decorative in nature. Fabrics with an overall floral print pattern are commonly used in making such garments. These garments are found in a variety of colors. In addition, lace and/or other types of trim were added to garments. As the style and design of these garments change, it becomes more difficult to distinguish them from sleepwear.

Between 1989 and 1990, headquarters staff evaluated over 500 garments sent in by manufacturers, importers, or retailers, to determine whether we considered the garments sleepwear. Many of the assessments during this time were of tight-fitting two-piece garments.

During the 1980's, the staff saw an increase in the number of 100 percent cotton garments labeled as "long underwear" or "playwear" that we believed were sleepwear. These garments generally had rib knit cuffs at the wrists and ankle and were usually tight fitting. These garments did not meet the flammability standards for children's sleepwear. Yet, they were widely used as sleepwear.

The staff continued to see a large number of violations of the sleepwear standard. In July 1991, the staff began pursuing cease and desist orders against firms violating the sleepwear standards. Regardless of the efforts of the staff to publicize its approach to "long underwear" garments intended for use as sleepwear, many firms continued to ignore this guidance. Many firms continued to market these garments until the staff sent them letters of advice notifying them that we considered their garments to be children's sleepwear and in violation of the

sleepwear standards. This activity had a salutary effect on the sleepwear industry.

In the ten years since we issued the enforcement Guide, many changes have occurred in the styles of children's garments. Children's sleepwear/underwear designers and manufacturers are responding to fashion trends by designing multi-purpose garments with more decorative fashion characteristics by using popular prints, bright colors and patterns and other ornamentation. This is evidenced by change from white or grey long underwear to the current range of color and prints. While some of the current theme prints (cartoon and TV characters) are popular for younger children, most older children would generally not wear long underwear with these prints. Younger children might tend to "show-off" or be proud of the patterned garments.

We learn of potential violations of the sleepwear standard in a variety of ways, including firm inspections, incident investigations, retail surveillance and trade complaints. Clothing in general has become more casual, blurring the distinction between sleepwear, playwear and underwear. Indeed, manufacturers have established a new category called "Loungewear." Because the sleepwear standards define sleepwear to include any product of wearing apparel, such as nightgowns, pajamas, or **similar or related items** such as robes, intended to be worn primarily for sleeping or activities related to sleeping, the staff views "loungewear" as sleepwear. Therefore "loungewear" must comply with children's sleepwear standards. The Commission published an enforcement policy statement to this effect on December 9, 1996.

CPSC staff investigates potential violations of the sleepwear standards. Where we find violations, including those which involve garments that exceed the maximum measurement requirements for tight-fitting sleepwear, we seek appropriate remedial action from the retailers selling the garments and the U.S. importer or manufacturer of the garments. Earlier this year, we initiated a program for CPSC investigators to inspect retail stores throughout the United States to determine whether sleepwear marketed and promoted as being tight-fitting meets the measurements called for in the exemption. That program is ongoing. We are conducting full investigations of firms found during this program to be selling or manufacturing violative merchandise.

# Tab E



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

## Memorandum

Date: May 27, 1999

TO : Margaret L. Neily, ES  
Project Manager, Children's Sleepwear

THROUGH: Warren J. Prunella, Associate Executive Director for Economic Analysis *WJ*

FROM : Terrance R. Karels, EC *TRK*

SUBJECT : Children's Sleepwear -- Issues Related to Proposed Revocation

Staff has reviewed the public comments submitted by interested parties regarding the proposed revocation of the 1997 amendments to the Children's Sleepwear Standards. Responses to three areas of comment are included here as well as a statement related to the date when a Commission recommendation would become effective.

### Returns

One commenter, a major retailer of children's clothing, noted that it has experienced returns of tight-fitting sleepwear at about eight percent of sales, which it describes as high.

Consumer returns of tight-fitting children's sleepwear was not unexpected. Staff anticipated an adjustment period for the newly exempted garments, as manufacturers adapted production processes and chose between a number of stretchable fabric to allow for the dimensions stated in the exemptions. Further, the Commission has responded to certain difficulties with garment fit through recent technical changes to the exemption; these technical changes are expected to result in more comfortable tight-fitting sleepwear garments.

The retailer noted that consumers were not seeking refunds, but rather were exchanging the garments for a larger size. Thus, except for some marginal costs associated with the transaction costs of the exchange, retailers are not likely to bear a significant cost burden associated with consumer returns. Further, as more consumers are made aware of the importance of fit for the safety of these garments, staff expects exchanges to decrease.

### FR Sleepwear

A commenter stated that, with the emergence of cotton garments, flame resistant children's sleepwear would be forced out of the market. Manufacturers would find that they could not sell flame resistant sleepwear.

Information from the **National Purchase Diary** shows that purchases of children's sleepwear are increasing. Overall, total children's sleepwear purchases rose by 37.2 million pieces, from 118 million pieces in 1992 to 155.2 million in 1998. Over this period, purchases of children's sleepwear of cotton rose by 31.3 million pieces. Thus, while purchases of cotton sleepwear have risen sharply, purchases of flame resistant polyester children's sleepwear have also risen by about 6 million pieces since 1992. Flame resistant polyester garments reportedly represented over 70 percent of total children's sleepwear purchases in 1998.

Moreover, a comment by the American Apparel Manufacturers Association stated that "polyester garments still dominate the market for children's sleepwear. Sales of synthetic pajamas are very strong and are expected to remain so for the foreseeable future."

### **Costs of Revocation**

Commenters noted that manufacturers and others have borne significant costs in order to produce and market tight-fitting sleepwear garments under the exemption. A trade group noted that firms changed their business practices as a result of the amendments, but they did not quantify the associated costs. A retail chain reported that a revocation would cost that firm approximately \$7 million.

Staff agrees that there would be some costs to manufacturers and others associated with revocation; these costs could be reduced if the effective date of the revocation were sufficient to allow manufacturers to sell off inventories of finished goods and use up supplies of any materials purchased specifically for use in production of tight-fitting cotton sleepwear.

### **Effective Date For Mandatory Labeling**

Section 4(b) of the Flammable Fabrics Act (FFA) states that standards or amendments under the Act "shall become effective twelve months from the date on which such standard, regulation, or amendment is promulgated, unless [the Commission] finds for good cause shown that an earlier or later effective date is in the public interest and publishes the reason for such a finding." The period of time from which orders are taken, goods produced, and shipped for sale is about nine months and can be longer for imported goods. Thus, an effective date of 12 months would provide for an orderly transition for manufacturers to adapt existing labels and hang tags to those proposed under this review.



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

MEMORANDUM

DATE: May 27, 1999

TO : Margaret L. Neily, ES  
Project Manager, Children's Sleepwear

Through: Warren J. Prunella, Associate Executive Director  
for Economic Analysis *WJP*

FROM : Terrance R. Karels, EC *TRK*

SUBJECT: Children's Sleepwear Revocation Project

This memo provides additional information on children's sleepwear, to be used in the Commission's consideration of potential revocations of the 1996 amendments to the Children's Sleepwear Standards. Also discussed is the extent of availability of garments produced under the Stay of Enforcement for tight-fitting underwear used as sleepwear, and garments made to the dimensions specified in the 1997 amendments. The memo also addresses the issue of consumer surveys on the use of tight-fitting sleepwear.

**Availability of Tight-fitting Sleepwear**

As a result of a Stay of Enforcement of the Children's Sleepwear Standards, published in the **Federal Register** on January 13, 1993, tight-fitting garments of natural fibers have been available for use as sleepwear since 1993. The Stay included garments which were for the nominal size skin tight or nearly so, and which were labeled underwear rather than sleepwear. The notice stated that enforcement against these garments was stayed because they were similar to the proposed dimensions of garments that would be allowed for sale under the amendments.

The amendments to the children's sleepwear standards went into effect in 1997. However, the Stay of Enforcement remained in effect to allow a less disruptive market transition to produce sleepwear garments to the amendments. The amendments were revised in 1998 to clarify the locations at which the garments would be measured for compliance to the tight fit requirements; the dimensions of complying garments were the same as those published in the 1997 amendments. Thus, while the final amendments have been in effect for over 2 years, tight-fitting

natural fiber garments used as sleepwear have been available for consumer use for over 6 years.

**Consumer Purchases of Tight-fitting Sleepwear**

Although there is no known survey on the extent of consumer use of the various types of garments used as sleepwear, estimates of consumer purchases are available from the **National Purchase Diary** (NPD), a national survey firm. The NPD is a database of the reported purchasing habits of 16,000 US families selected to be representative of the US population. The data include purchases of domestic and imported products. The National Cotton Council has supplied staff with NPD data for garments used as sleepwear.

Year	Sleepwear Garment Purchases		
	Total (In Millions)	Cotton	Share Cotton (Percent)
1992	118.0	11.4	9.7%
1993	117.0	15.1	12.9%
1994	126.1	20.2	16.0%
1995	129.8	22.2	17.1%
1996	138.6	31.7	22.9%
1997	154.1	40.0	26.0%
1998	155.2	42.7	27.5%

Source: **National Purchase Diary**

Industry sources note that, since the NPD measures consumer purchases rather than shipments, consumers may classify those purchases in terms of intended use. Thus, the preceding table includes garments consumers considered to be sleepwear, rather than a formal industry categorization.

Industry sources estimated that, prior to staff's work on the revisions, the share of total sleepwear accounted for by cotton garments at only about 1-2%. Thus, the trade sources postulated that any increase in purchases of cotton sleepwear over the period 1992 through 1996 were purchases of garments under the Stay of Enforcement.

Purchases of garments used as children's sleepwear (including traditional sleepwear garments, garments sold under the Stay of Enforcement and, since 1997, tight fitting sleepwear garments) have risen relatively steadily from 1992 (the year before the Stay of Enforcement) to 1998. Purchases of children's sleepwear rose by 31.5% over the period, from 118 million in 1992 to 155.2 million in 1998. Cotton sleepwear garments accounted for less than 10% of the total in 1992, rising to 27.5% by 1998. The single largest rise in cotton's market share occurred in 1996, a 43% increase over the 1995 level. Cotton was estimated by Cotton Incorporated to account for 42.7 million garments in 1998, up about 400% from the 1992 level. The increase in

purchases of cotton sleepwear would account for over 80% of the total overall increase of children's sleepwear over the period 1992 through 1998.

Attached is a December 10, 1998 memo which provides additional information on consumer acceptance of tight-fitting sleepwear, the extent of growth of the number of producers of these garments, and information on the rates of consumer returns experienced by some manufacturers.



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

MEMORANDUM

DATE: December 10, 1998

TO : Margaret L. Neily, ES  
Project Manager, Children's Sleepwear

Through: Warren J. Prunella, AED, EC *WJP*

FROM : Terrance R. Karels, EC *TRK*

SUBJECT: Sleepwear Market

The American Apparel Manufacturers Association (AAMA) continues to express concern over the dimensions required of exempted tight-fitting children's sleepwear. The AAMA's concerns center on difficulties in production to these dimensions, and state that consumers will not accept the products because the sleepwear would be too tight for comfort.

To conduct a preliminary evaluation of consumer acceptance of the exempted sleepwear, we contacted six manufacturers. Each was optimistic about the market for these products. Further, the manufacturers estimate that tight-fitting cotton sleepwear accounts for 20-25 percent (or more) of total children's sleepwear sales.

These manufacturers also stated that there were initial design and production difficulties in manufacturing to these dimensions. They reported that the time frame needed for initial designs and prototype testing was perhaps 6 to 9 months. Design difficulties were most often addressed through the substitution of fabrics with differing stretch characteristics. The firms also reported that other firms entering the market for these garments are adapting the styles and fabrics of firms which are already producing and selling garments. They stated that there were perhaps 5 firms producing exempted garments last year, and that currently there are "1-2 dozen or more."

The AAMA was also concerned about returns of products from dissatisfied consumers. The manufacturers we contacted reported "little or no" returns. We also contacted the two largest retailers of children's sleepwear. These firms stated that producers would not necessarily be aware of customer returns for months, until retailers charged-off returned items from their payments to manufacturers. The retailers stated that these sleepwear returns were at about 5 percent, which they described as a relatively high level. However, one firm, which has produced exempted children's sleepwear for over a year reported "negligible" returns.

# Tab F



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
Washington, D.C. 20207

MEMORANDUM

DATE: JUN 1, 1999

TO: Margaret L. Neily, ESME

Through: Mary Ann Danello, Ph.D., Associate Executive Director  
Directorate for Epidemiology and Health Sciences *mad*

Susan Ahmed, Ph.D., Director, Division of Hazard Analysis *sa*

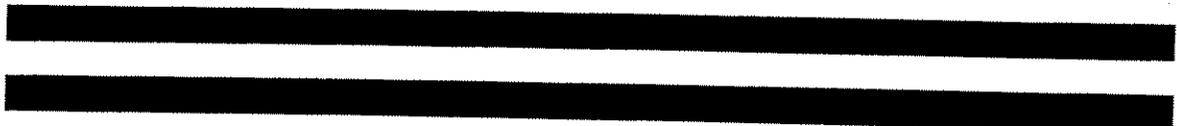
FROM: C. Craig Morris, Ph.D., Mathematical Statistician, EHHA *ccm*

SUBJECT: Sleepwear-Related Thermal Burns in Children under 15 Years Old

Per your request, attached are analyses of data on sleepwear-related thermal burns in children under 15 years of age for the years 1990 through 1999.



## Sleepwear-Related Thermal Burns in Children under 15 Years Old



June 1999

C. Craig Morris, Ph.D.  
U.S. Consumer Product Safety Commission  
Directorate for Epidemiology  
Division of Hazard Analysis  
4330 East West Highway  
Bethesda, MD 20814

## Executive Summary

Clothing-related thermal burn fatalities in the U.S. declined sharply during the 1970's. Among children under 15 years old, there were 60 deaths in 1970, 15 in 1975, 7 in 1980, 6 or fewer each year from 1981 to 1992, and 2 or 3 each year from 1993 through 1996. The portion of these cases involving sleepwear is unknown, because no data system in the U.S. specifically identifies sleepwear.

Estimated U.S. hospital emergency room-treated thermal burn injuries involving sleepwear and other clothing among children under 15 years old remained low and showed no statistically reliable annual trends from 1990 to 1998.

CPSC investigations of reported clothing-related thermal burn incidents from 1993 to 1999 revealed 3 incidents which may potentially be within the scope and intent of the children's sleepwear standard. Of the 3 incidents, 2 involved infants burned in minor housefires and 1 involved a 4-year old whose plain white long underwear (reportedly "tight-fitting" and used as sleepwear) ignited while the 4-year old and his twin brother played with a cigarette lighter. Engineering and Compliance staff have reviewed these cases and determined that they are outside the scope of the children's sleepwear standard (see Tab I of briefing package).

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## Clothing-Related Thermal Burn Injuries

### Method

The U.S. Consumer Product Safety Commission's (CPSC's) National Electronic Injury Surveillance System (NEISS) collects data on hospital emergency room-treated injuries via a probability sample of hospitals across the United States and its territories. The present report gives NEISS estimates for the calendar years 1990 to 1998.

Case selection criteria included product codes 1644 (Nightwear), 1645 (Daywear), 1658 (Unspecified Clothing), or 1677 (Other Clothing), diagnoses 51 (Thermal Burns) or 47 (Unspecified Burns), and age under 15 years old (0 to 14 years old). NEISS comments were reviewed to exclude cases not involving the burning of clothing while worn by the victim, e.g., burns from an iron while ironing clothes.

### Annual Trends

Estimates of reported clothing-related thermal burn injuries to children under 15 years of age were broken down into 2 categories: *sleepwear* (product code 1644) and *clothing other than sleepwear* (product codes 1645, 1658, 1677) excluding outerwear such as coats and sweaters. Figures 1 and 2 give these estimates along with 95% confidence intervals for each year from 1990 to 1998. Estimates are low with no reliable annual trend in both figures.

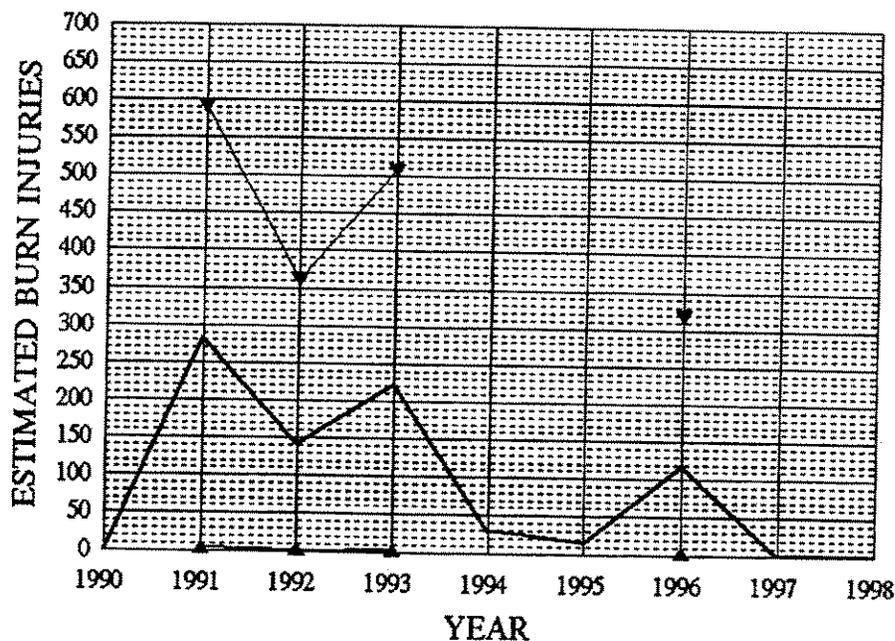


Figure 1. Estimated sleepwear-related thermal burn injuries for children under 15 years old in the U.S. from 1990 to 1998 (heavy line), with 95% confidence intervals (triangles) for years with 2 or more cases in the sample. Source: CPSC's NEISS file; 1998 data are not final.

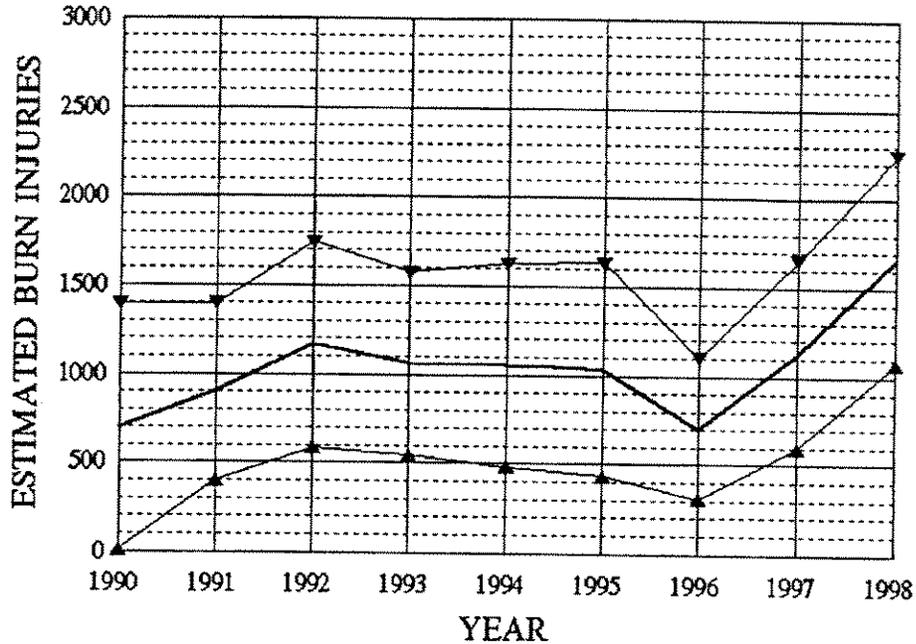


Figure 2. Estimated non-sleepwear clothing-related thermal burn injuries for children under 15 years old in the U.S. from 1990 to 1998 (heavy line), with 95% confidence intervals (triangles). Source: CPSC's NEISS file. Note: 1998 data are not final.

Over the 9-year period for calendar years 1990 through 1998, there were an estimated total of  $812 \pm 531$  sleepwear-related burn injuries and  $9,407 \pm 2,301$  other clothing-related burn injuries. Thus, the annual average number of sleepwear-related burn injuries was  $90 \pm 59$ , and the annual average number of other clothing-related burn injuries was  $1,045 \pm 256$ .

## Clothing-Related Thermal Burn Fatalities

### Method

The National Center for Health Statistics (NCHS) compiles data on deaths in the United States. These deaths are classified in accordance with the International Classification of Diseases (ICDA). E-code 893 in the Ninth Revision of the ICDA denotes a death due to clothing-related thermal burns. A 1995 CPSC report on clothing-related thermal burn injuries<sup>1</sup> presented the number of deaths classified under E893 by age group for the 1970-1991 period. In that report, population data from the Bureau of the Census were used to estimate fatality rates by age group for the same period. The present report provides comparable data for the period 1992-1995 and presents them along with data for 1970-1991 from the 1995 CPSC report.

### Annual Trends

Clothing-related thermal burn fatalities in the U.S. declined sharply during the 1970's. As shown in Figure 3 for children under 15 years old, there were 60 deaths in 1970, 15 in 1975, 7 in 1980, 6 or fewer each year from 1981 to 1992, and either 2 or 3 each year from 1993 through 1996.

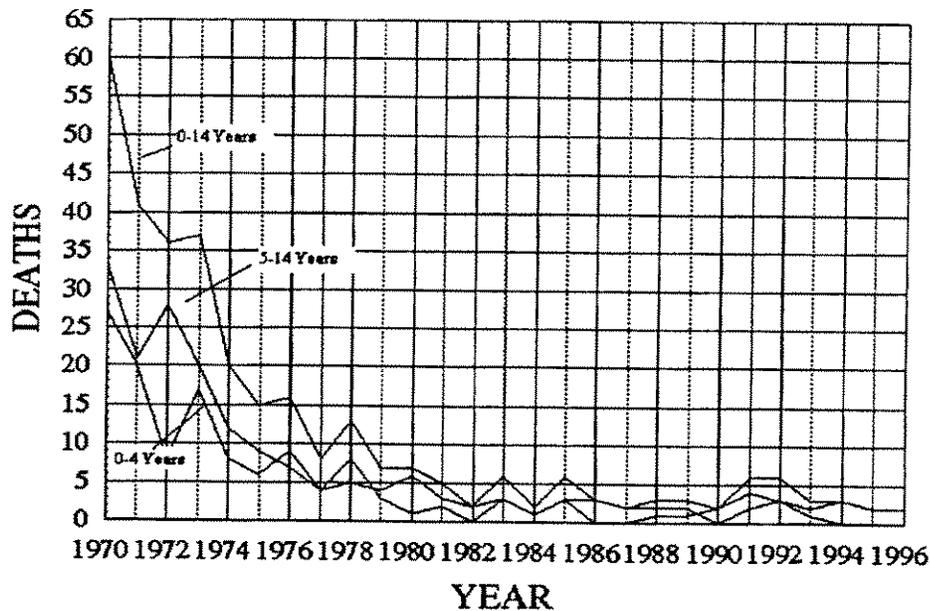


Figure 3. Clothing-Related Thermal Burn Deaths in Children under 15 Years Old from 1970 to 1996. Source: National Center for Health Statistics E-code File.

<sup>1</sup> *Injury Data Related to the Children's Sleepwear Standards*, T. L. Kissinger, CPSC, 1995.

## CPSC Investigations of Clothing-Related Thermal Burn Incidents

Since 1993, CPSC has assigned 232 reported clothing-related thermal burn cases for staff investigation. Results of these investigations are recorded in CPSC's in-depth investigations (INDP) file. To date, 145 of the assigned investigations have been completed, 2 are currently being investigated, and the remaining 85 could not be completed. Reasons for non-completion include inability to obtain the victim's identity from a medical facility or to locate or contact the victim's family. The completed CPSC in-depth investigations of reported clothing-related thermal burn incidents from 1993 to 1999 were reviewed to assess hazard patterns and type of clothing involved in thermal burn incidents. The investigations are not a representative sample or complete account of all such incidents, but do provide important information from a large number of cases regarding the circumstances of how the incidents occurred and the specific types of garments involved.

As shown in Table 1, each completed case was classified according to 13 criteria; some cases were classified into multiple categories. The review revealed 3 incidents potentially within the scope and intent of the children's sleepwear standard. Of the 3 incidents, 2 involved infants burned in minor housefires and 1 involved a 4-year old whose plain white long underwear (reportedly "tight-fitting" and used as sleepwear) ignited while the 4-year old and his twin brother played with a cigarette lighter.

Table 1. *Results of CPSC Investigations of Clothing-Related Thermal Burn Incidents*

Incident Classification	Number
Potential in-scope case	3
Worn as sleepwear, but not tight-fitting or infant under 10 months	44
Missing case documents	3
Garment NEVER worn as sleepwear	74
Garment NOT likely worn as sleepwear in this instance	9
NOT sleeping or activities related to sleeping	12
Garment NOT first item to ignite (e.g. house fire)	4
Flammable liquid contamination	7
No information on clothing involved	0
Burn from source other than clothing	9
Intentional injury	1
Clothing not ignited or involved	10

Source: U.S. Consumer Product Safety Commission's In-Depth Investigations File, 1999. Note: Some incidents are counted in more than 1 category.

### *Potential In-Scope Cases*

In-scope classification of sleepwear-related burn incidents is complicated by inherent difficulties in defining sleepwear, especially for infants, and in determining the size of the flame intended to be addressed by the children's sleepwear standard. Identifying sleepwear-related cases for infants is difficult because infants sleep frequently and for long periods of time and are likely to do so regardless of the clothing they happen to be wearing at any given time. Identifying sleepwear-related cases for older children is also difficult because they frequently use certain garments as both daywear and nightwear (e.g., t-shirts, long underwear).

One potential in-scope incident involved a 6-month old female victim whose clothing was ignited in a housefire. The mother, father, and 3-year old sibling were in the front yard about 2 pm while the victim slept on a blanket in the living room. The mother saw smoke coming from the house, ran into the house, picked up the infant in the living room, and attempted to exit the burning house but fell down near the back door. The father rescued the mother and infant. The infant received burns covering 65 to 85 percent of her body, but was returned to her family after extensive treatment. The mother also indicated that the infant's clothing was a loose-fitting, 100% cotton, woven garment sized for 3 to 6 months. Fire investigators could not determine the origin of the housefire. It is difficult to determine whether the involved garment in this case fits the legal definition of children's sleepwear: although the infant was reportedly sleeping in the clothing at the time of the incident, the mother of the victim stated that the infant never slept in the clothing at night. Given that this was a housefire in which the garment was not the first item accidentally ignited, it is difficult to determine whether the case is in scope.

A second potential in-scope incident involved an 11-month old male who died from complications of 3<sup>rd</sup> degree burns over 48% of his body suffered in a house fire started by his 4-year old brother. The 4-year old admitted starting the fire by lighting some newspapers and a blanket with a cigarette lighter. The victim's mother reported that the victim was wearing a cotton sleeper that burned and melted on the victim. Since 100% cotton does not melt, the garment may have consisted of a blend of synthetic and natural fibers, the melted material may not have come from the garment, or the mother may have been mistaken about the garment containing cotton. In any case, it is impossible to determine whether this garment met the requirements of the original children's sleepwear standard that was amended in 1996 or was an exempted garment. It is difficult to determine the size of the flame that ignited the garment to determine whether it falls within the scope of the standard.

A third potential in-scope incident involved a 4-year old boy whose tight-fitting long underwear was ignited while the 4-year old and his twin brother played with a cigarette lighter. The twins had locked their bedroom door and the mother could not gain access upon hearing the boys yelling in the room. She estimated that the fire department arrived within 5 to 10 minutes. They broke down the door, found the victim near the door with the remains of his clothing still smoldering, and used water to extinguish the smoldering clothing and a fire on the bed. The boy suffered third-degree burns to his upper torso and had burns over 38.5% of his body. In this case, the garment appears to be covered by the standard. However, it is difficult to determine the size of the flame that ignited the garment to determine whether it falls within the

scope of the standard.

Engineering and Compliance staff have reviewed the above 3 cases and determined that they are outside the scope of the children's sleepwear standard (see Tab I of briefing package).

## **Conclusion**

Clothing-related thermal burn fatalities in the U.S. declined sharply during the 1970's. Among children under 15 years old, there were 60 deaths in 1970, 15 in 1975, 7 in 1980, 6 or fewer each year from 1981 to 1992, and 2 or 3 each year from 1993 through 1996. The portion of these cases involving sleepwear is unknown, because no data system in the U.S. specifically identifies sleepwear.

Estimated U.S. hospital emergency room-treated thermal burn injuries involving sleepwear and other clothing among children under 15 years old remained low and showed no statistically reliable annual trends from 1990 to 1998.

CPSC investigations of reported clothing-related thermal burn incidents from 1993 to 1999 revealed 3 incidents which may potentially be within the scope and intent of the children's sleepwear standard. Of the 3 incidents, 2 involved infants burned in minor housefires and 1 involved a 4-year old whose plain white long underwear (reportedly "tight-fitting" and used as sleepwear) ignited while the 4-year old and his twin brother played with a cigarette lighter. Engineering and Compliance staff have reviewed these cases and determined that they are outside the scope of the children's sleepwear standard (see Tab I of briefing package).



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

MEMORANDUM

DATE: May 28, 1999

TO: Margaret L. Neily, ESME

Through: Mary Ann Danello, Ph.D., Associate Executive Director *mad MAD*  
Directorate for Epidemiology and Health Sciences

Susan Ahmed, Ph.D., Director, Division of Hazard Analysis *SA*

FROM: C. Craig Morris, Ph.D., Mathematical Statistician, EHHA *CCM*

SUBJECT: Response to Public Comments Related to the Children's Sleepwear Flammability Requirements for Sizes 0 to 9 Months

Per your request, attached is a response to public comments related to children's sleepwear flammability requirements for sizes 0 to 9 months.

## Response to Public Comments Related to Children's Sleepwear Flammability Requirements for Sizes 0 to 9 Months

There were many responses to the U.S. Consumer Product Safety Commission's (CPSC) request for comments on a proposed revocation of the 1996 amendments to the children's sleepwear flammability standard, including comments at a public hearing at CPSC headquarters on 22 April 1999. The present document analyzes comments related to the children's sleepwear flammability requirements for infant sizes 0 to 9 months.

### 1. Issue: Scope of exemption.

Some comments evidenced the belief that the exemption eliminated all clothing flammability requirements for children's sleepwear.

**Response:** Exempted children's sleepwear (including infant sizes 0 to 9 months) must still meet less stringent general wearing apparel flammability requirements.

### 2. Issue: Trend in clothing-related burn fatalities.

Some commenters asserted that enactment of the sleepwear standard in 1972 reduced the number of annual sleepwear-related burn deaths from 60 to 4.

**Response:** This is incorrect, because those numbers refer to *all* clothing-related burn deaths. The National Center for Health Statistics mortality file which provides these fatality data does not distinguish sleepwear-related burn cases from other clothing-related burn cases. Additionally, the distinction between sleepwear and daywear has blurred because of the popular use of some garments (e.g., T-shirts, long underwear, infant wear) for both purposes, making sleepwear-related fatalities even more difficult to identify. There is no data system in place which specifically identifies all sleepwear-related burn fatalities in the U.S. Finally, it is important to note that prior to the issuance of the Sleepwear Flammability Standards in the 1970's, there were no national estimates for sleepwear-related burn injuries or deaths. Therefore, it is not possible to formally evaluate the effectiveness of the standard in terms of deaths and injuries.

### 3. Issue: Whether the risk of sleepwear-related burn injury is minimal for infants 0-9 months old due to their immobility.

Many commenters rejected the claim that the risk of burn injury to infants is minimal because of their immobility. One commenter stated that "Being less mobile also means being less able to remove yourself from a potentially dangerous situation." Another stated that "Infants do not have to be mobile to get burned. Ignition sources also come to them: matches, lighters, space heaters, and careless smokers all pose real dangers to infants." Many commenters argued that the relative immobility of infants puts them at *greater* risk, not less, of being severely burned in an otherwise minor conflagration. As one commenter explained, "Young children, in particular those under the age of 9 months, are dependent upon others to provide the care necessary to keep them from harm. At such young ages, children are incapable of recognizing and removing

themselves from danger.”

**Response:** CPSC files document several incidents in which a fire started by another child or source approached and ignited the clothing of a pre-ambulatory infant who thereby sustained severe burns from the burning clothing.<sup>1</sup> However, analyses of over 150 potentially survivable fire and thermal burn cases involving infants 0-9 months old from January 1990 to May 1999 in CPSC files revealed insufficient information about the type of clothing involved in these cases to conclude that there is an increased risk of sleepwear-related burn injury for pre-ambulatory infants.

**4. Issue: Whether CPSC data indicating a low, stable frequency of sleepwear-related thermal burn injuries are valid.**

Many commenters asserted that “problems in the reporting of burn injuries” are partly the reason “Some argue that there has been no increase in the number of burn injuries and deaths since the standard changed.” A recent General Accounting Office (GAO) review asserted that CPSC’s sleepwear burn data were both too sparse to provide reliable national estimates and subject to coding biases possibly leading to underestimation of sleepwear-related burns. One surgeon heading a burn center commented that there were 14 infant burn victims 0-9 months old purportedly wearing sleepwear since January 1997 in 4 of 135 burn centers in the U.S. He suggested that this implies an estimated 472 injuries ( $14 \times 135/4$ ) during that period.

**Response:** Some of the infant burn cases reported by the surgeon appeared to involve children brought into the U.S. from other countries. There is no reason to believe that the number of burn injuries in the U.S. is underestimated by CPSC’s National Electronic Injury Surveillance System. Estimates of infrequent occurrences are subject to relatively large variances. The NEISS sample of 101 hospitals from the universe of 5,387 U.S. emergency-room hospitals includes 4 of 119 hospitals in that universe that are self-identified burn treatment centers.<sup>2</sup> Thus, 2.2% of U.S. emergency-room hospitals, and 4% of hospitals in the NEISS sample, are self-identified burn treatment centers. Further, although severely burned children may sometimes be admitted directly to burn treatment facilities, severely burned victims are most likely taken to the nearest hospital emergency room for stabilization and then transferred to burn treatment facilities. NEISS does provide a powerful case-finding tool with 101 hospitals searching for sleepwear burns. Each case is carefully reviewed and any serious burn cases are quickly identified and investigated. A change in the *severity*, but not *frequency*, of sleepwear-related pediatric burn injuries would be more difficult to detect because of the few sleepwear-related burn cases reported in NEISS.

## Notes

1. Tyrrell EA, Collins, BW. *Clothing-Related Burn Injuries Involving Children Twelve Months of Age and Under*, Mar 1978. U.S. Consumer Product Safety Commission, Washington, DC.
2. Kessler E. *Issues Related to GAO Review of Children's Sleepwear Investigations*. U.S. Consumer Product Safety Commission, Washington, DC.

# Tab G



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
Washington, D.C. 20207

**MEMORANDUM**

**DATE:** May 27, 1999

**TO:** Margaret Neily, Project Manager, Sleepwear  
**Through:** Jacqueline Elder, <sup>1\*</sup> Deputy Assistant Executive Director, EXHR  
**FROM:** Carolyn Meiers, Engineering Psychologist *cm*  
**SUBJECT:** Labeling of Tight-Fitting Sleepwear

**Background:** In the 1994 NPR for amendments to the children's sleepwear standards, Human Factors advised that an information label that would educate consumers about tight-fitting sleepwear was not expected to be effective for the following reasons: the message could be ignored; it could be lost among other garment labels; consumers would habituate to the label; and benign experiences with sleepwear would reduce the perception of risk.

Following the briefing on the NPR, Commission staff commented that they would support an information and education campaign to educate consumers about tight-fitting sleepwear. Staff agreed that an information label clearly visible at point-of-purchase would help consumers with their purchasing decisions.

In the final rule to amend the flammability standards for children's sleepwear in 1994, the Commission staff recommended that labeling of tight-fitting sleepwear not be mandatory. The staff believed that industry should consider the use of a voluntary information label as part of an effort to inform consumers about the safety impact of using tight-fitting sleepwear.

Commenters at a public hearing held in April 1999, to discuss the revocation of the children's sleepwear amendments, were critical of current industry instructional and educational labeling efforts intended to inform consumers about tight-fitting sleepwear. Major problems identified by the commenters were: hang tags that make it difficult to distinguish between flame resistant and tight-fitting sleepwear; hang tags written only in the English language; absence of any type of sleepwear labeling regarding flammability; informational hang tags that are obscured by price tags and brand advertising tags; identical looking hang tags that convey different information; and hang tags that are

extremely confusing. One commenter stated that "without mandatory labeling, parents won't know what they are buying or how much their child's safety depends on the tight fit."

**Discussion:** Because "tight-fitting" is a new, unfamiliar concept in sleepwear sizing and fit, consumers must be educated about this change. Current voluntary labeling that identifies tight-fitting garments and informs consumers about the importance of fit is inconsistent and often garments have no flammability labeling. The text, format, and size of the labels vary. Because of these variations, consumers do not have an easily recognizable means of identifying sleepwear garments that should be worn tight-fitting. Consumers may mistake some of these labels as promotional literature and fail to read important safety precautions.

**Recommendations:** Human Factors recommends mandatory labeling to assure that consumers are presented with information necessary to make informed choices in sleepwear. Mandatory labeling would require that information be presented in a consistent and attention-getting style. All tight-fitting sleepwear would be required to have uniform labeling that would distinguish it from flame resistant sleepwear. As consumers become familiar with the labeling, it should help make selection of sleepwear easier and quicker.

Human Factors recommends that two types of labeling for tight-fitting sleepwear be required - hang tags and permanently affixed labeling. Hang tags, on each garment, would inform consumers at point-of-purchase about the tight-fitting requirements.

Once a hang tag is removed from the sleepwear garment, there will be no means of distinguishing this garment from other sleepwear. Permanent labeling is necessary to ensure that subsequent use of the sleepwear garment is in accordance with proper safety precautions. The permanent labeling would distinguish, over the long term, sleepwear that needs to be tight-fitting from other types of sleepwear.

Less explicit safety messages can result in consumers underestimating potential risks and their consequences. The current message appearing on hang tags is benign. Generally, the message states "Fabric and fit are important safety considerations for children's sleepwear. Sleepwear should be flame resistant or tight-fitting to meet U.S. Consumer Product Safety Commission sleepwear requirements. This garment should be worn snug-fitting."

Human Factors has developed the following specific requirements for the hang tag and permanent labeling. These requirements are intended to produce safety information that is consistent for all non-flame resistant sleepwear and that can be readily

distinguished from promotional and other types of information displayed on the garment.

#### Hang Tag

1. The following language must appear on the hang tag:

For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

The proposed language for the mandatory hang tag provides several explicit pieces of important information for the consumer. It tells the consumer: a) the fit is what makes the sleepwear safe, b) the fabric is not flame resistant, and c) why snug-fitting is safer than loose-fitting for sleepwear.

This safety message follows the principles and guidelines established by ANSI Z535.4-1998 for presenting safety information. It identifies the potential hazard, informs consumers how to avoid it and states the consequences of not following the safety precautions.

2. The font must be 18pt Arial.
3. The hang tag must measure 1½" x 6¼".
4. The text must be enclosed in a text box that measures 1" x 5¾".
5. The hang tag must have a yellow background and black lettering to make it distinctive from other garment tags. Specifications for the color yellow must meet those found in ANSI Standard Z535.1-1998, American National Standard Safety Color Code, p.6, Safety Yellow; Standard, Munsell Notations: Hue 5.0Y; Value/Chroma 8.0/12.

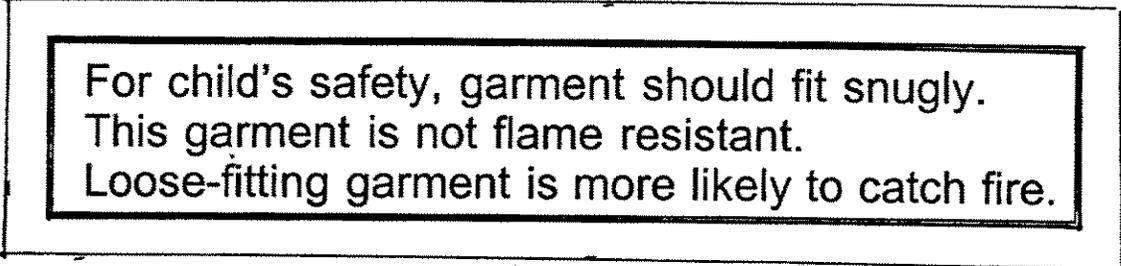
These colors, traditionally associated with cautionary information, would visually draw attention to the hang tag's safety-related purpose and could act as a motivator for consumers to read the tag.

6. One side of the hang tag must display only the message text. The reverse side of the hang tag must display only sizing information because the fit of the garment is relevant to the safety message. Otherwise, the reverse side must be blank to avoid confusion with and filtering by non-safety related information.

7. The hang tag must be prominently displayed on the garment to make it conspicuous to consumers at point-of-purchase.

8. The wording on the hang tag must not be obscured by the hole provided for the attachment of the hang tag to the garment.

9. The hang tag should look like the illustration below.



For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

#### Package Labeling

1. If the sleepwear is sold packaged, then in lieu of a hang tag, the package must have a label with the same language that would appear on a hang tag.

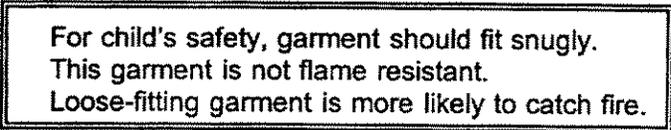
2. The label must have a yellow background and black lettering.

3. The message must be in a text box that measures  $\frac{1}{4}$ " x  $3\frac{3}{4}$ ".

4. The text box must consist of a double black border as shown below.

5. The text must be 11pt Arial.

6. The label must look like the example below.



For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

7. The label must be prominently, conspicuously, and legibly displayed.

8. The label may be adhesive.

#### Permanent Labeling

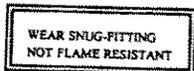
1. The permanent labeling must read as follows, "Wear Snug-fitting, Not Flame Resistant."

2. The permanent labeling must be located on the front of the sizing label readily visible near the center back of the garment.

3. The permanent labeling must be placed immediately below the

size designation.

4. The permanent labeling text must be a minimum of 5pt Sans Serif font in all capital letters.
5. The permanent labeling must be set apart from other label text by a line border.
6. The permanent label must not be obscured by any other label or tag.
7. The permanent labeling text must contrast with the background color of the label.
8. An example of what the label may look like is given below.





United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

MEMORANDUM

DATE: May 27, 1999

**TO:** Margaret Neily, Project Manager, Sleepwear  
**Through:** Jacqueline Elder, <sup>JK</sup> Deputy Assistant Executive Director, EXHR  
**FROM:** Carolyn Meiers, Engineering Psychologist *CM*  
**Subject:** Human Factors Issues in Children's Sleepwear

Human Factors was asked to comment on the following issues regarding children's sleepwear flammability issues:

**ISSUE 1:** *Rationale for exempting infant sleepwear for ages 9 months and below.*

**Response:** In 1993, the Human Factors staff supported an exemption from the children's sleepwear flammability requirements for infants 6 months and below based on children's motor development and injury data. Human Factors stated that the exemption was intended to cover infants before they have the ability to move themselves into contact with an ignition source. Infants' first ambulatory motions usually consist of crawling-type movements which begin around 7 to 8 months of age. The 6 month recommendation went forward to the Commission.

At the decision meeting on the amendments to the children's flammability regulations, the Commission voted to extend the 6 month exemption to 9 months based on information from industry that consumers tend to buy larger sizes for rapidly growing infants and, most likely, infants wearing size 9 months would be aged 6 months or younger. The Commission also cited CPSC data that indicated that children of this age are not the victims of sleepwear ignition injuries or death.

In addition, industry had previously indicated that industry practice was to segment sizes as 3/6/9 months (newborn/infant) and 12/18/24 months (toddler). An industry representative stated

that an artificial break in this sizing structure would cause problems for retailers and that 9 months and under would be an appropriate choice for exemption of children's sleepwear.<sup>1</sup>

## **ISSUE 2: Labeling Options**

**Response:** Background: The following chronology details the Commission's actions on the labeling of sleepwear.

January 13, 1993

ANPR

Briefing Package

### **Introduction of the concept of labeling:**

Sought comments on the need for labeling on any tight-fitting or infant garments that could be exempted from children's sleepwear standards.

October 25, 1994

NPR

Briefing Package

### **Comments to ANPR on labeling:**

1. Labeling of garments which don't pose a hazard would unduly alarm consumers.
2. Commission should label non-flame resistant garments rather than prohibiting their sale.
3. Universal symbol indicating degree of flammability would be helpful.

### **Human Factors response to ANPR comments:**

1. Staff did not recommend that sleepwear garments have warning labels. Sleepwear garments that do not pose a hazard do not require a warning label.
2. Labeling would not likely be effective because sleepwear is generally perceived as non-hazardous and it is a familiar item. Research indicated that even conspicuous signs or labels are sometimes unnoticed particularly on products that are not perceived as hazardous. In addition, as consumers become increasingly familiar with a product, they are more likely to ignore information related to the product.
3. There is no universal symbol to indicate varying degrees of flammability hazards. At this time, there is no symbol that communicates various degrees of flammability in clothing.

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<sup>1</sup>Karels, Terry, April 25, 1995 Meeting Log, Meeting between sleepwear industry and CPSC staff.

The Human Factors memo in the briefing package stated that since exempted garments must be as safe as current sleepwear garments, a warning label is not appropriate; however, an information label might be considered. The memo then describes factors which can affect the impact of an information label among which are the following: low perception of the hazard because sleepwear is a familiar product and consumers may have had no adverse incidents with it and the loss of the safety message because of an overload of information already present on labels (size, price, material, style, care instructions).

**In the Federal Register notice**, staff recommended and the Commission proposed, that when sleepwear garments are displayed for sale to consumers they are to be clearly and conspicuously labeled with the following statements:

*Garment is not flame resistant. For child's safety, garment should be tight-fitting. Loose-fitting clothing is more likely to contact an ignition source and burn.*

January 1, 1996  
Final Rule  
Briefing Package

**Comments on labeling from NPR:**

1. Wording is too lengthy which may result in the need for more than one neck label.
2. If CPSC does not believe that the exempted garments present an unreasonable risk of injury a warning label is not necessary.
3. Heightened consumer awareness of garments' flammability should be required if tight-fitting garments are to be exempted.

A representative of the sleepwear industry stated in a meeting on April 25, 1995 with CPSC staff that the proposed labels for exempted sleepwear are considered too negative by industry. The industry representative said that the real need for labels would be as an information and education tool through which consumers would be able to assess garment sizes and make purchase considerations. She stated that industry would be amenable to some type of hang tag which would inform consumers about the importance of close fit.

**Staff response to the labeling comments:**

Staff reviewed the feasibility of a labeling requirement for exempted sleepwear garments and recommended that labeling not be required under the amendments.

Staff believed that the use of an informational label should be considered by industry as part of an effort to inform consumers about the safety impact of using tight-fitting sleepwear.

The Office of Information and Public Affairs provided some preliminary information on possible scope of an information and education campaign which could be used to communicate the substance of the exemptions to the public.

**Human Factors memo to the briefing package stated:**

An informational label could be used to inform consumers of the rationale for exemption of tight-fitting sleepwear from the flammability standard. Human Factors suggested wording for an informational label was *"Not flame resistant. For child's safety, garment should be tight-fitting."*

**Comments on labeling following the NPR briefing:**

Staff supported an information and education campaign to educate consumers about tight-fitting sleepwear. Staff agreed that an informational label, clearly visible at point-of-purchase would be helpful to consumers in their purchase decisions. Staff believed that a label would be useful in communicating the need for selecting tight-fitting sleepwear garments.

*Current Messages on Hang Tags*

Under the voluntary information and education program, when hang tags are attached to tight-fitting sleepwear, the message is more benign than any previously suggested by Human Factors staff. The most commonly used wording is: "Fabric and fit are important safety considerations for children's sleepwear. Sleepwear should be flame resistant or tight-fitting to meet U.S. Consumer Product Safety Commission sleepwear requirements. This garment should be worn tight-fitting."

Criticism about the current labeling is that the hang tags are not distinctive or conspicuous but are inter-mixed with promotional and brand literature. The hang tags are not consistent and wording on permanently-affixed labels is indistinguishable from size and washing instructions.

**ISSUE 3: Upsizing:**

Commenters have noted that parents may "upsized," that is, buy sleepwear in sizes larger than their children's current size, because they will get longer wear from the garments.

**Response:** One representative of a sleepwear manufacturer believes that parents would probably go up only one size, otherwise the garment would be too large, for example, the legs and sleeves would be too long. During the development of the technical amendments in 1997, staff observations of children wearing garments one size larger than their age-appropriate size showed that the garments conformed to the contours of their body and touched the body at many points.

Representatives from a different manufacturer and retailer of children's sleepwear stated that they did not believe their customers were upsizing. These representatives stated that they attribute their success in sales of tight-fitting sleepwear to the education of store personnel who understand the sleepwear regulation and can pass this knowledge on to their customers.

Informational labeling on the garments and at point-of-sale can help inform consumers about the need to have a proper fit to ensure children's safety when wearing non-flame resistant sleepwear.