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LOG OF MEETING
OFFICE OF GENERAL COUNSEL

SUBJECT: The American Apparel and Footwear Association (AAFA) requested a meeting to discuss several regulatory-related issues.

DATE OF MEETING: May 24, 2010

PLACE OF MEETING: U.S. Consumer Product Safety Commission, Bethesda, MD

LOG ENTRY SOURCE: Jan Carlson, General Attorney, OGC

COMMISSION ATTENDEES: See attached attendance list

NON-COMMISSION ATTENDEES: See attached attendance list

SUMMARY OF MEETING:

The associations and manufacturers in attendance presented several issues for CPSC staff to take under consideration.

With regard to the textiles exemption (16 CFR § 1500.91(d)(7)) to the lead limits imposed by the Consumer Product Safety Improvement Act (CPSIA), representatives of screen printers and other clothing manufacturers expressed concerns related to various inks, dyes, and printing processes. There was discussion concerning the wide array of production processes in use, and the variety of products used to print designs or emblems onto garments. One representative suggested that the component testing final rule include the word "ink" – the term commonly used in the screen printing industry - because currently some segments of the fabric printing industry are unaware that they fall within the purview of the lead regulations. There was discussion of the wide array of colors used in inks and dyes, and the potential role of the component testing rule in color testing.

Association and manufacturer representatives also discussed the Commission's interpretive rule on inaccessible component parts as it relates to fabric, in particular the provision that a component is inaccessible only if it is not less than 5 centimeters in any one direction (16 CFR § 1500.87(i)). Certain items, such as internal parts of shoes and zipper stops, are less than 5 centimeters in one dimension and so fall outside the inaccessibility exception. Industry representatives suggested adding language to the regulation to clarify that parts that are less than 5 centimeters but are unlikely to be mouthed be considered inaccessible.

Attendees also discussed issues related to component testing, and the interaction of the CPSIA testing and certification requirements with the testing and guaranty provisions under the Flammable Fabrics Act. Industry representatives inquired whether

manufacturers have to have products third-party-tested to qualify for an exemption to an FFA regulation; CPSC staff answered that manufacturers are able to certify that a product falls within an exemption without third-party-testing to the exemption qualification. With regard to CPSIA requirements for third-party testing of children's products, industry representatives suggested that third party conformity assessment body (laboratory) capacity will be an issue, and expressed concern about delivery of time/season-sensitive products being delayed due to backups at the labs. CPSC staff expressed concern about the problem but stated a need for evidence, other than anecdotal, that lab capacity is a problem. CPSC staff suggested that a final rule on component parts might alleviate some finished-product testing pressure on labs, but there was considerable discussion regarding when a component part becomes part of the substrate; industry representatives were invited to suggest particular language on the issue.

Finally, there was a brief conversation regarding legislation (CPSEA) recently introduced in the House.

MEETING ATTENDANCE RECORD

AAFA/CPSC General Counsel/CPSC Staff - May 24, 2010

COMMISSION ATTENDEES:

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