



United States
CONSUMER PRODUCT SAFETY COMMISSION
4330 East-West Highway
Bethesda, Maryland, 20814

MEMORANDUM

DATE: May 15, 2007

TO : ES

Through: Todd A. Stevenson, Secretary, OS 

FROM : Martha A. Kosh, OS 

SUBJECT: Proposed Changes to Textile Flammability Standard

ATTACHED ARE COMMENTS ON THE CF 07-2

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CF 07-2-1	4/04/07	Ronald Pacheco Tech. Director Softlines	STR 10 Water Street Enfield, CT 06082
CF 07-2-2	5/14/07	Philip Wakelyn Ph.D., Consultant	National Cotton Council of America 1521 New Hampshire Ave., NW Washington, DC 20036
CF 07-2-3	5/08/07	Ellen Roaldi Sr. Technical Consulting Specialist Jennifer Hargrave Sr. Regulatory Consulting Specialist	Bureau Veritas Consumer Products Services, Inc. 100 Northpointe Parkway Buffalo, NY 14228
CF 07-2-4	5/14/07	Guo Lisheng Deputy Director	China WTO/TBT National Notification & Enquiry Center No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing

Proposed Changes to Textile Flammability Standard

CF 07-2-5	5/14/07	Jennifer Counts Section Head	The Procter & Gamble Co. Fabric & Home Care Innovation Center 5299 Spring Grove Ave. Cincinnati, OH 45217
CF 07-2-6	5/14/07	Karen Kylo Director, Textile Services	North American Retail Initiative Consumer Goods 70 Diamond Rd. Springfield, NJ 07081
CF 07-2-7	5/14/07	Hardy Poole Director, Technical and Regulatory Affairs	National Textile Assoc. 6 Beacon St, Suite 1125 Boston, MA 02108
CF 07-2-8	5/31/07	Stephen Lamar Executive Vice President	American Apparel & Footwear Association 1601 N Kent St, 12 th Fl Arlington, VA 22209



April 4, 2007

Ms. Patricia K. Adair
U.S. Consumer Products Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

Re: Proposed Changes to Textile Flammability Standard

Dear Ms. Adair:

I would like to thank you for the opportunity to share my thoughts regarding the proposed changes in 16 CFR Part 1610. On November 1, 2002, I sent you a letter responding to the CPSC notice on the revision of the standard. I made some very specific recommendations that were considered and will reappear in this letter. In addition, I have some new suggestions. At this point, I think that it is important that you realize that I have used and defended this standard against many hostile experts in a number of flammability cases throughout my 45 years in the business. I believe that this standard has protected the general public against unnecessary danger. However, because of the advances of the textile industry, it needs to be brought into the 21st Century. Without further ado, I will begin to list my comments and recommendations.

This list has no particular sequence or priority.

- Additional five specimens. According to the standard, if upon material testing, the fabric is classified as Class 3, an additional five specimens is tested and then the average burn is based on those specimens that have a base burn. I do not understand why an additional five specimens need to be tested. If the fabric fails in the first five specimens, I have never seen it pass after an additional five



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specimens have been burned. In fact, this becomes a major problem dealing with costumes where it may be impossible to get an additional five specimens from the original submittal. If the specimens are classified as a Class 3 in the original and after renovation, that should be it. It fails, period, and no additional specimens need to be tested.

- Laundering and Dry Cleaning. With the introduction of the ASTM D1230, Option B, it has resolved this problem and it is proper that it be introduced into the standard.
- Clarification of Raised Fiber Surface. I suggest that the explanation include a statement that says that in order to be classified as a “raised fiber surface,” that the fabric has had to undergo a textile process, which intentionally raises the fiber. This could clarify the difference between a naturally hairy yarn that might be used in a sweater, which by its very nature of the yarn is low twist, and has a hairy surface. I have used this delineation after I discussed this with a member of the CPSC staff.



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- Preliminary Test. Since most garments are cut in the length direction, and the process of rapid burning is in the vertical direction, then it makes sense to only test in the length direction. The problem is that if you select additional specimens based upon the preliminary of one specimen in each direction, then this could be a problem if these tests indicate that the width direction burnt a little faster than the length direction. Example: width direction 2.2, length direction 2.3 seconds, you then would be testing in the wrong direction. I suggest that if you are going to continue doing preliminary tests that you indicate that there should be a substantial difference between the width and length directions, say at least 2 seconds.
- Exemptions. Leather and fur items should be added since they are not a textile and are really protective. Also, 100% polyester and nylon micro fibers should be removed from exemptions if they are less than 2.6 oz/yd. These micro fibers did not exist when the original exemptions were first put together back in the 70's. I have witnessed these micro fibers ability to burn very rapidly and would be classified as a Class 3 fabric.



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- Definitions (Point of Ignition). I have never understood why there was a difference between Base Burn and Base Burn at Point of Ignition. If it burns, it burns. This distinction is too finite and should be removed. I have seen where items that should have failed, passed, when they stated Base Burn P.O.I.
- Specimen Size. The original specimen size is 2 inches x 6 inches. However, over the years it has been noted that there are times that the one second ignition flame would go to the bottom of the specimen and then travel on the back of the specimen rather than the front. Extending the length of the specimen by ½ inch can prevent this. This does not interfere with the burning classification and prevents the problem mentioned.
- Specimen Holder. Attachment A is a sketch of a modified specimen holder that I have used in order to test some very dangerous products such as hula skirts, leis, fringes, loose feathers, wigs, hair pieces, boas, etc. This modified specimen holder was especially useful in eliminating from sale a highly flammable feather boa. The modified specimen holder has stainless steel welded at one inch intervals and does not interfere with the burning characterization of the item being tested.



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- Classification of Plain Surface. Presently a plain surface fabric has only two classifications, Class 1 or Class 3. If an item has an average burn time of less than 3.5 seconds, it is classified as a Class 3. If an item has an average burn time of more than 3.5 seconds, it is classified as a Class 1. There is a great danger that an item tested in the Far East with a burn time of 3.6 seconds could be retested here in the U.S. and have a burn time of 3.4 seconds, and thus, is classified as a Class 3. There needs to be a Class 2 classification for plain surface items similar to the raised fiber items where a Class 3 is less than 4.0 seconds, a Class 2 is between 4.0 and 7.0 seconds, and a Class 1 is more than 7.0 seconds. I suggest a Class 2 for plain surface items as between 3.5 seconds and 7.0 seconds, and a Class 1 as more than 7.0 seconds.
- Suspect Fabrics – Back in the 90's the CPSC formed a committee to investigate the various fabrics that had a potential to be problems. I was the only technical person on this committee. I communicated with various technical people in the trade and we were able to come up with a list of both plain surface and raised fiber suspect fabrics that fell into this category. The list of these fabrics is attached as Attachment B. The intent of this list to identify and make people aware that these are the fabric types that can cause problems and they should be monitored closely. I suggest that this list be included in the revision.



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Again, I would like to thank you for taking the time to consider the above changes.

Lastly, I suggest that the CPSC form a technical committee to assist the CPSC in the deliberation of these and other comments. I would be honored to head or serve in this committee if so formed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald J. Pacheco".

Ronald J. Pacheco
Technical Director, Softlines

RJP:nm

Attachments

SUSPECT FABRICS

PLAIN SURFACE FABRICS: Textiles without nap, pile, tufting, flock, or other type of raised-fiber surface.

Light-weight Fabrics: Fabrics weighing less than 2.6 ounces per square yard composed of cotton, rayon, ramie, acetate or silk fibers. This includes, but is not limited to:

- | | | |
|-------------------------|---------------------------|-----------------------|
| • Cellophane or Chiffon | • Leno Weaves | • Swiss Marquisette |
| • Cheese Cloth | • Lightweight Momme Cloth | • Tissue Faille Crepe |
| • Crepe de Chine | • Lingerie Batiste | • Tissue Gingham |
| • Crinoline | • Marquisette | • Tobacco Cloth |
| • Gauze | • Moss Crepe | • Tulle |
| • Georgette | • Net | • Veiling |
| • Lace | • Ninon | • Voile |
| • Lawn | • Organdy | |

RAISED SURFACE FABRICS: Napped, pile, tufted, flocked, or other textiles having a raised-fiber surface. These include but are not limited to:

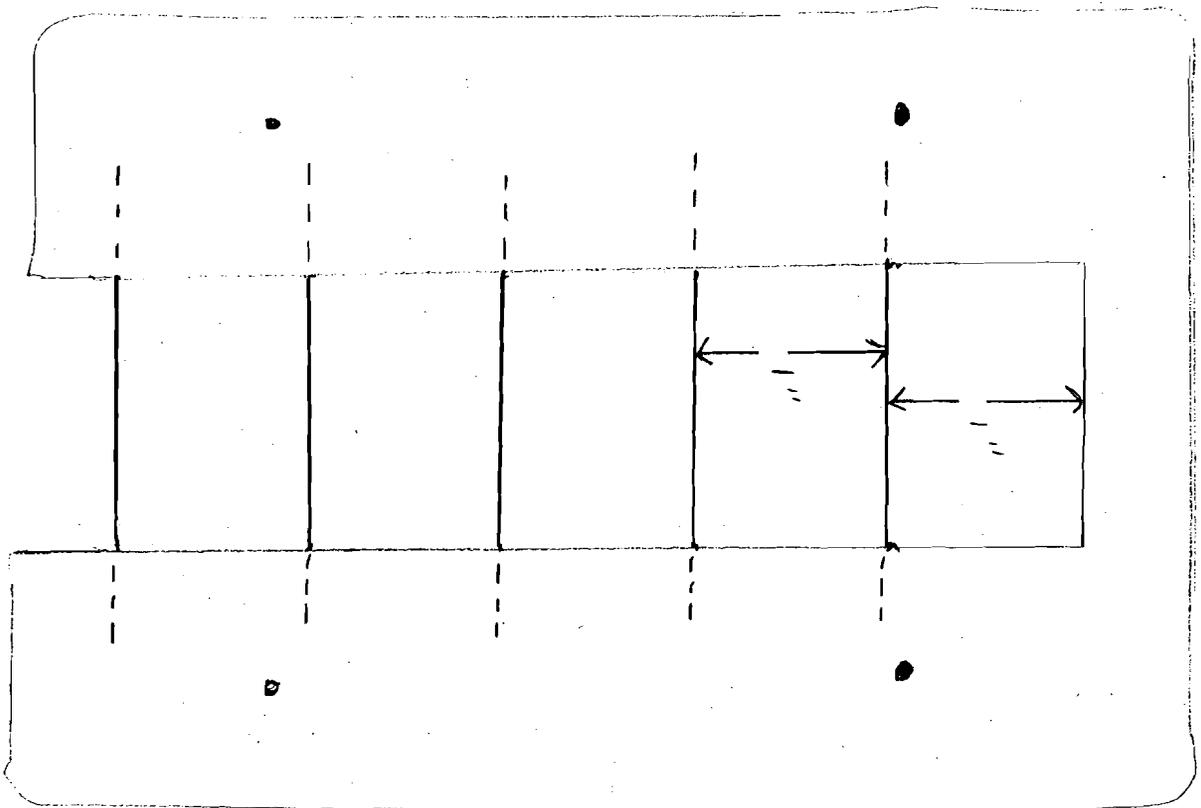
- | | |
|------------------|------------------|
| • Chenille | • Imitation Furs |
| • Corduroy | • Sherpa |
| • Flannel | • Terry Cloth |
| • Flannelette | • Velour |
| • Fleece | • Velvet |
| • Flocked Weaves | • Velveteen |
| • French Terry | |

EXEMPTIONS: The CPSC exempts certain fabrics from the Flammability Testing Requirements. The following is a list of these exemptions.

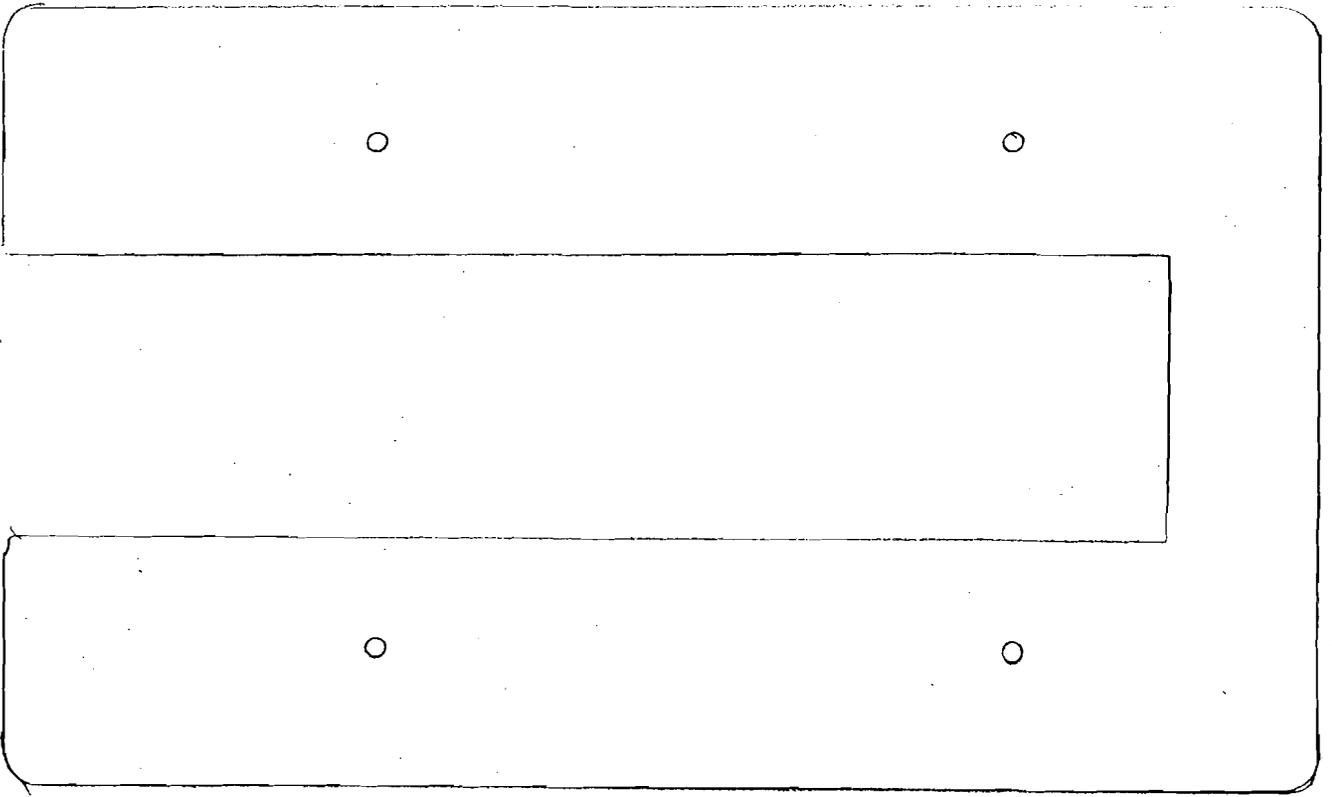
Plain Surface Fabrics which weigh 2.6 ounces per square yard or more, regardless of their fiber content.

All Fabrics (both Plain & Raised Fiber Surface) made completely from any of the following fibers, or entirely from combinations of the following fibers:

- | | |
|-------------|--------------|
| • Acrylic | • Modacrylic |
| • Nylon | • Olefin |
| • Polyester | • Wool |



Modified Holder



ATTACHMENT A

06/25/04



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PRODUCERS • GINNERS • WAREHOUSEMEN • MERCHANTS • CRUSHERS • COOPERATIVES • MANUFACTURERS

May 14, 2007

Mr. Todd Stevens
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408
e-mail: CPSC-OS@CPSC.gov

Re: Clothing NPR: Comments of the National Cotton Council to the CPSC NPR on Standard for the Flammability of Clothing Textiles (72 FR 8844; Feb 27, 2007)

Dear Mr. Stevens:

These comments are submitted by the National Cotton Council (NCC) in response to the U.S. Consumer Product Safety Commission's request for comments on its notice of proposed rulemaking to amend/update its standard for the flammability of clothing textiles, 16 CFR 1610. The NCC is the central organization of the United States cotton industry. Its members include producers, ginner, cottonseed handlers, merchants, cooperatives, warehousemen, and textile manufacturers. A majority of the industry is concentrated in 17 cotton-producing states, stretching from the Carolinas to California and the downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. The annual business revenue generated by cotton and its products in the U.S. economy is estimated to be in excess of \$120 billion. NCC mill members use over 6 million bales domestically to produce cotton textiles.

NCC has a long history of commitment to product safety and has worked cooperatively with CPSC on flammability issues since CPSC was formed and with its predecessor organization since flammability regulation were first developed for textiles under the Flammable Fabrics Act (FFA).

NCC supports the CPSC changes/updates to their standard for the flammability of clothing textiles, 16 CFR 1610. The current standard is very effective for the purpose it was intended and NCC agrees with CPSC that no change is needed to the flammability test method and criteria for passing. For consistency, CPSC also should include preemptive language similar to that in the recently promulgated mattress standard in all standards promulgated under the FFA.

1. The Current Standard is Very Effective for the Purpose it was Intended.

The Flammable Fabrics Act, as enacted by Congress in 1953, specified a test method ("CS-191-53"; this test was codified by CPSC in 1975 as 16 CFR 1610) to determine if fabric or clothing is

“so highly flammable as to be dangerous when worn by individuals”. The current Standard in place since 1953 for the Flammability for Clothing Textiles has been very effective for the purpose it was intended and continues to protect the American public/consumer from clothing that is *so highly flammable as to be dangerous when worn by individuals*. This standard was always intended to be a minimum standard of performance to eliminate from the marketplace ***dangerously flammable clothing textiles***. All available data on injuries and fatalities due to the ignition of clothing textiles (where clothing is the first item to ignite) indicate that:

- this standard is doing what it was intended to do – prohibits the importation, manufacture for sale, or the sale in commerce, of any article of wearing apparel that is *highly flammable*.
- clothing textiles complying with this standard do not present an unreasonable risk to the consumer.
- there are no data that cotton clothing presents an unreasonable risk to consumers.

2. Specific comments on proposed updates and clarifications

NCC agrees with CPSC that no change is needed to the essential aspects of the standard, including the flammability test method for measuring burn time, which is a function of ease of ignition and flame spread rate and criteria for passing. NCC agrees that some sections of the current 16 CFR 1610 are outdated and need to be modernized and clarified to reflect current consumer practices and technologies and to clarify the language of the standard so that testing and reporting practices are uniform from laboratory to laboratory. In the proposed revisions, CPSC has appropriately modernized and clarified the standard to reflect current consumer practices and technologies as well as clarified the language of the standard so that testing and reporting practices are uniform from laboratory to laboratory. Some examples:

- 1) Since the flammability tester prescribed in the current standard is an apparatus that is no longer available to be purchased, a more modern tester that incorporates electronic timers and other electro-mechanical devices that control and apply the flame impingement is necessary. The proposed revision adequately describes the necessary parameters of a modern flammability test apparatus and provides diagrams.
- 2) The dry cleaning and laundering procedures in the current standard are outdated. The CPSC has proposed appropriate changes. The CPSC revision allows ASTM D 1230 and has included appropriate specific parameters for solvent type, detergent class, cleaning and extraction time, drying time and temperature and cool down/deodorization time. The proposed revision sets forth laundering requirements based on voluntary standards for textiles developed by the American Association of Textile Chemists and Colorists (AATCC), AATCC 124-2001, which CPSC previously has incorporated into their other flammability standards.
- 3) The proposed revision adds necessary directions to help clarify how the standard should be performed.
- 4) The proposed revision adequately clarifies testing procedures for specialty fabrics and how to decide if a fabric is “flat or raised”.
- 5) The proposed revision appropriately and correctly reorganizes and rewrites the test procedures and eliminates duplication in the standard.

3. Preemption

Pursuant to Executive Order 12988 (2/5/96), which requires federal agencies to specify the preemptive effect of new regulations, CPSC included preemption language in their standard for the flammability of mattresses (71 FR 13496, 3/15/06). For consistency, CPSC also should include similar preemptive language in all standards promulgated under the FFA. It is suggested that the preemption language for the flammability of clothing textiles standard should be: *The Standard for the Flammability of Clothing Textiles* would preempt all non-identical state requirements which seek to reduce the risk of death or injury from clothing fires.

4. Updating CPSC Standards

CPSC should consider promulgating a procedure/mechanism that allows the agency to make technical changes to this and other standards on a routine basis when various requirements of the standard (e.g., laundering and dry cleaning) are upgraded/modernized by AATCC, ASTM, and other independent standard setting organizations whose standards are developed in an open, transparent manner, without having to go through full notice and comment rulemaking.

5. Summary

NCC urges CPSC to finalize these changes/updates to the Standard for the Flammability for Clothing Textiles (16 CFR 1610), which is very affective for the purpose it was intended. If there are questions or additional information is needed please contact me (202-745-7805; pwakelyn@cotton.org).

Sincerely,



Phillip J. Wakelyn, Ph.D.
Consultant

Clothing Textiles



**BUREAU
VERITAS**

Bureau Veritas Consumer Products Services, Inc.

May 8, 2007

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814

To Whom It May Concern:

We would like to thank you for this opportunity to voice our opinion regarding the 16 CFR Part 1610, Standard for the Flammability of Clothing Textiles; Proposed Rule. It is a privilege to be able to express our views and concerns in this matter.

We have reviewed the Proposed Rule, and agree with all points, with the exception of the following issues. Our recommendations/questions are noted in bold below:

1) Proposed Revision C.

Definition: Although we agree with the addition of the definitions in the proposed standard we believe that the current definition for SFBB poi in the present law states also that the "additional finding of base fabric ignition or fusion that is required to establish a failure shall be associated with the *propagating surface flame and not the igniting flame.*" We suggest that the definition for the "Requirement" (section 16 CFR 1610.3) should also include a statement as follows:

According to 16 CFR 1610.61 (c)(3), in the case of those fabrics having a raised-fiber surface for which a flame spread time of less than 4 seconds occurs and is the result of surface flash, the additional finding of base fabric ignition or fusion that is required to establish a failure *shall have to be associated with the propagating surface flame and not the igniting flame.* Therefore, a burn code of _____ SFBB poi (time in seconds, surface flash, base burns at point of impingement only) *is considered as a nominal base burn and should not be considered as a criteria for failure rating or the statement should be added as follows: Nominal burning characteristics such as surface flash or point of ignition burns only are not sufficient criteria to reject a fabric.*

- 2) Long dimension proposed definition should read as follows: *Long Dimension* means the 150 mm (6 inch) length of test specimen (cut with the 6" dimension in the same orientation of the worst burning direction of the overall fabric).

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3) Proposed Method for Dry-cleaning:

Analysis of test data from an ASTM inter-laboratory round robin indicates that this procedure is as stringent as the procedure currently specified in 16 CFR Part 1610. However, the ASTM standard lacks specifications for solvent type, detergent class, cleaning and extraction time, drying time and temperature, and cool down / deodorization time. If specific and uniform conditions are not followed, test results could vary. Therefore, the proposed revision includes specific parameters for these conditions. These parameters were suggested by the International Fabricare Institute, a trade association for the professional garment care industry. The proposal has specifications for dry cleaning in a commercial dry-cleaning machine using perchloroethylene in a "normal" cycle.

Question: Has there been consideration for the operating parameters found in AATCC method (we suggest AATCC 158)?

4) Sec. 1610.6 Test procedure clarifications.

(i) Flocked fabrics. Fabrics that are flocked overall are treated as raised surface textile fabrics as defined in Sec. 1610.2(l). Flock printed fabrics (usually in a pattern and not covering the entire surface) shall be treated as plain surface textile fabrics as defined in Sec. 1610.2(k).

Question: Does this statement refer to glued on / or flocked printed designs only have been classified as plain surface fabrics? Past interpretations have included woven base flocked fabrics to be raised fiber surfaces (example Dotted Swiss). It is our opinion that this definition needs to be more clearly defined.

5) Sec. 1610.6 Test procedure.

(iv) Embroidery. Embroidery on netting material shall be tested with two sets of preliminary specimens to determine the most flammable area (which offers the greatest amount of netting or embroidery in the 150 mm (6 in.) direction). One set of netting only shall be tested and the other set shall consist mainly of embroidery with the specimens cut so that the test flame impinges on the embroidered area. Test the most flammable area according to the plain surface textile fabric requirements. The full test shall be completed on a sample cut from the area that has the fastest burn rate.

Question: Should this comment be expanded to include all embroidery on all types of fabrics? Please clarify what is considered to be netting material?

6) Sec. 1610.6 Test procedure.

(vi) Narrow fabrics and loose fibrous materials. Narrow fabrics and loose fibrous materials manufactured less than 50 mm (2 in) in width in either direction shall not be tested. If a 50 mm by 150 mm (2 in by 6 in) specimen cannot be cut due to the nature of the item, i.e. hula skirts, leis, fringe, loose feathers, wigs, hairpieces, etc., do not conduct a test.

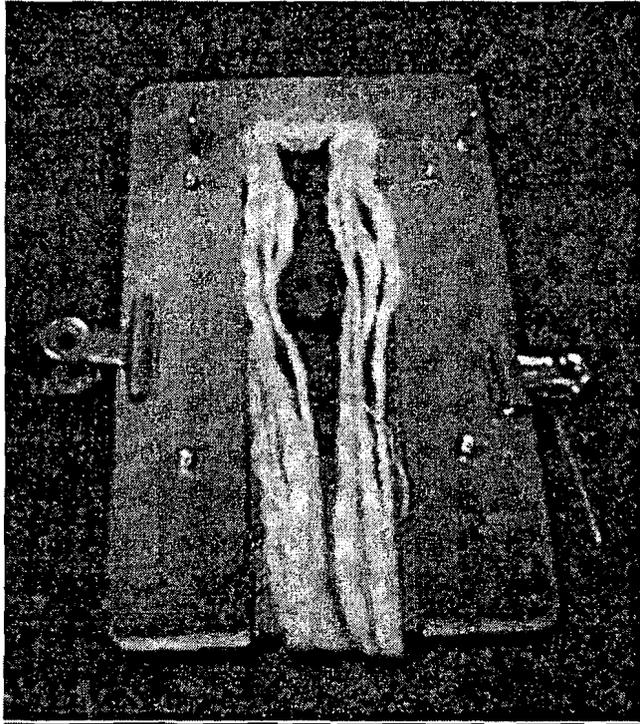


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Questions:

- a. Need to further define "loose feather". It is suggested to also include Feather boas / clusters in this definition.
- b. The NPR states that this product does not require testing and we believe this type of product should be tested since it can be dangerously flammable.
- c. It is our opinion to test the above mentioned narrow items by modifying the test procedure to provide support of the item. A recommended procedure to do so would use a wire screen as a "bed" to support the specimen. (see photo below)



- Since this is a modification to the methodology intended for wearing apparel, data can be provided to ensure that the manufacturer can make prudent design decisions. If there is a product on the market that exhibits dangerously flammable conditions, it would be considered as a subject for a voluntary recall even though the law does not specifically address it.



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7) Sec. 1610.6 Test procedure.

B) Samples shall be dry cleaned in a load that is 80% of the machine's capacity. If necessary, ballast consisting of clean textile pieces or garments, white or light in color and consisting of approximately 80% wool and 20% polyester, shall be used.

Question: Please provide the reasoning for the need to use 80% wool and 20% polyester. Is 100% cotton not acceptable?

8) Sec. 1610.31 Definitions.

g) Uncovered or exposed part means that part of an article of wearing apparel that might during normal wear be open to flame or other means of ignition.... and 10- Sec. 1610.35 Procedures for testing special types of textile fabrics under the standard. (c) In determining whether a textile fabric having a raised-fiber surface, which surface is to be used in the covered or unexposed parts of articles of wearing apparel, is so highly flammable as to be dangerous when worn by individuals, only the opposite surface or surface intended to be exposed need be tested under the applicable procedures set forth in Sec. 1610.6, providing an invoice or other paper covering the marketing or handling of such fabric is given which clearly designates that the raised-fiber surface is to be used only in the covered or unexposed parts of articles of wearing apparel.

Questions: How does the CPSC interpret sweatshirts with embroidery? The consumer would not wear a sweatshirt with the backside of the embroidery exposed. We have seen recalls for this type of item. Please clarify the rationale for such a recall or reword the 16 CFR 1610 to exclude or include this design detail.

9) Subpart C--Interpretations and Policies

Sec. 1610.61 Reasonable and representative testing to assure compliance with the standard for the clothing textiles. (b) Applicability. (1) When tested for flammability, a small number of textile products exhibit variability in the test results; that is, even though they may exhibit Class 1 or Class 2 burning characteristics in one test, a third test may result in a Class 3 failure. Violative products that the **Commission** has discovered between 1994 and 1998 include sheer 100% rayon skirts and scarves; sheer 100% silk scarves; 100% rayon chenille sweaters; rayon/nylon chenille and long hair sweaters; polyester/cotton and 100% cotton fleece/sherpa garments, and 100% cotton terry cloth robes. Between August 1994 and August 1998, there have been 21 recalls of such dangerously flammable clothing, and six retailers have paid civil penalties to settle **Commission** staff allegations that they knowingly sold garments that violated the general wearing apparel standard. (2) The violations and resulting recalls and civil penalties demonstrate the critical necessity for manufacturers, distributors, importers, and retailers to evaluate, prior to sale, the flammability of garments made from the materials described above, or to seek appropriate guaranties that assure that the garments comply. Because of the likelihood of variable flammability in the small group of textiles identified above, one test is insufficient to assure reasonably that these products comply with the flammability standards. Rather, a person seeking to evaluate garments made of such materials should



Bureau Veritas Consumer Products Services, Inc.

assure that the program tests a sufficient number of samples to provide adequate assurance that such textile products comply with the general wearing apparel standard. The number of samples to be tested, and the corresponding degree of confidence that products tested will comply, are to be specified by the individual designing the test program. However, in assessing the reasonableness of a test program, the **Commission** staff will specifically consider the degree of confidence that the program provides.

Question: Please provide guidance as to number of tests to perform per lot size.

- 10) Exemptions: Question: Regarding the exemption listing, is it possible to also include leather/ suede products as these do not typically exhibit burn rates that are dangerously flammable?**

Please feel free to call on us to answer any questions as needed. We look forward to the adoption of the new standard which will provide more clarity to the existing regulation.

BUREAU VERITAS
CONSUMER PRODUCTS SERVICES, INC.

Ellen Roaldi
Senior Technical Consulting
Specialist - Softlines

Jennifer Hargrave
Senior Regulatory Consulting
Specialist - Softlines

CF. 0724

Comments from China on USA Notification

G/TBT/N/USA/242

Standard for the Flammability of Clothing Textiles

Dear Sir or Madam,

We appreciate the opportunity to submit comments on this regulation proposed by Consumer Product Safety Commission (CPSC).

Enclosed please find the comments in English and Chinese.

Please acknowledge receipt of comments by e-mail to tbt@aqsiq.gov.cn.

Thank you very much in advance for Consumer Product Safety Commission (CPSC) taking our comments into consideration.

Your reply will be very much appreciated.

Best regards

Guo Lisheng
Deputy Director General
China WTO/TBT National Notification & Enquiry Center
No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing
Post Code: 100088
Tel: 86-10-82260611/0618
Fax: 86-10-82262448
E-mail: tbt@aqsiq.gov.cn

*WTO TBT
Textiles*

Stevenson, Todd A.

From: Anne Meininger [anne.meininger@nist.gov]
Sent: Monday, May 14, 2007 11:19 AM
To: Stevenson, Todd A.
Cc: "WTO TBT comments traffic - USG"
Subject: "Clothing NPR" comments from the People's Republic of China
Importance: High
Attachments: CHN commets on USA242.doc

Hello CPSC,

The attached comments were received today, May 14, in this office, from the People's Republic of China re your recent CPSC proposed rulemaking on:

Standard for the Flammability of Clothing Textiles; Notice of Proposed Rulemaking

Details online at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.g-779.htm>

This office is the U.S. Inquiry Point for World Trade Organization Agreement on Technical Barriers to Trade (WTO TBT) information. Please contact us if you have any questions about this submission.

Please acknowledge receipt of these comments by return email.

Thank you very much --
Anne Meininger

*USA WTO TBT Inquiry Point
National Center for Standards and Certification Information
National Institute of Standards and Technology
100 Bureau Drive, MS-2100
Gaithersburg, MD 20899-2100
Telephone: 301-975-4040 or 301-975-2921
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Internet: <http://www.nist.gov/ncsci/>*

COMMENTS FROM CHINA ON USA NOTIFICATION

G/TBT/N/USA/242

Standard for the Flammability of Clothing Textiles

We appreciate the opportunity provided by the United States of making comments on notification G/TBT/N/USA/242, revision to combustibility standards of dress materials (section 16 subpart 1610 of CFR). We reviewed the notified document and provide our comments below. Consideration of these comments as required in Article 2.9.4. of the TBT Agreement will be very much appreciated.

1. General comments

At present, only USA set a specific regulation (CFR 1610) for the flammability of Clothing Textiles in the world. ISO has not yet established testing method about the flammability of clothing textiles. So we pay special attention to the notified amendments. Especially, we made a systematic analyse into the technical details and rationalities of this notified amendments. We are very concerned about the increasing potential negative effect caused by this regulation, as more and more textiles and apparel from China are being (and will be) imported to USA. China invites the Consumer Product Safety Commission (CPSC) of USA to attach importance to and adopt comments from China.

1.1 Although no revision of "plain surface fabric of a quality above 2.6oz/yd²" is mentioned in this notified regulation, the basis for 2.6oz/yd² is not clear, which may be an obstacle for international trade. Please provide the basis for such requirement above 2.6oz/yd² as described in the exemption provisions. Otherwise, we suggest it be changed to 2.0 oz/yd².

1.2 In Step 2 of §1610.6(b), "(i) *Dry cleaning procedure*. (A) All samples shall be dry cleaned before they undergo the laundering procedure." (see P.11), i.e. refreshing methods include both dry-cleaning and water-cleaning. Since dry-cleaning is suitable for some fabric, and water-cleaning is suitable for other fabric, we suggest one of the two refreshing methods be set in this step.

1.3 In specific exemption of §1610.1(c), "this standard shall not apply to (1)hats, (2)gloves.....(3)footwear...." Scarf is not mentioned. Since some scarves are light and thin products, which do not constitute any part of a costume. It is not determined in this standard whether the standard is applicable to scarf. China suggest that CPSC clarifies in the regulation that the standard is not applicable to scarves.

1.4 That annually average 122 death accidents related with costume fire occurred in 1999-2003 is stated in background information. We think it is necessary for CPSC to supply a "suspicious fabric list" in order to avoid such accident.

1.5 Only one time of commercial dry-cleaning for samples is required in this regulation, while no more detergent and detailed procedures are specified in it. Please provide scientific basis for this provision. And if there is no such evidence, we suggest such

provision be canceled.

1.6 We suggest CPSC supply specific data on difference of tests carried out under CFR 1610 and ASTM D 1230 for a same sample.

1.7 Regarding to the explanation in this NPR (Notice of Proposed Rulemaking)“In 1982, CPSC staff conducted some work comparing the flame impingement time of the electrical test chamber to that of a chamber with the mechanical timing device and found that the electrical test chamber readings were comparable to and more consistent than the manual test chamber readings.” , we suggest CPSC to support the comparative testing data between the method in this NPR and its current standard, and other relative standards in the world (it is better to supply the proficiency testing data from several independent labs.). Thus, there might be evidences to indicate that this NPR method will be credible and has scientific basis. This will help to improve the method’s science and maneuverability, decrease the method’s potential concealment, so as to avoid unnecessary barriers to international trade.

2. Other suggestions

2.1 In 1610.1 (d)(2) , in the specific exemption, other animal fiber should be considered to be added.

2.2 In 1610.1 (c)(2) , applicability for scarf etc. is recommended to be considered.

2.3 In 1610.2(a § 2) , we suggest CPSC clarify specific identification methods of base cloth combustion.

2.4 In 1610.2 (p)(2) , specific requirements for No.50 white silk-light cotton suture should be specified.

2.5 In 1610.6 (b)(□) , applicability of using small or similar dry-cleaner shall be taken into account.

2.6 In 1610.6 (b)(□) , natural drying is recommended for the drying method of the washing process.

2.7 In 1610.31(g) , we suggest that CPSC consider whether the standard is applicable to underwear.

2.8 In 1610.5 (6) , about instrument.

(1) Removal of “commercial” in the “commercial dry cleaning machine” is removed to adopt trial dry-cleaner, and the trial dry-cleaner in China is in accordance with ISO standards.

(2) Removal of “Max washing load: 8 pound” is recommended. Only washing

ratio should be required.

(3) Plate drying is recommended for CPSC to adopt.

2.9 In 1610.7, testing procedures and the classification are relatively complicated, including preparing test, preliminary classification and additional test etc. A process of preliminary test and test is recommended. And classification results should be reported according to average values and combusting states.

2.10 Units of SI are recommended, and British units are for reference only.

2.11 Technical issues

In 1610.5(2)(□), strand should be adopted as stopping line; In 1610.5(10), “The template shall be 3.2 mm (0.13 in) thick.” We suggest its thickness be “above 3.2mm”; For sampling costume, the sample is recommended to contain all the layers of the costume; In 1610.8, we suggest CPSC make an addition that “Description should be made when there is fusing feature in combustion”.

2.12 In 1610.35(a), removal of the marking statement “Fabric may be dangerously flammable if dry cleaned or washed.”(P. 14) is recommended, because it is only necessary to comply with the marking requirement.

Comments in Chinese are as below:

中国赞赏美国履行 WTO 透明度义务，对 G/TBT/N/USA/242 - CFR，关于服装辅料的可燃性标准的修订案（联邦法规法典（CFR）第 16 编第 1610 部分）进行通报，我方对此进行了审慎研究并提出下列评议意见，请美方根据 TBT 协定 2.9.4 的相关规定，对我方的评议意见予以考虑。

一、总体意见

目前，只有美国对服装用纺织品的燃烧性有明确的法规（CFR1610），ISO 对此尚无测试方法。我们对此项通报的法规极为关注。特别是，我们对该法规要求的合理性、技术细节等方面，系统进行了分析。我们十分担心，随着我国输美纺织品和服装的进一步增加，该法规的负面影响还会加大。中国希望美国 CPSC 能重视和采纳中国的评议意见。

1、本次修订案中虽没有提及修订“质量在 2.6oz/yd²以上的表面平坦织物”，但 2.6oz/yd²的依据不清楚，可能对国际贸易造成障碍。请提供制定免除条款中质量

在 2.6oz/yd² 以上的依据？如无科学依据，建议是否可以减小为 2.0 oz/yd²？

2. 在§1610.6(b) 第 2 步骤“所有的试样在经过洗涤程序之前应当干洗”(见 P.22)，即刷新方法同时包含了干洗和水洗，鉴于有些纺织品适宜干洗，有些纺织品适宜水洗，建议刷新方法只选择水洗和干洗中的一种。

3. 在§1610.1 的目的、范围和适用性 (c) 特定的免除条款中，说明帽子、手套、鞋袜等产品不适用于本标准，但不包括围巾的说明。鉴于有些围巾属轻薄产品且一般不构成服装的部分，根据本标准的内容，无法界定围巾是否适用本标准，建议美国明确未经也不适用于此标准。

4. 背景资料中伤害的危险部分说明 1999-2003 年期间每年平均发生 122 起与服装火灾相关的死亡事故。我们认为有必要根据以往发生事故的经验，提供一份“可疑织物列表”，目的是更好地避免事故。

5. 法规中样品的洗涤为经过商业干洗 1 次就可以了，不需要指定洗涤剂 and 具体的程序，请提供制定此条款的科学依据，如无科学依据，建议不作此规定。

6. 建议提供 CFR 1610 与 ASTM D 1230 对同一样品测试后结果的具体差异数据。

7. 鉴于该通报法规中有“1982 年，消费品安全委员会的职员进行了一些工作，将电器测试小室的火焰撞击时间与带有机电定时装置的测试小室的火焰撞击时间进行了比较，并且发现电器测试小室读数与手工测试小室的读数是类似的，而且读数更可靠。”的说明。建议美方提供该通报法规所规定测试方法与其现行版本规定的测试方法以及相关国际标准的比对试验数据（最好是多个实验室间的比对数据），以证明替代方法的科学性和可靠性，提高该法规的科学性和可操作性，降低其隐蔽性，以避免给国际贸易带来不必要障碍。

二、其他意见

- 1、1610.1 (d) (2) 中，建议特定的豁免中，考虑增加其他动物纤维。
- 2、1610.1 (c) (2) 中，建议考虑对围巾等产品的适用性。
- 3、1610.2 (a) (2) 中，建议进一步明确基布燃烧的鉴定方法，以便操作。
- 4、1610.2 (p) (2) 中，建议进一步明确 50 号白色丝光全棉缝纫线的具体要求。
- 5、1610.6 (b) (i) 中，建议考虑用小型干洗试验设备或类似设备进行干洗的可行性。
- 6、1610.6 (b) (ii) 中，建议考虑洗涤程序中干洗方式可否选择自然晾干方式。
- 7、1610.31 (g) 中，建议重新考虑内衣等贴身产品是否适用于本标准。
- 8、1610.5 (6) 中关于仪器。
 - (4) 建议将“商用洗衣机”中去掉“商用”二字，以便能使用测试型干洗机，而中国干洗试验机是符合 ISO 标准的。
 - (5) 另建议去掉“最大洗涤装载量应为 8 磅”，只要浴比符合要求即可。
 - (6) 建议允许采用平板式烘干。
- 9、1610.7 中，测试顺序和分级较繁杂，预备试验、初步分级、附加测试等，建议简化为预备试验、试验，按平均值及燃烧状态报告分级结果。
- 10、建议标准值采用 SI 单位表示，英制单位仅供参考。
- 11、技术小问题。1610.5 (2) (ii) 中建议停止线采用股线；1610.5 (10) 中刷毛装置小车膜板厚度建议改为“……大于 3.2mm”；若为服装，建议取样时，试样应包括组成服装的所有层；1610.8 中建议增加“若燃烧时有熔融等特征，应

描述”。

12、1610.35 (a) 中建议去掉“如果干洗或水洗 , 危险易燃”标示声明的要求 , 只要符合标示规定即可。

中国 WTO/TBT 国家通报咨询中心

China WTO/TBT National Notification & Enquiry Center

No.7, Ma Dian Dong Ave, Hai Dian District, Beijing, China, Tel: 86 10 8226 0618 Fax: 86 10 8226 2448

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From: China WTO/TBT National Notification & Enquiry Center, Standard and Regulation Researching Center, AQSIQ, P.R.China.	Tel: 86-10-82260618 Fax: 86-10-82262448 E-mail: tbt@aqsiq.gov.cn
Subject: Comments from China on USA Notification G/TBT/N/USA/242 Standard for the Flammability of Clothing Textiles	



The Procter & Gamble Company
Fabric & Home Care Innovation Center
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SENT VIA E-MAIL: cpssc-os@cpssc.gov

U.S. Consumer Product Safety Commission
Office of the Secretary
4330 East West Highway, Room 502
Bethesda, MD 20814-4408

May 14, 2007

Re: Clothing NPR

The Procter & Gamble Company (P&G) appreciates the opportunity to comment on the Standard for the Flammability of Clothing Textiles Notice of Proposed Rulemaking. While P&G does not sell fabrics or garments, we have found the elements of the test method can be applied to measure the effect of consumer laundering of garments.

P&G supports the Proposed Rule update to the methods used for fabric flammability testing. As a global marketer, we generally support methods that are based on international standards and the proposed rule makes some progress on that front. Further, the Proposed Rule updates many elements of the standard and clarifies definitions.

We would note that cotton fabrics are water loving and the proposed rules use of desiccated fabrics (0% humidity) will be conservative compared to 'real world' conditions and the international standards (ISO 6940/6941). A change to allow for testing in a standard humidity environment will align US practices more closely with international methods and have potential benefits to the global textile trade.

Please feel free to contact either myself or Rick Hackman if you have any questions about this information.

Sincerely,

The Procter & Gamble Company

/s/ Jennifer L. Counts

Jennifer L. Counts, PhD
Section Head, Fabric & Home Care
Product Safety & Regulatory Affairs
Ph: (513) 627-6887
Fax:(513) 627-8952
counts.il@pg.com

cc: Rick Hackman (513) 983-0534; Joseph P. Suarez, Esq. (513) 983-4194

Stevenson, Todd A.

From: counts.jl@pg.com
Sent: Monday, May 14, 2007 3:17 PM
To: Stevenson, Todd A.
Cc: hackman.rj@pg.com; suarez.jp@pg.com
Subject: Clothing NPR
Attachments: Clothing NPR Feb27 2007 .pdf

Attached please find our comments on the Clothing NPR.

We appreciate the opportunity to provide our comments.

Sincerely,

Jennifer L. Counts
The Procter & Gamble Company

Stevenson, Todd A.

From: Karen Kylo Labtest-NJ [karen.kylo@intertek.com]
Sent: Monday, May 14, 2007 3:44 PM
To: Stevenson, Todd A.
Cc: Seemanta Mitra Labtest-NJ; Kristin Gruaz - Intertek
Subject: Comments on the Proposed Rulemaking for 16 CFR 1610
Attachments: Comments on Proposed Revision of 16 CFR 1610.pdf

Please see the attached comments and questions on the proposed rulemaking for 16CFR160.

Regards,

Karen E. Kylo

Karen E. Kylo
Director Textile Services North American Retail Initiative Consumer Goods
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5/15/2007

Comments on Proposed Revision of 16 CFR 1610 from Interek Consumer Goods.

Please contact Karen Kylo at 973-924-2507 or at karen.kylo@intertek.com about the comments. We would like to have a meeting with the CPSC to discuss these comments.

1610.1 (d) The way in which this is written it implies that the weight and fiber content exemptions only apply to items being given a guarantee rather than to those being evaluated for testing or being given a guarantee. I would suggest to expand the language so that it also applies to general exemptions from testing.

1610.1(d)(2) I would suggest that leather and suede be added to the exemption list. Leathers usually are exempt by weight, but suede is considered a raised surface and would not be exempt by weight. Testing has shown that over time, that testing suedes has not resulted in any Class 2 or 3 results. We would be glad to meet with the CPSC and show these results.

1610.1 (d)(2) I would suggest that spandex be added to the list of exempt fibers. The addition of spandex has not increased the flammability of fabrics beyond that of a Class 1 when the base fabric was one that would have resulted in a Class 1 rating. We would be glad to meet with the CPSC and show these results.

1610.2 (a) This definition of base burn is confusing. It seems that it indicates that the base burn comes only from a surface flash at a place other than the point of impingement that result in the warp and fill yarns undergoing combustion. Base burns can be at the point of impingement and can come from what operators would think of as burning rather than just a surface flash. I think that the definition needs some refinement in order not to cause confusion to the reader.

1610.2 (d) Why was the word translucent removed from the definition of film? This leaves out some films and would make them hard to identify.

1610.2 (k) and (l) Flock printed surfaces are considered to be plain surface fabric and flock pile surfaces are raised surface fabrics. There should be a definition of both so that it is clear to the user what fabrics are considered printed and what are considered flocked pile. They are made in the same fashion with only the amount of base covered as the difference. This can be confusing to people using the document. It should also be made clear that novelty yarns in a fabric are not enough to make it a raised surface if there has been no intentionally raised process. If this is not the case, then it still needs to be made clear.

1610.5 There are no tolerances on the measurements given for the apparatus or the apparatus parts. There needs to be a tolerance given.

1610.5 (1) Why has the number of holes in the rear of the top closure of the chamber been changed? The current version of the regulation indicated 12 holes and the proposed version indicates 11 holes. Does this mean that all chambers in existence now with 12 holes will no longer meet the standard?

1610.5 (1)(ii) The following statement is confusing. "The specimen rack shall be constructed so that: it supports the specimen holder in a way that does not obstruct air flow around the bottom edge of the fabric specimen: and the fabric specimen is properly aligned with the igniter tip during flame impingement". Since the flame should not be allowed to go under the bottom edge of the fabric, it might be better to refer to the bottom surface rather than edge when describing the specimen rack.

1610.5 (1)(iii) "The specimen shall be firmly sandwiched in between the metal plates with clamps mounted along the sides". This makes it sound like the specimen holders have clamps permanently attached to them. It might be better to indicate that individual clamps are used to keep the fabric firmly sandwiched between the metal plates.

1610.5 (1)(iv) There are no specifications for the indicator finger. The size and shape of the indicator finger should be given.

1610.5 (1)(v) There are no specifications for the protective shield. The size and shape of the protective shield should be given. In this same section, the reference to Figure 7 should be a reference to Figure 4.

1610.5 (2)(iii) In the sentence "The stop thread shall be 9.5 mm (0.37 in) above and parallel to the lower surface of the top plate of the specimen holder", does the term lower surface really refer to the lower edge of the specimen holder? This section should also contain a reference that refers the reader to Figure 1.

1610.6 (a)(v) Burn-out patterns are now referred to in the Engineering Manual as plain surface fabrics but it is stated that the impingement should be done on a raised area. Should this still be the case in this new proposal? This should be specified or there will always be questions and it could lead to different results on the same fabric. I would also like to see "clipped spot" fabrics referred to here with a qualification on how to classify them. It would be very helpful if the CPSC had a place on their website to have access to the opinions of the CPSC on these types of specialty fabrics and if they are considered to be raised or plain surface fabrics.

1610.6 (2)(i) The preliminary trials are to be done in each direction. This does not mention that they need also to be done on the front and back of the fabric. If one does not know which side will be used as the "outside" when making a garment, does the preliminary testing need to be done on the front and back as well as in each of the warp and filling directions?

1610.6 (2)(v)(3)(i) "Specimens shall be taken from the part of the raised fiber surface that appears to have the fastest burning time." What does the term "appears" mean in this case? Does this mean that preliminary tests only need to be done if you can not visually tell the direction of the pile? Will this always be in the length or width direction? Is it ever in the bias or diagonal direction? How many preliminary trials does it take to "provide adequate assurance that the raised surface textile fabric will be tested in the quickest burning direction? Does this mean that even if you can see the direction of the pile, that you should use preliminary testing to determine the quickest burning direction? This section is very confusing and will be difficult to explain if the language is not more specific.

1610.6 (2)(v)(3)(iii) There should be a reference to Figure 5 in this section.

1610.6 (2)(v)(3)(iv) Is there a specific rate that should be used when brushing the specimens? Will there be differences if the specimens are brushed at different rates?

1610.6 (2)(v)(3)(v) Many times specimen holders are put into racks that allow air flow around the specimens and keep the specimens separate so that they do not touch each other. This is important for having enough space in the oven and in the dessicators. There is no mention that racks can be used or any suggestions or illustrations of racks for the specimens. It would be very difficult to perform this test in a production testing setting without the ability to use racks for the specimens.

1610.6(b)(1)(i)(A) All samples shall be drycleaned. Does this include fabrics that would not normally be drycleaned (Do Not Dryclean) since those fabrics may be harmed by the drycleaning process?

1610.6(b)(1)(i)(A) Cationic detergent is required, but there is no indication of how much detergent is required to be used. The amount needs to be indicated.

1610.6(b)(1)(i)(B) Why not use the machine to 100% capacity? Why only 80%? This is not an efficient use of the drycleaning machine. Why can't ballast that is a cotton/polyester blend be used instead of ballast that contains wool and polyester?

1610.6(b)(1)(ii) If this proposed rulemaking updates the process, why use an outdated test method as reference? AATCC TM 124 has a 2005 date on it. The sections that you refer to and the tables that you refer to are the same. Please update the year on the method. It is better to use the most current methods.

I understand that the reason for both drycleaning and washing is to remove anything on the fabric that might affect the flammability. However, the washing is such hot water could ruin many fabrics such as silks and rayons. The change in fabric structure could have a great effect on the flammability of the items. If all

items are to be washed even if they are dryclean only items, then there should be some options for the temperature so that the destructive affect of the washing does not outweigh the removal of anything that will affect the flammability. This is a very big change from washing at 95-100 F and rinsing at 80F as in the current version of the regulation. This could be a very damaging change. The washing temperature should be 105 ± 5 F rather than what is stated in the proposed rulemaking. With the DOE requirements for energy conservation and the movement of machine manufacturers, it is going to be difficult to even achieve 149 F on some machines and it is really unrealistic for what would be encountered in "real life".

1610.7 (2)(iii)(C) Shouldn't this section read exactly the same as 1610.7(1)(iii)(C)?

1610.7(4)(v)(A-E)and (V) The information on classification would be much simpler to read and understand if it were in the same order and language as that contained in 1610.7(3)(iv)(A-B) and (v). I have included flow charts for your consideration that would make an addition to this language and make it simpler to understand.

1610.33 (a)(2) This section does not include a definition of coated fabrics. Does this apply even if there is only a light backcoating?

1610.35(2)(c) This is a very confusing statement. It does not appear to have the same meaning as in 1610.31(g). Need to identify that this is for fabrics without a statement from the manufacturer. Even then it is confusing because this information is not usually available to the lab testing the fabric.

1610.36(b) How do you know something is not so highly flammable as to be dangerous when it is an item that is excluded from testing?

1610.36 This section should also address feathers, fringe and trim. These items always bring up questions and issues. They should be addressed here so that the intent is clear.

1610.36 This section is still to vague about what is reasonable and responsible testing. The wording should be more definite especially in section (c) Requirements.

1610.61 It would be much better if the information about violative products were updated with recent data instead of data that is over 10 years old.



National Textile Association

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May 14, 2007

Mr. Todd Stevens
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408
Email: CPSC-OS@CPSC.gov

Re: Clothing NPR

Dear Mr. Stevens:

The National Textile Association is pleased to file these comments in support of CPSC's NPR on the Standard for the Flammability of Clothing Textiles (72 FR 8844; Feb. 27, 2007).

NTA and its members have a long history of supporting consumer safety since the Flammable Fabrics Act was passed in the early 1950's. We continue our support by encouraging the agency to adoption the changes to 16 CFR 1610 as proposed.

We support the comments and recommendations filed on this issue by the National Cotton Council on May 14. We especially want to point out the importance of considering preemption language as described by the Council to maintain consistency in the rules promulgated by the agency.

We appreciate the opportunity to file comments on this important issue and encourage the Commission to consider our recommendations carefully.

I will be pleased to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hardy B. Poole', written in a cursive style.

Hardy B. Poole
Director, Technical and
Regulatory Affairs

Stevenson, Todd A.

From: Hardy Poole [hpoole@nationaltextile.org]
Sent: Tuesday, May 15, 2007 7:11 AM
To: Stevenson, Todd A.
Subject: Comments Re: Clothing NPR
Attachments: Stevens0514.doc

Please see attached letter.

Hardy Poole
Director,
Regulatory and Technical Affairs
National Textile Association
110 Hawthorne Lane
Charlottesville, VA 22911
Tele: 434-296-4464
Mobile: 434-962-4581

*Nothing
To Report*



May 31, 2007

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814-4408

REF: 16 CFR Part 1610 Standard for the Flammability of Clothing Textiles; Notice of Proposed Rulemaking (8844 FR 38)

To Whom It May Concern:

On behalf of the American Apparel & Footwear Association (AAFA) – the national trade association of the apparel and footwear industries, and their suppliers – I am writing to provide comments on the subject notice of proposed rulemaking. Thank you for providing us this opportunity to submit comments and allowing us to submit these comments after the published deadline.

As you know, the AAFA (and its predecessor organization, the American Apparel Manufacturers Association (AAMA)) have worked with the CPSC for years to ensure that garments offered for sale are safe and comply with safety standards, federal laws, and regulations, including those contained in 16 CFR Part 1610. We provided comments to the Commission as part of the Advanced Notice of Proposed Rulemaking in 2002 and are pleased to submit additional comments and participate further in the rule-making on 16 CFR Part 1610 at this time.

We are pleased that the Commission accepted many of the recommendations we submitted in 2002, and, in general, agree with the proposed rulemaking issued on February 27, 2007. Furthermore, although we view this exercise as purely technical in nature, we believe it is urgent that these new regulations be promulgated as soon as possible since they will provide much needed clarity and update the existing standards and regulations.

We have several comments on the proposed rule-making that we would like to offer at this time. We developed these comments in consultation with our members, and in particular Bureau Veritas and SGS, which have considerable experience testing under and working with the standard. In addition, we urge the Commission to closely examine comments and questions raised in a separate submission by Bureau Veritas directly to the Commission earlier this month.

Purpose, Scope and Applicability

In §1610.1, the exemptions list should be amended to include leather, suede, and fur. Similar, 100 percent polyester and nylon micro fibers should be carved out from the exemption list since these fibers did not exist when the original standard was written and they exhibit rapid burn rates that could merit a Class 3 classification.

Definitions

We are pleased that the Commission has expanded the definition section in §1610.2 and §1610.31. However, several members believe additional clarifications should be made in this area.

In particular, we would like to see greater clarity for flocked fabrics as they relate to raised surface and plain surface textiles. While we note that a discussion of flocked fabrics takes place in §1610.6, we believe additional clarity is needed. Another comment suggested further defining “raised surface textile fabrics” to further clarify that a fabric has undergone a process that intentionally raises the fiber (to clarify between, say, fabrics made with naturally hairy yarn and raised fiber surfaces).

Similar, the definition of “long dimension” in (j) should be amended to read:

Long Dimension means the 150 mm (6 inch) length of test specimen (cut with the 6” dimension in the same orientation of the worst burning direction of the overall fabric).

Finally, for the definition of “uncovered or exposed part,” the Commission suggests that all sweatshirts with inside raised fiber surfaces and capable of being worn napped side out be considered an “exposed part.” Please advise how the Commission interprets sweatshirts with embroidery that are not intended to be worn napped side out (since the consumer would be exposing the backside of the embroidery).

Testing Procedures

Members raised a series of questions and suggestions in this section:

In §1610.6 (a) (iv) Embroidery, the standard singles out embroidery on netting fabric. What about embroidery on regular fabric? We also believe there should be further clarification on what is specifically meant by netting material.

In §1610.6 (vi), Narrow Fabrics and Loose Fibrous Materials, the term “loose feathers” should be defined. In addition, feather boas should also be added in this section for further clarification.

Also, in §1610.6 (vi), Narrow Fabrics and Loose Fibrous Materials, the Commission may want to identify a test procedure for these items using support for the item to be tested since the items could be highly flammable.

In §1610.6 (b) Refurbishing and testing after refurbishing, several members asked for greater clarity regarding the AATCC standard or to ask for the introduction of ASTM D1230 into the standard.

Also in §1610.6 (b), Refurbishing and testing after refurbishing, the standard indicates that ballast consisting of clean textile pieces or garments, white or light in color and consisting of approximately 80% wool and 20% polyester, shall be used. Please advise the reasoning for the need to use 80% wool and 20% polyester. Are there any tolerances in this case? Are other fiber concentrations permissible?

Testing Sequenced and Classification Criteria

Members made several comments in this section:

In §1610.7 the standard notes the process for testing an additional five specimens under a variety of different scenarios. Members made a series of suggestions to simplify this process. One suggested the standard be amended to always require 10 samples to be tested. This member noted that such a requirement would simplify the overall procedure since 10 specimens are always prepared and tested, regardless of how they burn. They believe the current process is confusing, especially for non-English speaking staff to interpret the differences. Another member suggested that if after five specimens have been tested, and that a fabric has been classified as Class 3, there is no need to test an additional 5 specimens.

Also in §1610.7, the standard notes that if there is one burn time out of 10 specimens, "the fabric cannot be classified." We would respectfully urge that the Commission not leave the standard so vague that a result of "unclassifiable" can be obtained. Rather, the Commission should either provide specific classification guidance or outline steps that should be taken to achieve a specific classification.

Thank you for providing us the opportunity to submit these comments. In addition, as we have further questions and comments, we would like to request an opportunity to meet with Commission staff for a technical discussion of these and other points. We will contact Commission staff in the future to arrange a mutually convenient time to meet.

Sincerely,



Stephen Lamar
Executive Vice President