

**Frequently Asked Questions (FAQs) Regarding  
the US Consumer Product Safety Improvement Act of 2008 (CPSIA)  
Textiles and Clothing Products**

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(As at 11 August 2011)

**(I) The Stay of Enforcement of Testing and Certification Requirement**

***Q1. The US Consumer Product Safety Commission (CPSC) announced its decision to extend and modify the stay of enforcement of testing and certification requirements on various children's products. How does it affect textiles and clothing (T&C) products?***

A1. Traders were informed in early 2009 of CPSC's decision to stay the enforcement of certain certification and testing provisions of the US Consumer Product Safety Improvement Act of 2008 (CPSIA) until 10 February 2010. On 28 December 2009, the CPSC announced changes to the stay, including when the stay would lift as to certain testing and certification requirements and how such requirements would be implemented with regard to specific products under the CPSIA.

A table summarising the certification requirements for certain products pertaining to the CPSIA can be found at CPSC's designated webpage for CPSIA at: <http://www.cpsc.gov/about/cpsia/reqstay.html>.

As far as T&C products are concerned, testing and certification requirements with respect to the applicable rules, standards and bans are summarised in the table below:

<b>Rule, Standard or Ban and T&amp;C Products Being Affected</b>	<b>General Conformity Certification (GCC) Requirement for Non-children's T&amp;C Products<sup>1</sup></b>	<b>Certification based on Third Party Testing for Children's T&amp;C Products</b>
<b>Carpets and rugs</b> – flammability standard (16 CFR <sup>2</sup> parts 1630 and 1631)	Yes. Certification is required after 26 January 2011.	Yes. Certification is required for products manufactured after 19 October 2010.

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<sup>1</sup> According to CPSIA, GCC is required for all consumer products which are subject to consumer product safety rules under the US Consumer Product Safety Act and any similar rule, ban, standard or regulation under any other Act enforced by the CPSC. Unlike the third party testing requirement for children's products, GCC can be issued by the US importer (for products manufactured outside the US) itself based on a test of each product or a reasonable testing programme.

<sup>2</sup> Title 16, Code of Federal Regulations.

<b>Rule, Standard or Ban and T&amp;C Products Being Affected</b>	<b>General Conformity Certification (GCC) Requirement for Non-children's T&amp;C Products<sup>1</sup></b>	<b>Certification based on Third Party Testing for Children's T&amp;C Products</b>
<b>Vinyl plastic film</b> – flammability standard (16 CFR part 1611)	Yes. Certification is required after 26 January 2011.	Yes. Certification is required for products manufactured after 19 October 2010.
<b>Wearing apparel</b> – flammability standard (16 CFR part 1610)	Yes. Certification is required after 26 January 2011.	Yes. Certification is required for products manufactured after 16 November 2010.
<b>Children's sleepwear</b> – flammability standard (16 CFR parts 1615 and 1616)	Not applicable.	Yes. Certification is required for products manufactured after 17 February 2011.
<b>Mattresses</b> – flammability standard (16 CFR parts 1632 and 1633)	Pre-existing certification requirement never stayed and still required. GCC is required after 10 February 2010.	Yes. Certification is required for products manufactured after 16 November 2010.
<b>Lead Paint on Children's Products<sup>3</sup></b> (e.g. T&C products with painted buttons, buckles, zippers, snaps, grommets, ornaments, or products with inks that coat the fiber, etc.) (16 CFR part 1303)	Not applicable.	Yes. Certification as in compliance with the 90 parts per million (ppm) lead paint limit based on testing by accredited third party laboratory since 14 August 2009.
<b>Ban on Lead-In-Paint in Paint and on Furniture</b> (16 CFR part 1303)	Yes. Certification as in compliance with the 90 ppm lead paint limit based on a test of each product / a reasonable testing programme required after 10 February 2010.	Not applicable (see "Lead Paint on Children's Products" above).
<b>Total lead content in children's products</b> (e.g. T&C products with snaps, rivets, buttons, zippers, eyelets, etc.) (CPSIA Section 101)	Not applicable.	Yes. Certification as in compliance with the 100 ppm lead content limit based on testing by accredited third party laboratory required after 31 December 2011.

<sup>3</sup> "Children's product" is defined as "a consumer product designed or intended primarily for children 12 years of age or younger". The statutory definition of "children's product" also specifies four factors that are to be taken into consideration when making a determination about "whether a consumer product is primarily intended for a child 12 years of age or younger". For details of CPSC's interpretation of "Children's product", please refer to CIC No. 471/2010 dated 18 October 2010.

Rule, Standard or Ban and T&C Products Being Affected	General Conformity Certification (GCC) Requirement for Non-children's T&C Products <sup>1</sup>	Certification based on Third Party Testing for Children's T&C Products
<b>Phthalates</b> (e.g. T&C products containing polyvinyl chloride (PVC), printed decorations, waterproof coatings, made of elastic material, etc.) (CPSIA Section 108)	Not applicable.	Stayed, until 31 December 2011.

Traders are reminded that all T&C products must comply with the applicable consumer product safety rules and standards as defined in the CPSIA, the Consumer Product Safety Act (CPSA) or similar rule(s), ban(s), standard(s), or regulation(s) under any other Act enforced by the CPSC.

(For details, please refer to Commercial Information Circular (CIC) No. 657/2009 dated 29 December 2009 and CIC No. 109/2011 dated 14 February 2011.)

## (II) Testing and Certification for Lead

**Q2. What are the current limits for lead paint and lead content in T&C products and when will testing and certification be required?**

A2. On 14 August 2009, the limit for lead paint in T&C products was reduced from 600 ppm to 90 ppm. Any children's T&C product that bears paint must be certified as in compliance with the 90 ppm limit after 14 August 2009 and the certification must be based on testing by a third party conformity assessment body listed on CPSC's website as qualified to test for lead in paint. For adult's T&C products subject to the lead paint limits, GCC based on a test of each product or a reasonable testing programme is required from 10 February 2010.

The general limit for lead content in any accessible part of a children's product was reduced from 600 ppm to 300 ppm, and further to 100 ppm on 14 August 2011.

Children's T&C products must be certified by third party conformity assessment bodies as in compliance with the 100 ppm lead content limit after 31 December 2011.

The CPSC has prepared and posted lead requirements and guidelines to its website at <http://www.cpsc.gov/about/cpsia/sect101.html>.

(For details, please refer to CIC No. 240/2009 dated 12 May 2009, CIC No.658/2009 dated 29 December 2009 and CIC No. 445/2011 dated 27 July 2011.)

**Q3. Does the lead content ban apply to component parts of T&C products that are inaccessible by children (e.g. button covered with fabric)?**

- A3. The lead content ban does not apply to component parts of a product that are not accessible to children (i.e., that cannot be touched by a small child's finger). A children's T&C product with a lead-containing part which is enclosed, encased, or covered by fabric and passes the appropriate use and abuse tests on such covers, is regarded as inaccessible to a child unless the product or part of the product in one dimension is smaller than five centimeters.

(For details, please refer to CIC No. 410/2009 dated 11 August 2009.)

**Q4. Is there any products exempted from the lead content testing and certification requirement?**

- A4. The CPSC determined that certain materials do not exceed the lead content limits, provided that these materials have neither been treated nor adulterated with the addition of materials that could result in the addition of lead into the product or material. If all accessible parts of a children's T&C product consist of such materials, the product does not need to be tested or certified as in compliance with the lead content limits.

Textiles exempted from testing and certification requirements are those consisting of:

- (i) natural fibers (dyed or undyed) including, but not limited to, cotton, kapok, flax, linen, jute, ramie, hemp, kenaf, bamboo, coir, sisal, silk, wool (sheep), alpaca, llama, goat (mohair, cashmere), rabbit (angora), camel, horse, yak, vicuna, qiviut, guanaco; or
- (ii) manufactured fibers (dyed or undyed) including, but not limited to, rayon, azlon, lyocell, acetate, triacetate, rubber, polyester, olefin, nylon, acrylic, modacrylic, aramid, spandex.

However, textiles with after-treatment applications including screen prints, transfers, decals, or other prints are not exempted from testing and certification requirements.

(Details of CPSC's determination are set out in CIC No. 440/2009 dated 27 August 2009.)

**Q5. How should I draw component samples for the testing and certification as in compliance with the lead paint and lead content limits required under CPSIA?**

- A5. In general, certification of children's products must be based on testing of samples of the final product, in the same condition as it would be in when sold to a consumer, or samples that are "identical in all material respects".

The CPSC announced on 28 December 2009 an interim enforcement policy that allows a domestic manufacturer or importer to certify compliance with lead limits for each type of paint used on and each accessible component of a product. The CPSC intends to issue final rules addressing (a) when certification may be based on testing of lead paint before they are applied to a product rather than scraped off the product,

and (b) when children's products may be certified to lead content limits based on testing of components rather than the final product. Until issuance of such rules, the CPSC will permit:

- for (a), certification of a children's product as being in compliance with the 90 ppm lead paint limit if, for each paint used on the product, the domestic manufacturer or importer who certifies the product either (i) has obtained a test report from a recognised third party test laboratory showing passing test results for one or more paints used on the product; or (ii) holds a paint certificate from paint suppliers declaring that all the paint on the product complies with the 90 ppm lead paint limit. The paint certificate must be based on testing of a representative sample of one or more paints conducted by a recognised third party test laboratory.
- for (b), certification of a children's product as being in compliance with the 100 ppm lead content limit if, for each accessible component of the product, the domestic manufacturer or importer who certifies the product either (i) has obtained a test report from a recognised third party test laboratory showing passing test results for one or more components used on the product; or (ii) holds a component certificate from the supplier certifying that a component complies with the 100 ppm lead content limit. The component certificate must be based on testing of a representative sample of the component(s) by a recognised third party test laboratory.

(For details, please refer to CIC 658/2009 dated 29 December 2009 and CIC No. 445/2011 dated 27 July 2011.)

***Q6. While the fabric I use for manufacturing a garment is exempt from the lead testing, certain component parts (e.g. fasteners, buttons, etc.) are not. Is third party testing and certification required?***

A6. Most fasteners, such as buttons, zippers, and screws, sold by themselves are not considered children's products and would not have to comply with the lead limits or be certified. However, the same fasteners must meet the lead limits and the relevant testing and certification requirements if they are used on a children's T&C product.

Subject to CPSC's final rules on component testing and the enforcements dates for testing and certification stipulated in Q2 above, you may either obtain a test report from a recognised third party test laboratory showing passing test results for the components used on the garment or request the supplier(s) of the component parts to provide certification based on third party testing to certify that such component(s) comply with the lead limits.

**(III) Testing and Certification for Wearing Apparel**

***Q7. Where can I find the flammability standards for children's wearing apparel?***

A7. Title 16, Code of Federal Regulations (CFR), part 1610, Standard for the Flammability of Clothing Textiles, sets out minimum standards for flammability of clothing textiles under the US Flammable Fabrics Act.

(For details, please refer to CIC No. 242/2011 dated 26 April 2011.)

**(IV) Testing and Certification for Children's Sleepwear**

***Q8. Where can I find the flammability standards for children's sleepwear?***

A8. Title 16 CFR parts 1615 and 1616, Standard for the Flammability of Children's Sleepwear, with Part 1615 covering children's sleepwear of size 0 through 6X and Part 1616 those of size 7 through 14 require that children's sleepwear, and fabric intended for such sleepwear, stop burning when the flame source is removed.

Children's sleepwear garments subject to the Standards must follow specific sampling plans and be tested for flammability performance at three stages of production: (1) fabric testing; (2) prototype testing in which seams and trims are tested; and (3) final product testing (also known as Garment Production Unit testing).

(For details, please refer to CIC No. 555/2010 dated 30 November 2010.)

**(V) Testing and Certification for Mattresses, Mattress pads, and/or Mattress sets for children's use**

***Q9. Where can I find the flammability standards for mattresses, mattress pads, and/or mattress sets for children's use?***

A9. Title 16 CFR part 1632, Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, amended) and/or part 1633, Standard for the Flammability (Open Flame) of Mattress Sets set out the minimum standards for flammability of mattresses, mattress pads, and/or mattress sets under the US Flammable Fabrics Act.

(For details, please refer to CIC No. 371/2010 dated 19 August 2010.)

**(VI) Phthalates Ban**

***Q10. What is the phthalates ban? What kinds of children's T&C products are subject to it?***

A10. With effect from 10 February 2009, the CPSIA permanently prohibits the manufacture, import, distribution, or sale of any children's toy or child care article containing more than 0.1% of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP). It also prohibits on an interim basis child care articles or toys that can be placed in a child's mouth containing more than 0.1% of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), until the CPSC determines whether to continue the ban.

The phthalates ban is not applicable to most children's T&C products because they are generally not considered children's toys or child care articles. However, certain children's T&C products might contain phthalates and hence might require testing and certification. CPSC needs to make determination on a case-by-case basis. They include:

- products containing PVC or related polymers;
- products with printed decorations, waterproof coatings or other surface treatments (e.g. bibs);
- back coatings;
- products made of elastic material (e.g. children's sleepwear); and
- dress or play costumes sold as part of a toy set.

As for phthalate testing, the CPSC believes that it should be limited to those plastic parts or other product parts which could conceivably contain phthalates (plasticized component parts). While the phthalates ban has been effective since 10 February 2009 meaning that products have to comply with the regulations including testing requirements, certification based on third party testing will be stayed until 31 December 2011.

The CPSC has prepared and posted phthalates requirements and guidelines to its website at <http://www.cpsc.gov/about/cpsia/sect108.html>.

(For details, please refer to CPSC's Statement of Policy on testing of component parts for phthalates as reported in CIC No. 425/2009 dated 18 August 2009 and CIC No. 488/2011 dated 11 August 2011.)

## **(VII) Tracking Label Requirement**

### ***Q11. What is the "tracking label" requirement under the CPSIA?***

A11. Children's T&C products and their packaging must include permanent, distinguishing marks, to the extent practicable, that will enable: (i) the manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks; and (ii) the ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information. The CPSC does not impose any uniform tracking label format, but expects manufacturers use their best judgment to develop markings that best suit their business and products.

The "tracking label" requirement applies to children's T&C products (and packaging) manufactured on or after 14 August 2009, but not inventory made before that date.

The CPSC has prepared and posted tracking label requirements and guidelines to its website at <http://www.cpsc.gov/about/cpsia/sect103.html>.

(For details, please refer to CPSC's Statement of Policy concerning tracking label requirements as reported in CIC No. 374/2009 dated 22 July 2009.)

Note: The above FAQs are unofficial interpretations of various features of CPSIA and do not replace or supersede the statutory requirements of the US legislation. While every effort is made to ensure the accuracy of the above information, the Department cannot guarantee this to be so and will not be held liable for any reliance placed on the same.