



we wear® product safety

June 2, 2014

Robert Adler
Acting Chairman
Consumer Product Safety Commission (CPSC)
4330 East West Highway
Bethesda, MD 20814

RE: Revising the Interpretation of Prints: An Opportunity to Reduce the Third-Party Testing Burden for the Apparel and Footwear Industry While Maintaining Product Safety

On behalf of the American Apparel & Footwear Association (AAFA), I am writing in response to the request for recommendations as it relates to non-statutory ways to reduce the cost of third-party testing in the apparel and footwear industry while ensuring continued compliance with the applicable consumer product safety rules, bans, standards, and regulations.

As described below, AAFA believes that a revision of the U.S. Consumer Product Safety Commission's (CPSC) determination on "prints" provides one such opportunity.

AAFA is the national trade association representing the apparel and footwear industry including its suppliers, manufacturers, retailers and service providers. Our members produce and sell products that touch every American – clothing and shoes. Our industry accounts for more than four million U.S. employees and more than \$350 billion in retail sales each year.

The significant cost of testing and certification requirements has been a real challenge for our members. At the same time, AAFA recognizes that the Consumer Product Safety Commission (CPSC) must balance the need for public safety with calls for relief from the high cost of testing. Given the importance of this issue to its members, AAFA submits the following recommendation as one way to reduce the cost of third party testing requirements without reducing public safety.

AAFA RECOMMENDATION

Revise CPSC's determination regarding lead content in textiles to eliminate the term "other prints"

On August 26, 2009, the CPSC published in the *Federal Register* a final rule entitled "Children's Products Containing Lead; Determinations Regarding Lead Content on Certain Materials or Products" (74 Fed. Reg. 43031),¹ in

¹ <http://www.cpsc.gov/businfo/frnotices/fr09/leadcontent.pdf>

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which CPSC confirmed that neither natural nor manufactured fiber textiles exceed the lead content limits under section 101(a) of the Consumer Product Safety Improvement Act. CPSC excluded from its determination, however, “after-treatment applications, including screen prints, transfers, decals, or other prints).”

In its explanation of the ruling the CPSC stated that:

We also examined the dyes used on textiles. . . . Dyes are organic chemicals that can be dissolved and made soluble in water or another carrier so they can penetrate into the fiber. Dyes can be used in solutions or as a paste for printing. Commercial dyes are classified by chemical composition or method of application. Many dyes are fiber specific. For example, disperse dyes are used for dyeing polyester, and direct dyes are used for cellulosic fibers. Dyes can be applied to textiles at the fiber, yarn, fabric, or finished product stage. Dye colorants are not lead based. Although not typical, some dye baths may contain lead. However, even if the dye bath contains lead, the colorant that is retained by the finished textile after the rinsing process would not contain lead above a non-detectable lead level.

In contrast to dyes, pigments are either organic or inorganic. Pigments are insoluble in water, are applied to the surface of textile materials, and are held there by a resinous binder. Binders used with pigments for textiles are non-lead based. Processes that are lead based are used for some industrial textiles that require a greater level of colorfastness or durability, but are not typically intended for apparel textiles. Although most pigments do not contain lead, there may be some lead based paints and pigments on non-textile materials that may be directly incorporated into textile products or added to the surface of textiles, such as decals, transfers, and screen printing.

The CPSC determination further states:

However, we have excluded from “Textiles” under new paragraph §1500.91(d)(7), any textiles that are “after-treatment applications, including screen prints, transfers, decals, or other prints.”

While AAFA believes the CPSC was focusing more on the term “screen prints,” as operations that are not inherently lead free, the CPSC’s reference to “other prints” in its ruling has unintentionally subjected many inherently lead free operations to testing. The resulting confusion, and the significant amount of unnecessary testing it has caused, has been very costly to our industry, all without any corresponding increase in public safety. We note that the wealth of data we provided to the CPSC that supported the original determination on children’s products containing lead contained extensive data on printed fabrics, none of which contained lead.

Recommendation

AAFA urges the CPSC to revise its August 26, 2009 determination enshrined in §1500.91(d)(7) by eliminating the phrase “other prints.” and to replace the word “decals,” with “or decals.” to have the determination read as such:

“Textiles (excluding after-treatment applications, including screen prints, transfers, or decals)....”

CONCLUSION

AAFA and its members share the CPSC's goal of ensuring product safety, particularly for the most vulnerable citizens. AAFA believes its recommendation ensures the public safety while reducing unnecessary testing burden on the apparel and footwear industry. AAFA is pleased to have the opportunity to work closely with the CPSC and engage in a constructive dialogue that seeks solutions for issues that are of significance to AAFA members.

Thank you for your time and consideration in this matter. Please contact Danielle Abdul at 703.797.9039 or by email at dabdul@wewear.org if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steph Le". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Executive Vice President

cc: Commissioner Ann Marie Buerkle

cc: Commissioner Marietta Robinson