
❖SPC&B Safety News❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

December 23, 2010

CPSC's Federal Register Notice Lifting Testing and Certification Enforcement Stay for Non-Children's Products to be Published December 27, 2010



As expected, the Consumer Product Safety Commission (CPSC) voted to lift the testing and certification stay of the enforcement for non-children's products subject to flammability regulations for clothing textiles, vinyl plastic film, and carpets and rugs. The agency forwarded a notice to the *Federal Register* this morning for publication on Monday, December 27, 2010. The lifting of the stay will go into effect 30 days thereafter.

Accordingly, all manufacturers and importers of non-children's apparel and carpets and rugs will be required to issue General Certificates of Conformity (GCC), based on testing, for compliance with the flammability standard for goods manufactured on and after January 26, 2011. Although a GCC will be required to demonstrate that an article of apparel meets one of the specified exemptions to the flammability standard, testing will not be required to establish the exemption, even after the effective date. The specified exemptions are as follows:

- (1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
- (2) All fabrics, both plain and raised surface textiles, regardless of weight, made entirely from any of the following fibers or entirely from combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester, wool.

In addition, the following products are specifically excepted from the flammability standards:

- (1) Hats, gloves, and footwear.
- (2) Interlining fabrics

Anyone with questions regarding the applicability of the testing and certification requirements to their products should contact Donna Shira at dshira@spcblaw.com, or Gail Cumins at gcumins@spcblaw.com, or call us at 212-425-0055.

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