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A Guide to United States Apparel and Household Textiles Compliance Requirements

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National Institute of Standards and Technology
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Lisa M. Benson
Karen Reczek

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A Guide to United States

Apparel and Household Textiles Compliance Requirements

1. How To Use This Guide

- Regulations are mandatory
- Standards are voluntary (unless "Incorporated by Reference" in a regulation)
- Guidelines may be voluntary (but are often *de facto* industry standards)
- "**Red**" text highlights mandatory requirements
- "Blue" text indicates a hyperlink to a website, page or document on the web

2. Scope

This guide addresses wearing apparel, including children's apparel, and household textiles. It does not include other textiles, such as sleeping bags, tents, sporting goods, or other non-household products that contain or are made from textile materials.

3. Overview of U.S. Federal Regulatory Framework

Once a law has been enacted by Congress, the appropriate federal agency (e.g., the Consumer Product Safety Commission, the Federal Trade Commission, the National Highway Traffic and Safety Administration, *et al*.) may create regulations to implement the law. Before such regulations can be adopted, the appropriate federal agency ordinarily will issue a notice of proposed rulemaking (NPRM) to solicit public comments on the proposed rules. To provide opportunity for public comment, the appropriate federal agency must issue a draft regulation or "Proposed Rule" that is published in the *Federal Register* and if it has an impact on trade, it is also notified to the World Trade Organization (WTO). The agency reviews the comments and can then issue a "Final Rule" that also is published in the *Federal Register*, and later, published annually in the *Code of Federal Regulations (CFR)*. Together, the enabling acts and laws [published in the *United States Code (USC)* once passed] and the final regulations (published in the *CFR*) provide a framework for the implementation and enforcement of most federal laws in the United States.

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4. Federal Regulatory Authorities and Technical Regulations (Mandatory)

Several U.S. federal agencies administer regulations associated with apparel and textiles.

Agency	Scope
Consumer Product Safety Commission (CPSC)	Flammability of clothing textiles, vinyl plastic film, carpets and rugs, children's sleepwear and mattresses and mattress pads; children's products; hazardous substances
Customs and Border Protection (CBP)	Country of origin for most imported products
Environmental Protection Agency (EPA)	Pesticides; Toxic substances
Federal Trade Commission (FTC)	Labeling (care labeling, fiber content labeling, environmental labeling, country of origin labeling, advertising)
United States Department of Agriculture (USDA)	Organic claims

4.1 Consumer Product Safety Commission (CPSC)

4.1.1 Consumer Product Safety Act (CPSA)

Title 15, United States Code, Chapter 47, Sections 2051-2089

The Consumer Product Safety Act, entered into law on October 27, 1972, was enacted to establish the Consumer Product Safety Commission and define its authority with the purpose of protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; developing uniform safety standards for consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

4.1.2 Consumer Product Safety Improvement Act of 2008 (CPSIA)

Public Law 110–314, August 14, 2008

On August 14, 2008, the President signed into law Public Law 110-314 (Consumer Product Safety Improvement Act of 2008). The Act provided CPSC with significant new regulatory and enforcement tools as part of amending and enhancing several CPSC statutes, including the CPSA. Amendments to the Act, Public Law 112-28, were signed into law on August 12, 2011.

4.1.3 Children's Products

The Consumer Product Safety Improvement Act (CPSIA) enacted in 2008 regulates specific substances in children's products, including children's apparel and sleepwear. The CPSIA sets

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limits for lead content and phthalates in children's products. A children's product is defined as a consumer product designed or intended primarily for children age 12 years or younger.
With respect to children's apparel, Section 101(a) of the CPSIA **restricts children's products, including children's apparel, to a lead content limit of 100 parts per million (ppm).** In addition, the use of paint or similar surface coating on children's apparel and sleepwear **must not exceed a lead content limit of 90 ppm.** The CPSC revised 16 CFR 1500.91(d)(7) to clarify that the Commission has determined that textiles with treatments and applications consisting entirely of dyes do not exceed the lead content limits and are not subject to the third party testing requirements for children's products, so long as those materials have not been treated or adulterated with materials that could add lead.

Additionally, section 108 of CPSIA states that **children's toys and child care articles cannot contain more than 0.1% of phthalates - DEHP, DBP, BBP, DINP, DIBP, DPENP, DHEXP and DCHP.** Children's clothing does not need to be certified to this requirement, however, **children's sleepwear, slings, or bibs (child care article) intended for children age 3 years or younger and any children's textile product that is intended for use in play (toy) must be certified to the phthalates requirements.** Effective September 29, 2017, a CPSC Final Rule exempted certain plastics from testing, including polypropylene (PP); polyethylene (PE); general purpose polystyrene (GPPS), medium-impact polystyrene (MIPS), high-impact polystyrene (HIPS), and super high-impact polystyrene (SHIPS); and acrylonitrile butadiene styrene (ABS). Regulations pertaining to phthalates can be found at 16 CFR 1307.

Effective July 1, 2020, accessible components parts of child care articles made with unfinished manufactured fibers (those with no chemical additives other than those required to manufacture the fiber), including nylon, polyurethane (Spandex), viscose rayon, acrylic and modacrylic, and natural rubber latex, are not be required to have third party testing for compliance with the requirements of the ASTM F963 elements. Additionally, the same fibers with the addition of polyester (polyethylene terephthalate, PET) are not required to have third party testing for compliance with the phthalate requirements.

4.1.4 Certificates and Mandatory Third-Party Testing

Section 102 of the CPSIA **requires every manufacturer or importer of all consumer products that are subject to a consumer product safety rule enforced by the CPSC to issue a general certificate of conformity (GCC) based on testing of the product** and stating that the product complies with the applicable standard, regulation, or ban. The certificate must accompany the product and be furnished to the retailer or distributor. Section 102 also **requires the manufacturers or importers of children's products (products designed and intended primarily for children age 12 years or younger) to certify that the products comply with all relevant product safety standards by issuing a children's product certificate** supported by tests performed by a CPSC-accepted third-party testing laboratory that has been accredited (see Testing and Certification. CPSC also has regulations pertaining to certificates of compliance; they can be found at 16 CFR 1110.

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Every manufacturer of a **non-children's product** (and the private labeler of such product, if such product bears a private label) is subject to CPSC regulations pertaining to:

- Carpets and rugs (16 CFR 1630 and 1631)
- Vinyl plastic film (16 CFR 1611)
- Wearing apparel (16 CFR 1610)
- Mattresses (16 CFR 1632 and 1633)

For more detailed information, see CPSC's:
Testing and Certification,
FAQs - Certification and Third-Party Testing , and
Rules Requiring a General Certificate of Conformity (GCC)

4.1.5 Tracking Labels for Children's Products

Tracking labels are required for all products that are designed and intended primarily for children ages 12 and younger, including children's apparel. The tracking label must be affixed to the product (to the extent practical) and packaging, be visible, legible, and provide certain basic identifying information, including:

- Manufacturer or private labeler name;
- Location and date of production of the product;
- Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics; and
- Any other information to facilitate ascertaining the specific source of the product.

For more detailed information, see CPSC's:
Tracking Label Requirement for Children's Products

4.1.6 Soft Infant and Toddler Carriers

Section 104 of the CSPIA required CPSC to promulgate consumer safety standards for durable infant and children's products. In response to this, the CPSC has issued a final rule, 16 CFR 1226 Safety Standard for Soft Infant and Toddler Carriers.

Each soft infant and toddler carrier must comply with all applicable provisions of ASTM F2236-14, which has been incorporated by reference. The standard includes general requirements that the products must meet, as well as specified test methods to ensure compliance with the general requirements, which include:

- restrictions on sharp points or edges, as defined by 16 CFR 1500.48 and 16 CFR 1500.49;
- restrictions on small parts, as defined by 16 CFR 1501;
- restrictions on lead in paint, as set forth in 16 CFR 1303;
- restrictions on total lead content, as set forth in 16 CFR 1252;

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- restrictions on phthalates, as set forth in 16 CFR 1307;
- requirements for locking and latching devices;
- requirements for permanent warning labels;
- restrictions on flammability, as set forth in 16 CFR 1610;
- requirements for toy accessories, as set forth in ASTM F 963;
- requirements on performance;
- requirements for warning labels.

In addition, under section 14 of CPSA (as amended by Sec 102(a)(1)(A) of the CPSIA), soft infant and toddler carriers are also subject to third party testing and certification requirements.

For more detailed information, see CPSC's:
Soft Infant and Toddler Carriers Business Guidance & Small Entity Compliance Guide

4.1.7 Sling Carriers

The CPSC has issued a final rule, 16 CFR 1228 Safety Standard For Sling Carriers. **Each sling carrier must comply with all applicable provisions of ASTM F2907-19, Standard Consumer Safety Specification for Sling Carriers**, which has been incorporated by reference. There is an additional requirement that **warning labels must be attached to the fabric with seams that shall remain in contact with the entire perimeter of the label when the sling is in all manufacturer-recommended use positions.**

In addition to testing and warnings required by the standard, sling carriers must also comply with:

- restrictions on small parts, as defined by 16 CFR 1501;
- restrictions on lead in paint, as set forth in 16 CFR 1303;
- restrictions on total lead content, as set forth in 16 CFR 1252;
- restrictions on phthalates, as set forth in 16 CFR 1307;
- restrictions on flammability, as set forth in 16 CFR 1610;
- requirements for consumer registration cards, as set forth in 16 CFR 1130
- requirements for tracking labels, as set forth in 14(a)(5) of the Consumer Product Safety Act

In addition, under section 14 of CPSA (as amended by Sec 102(a)(1)(A) of the CPSIA), sling carriers are also subject to third party testing and certification requirements.

For more detailed information, see CPSC's:
Sling Carriers Business Guidance & Small Entity Compliance Guide
Direct Final Rule: Revisions to Safety Standard for Sling Carriers (4/20/20)

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4.1.8 Drawstrings in Children's Upper Outerwear

In February 1996, CPSC issued guidelines which were incorporated into an industry voluntary standard to prevent children from strangling or becoming entangled on drawstrings from upper outerwear garments. In July 2011, CPSC approved a federal safety rule for drawstrings in children's upper outerwear. Children's upper outerwear in sizes 2T-16 **must be in conformance with ASTM F1816-97,** *Standard Safety Specification for Drawstrings on Children's Upper Outerwear,* approved June 10, 1997, published August 1998 (incorporated by reference in 16 CFR 1120.3 (b), or such outerwear will be considered a substantial product hazard.

> ***For more detailed information, see CPSC's:***
> Drawstrings in Children's Upper Outerwear

4.1.9 Flammable Fabrics Act

Title 15, United States Code, Chapter 25, Sections 1191-1204

The Flammable Fabric Act prohibits the manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce of any product, fabric, or related material which fails to conform to flammability standards or regulations issued under this Act. Standards have been established for the flammability of clothing textiles, vinyl plastic film (used in clothing), carpets and rugs, children's sleepwear, and mattresses and mattress pads (see below).

This Act is applicable to all fabric, which is defined in the Act as "any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute thereof which is intended for use or which may reasonably be expected to be used, in any article of wearing apparel or interior furnishing."

> ***For more detailed information, see CPSC's:***
> Flammable Fabrics Act

4.1.10 Flammability of Clothing

16 CFR 1610 – Standard for the Flammability of Clothing Textiles provides methods of testing the flammability of clothing and textiles intended to be used for clothing by classifying fabrics into three classes of flammability based on their speed of burning. This minimum standard specifies that **textiles used in apparel must meet class 1 or 2 flammability requirements.** Class 3 textiles, the most dangerously flammable fabrics, are unsuitable for use in clothing because of their rapid and intense burning characteristics.

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For more detailed information, see CPSC's:
Regulatory Summary for Flammable Fabrics Act,
Laboratory Test Manual for 16 CFR Part 1610: Standard for the Flammability of Clothing Textiles, and
Statement of Policy on Enforcement Discretion Regarding General Conformity Certificates for Adult Wearing Apparel Exempt From Testing

4.1.11 Flammability of Vinyl Plastic Film

Vinyl plastic film used in apparel must comply with 16 CFR 1611 - Standard for the Flammability of Vinyl Plastic Film. The standard applies to all uncovered or exposed parts of wearing apparel made from non-rigid, unsupported plastic, rubber or other synthetic or natural film or sheeting, including transparent, translucent, and opaque material, whether plain, embossed, molded, or otherwise surface treated, which is in a form or condition ready for use in wearing apparel, and includes film or sheeting exceeding 10 mils (0.254 mm) in thickness.

4.1.12 Flammability of Children's Sleepwear

16 CFR 1615 Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X and 16 CFR 1616 Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 establish mandatory flammability requirements for children's sleepwear. **Children's sleepwear must be flame resistant and self-extinguish when exposed to a small ignition source.** The rules cover all children's sleepwear between size 9 months and size 14. **The fabric, seams, trim, and garments must pass certain flammability tests, or the garment must be tight-fitting as defined by specified measurement dimensions.**

All tight-fitting garments must meet the labeling requirements in the standards, 16 CFR 1615.1(o)(10) and (11), and 16 CFR 1616.2(o)(10) and (11). The Standards require a hangtag that must meet the specified tag size, font, text, and background color and a garment neck label that must meet the specified text, layout, placement, and line border for tight-fitting children's sleepwear. Tight-fitting sleepwear must bear the specified garment label (Figure 1) and yellow hangtag (Figure 2) unless the garment is sold in a package, in which case, the package must have the yellow label.

Tight fitting sleepwear must comply with all of the flammability requirements for clothing textiles (16 CFR 1610) or vinyl plastic film (if applicable).

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Figure 1 – **Tight-fitting sleepwear must also bear a label immediately below the size designation on the front of the sizing label located on the center back of the garment.**

Figure 2 – **Tight-fitting sleepwear must bear a specific hangtag bearing no other information or have a label on the packaging.**

For more detailed information, see CPSC's:
Sleepwear Policy and Loungewear Position Letter,
Flammability of Children's Sleepwear Test Manual, and
Children's Sleepwear Regulations.

4.1.13 Flammability of Carpets and Rugs

Carpets and rugs must meet the flammability requirements as applicable in 16 CFR 1630 Standard for the Surface Flammability of Carpets and Rugs or 16 CFR 1631 Standard for the Surface Flammability of Small Carpets and Rugs. These standards provide test methods to determine the surface flammability of carpets and rugs when exposed to a standard small source of ignition under carefully prescribed draft-protected conditions. They are applicable to all types of carpets and rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of or substitutes for these.

If the carpet or rug has had a fire-retardant treatment or is made of fibers that have had a fire retardant treatment, it must be labeled with the letter "T". The letter "T" should be legible and conspicuous on the label and/or invoice or other paper related to the carpet and rug if commercially installed. **Small carpets and rugs not meeting the acceptance criterion of the standard must be permanently labeled** with the following statement:

FLAMMABLE (FAILS U.S. DEPARTMENT OF COMMERCE STANDARD FF 2-70): SHOULD NOT BE USED NEAR SOURCES OF IGNITION

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4.1.14 Flammability of Mattress Sets, Mattresses, and Mattress Pads

16 CFR 1632, Standard for the Flammability of Mattresses and Mattress Pads and 16 CFR 1633, Standard for the Flammability (Open Flame) of Mattress Sets set forth the flammability requirements for mattresses and mattress pads and mattress sets, respectively. 16 CFR 1632 requires prototype designs of mattresses and mattress pads, before the sale in commerce or the introduction in commerce, to **comply with the flammability requirements of this standard**. The standard prescribes a test to determine the ignition resistance of a mattress or a mattress pad when exposed to a lighted cigarette.

Additionally, **each mattress or mattress pad must be permanently labeled with the city and state location and the month and year of manufacture. Mattress pads treated with a chemical flame retardant must be labeled prominently with the letter "T" and with instructions on how to protect the pads from chemicals that will reduce the flame-resistant properties.**

16 CFR 1633 establishes flammability requirements that all prototype designs of mattress sets must meet before sale or introduction into commerce. The test method set forth in this regulation measures the flammability performance (fire test response characteristics) of a mattress (or mattress set) prototype by exposing the specimen to a specified flaming ignition source and allowing it to burn freely under well-ventilated, controlled environmental conditions. All mattress sets must meet the flammability performance requirements of this regulation.

Each mattress or mattress set shall bear a permanent, conspicuous, and legible label(s) containing the following information (and no other information) in English:

- Name of the manufacturer, or for imported mattress sets, the name of the foreign manufacturer and importer.
    - For mattress sets produced in the United States, the complete physical address of the manufacturer.
    - For imported mattress sets, the complete address of the foreign manufacturer, including country, and the complete physical address of the importer or the United States location where the required records are maintained if different from the importer.
- Month and year of manufacture.
- Model identification.
- Prototype identification number for the mattress set. A statement identifying whether the manufacturer intends the mattress to be sold alone or with a foundation.
    - For mattresses intended to be sold without a foundation, the label shall state "THIS MATTRESS IS INTENDED TO BE USED WITHOUT A FOUNDATION."
    - For mattresses intended to be sold with a foundation, the label shall state "THIS MATTRESS IS INTENDED TO BE USED WITH FOUNDATION(S): < Foundation ID >."

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- For mattresses intended to be sold both alone and with a foundation, the label shall state "THIS MATTRESS IS INTENDED TO BE USED WITHOUT A FOUNDATION OR WITH FOUNDATION(S): < Foundation ID >."

- A certification on the label that the mattress complies with this standard.
  - For mattresses intended to be sold without a foundation, a certification stating, "This mattress meets the requirements of 16 CFR Part 1633 (federal flammability (open flame) standard for mattresses) when used without a foundation."
  - For mattresses intended to be sold with a foundation, a certification stating, "This mattress meets the requirements of 16 CFR Part 1633 (federal flammability (open flame) standard for mattresses) when used with foundation < ID >." Such foundation(s) shall be clearly identified by a simple and distinct name and/or number on the mattress label.
  - For mattresses intended to be sold both alone and with a foundation, a certification stating "This mattress meets the requirements of 16 CFR Part 1633 (federal flammability (open flame) standard for mattresses) when used without a foundation or with foundation(s) < ID >." Such foundation(s) shall be clearly identified by a simple and distinct name and/or number on the mattress label.

For more detailed information, see CPSC's:
Test Manual
76 FR 59014 -- 16 CFR Part 1632 -- Standard for the Flammability of Mattresses and Mattress Pads; Technical Amendment -- 23 September 2011
(Note: 1632.4(a)(2) – ignition source – is revised), and
2020 Interim Enforcement Policy for Mattresses and Mattress Pads Subject to 16 CFR Part 1632

4.1.15 Federal Hazardous Substances Act (FHSA)

Title 15, United States Code, Chapter 30, Sections 1261-1278
16 CFR 1500, Federal Hazardous Substances Act (FHSA) Regulations
FHSA regulations set forth requirements for hazardous household substances in products. The FHSA **requires** household substances that meet the definition of hazardous (as defined in the Act) **to bear cautionary labeling to warn the consumer of the hazard(s) associated with the use of the product, what would enable the consumer to safely use and store the product, first aid instructions where applicable, and the statement "Keep out of the reach of children."** Whether a product must be labeled depends on its formulation and the likelihood that consumers will be exposed to any hazards it presents in reasonable and foreseeable customary use, which includes ingestion by children. The FHSA also defines as banned hazardous substances those products that are intended for use by children that present an electrical, mechanical, or thermal hazard, with some exceptions. The Act also allows the Consumer Product Safety Commission to ban through rulemaking certain products that are so dangerous or the nature of the hazard is such that the cautionary labeling requirements are not adequate to protect consumers.

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4.1.16 Sharp Points and Edges on Children's Products

16 CFR 1500.48 "Technical requirements for determining a sharp point in toys and other articles intended for use by children under 8 years of age" sets forth the test method for determining if a sharp point, exposed in normal use or through reasonably foreseeable damage or abuse, on toys and other articles intended for use by children under 8 years of age presents a potential risk of injury by puncture or laceration under section 2(s) of the Federal Hazardous Substances Act.

Likewise 16 CFR 1500.49 "Technical requirements for determining a sharp metal or glass edge in toys and other articles intended for use by children under 8 years of age" provides the sharp edge test method used to make a determination if metal or glass edges, exposed in normal use or as a result of reasonably foreseeable damage or abuse, on toys and other articles intended for use by children under 8 years of age present a potential risk of injury by laceration or avulsion under section 2(s) of the Federal Hazardous Substances Act. Children's clothing and textile articles technically do not fall under the scope; however, children's textiles and clothing that contain sharp points and edges may be considered a hazardous product and CPSC will request a voluntary product recall by the manufacturer or issue a mandatory recall.

> ***For more detailed information, see CPSC's:***
> Federal Hazardous Substances Act (FHSA) Requirements

4.1.17 Ban on Infant Cushions

16 CFR Part 1500.18 (a) (16) – **bans infant cushions and pillows that have all of the following characteristics:**

- A flexible fabric covering,
- Is loosely filled with a granular material such as plastic foam beads or pellets,
- Is easily flattened,
- Is capable of conforming to the body or face of an infant, and
- Is intended or promoted for the use by children under one year of age.

4.1.18 Standard on Window Coverings and Cords

The CPSC staff is working with the Window Covering Manufacturers Association (WCMA) to develop performance requirements and test methods to address strangulation hazards associated with window covering products that use cords and to standardize warnings regarding the hazards associated with inner cord loops, emphasizing the need for proper adjustment of inner cord stop devices. The voluntary standard "*American National Standard for safety of corded window covering products*" (ANSI/WCMA A.100.1) provides requirements for window covering products that address strangulation hazards associated with continuous cord loops, inner cords, and cord joiners. Although this standard is voluntary, the CPSC can and has requested a recall of window coverings that pose a strangulation hazard.

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For more detailed information, see CPSC's:
Window Blind Cords Voluntary Standards Activities

4.1.19 Pending Regulations of Note

The CPSC has recently published in the *Federal Register* the following *Notices of Proposed Rulemaking* (NPRM). Each notice provides specifics as to the amendments under consideration and makes a request for comments. See:

Notice of Proposed Rulemaking: Certificates of Compliance (5/13/2013)
Advance Notice of Proposed Rulemaking: Corded Window Coverings; Request for Comments and Information (1/16/2015)
Notice of Proposed Rulemaking: Safety Standard for Crib Bumpers/Liners (4/3/2020)

4.2 Customs and Border Protection (CBP)

4.2.1 Country of Origin: Marking of Imported Articles and Containers

Title 19, United States Code, Chapter 4, Section 1304
All products imported into the U.S. **must conform** to 19 CFR 134, Country of Origin Marking regulations. These regulations require that every article of foreign origin (or its container) imported into the U.S. be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, and in such a manner as to indicate to the ultimate purchaser in the U.S., the English name of the country of origin of the article at the time of importation.

For more detailed information, see CBP's:
Marking of Country of Origin on U.S. Imports

4.3 Environmental Protection Agency (EPA)

4.3.1 Antimicrobial Clothing and Household Textiles: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Title 7, United States Code, Chapter 6, Section 136
This Act provides for federal regulation of the distribution, sale, and use of pesticides to protect human health and the environment. Products that kill or repel bacteria or germs are considered pesticides and must be registered with the EPA prior to distribution or sale. The EPA will not register a pesticide until it has been tested to show that it will not pose an unreasonable risk when used according to the directions. This includes pesticides used on clothing or textiles to provide antimicrobial or other pesticidal characteristics.

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FIFRA does not allow companies to make public health pesticidal claims for any product distributed or sold unless the product has been approved and registered by EPA or is covered by an exemption from registration. The EPA will take action against companies that make such claims.

> ***For more detailed information, see EPA's:***
> Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
> Consumer Products Treated with Pesticides,
> Pesticide Registration Notices by Year,
> Pesticide Registration, and
> Pesticide Labels

4.3.2 Toxic Substance Control Act (TSCA) and Frank R. Lautenberg Chemical Safety for the 21st Century Act

The Toxic Substances Control Act of 1976 (15 USC 2601-2692) was enacted to provide the EPA with authority to require reporting, record-keeping, and testing requirements, and restrictions relating to chemical substances and/or mixtures.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act, which was signed into law on June 22, 2016, amends and reforms TSCA. The law requires EPA to make an affirmative determination on whether a new chemical substance presents an unreasonable risk to human health or the environment under known, intended or reasonably foreseen conditions of use. Certain substances are generally excluded, including, among others, food, drugs, cosmetics, and pesticides.

Under section 5(a) of TSCA and 40 CFR part 721, if EPA promulgates a Significant New Use Rule (SNUR), a manufacturer or processor wishing to engage in a designated significant new use must submit a Significant New Use Notice (SNUN) to EPA at least 90 days before engaging in the new use. This notification provides EPA the opportunity to evaluate the new use and, if necessary, take action to prohibit or limit the activity.

EPA has promulgated a SNUR for several chemicals used in textiles including:

- long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances that are used as part of carpets or for treating carpets, effective December 23, 2013
- fluoroalkyl acrylate copolymer modified with polysiloxanes used as a textile treatment, effective August 4, 2014
- di-n-pentyl phthalate (DnPP) and a SNUR for alkanes, C12-13, chloro, effective February 27, 2015
- hexabromocyclododecane and 1,2,5,6,9,10-hexabromocyclododecane (HBCD) flame retardants (other than for use in motor vehicles), effective November 23, 2015
- fluoroalkyl acrylate copolymer (generic), effective May 14, 2016
- trichloroethylene (TCE) used in consumer products, effective June 7, 2016

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- multi-walled carbon nanotubes (generic) and Anilino substituted bis-triazinyl derivative of 4,4'-diaminostilbene-2,2'-disulfonic acid, mixed amine sodium salt (generic), effective December 18, 2017
- alkanes, C14–16, chloro ; alkanes, C14–17, chloro ; alkanes, C18–20, chloro; alkanes, C20–28, chloro; alkanes, C22–30, chloro; slack waxes; hexacosane, chloro derivs and octacosane, chloro derivs; tetradecane, chloro derivs; octadecane, chloro derivs; and tetradecane, chloro derivs used in textiles, effective October 16, 2018
- copolymers of perfluorinated and alkyl methacrylates (generic), which is an additive to textile finishing

In addition, EPA has proposed (4/2/2012) to designate polybrominated diphenyl ethers (PBDEs), which are used as flame retardants, and benzidine dyes, which are used to dye textiles, as SNURs. EPA has proposed for public comment (7/29/19) a rule to reduce exposures to certain chemicals that are persistent, bioaccumulative and toxic (PBT), including Decabromodiphenyl ether (DecaBDE), which is used as a flame retardant in textiles.

For more detailed information, see EPA's:
Assessing and Managing Chemicals under TSCA;
Management for Hexabromocyclododecane (HBCD);
Long-Chain Perfluorinated Chemicals (PFCs) Action Plan;
Polyborminated Diphenyl Ethers (PBDEs) Action Plan;
Benzidine Dyes Action Plan

4.4 Federal Trade Commission (FTC)

4.4.1 Federal Trade Commission Act (FTC Act)

Title 15, United States Code, Chapter 2, Subchapter I, Sections 41-58
The FTC Act broadly prohibits unfair or deceptive acts or practices in or affecting commerce. The commission will find deception if, either by the inclusion or exclusion of information, it is likely to:

- Mislead consumers acting reasonably under the circumstances, and
- Affect the consumer's choice or conduct, thereby leading to injury.

The FTC Act allowed the FTC to enact regulations intended to prohibit unfair or deceptive acts or practices.

For more detailed information, see FTC's:
Clothing and Textiles Resource from the FTC's Bureau of Consumer Protection (BCP) Business Center

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4.4.2 The Textile Fiber Products Identification Act

Title 15, United States Code, Chapter 2, Subchapter V, Section 70
16 CFR 303, Rules and Regulations under the Textile Fiber Products Identification Act
The importation, manufacture, sale , offer for sale, transportation for sale, distribution, or advertising of any textile fiber product which is misbranded or falsely or deceptively advertised is unlawful and is considered an unfair method of competition and an unfair and deceptive act or practice in commerce under the FTC Act. To avoid being considered misbranded, **the Act requires that most textile products have a label attached listing**:

- the generic names and percentages by weight of the constituent fibers in the product;
- the name under which the manufacturer or other responsible company does business or, in lieu thereof, the registered identification number ("RN number") of such company; and
- the name of the country where the product was processed or manufactured.

The Rule was amended in 2018 to remove the requirement that an owner of a registered word trademark used as a house mark must furnish the FTC with a copy of the mark's registration with the USPTO before using the mark on labels.

The Textile Fiber Products Identification Act also contains advertising and record-keeping provisions.

A label is required to be affixed to each textile product and, where required, to its package or container in a secure manner. Such label shall be conspicuous and shall be of such durability as to remain attached to the product and its package throughout any distribution, sale, re-sale, and until sold and delivered to the ultimate consumer.

Each textile fiber product with a neck must have a label disclosing the country of origin affixed to the inside center of the neck midway between the shoulder seams or in close proximity to another label affixed to the inside center of the neck. The fiber content and RN or name of the company may be disclosed on the same label as the country of origin or on another conspicuous and readily accessible label or labels on the inside or outside of the garment. **On all other textile products, the required information shall be disclosed on a conspicuous and readily accessible label or labels on the inside or outside of the product. The country of origin disclosure must always appear on the front side of the label.** Other required information may appear either on the front side or the reverse side of a label, provided that the information is conspicuous, readily accessible, and clearly legible.

Packaged hosiery products do not need a label on each piece of hosiery provided the required information is listed on the packaging label and is applicable to all hosiery inside the package.

Socks must be marked on the front of their packages or on labels with the English name of the country of origin. This marking must be placed adjacent to the size designation. The

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marking must be done in a manner that is legible, indelible, conspicuous, readily accessible to the consumer, and as permanent as the nature of the article or package permits.

Packaged products, such as t-shirts, must have required labeling on the product and on the packaging, unless the product label is clearly visible through the packaging.

A 2014 amendment to the Textile Rules allows hang-tags stating a fiber generic name, trademark, or fiber characteristics that do not disclose the product's full fiber content; however, if the textile product contains any other fiber, the hang-tag must disclose clearly and conspicuously that it does not provide the product's full fiber content (*e.g.*, "This tag does not disclose the product's full fiber content" or "See label for the product's full fiber content").

> ***For more detailed information, see FTC's:***
> Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts

4.4.3 Used or Secondhand Stuffing

16 CFR 303, Rules And Regulations Under The Textile Fiber Products Identification Act
Any **upholstered product, mattress, or cushion which contains stuffing which has been previously used as stuffing in any other upholstered product, mattress, or cushion shall have securely attached thereto a substantial tag or label**, at least 2 inches (5.08 cm) by 3 inches (7.62 cm) in size, and statements thereon conspicuously stamped or printed in the English language and in plain type not less than 1/3 inch (8.38 mm) high, indicating that the stuffing therein is composed in whole or in part of "reused stuffing," "secondhand stuffing," "previously used stuffing," or "used stuffing."

> ***For more detailed information, see FTC's*:**
> Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts

4.4.4 Bamboo Claims

If a textile product contains rayon, the FTC requires the marketer to label the product as containing rayon regardless of the source material used to make the rayon. The Textile Rules would not prohibit the non-deceptive use of the term bamboo to describe the source of the rayon fibers in the product, such as "Rayon made from Bamboo." If the product contains bamboo fibers that have not been made into rayon or some other manufactured fiber, the FTC requires the marketer to label the product as containing bamboo. To advertise or label a product as bamboo instead of rayon requires competent and reliable evidence, such as scientific tests and analyses, to show that it is made of actual bamboo fiber that has not been made into a manufactured fiber such as rayon. The same standard applies to other claims, such

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as a claim that rayon fibers made from bamboo retain natural antimicrobial properties from the bamboo plant.

For more detailed information, see FTC's:
How to Avoid Bamboozling Your Customers

4.4.5 The Wool Products Labeling Act of 1939

Title 15, United States Code, Chapter 2, Subchapter III, Section 68
16 CFR 300 Rules and Regulations under The Wool Products Labeling Act of 1939
The importation, manufacture, sale, offer for sale, transportation for sale, distribution, or advertising of any wool product which is misbranded or falsely or deceptively advertised is unlawful and is considered an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act. **The Wool Products Labeling Act requires marketers to attach a label to each wool product** disclosing:

- the percentages by weight of the wool, recycled wool, and other fibers accounting for 5% or more of the product, and the aggregate of all other fibers;
- the maximum percentage of the total weight of the wool product of any non-fibrous matter;
- the name under which the manufacturer or other responsible company does business or, in lieu thereof, the registered identification number (''RN'') of such company; and
- the name of the country where the wool product was processed or manufactured.

A 2014 amendment to the Wool Rules allows certain hang-tags stating a fiber generic name, trademark, or fiber characteristics that do not disclose the product's full fiber content; however, if the wool product contains any other fiber, the hang-tag must disclose clearly and conspicuously that it does not provide the product's full fiber content (e.g., "This tag does not disclose the product's full fiber content" or "See label for the product's full fiber content").

The Wool Act also contains advertising and record-keeping provisions.

Products containing fiber from other animals must comply with either the Fur Products Labeling Act or the Textile Products Identification Act.

For more detailed information, see FTC's:
Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts;
Cachet of Cashmere: Complying with the Wool Products Labeling Act

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4.4.6 Fur Products Labeling Act (FPLA)

Title 15, United States Code, Chapter 2, Subchapter IV, Section 69
16 CFR 301, Rules and Regulations Under the Fur Products Labeling Act (FPLA)
Any wearing apparel that is manufactured, imported, or sold that contains fur **must comply with the labeling requirements under the Fur Products Labeling Act (FPLA).** Fur products – made either entirely or partly with fur — must have a label disclosing:

- whether the fur is natural or pointed, bleached, or dyed;
- the name of the animal;
- if the fur product is composed of more than 10 percent surface area of pieces;
- the country of origin of imported fur products, including the country of origin for imported furs made into fur products in the U.S.;
- any other information that is required or permitted;
- the name or registered identification number ("RN") of the manufacturer or dealer;
- if the fur is used or damaged.

The above required information also must appear on invoices and in advertising for the fur products.

Domestic fur products may be labeled to show origin, but the law does not require it. Domestic furs also may be labeled to show the particular state or part of the country in which they originated.

4.4.7 Truth in Fur Labeling Act of 2010

Public Law 111–313
In December 2010, Congress passed the Truth in Fur Labeling Act. As of March 18, 2011, the FTC's exemption to the Fur Products Labeling Act for fur products with a component value of $150 or less was no longer in effect.

> ***For more detailed information, see FTC's:***
> How to Comply with the Fur Products Labeling Act and
> Clothing and Textiles

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4.4.8 Cat and Dog Fur Products

Tariff Act of 1930, Prohibition on Importation of Dog and Cat Fur Products

Title 19, United States Code, Chapter 4, Section 1308

19 USC 1308 **prohibits the import, export, distribution, transportation, manufacture, or sale in the U.S. of products containing dog or cat fur**. As of November 9, 2000, the Dog and Cat Protection Act of 2000 calls for the seizure and forfeiture of each item containing dog or cat fur. The Act amended the Fur Products Labeling Act to exclude dog and cat fur products from those items the FTC is authorized to exempt from the labeling and other requirements of the Fur Act and implementing regulations.

4.4.9 Leather Products

16 CFR 24, Guides for Select Leather and Imitation Leather Products

These guides apply to the manufacture, sale, distribution, marketing, or advertising of all kinds or types of leather or simulated leather, including footwear.

4.4.10 Environmental Claims

16 CFR 260, Guides for the Use of Environmental Marketing Claims

These guides apply to environmental claims included in labeling, advertising, promotional materials, and all other forms of marketing, whether asserted directly or by implication, through words, symbols, emblems, logos, depictions, product brand names, or through any other means, including marketing through digital or electronic means, such as the Internet or electronic mail. The guides apply to any claim about the environmental attributes of a product, package, or service in connection with the sale, offering for sale, or marketing of such product, package, or service for personal, family or household use, or for commercial, institutional, or industrial use.

In 2012, an update by the FTC modified the existing guide sections on general environmental benefit, compostable, degradable, ozone, recyclable, and recycled content claims. It also added new sections on carbon offsets, certifications and seals of approval, free-of claims, non-toxic claims, made with renewable energy claims, and made with renewable materials claims.

> ***For more detailed information, see FTC's:***
> Environmental Claims: Summary of the Green Guides

4.4.11 Care Labels

16 CFR 423, Care Labeling of Textile Wearing Apparel and Certain Piece Goods as Amended

The Federal Trade Commission's (FTC) Care Labeling Rule requires manufacturers and importers to attach care instructions to garments. The Rule requires that manufacturers or importers comply with the following:

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- Provide instructions prescribing a regular care procedure for the garment, or provide warnings if the garment cannot be cleaned without harm.
- Have a reasonable basis for the care labeling instructions, including that following them, will cause no substantial harm to the product.
- Warn consumers about certain procedures that they may assume to be consistent with the instructions on the label, but that would harm the product. For example, if a pair of pants is labeled for washing, consumers may assume they can iron them. If the pants would be harmed by ironing, the label should read, "Do not iron."
- Ensure that care labels remain attached and legible throughout the useful life of the product.

Care labels must be attached to products prior to sale in the United States; however, care labels do not have to be attached to products when they enter the United States. The importer must ensure the labels are attached prior to sale.

Labels must be attached permanently and securely and be legible during the useful life of the product and be seen or easily found by consumers at the point of sale. For packaged items, the care label must appear also on the outside of the package or on a hangtag if it is not clearly visible through the packaging.

For more detailed information, see FTC's:
Clothes Captioning: Complying with the Care Labeling Rule and
Clothing and Textiles Legal Resources

4.4.12 Pending Regulations of Note

The FTC, in 2012, published in the Federal Register a Notice of Proposed Rulemaking (NPRM) for the Care Labeling Rule and, in 2020, a Notice of Proposed Rulemaking for the Textile Fiber Products Identification Act. These notices provide specifics as to the amendments under consideration and makes a request for comments. See:

Notice of Proposed Rulemaking: Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods (September 20, 2012)
Notice of Proposed Rulemaking: Rules and Regulations Under the Textile Fiber Products Identification Act (2/18/2020)

4.5 United States Department of Agriculture (USDA)

4.5.1 Organic Fibers: Organic Foods Production Act of 1990 (OFPA)

Title 7, United States Code, Chapter 94, ORGANIC CERTIFICATION, Sections 6501-6523
The USDA regulates the term *organic* as it applies to agricultural products through the National Organic Program (NOP) Regulation, 7 CFR Part 205. Raw natural fibers, such as cotton, wool,

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and flax are agricultural products and are covered under the NOP crop and livestock production standards. Any textile product produced in full compliance with the NOP regulations, including being certified by an approved third party, may be labeled as NOP certified organic and display the USDA organic seal. Products produced in accordance with the Global Organic Textile Standard (GOTS) may be sold as organic in the U.S., but may not refer to NOP certification or display the USDA organic seal.

For more detailed information, see USDA's:
Policy Memorandum - Labeling of Textiles That Contain Organic Ingredients and National Organic Program Handbook

5. Overview of U.S. State Regulatory Frameworks

A growing number of areas are covered by both state and federal statutes, including consumer protection, employment, and food and drug regulation. (State laws give way to stricter federal laws that address the same issue.) When a state's Governor signs a bill, it becomes a state law. Once a law has been enacted by a state, it is the responsibility of the appropriate state agency to create the regulations necessary to implement the law.

6. State Regulatory Authorities and Technical Regulations (Mandatory)

In the U.S., some state laws and regulations are enacted which are more stringent than the federal laws. These laws include regulations for products, labeling, packaging, chemical restrictions, etc.

State(s) / Organizations and Scope of Regulation

Agency/Organization	Scope
State Authorities Responsible for Weights and Measures	Labeling
Toxics in Packaging Clearinghouse (TPCH)	Packaging
International Association of Bedding and Furniture Law Officials (IABFLO)	Labeling
California Office of Environmental Health Hazard Assessment (OEHHA)	Toxic chemicals
California Bureau of Household Goods and Services (Formerly BEARHFTI)	Plumage, flammability of upholstered furniture and bedding
California Department of Consumer Affairs	Made in the USA claims
California Department of Fish and Wildlife	Fur products
Connecticut Department of Consumer Protection	Asbestos in children's products

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Illinois Department of Public Health	Lead labeling
Minnesota Department of Commerce	Formaldehyde in children's products
Washington Department of Ecology	Lead, cadmium, and phthalates in children's products
Several states	Flame retardants, fur labeling, dog and cat fur, chemicals of concern, crib bumpers

6.1 Packaging and Labeling (all states)

6.1.1 UPLR

The Uniform Packaging and Labeling Regulation (UPLR) contained in *Uniform Laws and Regulations in the areas of Legal Metrology and Engine Fuel Quality, NIST Handbook 130*, have been adopted into law in 45 of the 50 U.S. states. The purpose of these regulations is to provide accurate and adequate information as to the identity and quantity of contents of packages so that purchasers can make price and quantity comparisons.

The UPLR requires that consumer packaging bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; and the net quantity of contents in terms of weight or mass measure, or numerical count in a uniform location upon the principal display panel.

6.1.2 Toxics in Packaging Legislation

This model legislation was originally drafted by the Source Reduction Council of the Coalition of Northeastern Governors (CONEG) in 1989. It was developed in an effort to reduce the amount of heavy metals in packaging and packaging components that are sold or distributed throughout the United States. The law is designed to phase out the use and presence of mercury, lead, cadmium, and hexavalent chromium in packaging. The legislation has been successfully adopted by nineteen states.

> ***For more detailed information, see:***
> Toxics in Packaging Clearinghouse and
> Toxics in Packaging Fact Sheet

6.1.3 Uniform Law Label

Filled bedding, apparel and textiles, sleeping bags and toys sold in the United States require a special label. Thirty-one states, including California, Massachusetts, New York, Ohio, and Pennsylvania, have established laws requiring labeling of bedding and upholstered apparel and textiles. In order to simplify compliance with the various state bedding and upholstered apparel and textiles labeling laws, the International Association of Bedding and Furniture Law Officials

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(IABFLO), an association made up of state officials responsible for the enforcement of bedding and apparel and textiles laws in their respective states, established a uniform law labeling system to assist manufacturers.

Law labels must describe the filling materials of the article as a percentage of those filling materials by weight. Example: 80% Polyurethane Foam, 20% Polyester Fibers. It also specifies that "UNDER PENALTY OF LAW THIS TAG IS NOT TO BE REMOVED EXCEPT BY CONSUMER" when used for bedding and apparel and textiles. The products requiring law labels in each state vary, as do the labeling requirements. Uniform law labels can be produced to satisfy the different requirements of each state.

Law labels are **also required in most states to display a Uniform Registry Number** which identifies the manufacturing facility that produced the product. This can be any company in the world whose products are sold in the United States. A law label may **NOT** be combined with another label. However, it is acceptable to have a bold black line between a law label and the California flammability label (printed side-by-side to show as two separate labels).

> ***For more detailed information, see:***
> IABFLO's: Bedding & Furniture and Sample Bedding Law Label
> American Law Label's white paper*:* American Law Label, Inc. (includes applicable products and exemptions)

6.2 State of California

6.2.1 Lead and Other Toxic Substances

California regulates lead and numerous other substances and chemicals, in both adult and children's products, through their Safe Drinking Water and Toxic Enforcement Act of 1986, more popularly known as **Proposition 65 or Prop 65** (California Health and Safety Code, Section 25249.6, et seq.) There have been several settlements relative to chemicals such as lead, DEHP (phthalates), and flame retardants in apparel and textiles. These settlements provide guidelines for suggested limits. Prop 65's List of Hazardous Substances is maintained and updated as new chemicals are identified.

The following warning language **is required on products sold in California if they contain chemicals on the Proposition 65 list** and the amount of exposure caused by the product is not within defined safety limits:

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

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For more detailed California official information on Proposition 65, see:
Office of Environmental Health Hazard Assessment (OEHHA),
Proposition 65 in Plain Language

6.2.2 Safer Consumer Products Regulations

The Safer Consumer Product Regulations applies to all consumer products placed in the stream of commerce in California. It requires manufacturers or other responsible entities to seek safer alternatives to harmful chemical ingredients in widely used products. The regulations require the Department of Toxic Substance to adopt regulations that will establish a process for identifying and prioritizing chemicals in consumer products and to establish a process for evaluating chemicals of concern in consumer products and their potential alternatives.

For more detailed information, see:
Safer Consumer Products Web Portal

6.2.3 Plumage Regulations

Article 5 of the *Department of Consumer Affairs Bureau of Home Furnishings and Thermal Insulation Rules and Regulations* sets forth the requirements labeling based on the minimum percentage of down and down feathers.

6.2.4 Flammability of Upholstered Furniture and Bedding

The California Bureau of Household Goods and Services (BHGS) (formerly California Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation (BEARHFTI)) regulates (4 CCR § 1370-1374.3) the flammability of upholstered furniture and bedding regardless of its point of origin. These regulations include **specific testing and labeling requirements** which are specified in the regulations and Technical Bulletin 117-2013 - Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture.

The TB 117-2013 flammability standard applies to upholstered furniture sold in California. Bedding products such as mattresses, comforters, mattress pads, bed pillows and decorative pillows are not subject to TB 117-2013. They must, however, carry a law label.

California Chapter 862, signed into law September 30, 2014, requires a manufacturer of covered products, as defined, to **indicate on the label whether or not the product contains added flame retardant chemicals** by including a specified statement on that label. The statement must immediately follow the TB 117 labeling requirements on the same label. **The law also requires manufacturers to retain documentation supporting the information on the label**.

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Currently, several items are exempted under the California Code of Regulation section 1374.2, including strollers, infant carriers, and nursing pillows; cushions and pads intended solely for outdoor use; and any article which is smooth surfaced and contains no more than one-half inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.

> ***For more detailed information, see BHGS':***
> Technical Bulletin 117-2013 Frequently asked Questions (FAQs),
> Home Furnishings and Thermal Insulation Act Rules and Regulations and
> Official law label requirements for upholstered furniture and bedding products and frequently asked questions

6.2.5 Made in the USA

A recent law relaxed California's strict "Made in USA" law. Under the revised law "Made in the USA", "Made in America", "U.S.A" or similar labels are allowed even if a product has some foreign components. The labeling is permitted if any foreign component or part does not constitute more than 5% of the final wholesale value of the product or any foreign component or part does not constitute more than 10% of the final wholesale value of the product AND the manufacturer can show that those components cannot be obtained or produced domestically.

6.2.6 Prohibition of Fur Products

Effective January 1, 2020, it is unlawful in California to sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the state. It is also unlawful to manufacture a fur product for sale. Fur products used for religious ceremonies are exempt if records are maintained per the law. New York and Rhode Island are proposing similar bans.

6.3 Connecticut

6.3.1 Safe Children's Products

Child Product Safety Act

Beyond federal children's safety regulations, this Act **bans the introduction or delivery for introduction into commerce of any toy or other article for sale in the state of Connecticut marketed for the use of children under the age of 16 containing asbestos**.

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6.4 State of Illinois

6.4.1 Lead

Public Act 097-0612, The Lead Poisoning Prevention Act

The Act makes it illegal to sell, have, offer for sale, or transfer children's products that contain a total lead content in any component part of the item that is more than 0.004% (40 parts per million) but less than 0.06% (600 parts per million) by total weight (or a lower federal or State standard for lead content if applicable) **unless that item bears a warning statement that indicates that at least one component part of the item contains lead.** The warning statement must contain at least the following:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH FEDERAL STANDARDS."

The Act also makes it illegal to sell, or give away any lead-bearing substance that may be used by the general public, **unless it bears a warning statement as prescribed below, or as prescribed by any other federal regulation.** The statement shall be located in a prominent place on the item or package (16 CFR 1500.121).

If no regulation is prescribed, the warning statement shall be as follows when the lead-bearing substance is a lead-based paint or surface coating:

"WARNING-CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF REACH OF CHILDREN."

If no federal regulation is prescribed, the warning statement shall be as follows when the lead-bearing substance contains lead-based paint or a form of lead other than lead-based paint:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF REACH OF CHILDREN."

The warning statements do not apply to any product for which federal law governs warning in a manner that preempts state authority.

6.5 Minnesota

6.5.1 Formaldehyde in Children's Products

Minnesota bans the sale of certain products intended for children aged 8 and under that contain intentionally added formaldehyde or ingredients that degrade into formaldehyde. Children's product is defined, for the purpose of this law, as a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child's body,

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including any article used as a component of such a product, excluding a food, beverage, dietary supplement, pharmaceutical product or biologic, children's toys (covered by CPSC rules), or a medical device (covered by FDA rules).

6.6 Washington State

6.6.1 Lead, Cadmium, and Phthalates in Children's Products

Washington's Children's Safe Products Act restricts the sale of children's products containing more than 0.009 percent by weight of lead; more than 0.004 percent by weight of cadmium, or 0.10 percent by weight of phthalates, individually or in combination.

The limits and scope of this law are more stringent than the current federal requirements. Products included under this Act include children's cosmetics; jewelry; toys; car seats; and childcare articles, including clothing and footwear.

> **See Washington Department of Ecology's**:
> Children's Safe Products Act Webpage

6.7 Multiple States

6.7.1 Flame Retardant Regulations

Several U.S. states have legislation **banning the use of flame retardants, such as** PentaBDE, OctaBDE, DecaBDE, TDCPP, TCEP, Hexabromocyclododecane (HBCD), organohalogens, and chlorinated tris, in products, including upholstered furniture and children's products. The states include California, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, New Hampshire, New York, Oregon, Rhode Island, Vermont, and Washington. Legislation has been proposed in the following states: Alaska, Connecticut, Delaware, Massachusetts, North Carolina, and Ohio.

6.7.2 Fur Labeling

Delaware, Massachusetts, New Jersey, New York, and Wisconsin have enacted legislation for labeling of fur products. Delaware **requires that any wearing apparel containing real fur (wholly or partially) have attached and conspicuously displayed on the apparel a tag, label or sticker that states the product was made with fur**. Under Massachusetts law, all natural, dyed or imitation furs, and all articles made wholly or partly from them and are sold at retail within the commonwealth, **shall be plainly marked or labeled with an accurate statement of the material which they contain, together with the name and address of the seller.** New Jersey law **requires** that any new coat, jacket, garment or other clothing apparel made wholly or in part of fur, regardless of the price or value of the fur shall not be sold unless it has attached and conspicuously displayed a tag or label including the name of the animal(s) used to produce the fur, and the name of the country of origin of any imported fur. **New York law makes it illegal to sell any faux or real fur product that is not properly labeled. Wisconsin law states that no**

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person shall sell or offer or display for sale any coat, jacket or other garment with a value over $50 made wholly or partially of fur without a label that states in English the species of fur or pelt used.

6.7.3 Dog and Cat Fur

In addition to the federal ban, New York State has a similar regulation. It **bans the sale of fur, skin, hair, or flesh from a dog or cat and requires manufacturers or suppliers to provide certification** to each retailer that any fur, hair, skin, or flesh contained in such items is not derived from domesticated dog or domesticated cat.

6.7.4 Chemicals of Concern

Several states, including Oregon, Washington, Vermont, Maine, and New York, **require manufacturers selling children's products that contain a chemical that is included on the state's chemicals of concern list to provide notice to the state prior to sale in that state**. In some cases, the manufacturer must remove or make a substitution for the chemical.

6.7.5 Crib Bumpers

Maryland, Ohio, New York, and the cities of Chicago, IL and Watchung, NJ have banned the sale of crib bumper pads. The Maryland and New York bans applies to crib bumpers that are made of non-mesh type material and rest directly above the mattress along the length of each of the interior sides of the crib. Ohio's Ban applies to any padding material, including a roll of stuffed fabric, that is designed for placement within a crib to cushion one or more of the crib's inner sides adjacent to the crib mattress; it excludes mesh crib liners. The CPSC has issued a Notice of Proposed Rulemaking for Safety Standard for Crib Bumpers/Liners (4/3/20).

7. Overview of the U.S. Voluntary Standards Framework

The U.S. system of standards development is driven by the private sector. The majority of U.S. standards are voluntary and developed through consensus methods that reflect the needs of producers and manufacturers, users and consumers, and the government. The American National Standards Institute (ANSI) (a non-governmental, not-for-profit organization) coordinates much of the private sector activities of the voluntary standards development community in the U.S. There are hundreds of voluntary standards developing organizations in the United States responsible for standardization in many different industries and business sectors. The National Institute of Standards and Technology (NIST), a part of the U.S. Department of Commerce, is the national metrology laboratory for the United States. NIST provides the technical measurement infrastructure to support global trade and the commercial measurement system. NIST, through its Standards Coordination Office, advises on and coordinates federal participation in standards setting.

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8. Standards Developing Organizations (SDOs)

8.1 American Association of Textile Chemists and Colorists (AATCC)

P.O. Box 12215
Research Triangle Park, NC 27709-2215 USA
Telephone: +1 919 549 8141
Staff Directory

The American Association of Textile Chemists and Colorists (AATCC) develops test methods and evaluation procedures for textiles and apparel. These methods are published each year in the *AATCC Technical Manual.*

Examples of AATCC standards:

Antimicrobial Activity Assessment of Textile Materials: Agar Plate Method	Test Method 90
Colorfastness to Crocking. Crockmeter Method.	Test Method 8
Colorfastness to Crocking: Rotary Vertical Crockmeter Method.	Test Method 116
Colorfastness to Crocking: Textile Floor Coverings-Crockmeter Method	Test Method 165
Colorfastness to Dry-cleaning	Test Method 132
Colorfastness to Light	Test Method 16
Colorfastness to Perspiration	Test Method 15
Colorfastness to Water	Test Method 107
Fiber Analysis: Qualitative	Test Method 20
Fiber Analysis: Quantitative	Test Method 20A
Finishes in Textiles: Identification	Test Method 94
Abrasion Resistance of Fabrics: Accelerotor Method	Test Method 93
Absorbency of Textiles	Test Method 79
Appearance of Apparel and Other Textile End Products After Repeated Home Laundering	Test Method 143
Carpets: Cleaning of, Hot Water Extraction Method	Test Method 171
Carpets: Electrostatic Propensity of	Test Method 134
Stain Resistance: Pile Floor Coverings	Test Method 175
Water Resistance: Rain Test	Test Method 35

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8.2 ASTM International

100 Barr Harbor Drive
P.O. Box C700
West Conshohocken, PA 19428-2959 USA
Telephone: + 1.610.832.9500
Staff Directory

ASTM International (ASTM) develops and maintains consensus standards and test methods pertaining to apparel and textiles. A number of the ASTM standards or test methods are "Incorporated By Reference" in the *CFR* (as cited above under CPSC), and are **mandatory**.

The ASTM Committee responsible for apparel and textiles is Committee D13 on Textiles. The following ASTM Subcommittees relevant to apparel and household textiles include:

D13.11	Cotton Fibers
D13.13	Wool and Felt
D13.17	Flax and Linen
D13.18	Glass Fiber and its Products
D13.19	Industrial Fibers and Metallic Reinforcements
D13.20	Inflatable Restraints
D13.21	Pile Floor Coverings
D13.40	Sustainability of Textiles
D13.51	Conditioning and, Chemical and Thermal Properties
D13.52	Flammability
D13.54	Subassemblies
D13.55	Body Measurement for Apparel Sizing
D13.58	Yarns and Fibers
D13.59	Fabric Test Methods, General
D13.60	Fabric Test Methods, Specific
D13.61	Apparel
D13.62	Labeling
D13.63	Home Furnishings
D13.65	UV Protective Fabrics and Clothing
D13.66	Sewn Product Automation

Examples of ASTM apparel and household textiles standards include:

D1230	Standard Test Method for Flammability of Apparel Textiles
D3691/D3691M	Standard Performance Specification for Woven, Lace, and Knit Household Curtain and Drapery Fabrics
D5489	Standard Guide for Care Symbols for Care Instructions on Textile Products
D276	Standard Test Methods for Identification of Fibers in Textiles

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D629	Standard Test Methods for Quantitative Analysis of Textiles
D4964	Standard Test Method for Tension and Elongation of Elastic Fabrics (Constant-Rate-of-Extension Type Tensile Testing Machine)
D6614	Standard Test Method for Stretch Properties of Textile Fabrics - CRE Method
D6797	Standard Test Method for Bursting Strength of Fabrics Constant-Rate-of-Extension (CRE) Ball Burst Test
D1230	Standard Test Method for Flammability of Apparel Textiles
D4151	Standard Test Method for Flammability of Blankets
D6413/D6413M	Standard Test Method for Flame Resistance of Textiles (Vertical Test)
D6545	Standard Test Method for Flammability of Textiles Used in Children's Sleepwear
D3690	Standard Performance Specification for Vinyl-Coated and Urethane-Coated Upholstery Fabrics-Indoor

9. Testing and Certification Bodies

9.1 Testing

For children's apparel and textiles, see the list of Labs Recognized by the CPSC. Labs can be searched by product (e.g., apparel) or by scope (e.g., 16 CFR Part 1611, Flammability of Plastic Vinyl Film).

Numerous laboratories test apparel and textiles to recognized industry standards; some may be accredited. A listing of accredited testing laboratories can be found at A2LA Listing of Accredited Labs by Test. Listings of other testing laboratories can be found at ASTM Directory of Testing Laboratories. Search on the keyword 'apparel and textiles' or on a specific ASTM standard.

9.2 Certification

Section 102 of the CPSIA **requires every manufacturer or importer of all consumer products that are subject to a consumer product safety rule enforced by the CPSC to issue a certificate** stating that the product complies with the applicable standard, regulation, or ban. The certificate must accompany the product and be furnished to the retailer or distributor. Section 102 also **requires the manufacturers or importers of children's products (age 12 years or younger) to certify that the products comply with all relevant product safety standards by issuing a children's product certificate** supported by tests performed by a CPSC-accepted third-party testing laboratory.

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10. Relevant U.S. Government Agencies

10.1 U.S Customs and Border Protection (CBP)

1300 Pennsylvania Avenue, NW, Washington, D.C. 20229 USA
Telephone: +1.703.526.4200

For more detailed information, see the U.S. International Trade Commission's:
Harmonized Tariff Schedule of the United States

10.2 U.S. Consumer Product Safety Commission (CPSC)

4330 East West Highway, Bethesda, MD 20814 USA
Telephone: +1.301.504.7923
Email Online Form

CPSC Office	Telephone
Office of International Programs and Intergovernmental Affairs	+1.301.504.7071
Office of Compliance and Field Operations	+1.301.504.7915
Deputy Director	+1.301.504.7520
Office of Import Surveillance	+1.301.504.7677

10.3 Environmental Protection Agency (EPA)

Imports Program
2000 Traverwood Drive, Ann Arbor, MI 48105 USA
Telephone: +1.734.214.4100
Fax: +1.734.214.4676
List of Contacts

10.4 Federal Trade Commission

600 Pennsylvania Avenue, NW, Washington, DC 20580 USA
Telephone: +1.202.326.2222
List of Contacts

10.5 U.S. Department of Agriculture

1400 Independence Avenue, SW, Washington, DC 20250 USA
Telephone: +1.202.720.2791

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11. U.S. Apparel and Household Textiles Industry and Market Data

11.1 Industry Trade Associations

American Apparel and Footwear Association (AAFA)
1601 North Kent Street, 12th Floor
Arlington, VA 22209 USA
Telephone: +1.703.524.1864 and +1.703.522.6741

AAFA is the national trade association in the U.S. that represents apparel, footwear, and other sewn products companies and their suppliers. The AAFA publishes in several languages a Restricted Substances List (RSL) that provides information related to regulations and laws that restrict or ban certain chemicals and substances in finished home textile, apparel, and footwear products around the world.

Industrial Fabrics Association International (IFAI)
1801 County Road B W
Roseville, MN 55113-4061 USA
Telephone: +1 651 222 2508 or +1 800 225 4324

The Industrial Fabrics Association International is a not-for-profit trade association comprised of member companies representing the international specialty fabrics marketplace.

United States Fashion Industry Association (USFIA)
1140 Connecticut Avenue, Suite 950
Washington, DC 20036 USA
Telephone: +1 202-419-0444

USFIA, formerly the United States Association of Importers of Textiles & Apparel, provides education, information, and advocacy to executives active in textiles and apparel sourcing, importing, compliance, and logistics. USFIA represents the needs of American retailers, brands and importers, as well as related service providers, with the objective to remove barriers to business and to trade.

11.2 Apparel and Household Textiles Market Data

Office of Textiles and Apparel (OTEXA)
Trade data: U.S. imports and exports of textiles and apparel

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