



# we wear<sup>SM</sup> product safety

August 13, 2013

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

On behalf of the American Apparel & Footwear Association (AAFA), I am writing in response to the request for comments by the Consumer Product Safety Commission (CPSC) regarding the proposed request for extension of approval of a collection of information from manufacturers and importers of clothing, textile and related materials intended for use in clothing under the Standard for the Flammability of Clothing Textiles (16 CFR 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611), [Docket No. CPSC- 2009-0092]

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. To achieve the goal of providing consumers with the safest products available, AAFA has established longstanding and active relationships with the CPSC and other product safety stakeholders. Through these alliances, we have educated the industry on the development and the implementation of new product safety standards, while at the same time informing the CPSC of the many concerns of the industry regarding product safety initiatives and activities.

## **BACKGROUND**

The Standard for the flammability of clothing textiles (16 CFR part 1610) apply to general wearing apparel that is intended to classify fabrics according to their burning rate and prohibit the introduction of dangerously flammable goods into commerce.

Section 8 of the FFA (15 U.S.C. 1197) provides that a person who receives a guaranty in good faith that a product complies with an applicable flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. The testing and recordkeeping requirements by firms that issue guaranties are set forth under 16 CFR part 1610, subpart B.

AAFA offers the following comments on the proposed extension of approval information collection relating to clothing textiles and vinyl plastic film.

### **A. Accuracy of the estimated number of manufacturers/importers furnishing guaranties**

The Commission estimates that approximately 1,000 manufactures and importers of garments, textiles, and related materials issue guaranties.

According to the U.S. Department of Commerce, the 2010 Census reported there were 7,105 apparel manufacturing firms (NAICS 315) and 6,030 textile firms (NAICS 314). Additionally U.S. Customs and Border Protection (CBP) estimates that there were

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68,000 apparel importers in FY 2011. Based on the aforementioned figures, AAFA believes the number of apparel/ textile manufacturers furnishing guaranties is more than the Commission estimates. Please describe in detail how the CPSC arrived at its estimate of the number of manufacturer and importers issuing guaranties.

## **B. Accuracy of the estimated burden of the proposed collection**

The Commission estimates that the flammability standards for clothing textiles and vinyl plastic film and enforcement regulations impose an average annual burden of about 101.6 hours on each of those firms.

As the Commission is aware of, the apparel industry is quite dynamic as demonstrated by the range of styles and products produced, and the pace at which these styles and product change. By one measure of this complication, textile and apparel imports in FY 2011, when measured at the 8 digit Harmonized Tariff System (HTS) level, equaled about 11 million separate entries. If each entry equaled 1 hour of recordkeeping, the burden could result in 11 million hours, much higher than the 101,600 hours the Commission estimated.

Please describe in detail how the CPSC arrived at the basis of the calculation of the average annual burden hour for each firm.

## **C. Continuing Guaranty Recordkeeping Requirement**

As a final point we wish to discuss the intersection between this record keeping requirement and one associated with Certificates of Compliance (CoC), which the CPSC has also applied to the FFA. We have previously noted our disagreement with the requirement for CoCs to demonstrate compliance with the FFA.

This subject record keeping review invites a further comment. Under the FFA, continuing guaranties must be maintained for 3 years. The proposed rule to Certificates of Compliance (16 CFR 1110) requires that all CoCs and supporting test records (regardless of whether there are underlying record keeping requirements for the applicable product safety standard) be maintained for five years, as opposed to the current three-year requirement. The Commission has noted that since Children's CoCs (also known as Children's Product Certificates (CPC)) all have a five- year minimum, imposing the same requirement for GCCs would harmonize the certificate rules. As noted in previous comments, we are also opposed to the casual addition of two years of record keeping requirements for such CoCs. We are particularly concerned as this proposal appears to have been made in the absence of data to support the additional burden.

## **CONCLUSION**

AAFA and its members share the CPSC's goal of improving product safety and public health, particularly for our most vulnerable citizens. We are pleased to have the opportunity to work closely with the CPSC on challenging issues faced by the regulatory community.

We believe there are many opportunities for further collaboration between the AAFA and the Commission. We look forward to working with the Commission to create a stable, predictable, risk- based regulatory environment that can be adhered to by all stakeholders.

Thank you for your time and consideration in this matter. Please contact Danielle Abdul of my staff at 703-797-9039 or by e-mail at [dabdul@wewear.org](mailto:dabdul@wewear.org) if you have any questions or would like additional information.

Sincerely,

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

Stephen Lamar  
Executive Vice President