

U.S. Consumer Product Safety Commission



Manufacturers of Children's Cloth Diapers: Applicable CPSC Children's Product Safety Rules.

**Presentation to the Real Diaper Industry Alliance (RDIA) January 24, 2012
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Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission.

Today's Agenda

- Update on Consumer Product Safety Improvement Act (CPSIA) of 2008 and Public Law 112-28 (August 12, 2011)
- Overview of Requirements Generally Applicable for Children's Cloth Diapers
- Tracking Labels, Third Party Testing, Children's Product Certificates, and Component Part Testing. (Archived Webcast)
- Introduction to Small Batch Manufacturer Registration with the CPSC. (Archived Webcast)

Jurisdiction

- Cloth and disposable diapers are a consumer product regulated by the CPSC.
- Diaper rental companies

Consumer Product Safety Improvement Act (CPSIA) of 2008

Consumer Product Safety Improvement Act (CPSIA) of 2008

- “Children’s products” designed or intended primarily for children 12 years old and younger
- Key **substantive** requirements for children’s products :
 1. Lead content in accessible components (100 ppm)
 2. Lead in paint and surface coatings (90 ppm)
 3. Phthalates (0.1% per banned phthalate) – Toys and Child Care Articles (Sleeping & Feeding) Only
 4. Toy Safety Standard (ASTM F963-08)

Items 3 & 4 not applicable for diapers

- Key **process** requirements for children's products primarily intended for children 12 years old and younger:

- Third party testing by CPSC-accepted labs
 - (Small Batch Manufacturers may not require 3PT)
- Conformity certificates issued by importers & manufacturers (Children's Product Certificate)
- Tracking label

- New safety rules for durable infant products:

- Cribs; infant walkers; bath seats; toddler beds; play yards; bed rails; *Not applicable for diapers* additional items every six months
- Product registration cards

- www.SaferProducts.gov – Publicly Searchable Database

Children's Product Safety Rules Generally Applicable to Children's Cloth Diapers

www.cpsc.gov

Safety Rules for Children's Cloth Diapers

1. Total lead content in all accessible substrate materials shall not exceed 100 parts per million (ppm).
 - CPSIA Sec. 101
2. Total lead content in all accessible lead in paint and other surface coatings shall not exceed 90 ppm.
 - 16 CFR Part 1303
3. Wearing Apparel Flammability Standard
 - 16 CFR Parts 1610 and/or 1611, as applicable

Safety Rules Generally NOT Applicable for Children's Cloth Diapers

1. Ban on Certain Phthalates Requirement
 - CPSIA Sec. 108
2. Children's Sleepwear Flammability Standard
 - 16 CFR Parts 1615/1616
 - BUT Wearing Apparel Flammability Standard still applies.
 - 16 CFR Parts 1610/1611
3. Small Parts on Garments
 - 16 CFR 1501
 - BUT Hazard and Defect Analysis Always Applies.
 - CPSA Sec. 15

Total Lead Content Limits

All Children's Products
100 Parts Per Million

www.cpsc.gov/lead

Total Lead Content

- Generally 100 parts per million
 - 300 ppm, products manufactured before 8/14/11
- Accessible component parts only 16 CFR 1500.87
- Very useful list of exemptions at 16 CFR 1500.91 (Textiles, wood, paper, plant- and animal-derived materials)
 - Third party lab testing not required to verify above list
- MOST textiles used in diapers are covered (cotton, wool, bamboo, hemp, also polyester (fleece), spandex, elastic, rubber. Check 16 CFR 1500.91 for full list.

Total Lead Content

- Textiles exemption includes dyed and undyed textiles.
- Materials only exempted if unadulterated and untreated.
- Velcro and Aplix are exempted fabrics.
- Snaps and other fasteners (metal, poly-resin) all need to comply (and be third-party tested*) with the limit on total lead content. (*small batch manufacturer)
- Polyurethane laminate (PUL) is not exempt
 - PUL is a substrate not a surface coating.
 - Colorants may be a source of lead.
 - May not need to be tested if the PUL is inaccessible between exempted textiles.
 - Can rely upon a Component Part Certificate from a supplier; small batch manufacturers may rely upon a written assurance of compliance from a supplier.

Limits on Lead in Paint and Surface Coatings

All Children's Products
90 Parts Per Million

Lead in Paint and Surface Coatings

- Concentration level of .009% (90 parts per million) in paint and surface coatings
- No exceptions
- Can the material be scraped off? If so, CPSC staff would treat it as a surface coating. Otherwise, it is part of the substrate and tested (different methods) to the total lead content limit of 100 parts per million.
- Many printed garments (roller printing) where the ink is like a dye may be exempt from total lead content testing. 16 CFR 1500.91

Wearing Apparel Flammability Standard

16 CFR Part 1610

16 CFR Part 1611

Wearing Apparel Flammability Standard

- 16 CFR Parts 1610 and/or 1611, as applicable
 - Children's diapers are NOT sleepwear and not subject to 16 CFR 1615/1616
- Textile fabric or related material in a form or state ready for use in an article of wearing apparel, including garments and costumes finished for consumer use.
- Sampling is extremely important in flammability testing. Details are provided in CPSC laboratory test manuals. (link provided below)

Wearing Apparel Flammability Standard

- Exemptions: 16 CFR 1610.1(d) *Specific exemptions.*
- Products made entirely from one or more of these fabrics, are exempt from any requirement for testing of those fabrics:
 - (1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
 - (2) All fabrics, both plain surface and raised-fiber 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.
- Plain surface or raised surface fabric? Pay attention.

Wearing Apparel Flammability Standard

- Polyurethane laminate (PUL) is not exempt an exempted fabric.
- Technically a “film” covered by 16 CFR 1611
- May be tested as part of a garment per 16 CFR 1610
 - Typically, the “composite testing” procedures as per 16 CFR 1610.33
 - See the procedures in the Children’s Sleepwear Test Manual (p.25)
 - Small batch manufacturers may be able to rely on their supplier’s written assurances.

Additional Requirements

Additional Requirements

- Tracking Labels
 - www.cpsc.gov/trackinglabel
- Children's Product Certificates
- Third Party Testing
- Periodic Testing
- Component Part Testing
 - www.cpsc.gov/3PT

Resources

www.cpsc.gov/sbo

- www.cpsc.gov/labsearch
- www.cpsc.gov/smallbatch
- www.cpsc.gov/lead
- www.cpsc.gov/3PT
- Flammability: Testing Manuals:
 - General Wearing Apparel:
<http://www.cpsc.gov/businfo/testapparel.pdf>
 - Sleepwear: (Composite Testing Procedure)
<http://www.cpsc.gov/businfo/sleepwearlab.pdf>

For More Information:

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