

Product Responsibility Best Practices	SUBJECT Children's Apparel Decoration		LAST UPDATE July 2019
	APPLIES TO • Suppliers • Decorators • Distributors using third-party decorators	FOCUS ON Inks, Thread and Decoration Applied to Children's Size Garments	
	QUICK LINKS • PPAI Corporate Responsibility: http://ppai.org/corporate-responsibility • UL: industries.ul.com/premiums-promotional-and-licensed-goods • Consumer Product Safety Commission: www.cpsc.gov		Intended for beginner compliance programs

Italic grey text indicates a hyperlink listed in the Online Resources section of this document.

The Consumer Product Safety Improvement Act of 2008 (CPSIA) requires all children's products to undergo third-party testing for certain requirements.

Assuming the garment itself complies with all regulations, the inks, embroidery thread and any other decoration applied by industry decorators must also comply. In addition, regulations require tracking labels be applied by the decorator so that problem garments can be tracked to source, date and production batch.

For apparel imprinted with paint or ink, embroidered or decorated with hard attachments, consider the following issues:

1. Garment Size Matters. What size is the garment?

- **Adult Sizes.** These are considered general-use items and are not subject to CPSIA testing requirements.
- **Children's (Youth) Sizes.** These are subject to CPSIA regulations.

2. Regulations On Apparel Embellishments. If the garments are sized for children or youths, the following lead limits apply for apparel embellishments:

- **Ink In Substrate.** If the ink becomes part of the garment (substrate) through any application method, lead in substrate must be ≤ 100 ppm.
- **Ink On Surface.** If the ink can be scraped off the garment, lead in surface coatings must be ≤ 90 ppm.
- **Hard attachments.** Both lead in substrate (100 ppm) and lead in paint (90 ppm) limits apply to decorations such as zippers, buttons, clasps, vinyl, hook-and-loop fasteners and rhinestones or similar decorations.



Use and abuse testing should be performed to determine if any small parts, sharp edges or sharp points are created.

- **Dyed Garments.** Per the CPSC, certain types of printing on textiles use inks that effectively act like dyes. Those inks are absorbed into the fabric and they become part of the fabric, like a dye. If you are printing with a dye-like ink, instead of ensuring compliance with the "lead in paint" requirements, your garment is likely to be exempt from testing (16 CFR 1500.91).

If you intend to rely on this exemption, you must have completed some reasonable due diligence with your supplier or manufacturer to secure assurance (for your records) that you have correctly understood the nature of the ink being used.

- **Embroidery.** Per the CPSC, certain materials by their nature would not exceed the lead content limits set forth by the CPSIA and are therefore exempt from the testing requirement.

Typical cotton thread that is used to embroider a youth-sized garment is exempt from testing provided that the thread has not been treated or adulterated with the addition of materials that could result in the addition of the lead to the material. Metallic thread is an example of one material that may not be exempt.

3. Child Care Articles. Is the garment something a child three years of age and younger would use for sleeping, feeding, sucking or teething (e.g. bibs or sleepwear)?

- **Lead In Ink.** The lead in ink requirements noted above apply AND
- **Phthalates.** The garment and all associated decorations must be third-party tested for phthalates.
 - The ink and plasticized elements (including snaps, Velcro®, and other fasteners) must be tested and compliant.
 - Cotton and other all-natural fabrics do not need to be tested for phthalates.

4. Proving Compliance. How do you prove compliance?

- **Required Documents**
 - *Children's Product Certificate (CPC)* issued by the manufacturer or importer of record AND
 - Test report(s) from a CPSC-accredited third party lab.
- **Document Management.** The documents must be made available, in hard copy or electronically (such as through email or via an Internet website), for inspection by the CPSC upon request.

If you need help making sense of these materials, review PPAI's How To Read A Test Report online at <http://www.ppai.org/media/1838/pr-guide-how-to-read-compliance-documents.pdf>

5. Frequency of Testing. How often must a product be tested?

Manufacturers must maintain a periodic testing plan and conduct periodic testing using a CPSC-accredited laboratory at least once a year. Additionally, a children's product must be retested when there is a material change to the product.

A material change is a change that the manufacturer makes to the product's design, the manufacturing process or to the source of component parts for the product, which a manufacturer knows or should know could affect the product's ability to comply with applicable children's product standards.

6. Testing Responsibility. Who is responsible for testing?

Garment. The manufacturer or importer of record of children's apparel is responsible for testing the clothing itself against all applicable standards. While most garments have been exempted from lead testing through regulation, any other garment components (e.g. ink, zippers, buttons, and decorations) must be tested.

Note: Component testing can reduce redundant testing of garment components. For example, if an identical button is used on five styles of children's sweaters, the button can be tested once as a component rather than tested with each of the five styles of sweaters.

Additional Logo/Imprint. When a logo or image is applied to a garment, that added imprint must also comply with all applicable standards. In other words, the ink that is applied must be tested to children's products standards.

Here are some options for complying with children's product standards when applying decoration to youth-size apparel:

- **Test The Ink.** Get a sample of the ink to be used and have a *CPSC-accredited test lab* perform the necessary tests.
- **Use Ink Makers' Tests.** Use ink manufacturers who test their inks annually and send you test reports. You can rely on the component testing rule if you make sure you have an internal system to pair the ink test reports to the garments produced to prove compliance.
- **Trusted Decorators.** Decorators who have strong compliance programs in place will ensure inks are tested and proper tracking labels are applied. Be sure to request CPCs and test reports to ensure compliance and make sure you have an internal system to manage the technical documents.
- **Perform third-party tests on the finished product.** If you cannot prove that the components of a garment including the fabric, decoration and hard attachments are compliant, third-party tests to applicable standards should be performed on samples of the final product.

7. Tracking Labels. All children's items require a permanent distinguishing mark that is affixed to the product and its packaging that provides certain identifying information. Compliance with the tracking label requirement will help improve the effectiveness of a recall.

By adding an imprint, you are making a material change to the children's garment. Consequently, a secondary tracking label must be added to the garment to ensure traceability to these additional elements.

Note: If the logo/imprint is added to the garment by the original manufacturer/supplier, the primary tracking label should suffice if the supplier will be able to ensure traceability to the specific lot or batch.

- **Required Information on Label.** The tracking label must include:
 - Manufacturer or, as in this case, decorator or distributor's name
 - Month and year decoration was applied
 - City and state (or city, country) where decoration was applied
 - Decorator or distributor's batch or internal order number
 - Any other information to facilitate ascertaining the specific source of the product
 - Contact information (e-mail or phone number)

In the event of a recall, the tracking label will refer the end user to the company responsible for maintaining the tracking label records and test reports and for initiating a recall. This responsible party can be either the decorator or the distributor, but cannot be both.

This tracking label information can be posted on a web site. PPAI's Tracking Label Solution, which is free for UPIC subscribers online at <https://productsafety.ppai.org/Create.aspx>, creates a short URL that can be imprinted on the product with the company name.

- **Permanent Label.** The tracking label cannot be a hang tag or sticker. It must be permanently affixed to the product and its packaging (if packaging is present).
- **Label Location.** The tracking label data can be incorporated into the design or logo, stamped on an unobtrusive area of the garment, or added as a sewn-in tag.
- **PPAI Solution.** You can use the (*PPAI Tracking Label Solution*) to post all required data to an online database and only print a URL with the company name on the item itself.

8. **Exemptions.** Are there any exemptions?

Manufacturers that qualify as small batch manufacturers are exempt from third-party testing to some product safety standards. To qualify, the manufacturer must have reported income of less than \$1 million for the prior calendar year based on all sales AND have produced fewer than 7,500 units of the product in question in such prior year.

- If you qualify for this exemption, you must register as a small batch manufacturer with the CPSC on an annual basis online at www.saferproducts.gov/SmallBatchManufacturers/.
- Third-party testing for lead in paint is required and not exempt for small batch manufacturers.
- Tracking labels are required for all children's products manufactured after August 14, 2009. Small batch manufacturers are not exempt from this requirement.
- For all applicable product safety standards, small batch manufacturers must ensure that products comply and issue General Certificates of Conformity (GCC).

9. **Penalties For Non-Compliance.** As of August 14, 2009, the CPSC has the ability to seek penalty amounts of up to \$100,000 for each violation.

Online Resources:

CPSC Summary of Requirements for Clothing Textiles: <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Clothing>

CPSC FAQs on Lead Limits and Textile Printing: www.cpsc.gov/en/Business--Manufacturing/Business-Education/Lead/Total-Lead-Content/

PPAI Tracking Label Education and Resources: <http://www.ppai.org/corporate-responsibility/product-responsibility/product-responsibility-resources/>

PPAI Responsible Sourcing FAQs: <http://www.ppai.org/corporate-responsibility/product-responsibility/product-responsibility-faqs/>

PPAI Promotional Products TurboTest™: <http://ppai.org/corporate-responsibility/product-responsibility/solutions/#8104f083-d27d-4788-83f6-8c236b8d9494>

CPSC Small Batch Manufacturer Registration: www.saferproducts.gov/SmallBatchManufacturers/

PPAI Secondary Tracking Label for Third-Party Decoration of Children's apparel Best Practice:
<http://www.ppai.org/media/1818/pr-bp-secondary-tracking-label.pdf>

PPAI Webinar: Deocrating Performance Wear: <https://onlineeducation.ppai.org/products/decorating-performance-wear>

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