NISTIR 8116

A Guide to United States Footwear Compliance Requirements

NIST
National Institute of Standards and Technology
U.S. Department of Commerce

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Lisa M. Benson
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A Guide to United States

Footwear Compliance Requirements

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

Scope

This guide addresses general purpose footwear (made of leather, fur, and man-made materials) and protective footwear (for use in the workplace).

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 the 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 draft regulations or "Proposed Rules" that are published in the *Federal Register* and as a WTO TBT notification. 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/laws [published in the *United States Code (USC)* once passed] and the final regulations (published in the *Code of Federal Regulations*) provide a framework for the implementation and enforcement of most federal laws in the United States.

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Federal Regulatory Authorities and Technical Regulations (Mandatory)

Several U.S. federal agencies administer regulations associated with footwear.

Agency	Scope
Consumer Product Safety Commission (CPSC)	Children's footwear; hazardous substances
Customs and Border Protection (CBP)	Country of origin for most imported products
Federal Trade Commission (FTC)	Labeling
Occupational Health and Safety Administration (OSHA)	Protective footwear
United States Department of Agriculture (USDA)	Organic claims

Note: Textile fiber identification and labeling are not required for footwear, unlike for apparel.

Consumer Product Safety Commission (CPSC)

Consumer Product Safety Act
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.

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

Children's Footwear Only
The Consumer Product Safety Improvement Act (CPSIA) enacted in 2008 regulates specific substances in children's products including children's footwear. The CPSIA sets 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 footwear, Section 101(a) of the CPSIA **restricts children's products, including children's footwear, and components of children's footwear, to a lead content limit**

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of 100 parts per million (ppm.) In addition, the use of paint or similar surface coating on children's shoes **must not exceed 90 ppm.** The CPSC recently revised 16 CFR 1500.91(d)(7) to clarify that the Commission has determined that textiles that have 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.

Tracking Labels for Children's Footwear

Tracking labels are required for all products that are designed and intended primarily for children ages 12 and younger, including children's footwear. The tracking label must be affixed to the product (to the extent practical) and packaging, 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 Requirements for Children's Products

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 based on testing 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. CPSC also has regulations pertaining to certificates; they can be found at 16 CFR 1110.

For more detailed information, see CPSC's:
Testing and Certification and
FAQs - Certification and Third-Party Testing

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, that 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.

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 footwear technically does not fall under the scope; however, children's footwear that contains sharp points and edges may be considered a hazardous product and CPSC has and will request a voluntary product recall by the manufacturer or issue a mandatory recall.

> ***For more detailed information, see CPSC's:*** Regulatory Summary for Requirements under the Federal Hazardous Substances Act: Labeling and Banning Requirements for Chemicals and Other Hazardous Substances

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 3 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. Footwear is exempt from the requirements of 16 CFR 1610, provided that it does not consist of hosiery in whole or part and is not affixed to or does not form an integral part of another garment.

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For more detailed information, see CPSC's:
Regulatory Summary for Flammable Fabrics Act and
Laboratory Test Manual for 16 CFR Part 1610: Standard for the Flammability of Clothing Textiles

Pending Regulations of Note
The CPSC has recently published in the *Federal Register 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: *Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates* (December 30, 2014)

Notice of Proposed Rulemaking: Certificates of Compliance (May 13, 2013)

Customs and Border Protection (CBP)

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 its container) will permit, in such a manner as to indicate to an 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:
Terminology and Methods for Marking of Country of Origin on U.S. Imports

Environmental Protection Agency (EPA)

Antimicrobial Materials: 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 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
Summary of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
Consumer Products Treated with Pesticides,
Pesticide Registration Notice By Year,
Pesticide Registration, and
Pesticide Product Labels

Toxic Substance Control Act (TCSA)
The Toxic Substances Control Act of 1976 (15 USC 2601-2692) provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides.

EPA has promulgated a significant new use rule (SNUR) for the use of hexabromocyclododecane and 1,2,5,6,9,10-hexabromocyclododecane (HBCD) as flame retardants in consumer textiles (other than for use in motor vehicles). The rule, effective November 23, 2015, will add a section to 40 CFR 721 to require persons who intend to manufacture (including import) or process these chemicals for the above stated use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if appropriate, to prohibit or limit that activity before it occurs.

EPA is proposing to designate polybrominated diphenyl ethers (PBDEs), which are used as flame retardants, and benzidine dyes, which are used to dye textiles, as SNURs.

For more detailed information, see EPA's
Hexabromocyclododecane (HBCD),
PBDE Action Plan, and
Benzidine Dyes Action Plan

Federal Trade Commission (FTC)

Federal Trade Commission Act (FTC Act)
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, or
Affect the consumer's choice or conduct, thereby leading to injury.

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

Leather and Imitation Leather Guide

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.

Fur Products Labeling Act

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 product 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 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.

Truth in Fur Labeling Act of 2010

Public Law 111–313

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

Shoes and footwear are exempt from the other FTC labeling requirements for textile identification. All footwear containing wool must comply with the Wool Products Labeling Act.

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

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 number'') 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.

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

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 Commission is authorized to exempt from the labeling and other requirements of the Fur Act and implementing regulations.

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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

Occupational Safety and Health Administration (OSHA)

Occupational Safety and Health Act Of 1970 (OSH Act)

United States Code Title 29, Chapter 15

The OSH Act was established to ensure safe and healthful working conditions for every working man and woman in the nation and to preserve human resources. Among many other provisions, the act provides for the development and promulgation of occupational safety and health standards.

Protective Footwear Only

OSHA requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels. Employers are required to determine if PPE should be used to protect their workers.

PPE is addressed in specific standards for general industry, shipyard employment, marine terminals, and longshoremen. The standards for "general industry" in 29 CFR 1910 applicable to protective footwear are:

- *29 CFR 1910.132, General requirements (personal protective equipment)*
- *29 CFR 1910.136, Occupational foot protection*
- *Appendix A, References for further information* *(non-mandatory)*
- *Appendix B, Non-mandatory compliance guidelines for hazard assessment and personal protective equipment selection*

OSHA **requires** that protective footwear **comply** with one or more of the following standards:

> **ASTM F-2412-2005** *Standard Test Methods for Foot Protection,* which is incorporated by reference in 29 CFR 1910.6 for 29 CFR 1910.136
>
> **ASTM F-2413-2005** *Standard Specification for Performance Requirements for Protective Footwear,* which is incorporated by reference in in 29 CFR 1910.6 for 29 CFR 1910.136(b)(1)(i)
>
> **ANSI Z41-1999** *American National Standard for Personal Protection -- Protective Footwear*, which is incorporated by reference in 29 CFR 1910.6 for 29 CFR 1910.136(b)(1)(ii) [Note: Was withdrawn by ANSI in 2005.]
>
> **ANSI Z41-1991** *American National Standard for Personal Protection -- Protective Footwear*, which is incorporated by reference in 29 CFR 1910.6 for 29 CFR 1910.136(b)(1)(iii) [Note: Withdrawn by ANSI in 2005.]

Note: ASTM standards **F2412-2005** *Standard Test Methods for Foot Protection* and **F2413-2005** *Standard Specification for Performance Requirements for Foot Protection* replaced ANSI Z41, which was withdrawn in 2005. In 2011, the ASTM standards were revised to ASTM F2413-11 and ASTM F22412-11.

> ***For more detailed information, see OSHA's:***
> Personal Protective Equipment (PPE) Industry Guidance

United States Department of Agriculture (USDA)

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, 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

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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 the 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.

State Regulatory Authorities and Technical Regulations (Mandatory)

In the U.S., some state laws and regulations are enacted that are more stringent than the federal laws. These laws include regulations for products, labeling, packaging, chemical restrictions, etc. California and New York are heavily regulated for many consumer products.

Agency/Organization	Scope
State Authorities Responsible for Weights and Measures	Labeling
Toxics in Packaging Clearinghouse (TPCH)	Packaging
California Office of Environmental Health Hazard Assessment (OEHHA)	Toxic chemicals
California Department of Consumer Affairs	Made in the USA claims
Illinois Department of Public Health	Lead labeling
Minnesota Department of Commerce	Formaldehyde in children's products
Washington Department of Ecology	Lead, cadmium, phthalates in children's products
Several States	Flame retardants, chemicals of concern, felt soles

Packaging and Labeling

UPLR

The Uniform Packaging and Labeling Regulations (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.

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.

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 white paper:***
> Toxics in Packaging Fact Sheet

State of California

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, and DEHP (phthalates) in footwear. 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.

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

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 Substances 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***
> ***What are the Safer Consumer Products Regulations?***

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.

State of Illinois

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.

State of Minnesota

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 as a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child's body, 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 under ASTM F963), or a medical device.

State of Washington

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 is 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

Multiple States

Flame Retardant Regulations
Several U.S. states have legislation **banning the use of flame retardants,** such as PentaBDE, OctaBDE, DecaBDE, TCEP, and chlorinated tris, in products. The states include: Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, New York Oregon, Rhode Island, Vermont, and Washington. Legislation has been proposed in the following states: Alaska, California, Connecticut, Delaware, Massachusetts, New York, North Carolina, Ohio, Rhode Island, and Washington.

Chemicals of Concern
Several states, including Oregon, Washington, Vermont, and Maine, **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.

Felt Sole Waders and Boots
Several States, including Alaska, Maryland, Missouri, Nebraska, Rhode Island, South Dakota, and Vermont, have **banned felt soles on waders and boots** to prevent the spread of invasive species in their waterways.

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.

Standards Developing Organizations (SDOs)

ASTM International is the main standards developer that develops and maintains consensus standards and test methods pertaining to protective footwear. A number of the ASTM standards are *Incorporated By Reference* in the *CFR* (as cited above under OSHA), and are **mandatory**.

ASTM International

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

The ASTM Committee responsible for footwear is **Committee F13** on Pedestrian/Walkway Safety and Footwear.

ASTM voluntary footwear standards include, but are not limited to:

F2232	Standard Test Method for Determining the Longitudinal Load Required to Detach High Heels from Footwear
F2412	Standard Test Methods for Foot Protection
F2413	Standard Specification for Performance Requirements for Protective (Safety) Toe Cap Footwear
F2892	Standard Specification for Performance Requirements for Soft Toe Protective Footwear (Non-Safety / Non-Protective Toe)

For more detailed information, see SATRA Technology's: Footwear Testing

TESTING AND CERTIFICATION BODIES

Testing

Only OSHA protective footwear is **required** to be tested (to the standards cited above under OSHA). Numerous laboratories test footwear; some may be accredited. A listing of accredited testing laboratories for footwear can be found at A2LA Directory of Accredited Organizations.

Listing of more testing laboratories for footwear can be found at ASTM International Directory of Testing Laboratories. (Search on the keyword "footwear" or for a specific ASTM, CPSC standard, etc.). Testing of footwear to the appropriate U.S. standard can be conducted by any testing laboratory, including laboratories outside the United States.

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.

RELEVANT U.S. GOVERNMENT AGENCIES

U.S. Customs and Border Protection (CBP)

1300 Pennsylvania Avenue, NW
Washington, DC 20229 USA
Telephone: +1.703.526.4200 and (toll-free) +1.877.227.5511
Email Online Form

For more detailed information, see CBP's:
What Every Member of the Trade Community Should Know About: Footwear

and *USITC's:*
Harmonized Tariff Schedule of the United States – Chapter 64 on Footwear

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

Occupational Safety and Health Administration (OSHA)

Directorate of Standards and Guidance
200 Constitution Avenue, NW
Washington, DC 20210 USA
Office of Physical Hazards
Telephone: +1.202.693.2092

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

Federal Trade Commission

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

U.S. Department of Agriculture

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

U.S. Footwear Industry and Market Data

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.

Footwear Distributors & Retailers of America (FDRA)
1319 F St NW # 700
Washington, DC 20004
(202) 737-5660

Footwear Distributors and Retailers of America (FDRA) represents retailers, distributors, manufacturers, suppliers and international trade associations involved in the footwear industry. It also serves the full supply chain of the footwear industry from research, design and development, to manufacturing and distribution, to retailers selling to global consumers.

Footwear Market Data

Latest Free Edition: 2008 AAFA Shoe Statistics
Current and older editions available online from AAFA on its Industry Statistics page; see "Statistics."

Office of Textiles and Apparel (OTEXA)
International Trade Administration
U.S. Department of Commerce
Trade Data: U.S. Imports and Exports of Textiles and Apparel
Footwear, Leather and Fur Products, and Travel Goods Index

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