



September 27, 2011

Consumer Product Safety Improvement Act

The Consumer Product Safety Commission (“CPSC”) is the federal agency that enforces the Consumer Product Safety Act as amended by the Consumer Product Safety Improvement Act of 2008 (CPSA). The CPSA requires domestic manufacturers, importers of record, and private labelers provide certifications of compliance with rules, bans, mandatory safety standards and CPSC-enforced regulations, including but not limited to the Flammable Fabrics Act, the Consumer Product Safety Act, and the Federal Hazardous Substance Act. CPSC-accredited third-party testing and certification are required for children’s products, defined as products primarily intended for children 12 years of age and younger. The CPSA also requires to domestic manufacturers, importers of record, and private labelers to implement and document a reasonable testing program to ensure compliance with these rules and mandatory standards.

All Genesco vendors are required to fully comply with applicable federal, state, and local laws and to provide documents demonstrating compliance upon request.¹ Vendors must ensure items comply with applicable requirements prior to shipment to Genesco.

For any products where Genesco is the importer of record, you must provide complete copies of required test records to Genesco prior to shipment, so that Genesco can review them and certify the goods prior to accepting shipment. Genesco will not accept and will not certify products that lack the required testing documentation. Where Genesco is not the domestic manufacturer or importer of record, Genesco will requires that products be tested to applicable standards and certified by the domestic manufacturer or importer of record. Copies of certificates must be provided to Genesco upon request.

The following is not legal advice, and vendors should consult legal counsel if they have questions regarding their legal obligations. Listed below are some of the CPSA requirements that are especially pertinent to the types of products supplied to Genesco.

¹ Other potentially applicable state regulations include, but are not limited to California’s Proposition 65.

General Certification of Conformity (“GCC”)

A GCC is required for all items of wearing apparel, children’s products, and shoes supplied to Genesco.

The GCC is a required form and must be available at the time of shipment.

Unless an item is a children’s product, compliance and certification for a GCC must be based on a reasonable testing program. If an item is a children’s product (for use primarily by children 12 or younger), certification must be based on testing by a CPSC-accredited third-party laboratory.

Items must be tested for compliance with all applicable CPSC-enforced standards at least once yearly or whenever there is a material change to the item, its source, or the manufacturing process.

As shown more fully in the sample form, a GCC must contain the following:

1. Name, full mailing address, and telephone number of the importer of record.
2. A product description sufficient to match the GCC to each product it covers and no others. For example, a GCC must identify the SKU, or item number(s).
3. The identification of each applicable standard, rule, ban or regulation.
4. Date (month and year) and place of manufacture.
5. Date of any test(s), and identity, address and telephone number of the lab that conducted the test(s), if applicable.
6. Name and full contact details of the individual responsible for maintaining test results.

The certification must be in English.

Flammable Fabrics Act Compliance for All Items of Wearing Apparel

Unless made of exempt fabric, wearing apparel (not footwear) must be tested for compliance with applicable regulations enacted under the Flammable Fabrics Act (15 U.S.C. § 1191 *et seq.*) at 16 C.F.R. 1602 *et seq.*

Exempt fabrics are those comprised entirely of:

- (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, regardless of weight, made entirely from any of the following fibers or entirely from a combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester, and wool.

(16 C.F.R. 1610.1(d)).

If an item of wearing apparel is comprised entirely of exempt fabric, it must still be certified as compliant, but the certificate will indicate that it is exempt from testing under 16 C.F.R. 1610.1(d).

Lead in Surface Coatings for Children's Products

Unless exempt, children's products must be tested by a CPSC-accredited third-party laboratory for compliance with the 90 ppm lead in *surface coating* requirements under 16 C.F.R. 1303.

Lead Content in Children's Products

Unless exempt, children's products must be tested by a CPSC-accredited third-party laboratory for compliance with the 100 ppm *total lead content* in substrates requirements under 15 U.S.C. 1278(a)(2).

Sharp Points and Edges on Products for Children Eight and Under

Unless exempt, components such as zippers on products intended for children eight and under must be tested by a CPSC-accredited third-party lab for compliance with the requirements of 16 C.F.R. 1500 *et seq.* regarding sharp points and edges.

Small Parts on Non-Footwear and Non-Wearing Apparel Products Intended for Children Under Three

Except for footwear or wearing apparel, items labeled or intended for use by children under three (3) must be tested by a CPSC-accredited third-party lab for compliance with the requirements regarding small parts in 16 C.F.R. 1501.

Phthalate Testing for Children's Products Intended to Facilitate Sleep or Feeding

While children's footwear and wearing apparel are exempt from phthalate testing, children's items intended to facilitate sleep or feeding such as children's footed pajamas or bibs are not exempt and must be tested and certified as compliant with CPSIA Title 1, Section 108.

Drawstrings on Children's Clothing

Genesco will not import or accept shipment of any children's clothing that does not comply with ASTM F 1816-97. Any children's item containing a drawstring or tie must be tested by the vendor as compliant with this standard. Specifically, children's clothing in sizes 2T to 12 with neck or hood drawstrings, and any children's clothing in sizes 2T to 16 with waist or bottom drawstrings or ties of any kind must be tested by a third party laboratory for compliance with ASTM F 1816-97.

Copies of sample Certificates of Conformity are located within the regulations section of the routing guide. The certification of conformity needs to be e-mailed to

vendorcompliance@Genesco.com

For additional information about these regulations, go to: <http://www.cpsc.gov/about/cpsia/cpsia.html>