

Canada Moves to Regulate Garments with Shoulder Pads

31 July 2008

The following was reported on in the 30 July 2008 edition of World Trade Interactive, and is excerpted from a broadcast email of the Canadian Society of Customs Brokers (CSCB).

Effective immediately, garments with shoulder pads that are sold in the Canadian provinces of Ontario, Quebec and Manitoba are subject to the labeling requirements of the Technical Standards and Safety Act and manufacturers and distributors of such items must register with one of the provincial Technical Standards and Safety authorities. The Ontario TSSA announced last week that it has revised its interpretation of the products covered by the Act's labeling and registration requirements in such a way that the long-standing exemption for shoulder pads has been revoked. This determination follows a similar ruling earlier this month under which padded undergarments will be subject to these requirements as well.

Although there is room for alternative interpretations, the view of the Ontario TSSA, which enforces this new requirement, is that garments with shoulder pads may be subject to removal from store shelves and that their manufacturers and/or distributors may be subject to the imposition of fines if those garments do not have the proper labeling and such companies are not registered with the provinces. Such strict enforcement would be the extreme, however, and it is unclear if or when provincial authorities might take such measures.

While the attempt to expand provincial authority to cover padded undergarments was of significant concern to some, the policy change for garments containing shoulder pads is broader in nature and will therefore be disruptive to many. More importantly, it remains a distinct possibility that similar requirements could be extended to any type of garment that contains even a small amount of padding.

Anyone currently importing garments containing shoulder pads into Canada, or manufacturing or distributing them in Ontario, Quebec or Manitoba, should act quickly to evaluate the impact that this change could have on their business with respect to both named items and other padded goods.

The link below is to the Ontario Technical Standards Safety Authority, more specifically, to the regulations relative to upholstered and stuffed articles. In the right column, click on "Latest News" to open the window and scroll to the bottom for the regulations and label specifications that apply.

<http://www.tssa.org/regulated/upholstered/default.asp>

This link will take you to the Technical Standards & Safety Act, 2000.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00t16_e.htm

A coalition spearheaded by the Canadian Apparel Federation is forming to oppose the changes for padded undergarments and apparel with shoulder pads and to seek their revocation. For more information on joining this coalition, please contact CAF Executive Director Bob Kirke at (613) 231-3220 or Steve Lamar, executive vice president of the American Apparel & Footwear Association, at (703) 797-904 . In addition, for details on what other steps might be taken to confront these new rules, please contact Gerry Horn at (212) 883-1300 or Glenn Cickello at (613) 751-4497.