

Update to Canadian Apparel Federation (CAF) bulletin on labeling requirements for garments containing shoulder pads.

The following is excerpted from a broadcast email of the Canadian Apparel Foundation (CAF).

August 7, 2008

This serves to update CAF's previous bulletin on labeling requirements for garments containing shoulder pads.

In July changes were made to the Ontario Upholstered and Stuffed Articles Regulations, which would require that manufacturers selling garments containing shoulder pads (i.e. suits, jackets, dresses, etc.) in Ontario must register under the Upholstered and Stuffed Articles Program and affix specified labels on those garments.

Following CAF's intervention and the appeals of individual members, the Technical Standards and Safety Authority ("TSSA") - the Ontario agency that enforces the regulations - has issued a Director's Bulletin indicating that the enforcement of these changes would be delayed until July 01, 2009.

While this does not address the more significant problems with the regulations and the changes made recently, it does provide manufacturers and retailers confidence that the changes will not be immediately enforced. CAF has written to the Minister responsible within the Ontario government, indicating that the CAF wants to address broader issues concerning these regulations, and their impact on the industry. Many CAF members for some time have been concerned about a general effort to expand the range of products covered by the regulations and especially a recent initiative by the Ontario TSSA to have [padded undergarments](#) covered by these regulations.

CAF will be following this issue closely and is looking to create a coalition of members to lobby against the change in the Regulation. ***Companies affected by this change and other companies with an interest in this issue are asked to email Bob Kirke bkirke@apparel.ca as soon as possible to raise any specific questions or concerns and advise if they are interested in joining the coalition.*** A number of firms have contacted CAF following the previous broadcast. It is important that all companies affected by this regulation contact Bob Kirke at CAF, to assist in planning follow up. CAF is planning a teleconference to discuss this issue during the week of August 11th - companies that are interested in the issue will be able to participate.

For companies that did not see the previous notice - excerpts are attached below.

Companies can visit the Technical Standards and Safety Authority for more information.

The director's bulletin concerning the timetable for enforcement can be found at:

<http://www.tssa.org/viewNews.asp?ID=293>

The recent changes are outlined in a [summary document](#). Links to other relevant documents can be found here:

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

Upholstered and Stuffed Articles regulations - background

Ontario along with Quebec and Manitoba has regulations in place to protect public health from risks posed by contaminated stuffing materials that might be contained in a range of consumer articles including mattresses, upholstered furniture and apparel such as winter outerwear containing down and other insulation materials.

These regulations define "stuffing" and "padding" very broadly, but specific exemptions have been included to limit the application of these regulations. Each of the three provinces has exempted apparel articles containing shoulder pads for decades from the provisions of the regulations.

Changes to the Upholstered and Stuffed Articles Regulations (the “Regulations”) contained in Ontario Regulation 254/08 came into effect as of July 16, 2008 without any prior warning to or consultation with the apparel industry. The Technical Standards and Safety Authority (“TSSA”) - the Ontario agency that enforces the regulations - is interpreting this as requiring that labels under the Regulations be affixed to garments such as men’s and women’s jackets that have shoulder pads. This is unwarranted, imposes unreasonable compliance costs on the apparel industry, and offers no enhancement to public health and safety.

As a result CAF have asked the Ontario government to:

1. Immediately suspend any enforcement of the new provisions of the Regulation (this was addressed with the director’s bulletin);
2. If necessary, reinstate the exemption for apparel containing shoulder pads from the Upholstered and Stuffed Articles Regulations and extend this exemption to include similar forms of padding where there is no reasonable likelihood that they pose a risk to public health; and
3. Provide assurances to the apparel industry that these and any other changes to regulations will be completed in consultation with this industry.

If you have encountered any specific problems with the TSSA enforcement activities, please bring those to the attention of CAF as well.