

# A guide to Importing Footwear into the United States

## HOW TO USE THIS GUIDE

- Regulations = mandatory
- Standards = voluntary (unless “Incorporated by Reference in a regulation)
- Guidelines are voluntary
- “Red” highlights mandatory requirements
- “Blue” 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, it is the responsibility of the appropriate federal agency (i.e., the Consumer Product Safety Commission, the Federal Trade Commission, the National Highway Traffic and Safety Administration, etc.) to create the regulations and mandatory standards necessary to implement the law. The appropriate federal agency must issue draft regulations (which are referred to as “Proposed Rules” and published in the *Federal Register* and as WTO TBT Notifications). Finalized “Rules” are published annually in the *Code of Federal Regulations* (CFR). Together the enabling acts/laws (located in the *United States Code* once passed) and final regulations (located in the *Code of Federal Regulations*) provide a framework for enforcement of federal laws in the United States.

## FEDERAL REGULATORY AUTHORITIES AND TECHNICAL REGULATIONS (MANDATORY)

Several U.S. federal agencies are responsible for regulations pertaining to footwear.

Agency	Scope
Consumer Products Safety Commission (CPSC)	Children’s footwear
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

**Note:** Unlike apparel regulations, textile fiber identification, wool and fur labeling are not required for footwear.

## [CONSUMER PRODUCTS SAFETY COMMISSION \(CPSC\)](#)

### [Children's Footwear Only](#)

The CPSIA enacted in 2009 regulates specific chemicals in children's products including children's footwear.

#### **Phthalates**

While footwear does not fall under the phthalate ban as mandated in section 108 in the CPSIA, many retailers are requesting that all children's products be voluntarily phthalate-free. American Apparel and Footwear Association (AAFA) received [a letter](#) from the CPSC general counsel (October 2008) confirming that footwear is exempt from the phthalate ban in the CPSIA.

#### **General Conformity Certificate and Mandatory Third Party Testing Required**

Section 102 of the CPSC requires manufacturers of all consumer products that are subject to mandatory product safety standards enforced by the CPSC to issue a certificate stating that the product complies with the applicable standards. The section also requires manufacturers of children's products (age 12 and under) certify the product complies with all relevant product safety standards through tests done by an accredited third party testing facility.

*For more detailed information, see: [FAQs for Section 102: Mandatory Third Party Testing for Certain Children's Products](#)*

## [CUSTOMS AND BORDER PROTECTION \(CBP\)](#)

All products imported into the U.S. **must conform** to [19 CFR 134, Country of Origin Marking](#) regulations. This regulation requires 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 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: [U.S. Customs Marking Required](#)*

## [FEDERAL TRADE COMMISSION \(FTC\)](#)

### [16 CFR 24, Guides for Select Leather and Imitation Products](#)

These guides apply to the manufacture, sale, distribution, marketing, or advertising of all kinds or types of leather or simulated-leather including footwear.

[16 CFR 500, Fair Packaging and Labeling Act Regulations \(FLPA\)](#) **requires consumer commodities - other than cosmetics, food, drugs, and therapeutic devices - be labeled** to disclose identity of the commodity, the name and place of business of the product's manufacturer, packer or distributor; and net contents and net quantity of servings, uses, or applications represented to be present. The FTC's regulations under FPLA do not apply to products distributed for industrial or institutional uses.

Shoes and footwear are exempt from the other FTC labeling requirements for wool, fur, and textile identification.

*For more detailed information, see: [Clothing and Textiles – Legal Resources](#)*

## [OSHA OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION \(OSHA\)](#)

### **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 the general industry, shipyard employment, marine terminals, and longshoring. Standards for “General Industry” [29 CFR 1910](#) applicable to protective footwear are below.

1910.132, General requirements

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 **must comply** with one or more of the following standards:

**ASTM F-2412-2005** *Standard Test Methods for Foot Protection*, and **ASTM F-2413-2005** *Standard Specification for Performance Requirements for Protective Footwear*, which are incorporated by reference in § 1910.6;

**ASTM F-2413-2005** *Standard Specification for Performance Requirements for Protective Footwear* which is incorporated by reference in § 1910.136(b)(1)(i).

**ANSI Z41-1999** *American National Standard for Personal Protection -- Protective Footwear*, which is incorporated by reference in § 1910.6; or 1910.136(b)(1)(iii) [WITHDRAWN 2005]

**ANSI Z41-1991** *American National Standard for Personal Protection -- Protective Footwear*, which is incorporated by reference in § 1910.6. [WITHDRAWN 2005]

**Note:** ASTM standards **F2412-2005** *Standard Test Methods for Foot Protection* and **F2413-2005** *Standard Specification for Performance Requirements for Foot Protection* replace ANSI Z41 which was withdrawn in 2005. As of October 2011 work is ongoing to revise F2413-11 and F22412-11; contact ASTM directly regarding the status of this work.

**For more detailed information see:** [OSHA Personal Protective Equipment \(PPE\) Industry Guidance](#)

## **OVERVIEW OF U.S. STATE REGULATORY FRAMEWORK**

A growing number of legal 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.)The Governor may veto or sign the bill. If the 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., the laws and regulations enacted by individual states are frequently more stringent than federal laws. These laws include regulations for products, labeling, packaging, chemical restrictions, etc. California and New York State are heavily regulated.

<b>Agency</b>	<b>Scope</b>
National Institute of Standards and Technology (NIST)	Labeling
Toxics in Packaging Clearinghouse (TPCH)	Packaging
California - Office of Environmental Health Hazard Assessment (OEHHA)	Toxic chemicals
Washington – Department of Ecology	Lead, cadmium and phthalates in children’s footwear

### **PACKAGING AND LABELING**

The [Uniform Laws and Regulations](#) in the Areas of Legal Metrology and Engine Fuel Quality (UPLR), NIST Handbook 130, Uniform Packaging and Labeling Regulation (UPLR), has been adopted into law in 45 of the 50 U.S. states. The purpose is to provide accurate and adequate information on packages as to the identity and quantity of contents so that purchasers can make price and quantity comparisons.

UPLR **requires** consumer packaging to bear a label specifying the:

- identity of the commodity;
- name and place of business of the manufacturer, packer, or distributor; and
- 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 legislation was originally drafted by the Source Reduction Council of 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 adopted by nineteen states.

*For more detailed information, see: [Toxics in Packaging Fact Sheet](#)*

### **STATE OF CALIFORNIA**

#### **Lead and Other Toxic Chemicals**

California regulates lead and numerous other chemicals, in both adult and children's products through their Safe Drinking Water and Toxic Enforcement Act of 1986, more popularly referred to as **Proposition 65 or Prop 65** ([California Health and Safety Code, Section 25249.6, et seq.](#)). There have been several

legal 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 information on Proposition 65, see: [Office of Environmental Health Hazard Assessment \(OEHHA\), Proposition 65 in Plain Language](#), and [Prop65 News](#)*

### **OTHER STATES**

Washington State's law, "[Children's Safe Products](#)", **bans** lead, cadmium, and phthalates from all children's products (including footwear) effective July 31, 2009.

Formaldehyde has been classified as a chemical of concern for children in Maine, Minnesota, and Washington. At this time there are no mandatory requirements for formaldehyde in footwear.

### ***OVERVIEW OF THE U.S. STANDARDS FRAMEWORK (VOLUNTARY)***

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 the activities of the standards development community in the U.S. There are hundreds of 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 U.S. 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  
PO Box C700  
West Conshohocken, PA 19428-2959 USA

ASTM footwear standards include, but are not limited to:

**F2232-09** *Standard Test Method for Determining the Longitudinal Load Required to Detach High Heels from Footwear*

**F2412-11** *Standard Test Methods for Foot Protection*

**F2413-11** *Standard Specification for Performance Requirements for Protective (Safety) Toe Cap Footwear*

**F2892-11** *Standard Specification for Performance Requirements for Soft Toe Protective Footwear (Non-Safety / Non-Protective Toe)*

The ASTM Committee responsible is **Committee F13.30 on Footwear**.

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*For more detailed information on U.S. Standards for footwear, see: [Testing safety footwear to U.S. Standards](#)*

## **TESTING AND CERTIFICATION BODIES**

### **Testing**

Only OSHA protective footwear is **required** to be tested (to the standards cited above under OSHA). Numerous testing laboratories are accredited to test footwear.

A listing of testing laboratories can be found at the following sources (Search on the keyword footwear or a specific ASTM, CPSC standard): [A2LA Listing of Accredited Labs by Test](#) or [ASTM Directory of Testing Laboratories](#)

Testing of footwear to the appropriate U.S. standard, can be conducted by any accredited testing laboratory, including those in Brazil.

### **Certification**

There is no certification program for footwear in the U.S.

## **U.S. GOVERNMENT PARTNERS**

### **U.S. Customs and Border Protection (CBP)**

1300 Pennsylvania Avenue, N.W.

Washington, D.C. 20229 USA

+1.877.227.5511

*For more detailed information, see: [What Every Member of the Trade Community Should Know About: Footwear](#) and [Harmonized Tariff Code \(HS\) Footwear](#)*

**[U.S. Consumer Product Safety Commission \(CPSC\)](#)**

4330 East West Highway  
Bethesda, MD 20814 USA

Office	Telephone
<b>Office of Compliance and Field Operations</b>	
Assistant Executive Director - Andrew J. Kameron	+1.301.504.7915
Deputy Director - Marc Schoem	+1.301.504.7520
<b>Office of Import Surveillance</b>	
Director - Carol Cave	+1.301.504.7677

**[Occupation Safety and Health Administration](#)**

Directorate of Standards & Guidance  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
Office of Physical Hazards & Others  
+1.202.693.2092

***U.S. FOOTWEAR INDUSTRY AND MARKET DATA***

**Trade Associations**

**[American Apparel and Footwear Association \(AAFA\)](#)**

1601 North Kent Street, 12<sup>th</sup> floor  
Arlington, VA 22209 USA  
+1.703.524.1864  
+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 principal staff in the AAFA's Footwear Division:

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**AAFA Advises on CPSIA Requirements Relative to Footwear**

The recently enacted Consumer Product Safety Improvement Act (CPSIA) requires a conformity assessment certificate to accompany all products subject to a mandatory consumer product safety standard. However, the apparel and footwear industry has adopted many toy regulations as industry

standards. Children’s clothing and accessories, such as shoelace holders and buttons” are exempt from small parts regulations. However, there have been small parts related to footwear recalls. So, while the CPSIA mandates that the conformity assessment certificate only include mandatory standards, AAFA advises manufacturers and retailers to test footwear to voluntary regulations as well (even though the standards are not required on the general conformity certificate) such as, testing for small parts, according to [16 CFR 1501](#).

The AAFA also publishes 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 Market Data**

#### [AAFA Shoe Statistics](#)

Office of Textiles and Apparel (OTEXA), International Trade Administration  
[U.S. Imports and Exports of Textiles and Apparel](#)

The NIST Standards information Center (NCSCI) makes every effort to provide accurate and complete information. Various data such as names, telephone numbers, links to websites, etc. may change prior to this guide being updated and/or finalized. We welcome suggestions for improvement and the correction of any possible errors. NCSCI provides no warranty, expressed or implied, as to the accuracy, reliability or comprehensiveness of furnished data. Some of the documents and resources referenced in this guide point to information created and maintained by other organizations. NCSCI does not control and cannot guarantee the relevance, timeliness, or accuracy of these materials.

October 2011  
Prepared by the Standards Information Center  
Standards Coordination Office  
National Institute of Standards and Technology (NIST)  
+1.301.975.4040  
<http://www.nist.gov/nscsi>