



FAQ for Customer Contact Centre

Program Area: Minister's Exemption for Recycled Down or Other Feather Products

Summary

Description:

A Minister's Exemption has been made to the Ontario Upholstered and Stuffed Articles ("USA") Regulation (Ontario Regulation 218/01) pertaining to the use of recycled down and other feather products. The key changes include the following:

- a) Clothing and apparel containing recycled down or other feather products is exempt from the new material and labeling requirements.
- b) The exemption would allow persons who use recycled down and other feather products in the manufacture, renovation and sale of clothing and apparel to use recycled down or other feather products as stuffing.
- c) Recycled down or other feather products will still have to meet the cleanliness standards in section 18 of the regulation, which puts forward the minimum requirements for down and feather cleanliness.
- d) The exemption will allow alternative industry standards that are substantially similar to the requirements set out in section 18 of the regulation.

Note that manufacturers and renovators are still required to register with TSSA despite the exemption from new material and labelling requirements.

Effective Date: September 25, 2018

Objective

To communicate changes to the Upholstered and Stuffed Articles (USA) regulation and processes around how manufacturers of clothing and other apparel with recycled down can comply with the requirements set out in the Minister's Order.

FAQs

1) What is a Minister's Exemption?

The *Technical Standards and Safety Act* sets out in section 36(5) that the minister may make orders exempting any persons from any requirements in the regulations.

2) When does the Minister's Exemption come into effect?

The exemption is effective September 25, 2018.

3) What does the order exempt?

The exemption allows persons using recycled down and other feather products as stuffing in clothing and other apparel only. Persons using recycled down and other feather products as stuffing will no longer be subject to the USA regulatory requirement that prohibits the use of filling material that is second-hand. Recycled down and feather products are typically reclaimed from bedding and other items and reused as stuffing in clothing and apparel after undergoing a cleaning process.

4) What is changing?

The USA regulation prohibits the use of second-hand material as stuffing in the manufacture of an upholstered and stuffed article or the use of second-hand material as stuffing in renovation. With the



FAQ for Customer Contact Centre

Program Area: Minister's Exemption for Recycled Down or Other Feather Products

Minister's Exemption, recycled down and other feather products used in clothing and apparel will be exempt from the requirements to use new material only as set out in subsection 9(1) of the regulation.

For more information on the USA regulation, visit:

<https://www.ontario.ca/laws/regulation/010218>

5) What about the use of recycled down and feather products in bedding?

The exemption only applies to clothing and other apparel. Bedding products such as quilts, sleeping bags, mattress protector pads, pillows, bedspreads or other articles used for sleeping or reclining purposes that contain down or other feather products used as stuffing must continue to use new material only in accordance with the regulation.

6) How do persons using down or other feather products as recycled materials in clothing and apparel comply with the requirement to meet minimum standards for down and feather processing and cleanliness?

Down and feather products used as stuffing must be processed in accordance with the levels of cleanliness set out in section 18 of the regulation. Alternatively, the Minister's Exemption allows for alternative industry standards that are substantially similar to the cleanliness requirements in the regulation.

The manufacturer of such products must provide a declaration to the director that the article has been processed in accordance with section 18 or another applicable standard. A declaration is a precondition to the application of the exemption to recycled down or feather products.

7) What other applicable industry standards are acceptable?

Industry standards for the cleanliness of down or other feather products are acceptable if they are substantially similar to the cleanliness requirements in section 18 of the regulation.

8) Are manufacturers of articles containing recycled down or other feather products used as stuffing required to label their products?

No. Manufacturers of clothing and apparel containing recycled down or other feather products used as stuffing are not required to label the articles they manufacture. However, manufacturers of these products must be able to provide a declaration to the director under the Act that the article has been processed in accordance with section 18 or an industry standard that is substantially similar to the requirements in section 18.

9) Who is affected by this change?

The changes apply to the following:

- Manufacturers of clothing and other apparel that use recycled down or other feather products as stuffing in clothing and apparel
- Retailers who sell clothing and apparel that use recycled down or other feather products
- Renovators who repair or alter stuffed clothing and other apparel that contain recycled down or other feather products

10) What are the safety impacts of the Minister's Exemption? Isn't the regulation supposed to protect the public from hazards caused by unclean materials used in stuffed articles?



FAQ for Customer Contact Centre

Program Area: Minister's Exemption for Recycled Down or Other Feather Products

Manufacturers of clothing and apparel containing recycled down or feather products will still have to meet the cleanliness standards in section 18 of the regulation or alternative industry standards that are substantially similar to the requirements in the regulation. TSSA data suggests incidents of unsafe or unclean stuffing are generally limited to bedding, mattresses and upholstered furniture.

11) Who do I call if I have other questions about the exemption?

For questions on how to comply with the Minister's Exemption, please email:
RecycledDownInquiries@tssa.org

Attachments

Minister's Exemption Upholstered and Stuffed Articles Regulation 218/01

Prepared by: Kristian Kennedy, Senior Policy Advisor, Department of Stakeholder Relations

Reviewed by: Peter Wong, Acting Director, USA Program and Tom Ayres, General Counsel and VP Legal