Fairfield

Quality Polyester Products for Home and Industry

State of Connecticut

County of Fairfield

Jordan Young being duly sworn to deposes and says that the following statements are true to the best of his knowledge base.

(1) The interest of the petitioner in making the request;

Petitioner: Jordan Young, President, Fairfield Processing Corp

Fairfield Processing Corporation, a manufacturer of craft component products, submits this petition seeking exemption from COMAR 10.11.07.01(B)(2) (Prohibition of Sale of Baby Bumper Pads) for its product *Poly-Fil NU-Foam® Baby Bumper Pads* (Item: BBP, UPC: 035352501776 and Item: JBBP, UPC: 035352101570)

(2) The issues involved;

The product, a set of six (6) pre-cut sheets of an airy thermal-bonded polyester material, is identified on the packaging as *Poly-Fil NU-Foam® Baby Bumper Pads* and shows a photo of a crib with finished bumper pads. Both the title and photo are used to convey an application for use in a finished craft. This product is also used for a variety of DIY projects such as back rests, boat cushions, headboards, audio speaker dampeners, and the most popular being crib bumpers.

Fairfield and retailers in Maryland have taken the conservative position to remove the product from shelves pending an exemption from the ban.

(3) A statement of the facts;

Product is not classified as a toy or children's article according to the Bureau Veritas, Consumer Products Testing Division. (Report is attached).

The product falls under the broader product classification as Poly-Fil NU-Foam®, which comes in many precut, roll and slab sizes sold mainly in craft stores.

The product is currently sold in DIY, Craft and Sewing stores in departments such "Notions", "Stitchery", "Basics", "Foam", "Hardlines" and "Fabric". It is not found in any baby departments.

Poly-Fil NU-Foam® Baby Bumper Pads are not finished crib bumpers and cannot be used as a crib bumper or any other end-use without manipulation and creation by the consumer, who would either design or follow a pattern to make the end-use item.

The consumer may use the Poly-Fil NU-Foam® for any purpose without direction or suggestion from the manufacturer. These are NOT finished goods – they are foam sheets.

Fairfield Processing Corporation

88 Rose Hill Avenue • P.O. Box 1157 • Danbury, CT 06813-1157 • 800-980-8000 • Phone (203) 744-2090 • FAX (203) 792-9710

When used to create bumper pads, the resulting item would be compliant with the JPMA Bumper Safety Guidelines, which state that consumers should avoid pillow-like bumpers. The Poly-Fil Nu-Foam® material, when made into a finished bumper are firm and squared-off sheets of airy polyester.

Poly-Fil NU-Foam® polyester cushions have been used without incident. Our company has never received any report of any injury resulting from the use of this product.

In and of itself the product does not pose a threat to babies or children.

(4) A list and copy of documents or statements the petitioner believes should be considered, including any health data about the use of the product that the petitioner has generated or has knowledge of;

Bureau Veritas Report (5110)351-0163

Signature of Petitioner

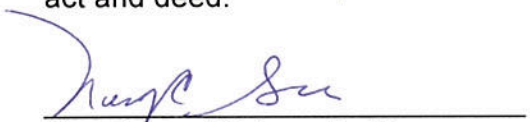
Jordan Young
President, ~~Fairfield Processing~~ Corporation

8/20/13
Date

State of Connecticut

County of Fairfield

The foregoing instrument was acknowledged before me this 20th day of August, 2013, at Danbury, Connecticut, by Jordan Young to be his/her free act and deed.



Signature of Notary Public
Notary Public, State of Connecticut

My commission expires: Nancy C. Sasso
Notary Public-Connecticut
My Commission Expires
August 31, 2018

CONSUMER PRODUCTS SERVICES DIVISION

FAIRFIELD PROCESSING

Technical Report: **(5110)351-0163** January 05, 2011
Date Received: December 17, 2010 Page 1 of 3

JUDY NOVELLA
FAIRFIELD PROCESSING
88 ROSE HILL AVE.
DANBURY, CT 06810
UNITED STATES

Sample Description:	DENSIFIED POLYESTER BATTING - (CRIB BUMPER PADS)		
Vendor:	FAIRFIELD PROCESSING	Sample Size:	1
Manufacturer:	FAIRFIELD PROCESSING	Style No(s):	BBP
Buyer:	N/A	SKN/SKU No.:	035352501776
Labeled Age Grade:	NOT PRESENT	PO No.:	N/A
Appropriate Age Grade:	NOT REQUESTED	Ref #:	N/A
Client Specified Age Grade:	NOT SPECIFIED	Country of Origin:	UNITED STATES
Tested Age Grade:	N/A	Assortment No.:	N/A
UPC Code:	035352501776		

EXECUTIVE SUMMARY:

The sample(s) MEETS the following requirement(s):

- The total lead content of 300ppm requirements by composite testing in substrate materials (Consumer Products Safety Improvement Act (CPSIA) of 2008).

Note: The sample(s) submitted are not classified as toys nor childcare articles, which do not fall within the US Consumer Product Safety Improvement Act of 2008 (CPSIA) Sec. 108 Prohibition on Sale of Certain Products Containing Specified Phthalates Content.

BVCPS Buffalo Contact Information for this Report:

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Technical Questions:	Jennifer Wieser	Phone: 716-505-3365	jen.wieser@us.bureauveritas.com

Bureau Veritas
Consumer Products Services, Inc.

Jennifer Wieser
Product Test Engineer,
Toy and Juvenile Products Department

/nh

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This report is governed by, and incorporates by reference, the Conditions of Testing as posted at the date of issuance of this report at http://www.bureauveritas.com/cps and is intended for your exclusive use. Any copying or replication of this report to or for any other person or entity, or use of our name or trademark, is permitted only with our prior written permission. This report sets forth our findings solely with respect to the test samples identified herein. The results set forth in this report are not indicative or representative of the quality or characteristics of the lot from which a test sample was taken or any similar or identical product unless specifically and expressly noted. Our report includes all of the tests requested by you and the results thereof based upon the information that you provided to us. You have 60 days from date of issuance of this report to notify us of any material error or omission caused by our negligence; provided, however, that such notice shall be in writing and shall specifically address the issue you wish to raise. A failure to raise such issue within the prescribed time shall constitute you unqualified acceptance of the completeness of this report, the tests conducted and the correctness of the report contents.

RESULTS:

TOTAL LEAD CONTENT IN SUBSTRATE BY COMPOSITE TESTING (300PPM) (Consumer Product Safety Improvement Act (CPSIA) of 2008)

Analyte	Lead	
Requirement: Maximum allowable limit:	300 mg/kg	

Analyte				Lead (Pb)	
Sample Description				Result	Conclusion
Color / Component		Location	Style	(mg/kg)	
(A)	White foam-like material	Bumper pads	-	LT 5.00	Pass

LT = Less Than *mg/kg = milligrams per kilogram (ppm = parts per million)*
** = Average of duplicate analyses*

<add "Remark" when Conclusion is "Exempted">
Remark:

[#] According to Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule, exemptions were granted to steel alloy containing up to 0.35 % lead by weight/ aluminum containing up to 0.4 % lead by weight/ copper-based alloy containing up to 4 % lead by weight. Therefore, this material containing the found heavy metals level should be exempted.

EXHIBIT # 1

SAMPLE PRODUCT