

**DRAFT**

April 22, 2024

The Honorable Alberta E. Mills  
Secretary, Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

**Re: Petition Requesting Rulemaking to Mandate Testing and Labeling Regarding Slip Resistance of Flooring, Floor Coatings and Treatments, Floor Cleaning Agents, and Footwear (Docket No. CPSC–2024–0003)**

Dear Secretary Mills:

On behalf of the Footwear Distributors & Retailers of America (FDRA), I write to provide written comments to the U.S. Consumer Product Safety Commission (CPSC) as it considers rulemaking on possible new testing and labeling mandates regarding slip resistance. FDRA strongly opposes unnecessary federal standards, including labeling, that would encompass slip-resistance testing for footwear.

FDRA is the footwear industry's trade and business association, representing more than 500 footwear companies and brands across the U.S. This includes the majority of U.S. footwear manufacturers and over 95 percent of the industry. FDRA has served the footwear industry for almost 80 years, and our members include a broad and diverse cross section of the companies that make and sell shoes, from small family-owned businesses to global brands that reach consumers around the world.

Our member companies work hard to design, produce, and deliver shoes to U.S. consumers. Each year, approximately 2.74 billion pairs of shoes cross U.S. borders (or 8.2 pairs of shoes for every man, woman, and child in America). Imposing costly and unnecessary regulatory burdens on these companies not only hurts U.S. businesses; it could impact U.S. consumers with higher costs and fewer choices in footwear.

The footwear industry strives to maintain the highest product safety standards possible. To this end, footwear companies already account for slip resistance in shoe design, usually using properly developed consensus ASTM standards. These companies have every incentive to consider slip resistance in appropriate circumstances. The problem suggested by the petition is almost entirely a product of floor conditions and contaminants on shoes that manufacturers cannot control. FDRA urges the CPSC to consider the nature of the hazard and the lack of justification for regulatory action regarding footwear.

## **Nature of the hazard regarding footwear**

Every day, trillions of steps are taken in footwear. The number of safety-related incidents is miniscule and no different than it has been for over a hundred years. Companies receive a modest level of customer complaints regarding slip issue. In these circumstances, the activities in which consumers were engaging, and/or the conditions of the environment in which they were engaging, in those activities are highly relevant. Rarely, if ever, do safety-related incidents happen due entirely to the construction or safety of shoes. That is why footwear industry safety recalls are extremely rare and fall well below the average of other consumer good recalls.

Companies already have strong incentives to evaluate any safety-related complaints by customers and follow up on these complaints. Doing so is essential to maintaining consumer trust and brand loyalty. In today's digital age, social media platforms will greatly amplify any perceived lack of quality. In a high percentage of situations in which slips or falls occur, companies ascertain the problem involves activities with some external risk of slipping, tripping, or falling and/or contamination or materials either on the terrain or surface. We know from our lives and those around us that consumer misjudgment plays a role.

Furthermore, there are already existing industry standards in place regarding slip and wear testing for footwear. These standards include ASTM F2913, F3445-21, and their predecessors, which have been developed and revised by independent testing standards organizations over decades. ASTM International, for example, has a membership that covers 150 countries representing 90 percent of the world's population. It develops internationally accepted standards with input and open collaboration from governments, businesses, individuals, and experts. Companies use these standards to evaluate the slip resistance of their shoes, including if they are going to make claims in that regard. Consumers who are particularly interested in slip resistance have many models of shoes from many manufacturers available.

## **Lack of justification for regulatory action**

Under these circumstances, footwear does not present an unreasonable risk of serious injury with respect to slipperiness or slip resistance, nor is a rule of the type proposed reasonably necessary to eliminate or reduce the risk of injury. Shoes and the traction (or lack of traction) that may be provided by a particular style of footwear are not difficult for an ordinary consumer to understand or evaluate when trying on and purchasing. The risks of walking or running on various potentially dangerous surfaces (including when contaminants are present) are well known and understood. Moreover, implementing slip-resistance labeling standards will not address consumer decisions when evaluating the risks of terrain or surfaces with otherwise open and obvious slip, trip, or fall hazards present. It could, in fact, create confusion for consumers and/or cause them to underestimate the risk on those surfaces.

FDRA believes the CPSC's limited resources and priorities should be directed to new risks and those involving situations where consumers do not understand or reasonably anticipate the potential for injury. Consumers are aware that it is possible to slip on ice, water, and particularly slippery surfaces; they are also aware that slipping can result if an individual is not paying careful attention when ascending or descending stairs.

Unnecessary federal regulation will impose regulatory burdens on U.S. companies that will inevitably be passed along to consumers in the form of higher prices. It will mean less product innovation that would otherwise benefit consumers. In addition, shoes serve multiple purposes, and not all shoes need, or should have, specific traction characteristics given their intended use and purpose. Consumers would not want fashion shoes, for example, to be mandated to have these characteristics.

The National Floor Safety Institute (NFSI) standards, proposed by the NFSI petition to the CPSC, are not true consensus standards; neither are these standards proven to be valid, repeatable, and technically justified. These standards appear to be an attempt to bootstrap financial gain for a certification program by a group that does not appear to be a true industry association or scientific or technical body.

### **Conclusion**

In conclusion, FDRA appreciates the opportunity to provide comments to the CPSC as it considers whether to move forward with additional regulations on footwear. We look forward to working with the CPSC on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Priest".

Matt Priest  
President & CEO  
Footwear Distributors & Retailers of America (FDRA)