



# The American Companies

## "News Flash"

February 5, 2009

### Consumer Product Safety Improvement Act (CPSIA): Limited but Important Rule Changes

#### One Year Stays of Testing and Certification Requirements for certain classes of product

Following important modifications to the Consumer Product Safety Improvement Act (CPSIA) in November, the CPSC has now issued a 1 year stay of enforcement for certain CPSIA testing and certification requirements that form the core of the original legislation. This stay of enforcement will remain in effect until Feb 10, 2010.

Importantly, the standards schedule remains in effect; those products subject to standards must still meet them, and in the time frames set out in the original legislation. Manufacturers and importers are expected to use whatever testing protocols are required to ensure standards compliance. The stay does not permit or legitimize the sale of non-compliant product.

The Commission apparently reacted to concerted pressure from members of Congress, American manufacturing and import trade alliances, as well as a general perception of the need for greater clarity and guidance. The deteriorating economic climate currently certainly worked in favor of delaying requirements seen as unnecessarily costly and possibly less than effective. The 'Commission' voted unanimously to relieve manufacturers and importers of certain children's products the need to a) conduct accredited, third party testing to support claims of conformity, and b) issue certificates of conformity that document it.

To summarize from the attached links the testing and certification requirements that have been stayed: 1) total lead content in children's products substrates (600 ppm, effective February 10); 2) the ban on certain phthalates in children's products, 1000 ppm standards for other types of phthalates; 3) implementation of the higher ASTM toy standards.

The 'third party' testing and certification requirements that have *not* been stayed: 1) the lead paint and surface coating limits for children's product manufactured after Dec 21, 2008; 2) Crib and pacifier standards for products manufactured after Jan 20, 2009; 3) the ban on small parts on children's products manufactured after Feb 15, 2009; 4) limits on lead content of children's jewelry made after March 23, 2009; 5) certification requirements for All Terrain Vehicles (ATV) manufactured after April 13, 2009; 6) all CPSC testing and certification requirements that pre-date the CPSIA; 7) pool drain covers requirements of the VGB Pool & Spa Safety Act.

A useful link to the January 30 News Release from the Office of Information and Public Affairs, with additional links to detailed text on applicable standards: <http://www.cpsc.gov/cpsc/pub/prereel/prhtml09/09115.html>. For an excellent summary of specific testing and certification issues in question may be seen in a Jan 16 letter from the House, co-signed by Rep. Waxman, Rockefeller, others, see <http://energycommerce.house.gov/images/stories/Documents/PDF/Newsroom/nord%20moore%202009%201%2016.pdf>. An article from the powerful National Association of Manufacturers (NAM) underscores business concerns on the financial burden of "duplicative or unnecessary" testing requirements on already-stressed American businesses: <http://www.nam.org/NewsFromtheNAM/NAMCallsForDelayLeadContent.aspx>.

To view previous News Alerts on the CPSIA (and other vital trade issues) on The American Companies web-site link to <http://www.shipamerican.com/> and click on 'Newsletter' in the content choices on the left side of the home page. The American Companies continues to follow new and established trade issues and legislative changes that impact the trade community and our customers in particular. For any questions or further conversation on this subject, contact the compliance manager (Client Support Services), Jim Carroll, 201-478-4682 (direct) or [jamesc@shipamerican.com](mailto:jamesc@shipamerican.com).

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