



# The American Companies

## "News Flash"

October 20, 2008

### **New Consumer Product Safety Law: Certificates Required**

The Consumer Product Safety Improvement Act of 2008 has brought significant new regulations for the trade community.

Notably, certificates of conformity become mandatory for all imported products which are subject to any CPSC safety standard and manufactured after Nov 12, 2008.

The certificates may be issued jointly or separately by the manufacturer and importer (or private labeler). For children's products (12 years or younger) the certificate must be based on test results by internationally accredited (third party) laboratories.

For a list of accredited laboratories / testing centers in China, HKG and the United States, please contact The American Companies' corporate compliance manager, (see below).

Permissible lead paint levels in children's products have been lowered by the new law (for details, contact TAC compliance manager) as well as the use of certain phthalates commonly used in children's plastic products. Phthalates are chemicals used in the production of PVC that gives it its flexibility. The law also requires 'permanent' tracking labels on children's products.

For other products not specifically designed or intended for children, the new law mandates that the certificates reference only a 'reasonable' self-testing approach. The certificates must refer specifically to the CPSC standards that apply, rather than a general statement of compliance.

They must provide full contact information, and, importantly, the certificate must physically accompany every shipment. Exactly how that is to be accomplished remains undefined at this point.

The importer is also called upon to furnish copies of the certificate to all US distributors and retailers of the products. The manner and timing of the distribution is also not yet defined. It may be that a web-based availability will be acceptable to the CPSC.

Finally, increased civil penalties will go into effect for violations of CPSC laws; criminal liabilities for such violations have been provided for corporate officers.

The CPSC web-site (<http://www.cpsc.gov/cgi-bin/regs.aspx>) provides a useful tool for an importer to research the standards that apply to their product lines.

Without question, the American Companies will monitor closely the CBP enforcement process and schedule, and provide rapid updates as details become known to us. We urge you to contact our corporate compliance manager, Jim Carroll (201-478-4682, [jamesc@shipamerican.com](mailto:jamesc@shipamerican.com)) with any questions you may have regarding the new CPSC regulations.

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#### The American Companies

250 Moonachie Road (HQ Office - Full Service)  
Moonachie, NJ 07074 (201-478-4600  
0782)

400 Oceangate, Suite 1106 (Full Service)  
Long Beach, CA 90802 (562-435-2327)

881 Route 83 (Full Service)  
Bensenville, IL 60106 (630-860-

Domestic USA Ground Operations  
Domestic USA Air Operations  
Asheville NC 828-271-2061

3PL Locations  
Fairview, NJ  
Santa Fe Springs, CA  
Bensenville, IL