



# The American Companies

## "News Flash"

October 27, 2008

### Consumer Product Safety: Another Look

The Consumer Product Safety Improvement Act of 2008 became law in August and takes effect as of November 12, initially covering products that have been manufactured or assembled as of that date.

For the importing community it requires that the manufacturer and importer (and private labeler, if any) issue jointly or separately general Certificates of Conformity (COC) to 'accompany' all goods in a shipment that are subject "to any rule or ban administered or enforced by the CPSC or to any similar rule, standard or ban under any Act enforced by the CPSC". This covers a very broad range of product. The simplest, most accessible web-link to discover your company's obligations, if any, in this regard is <http://www.cpsc.gov/cgi-bin/regs.aspx>

On goods *not* designed or intended for children, these certificates do not need to be based on testing done by a third-party (accredited) laboratory. Certification must be based on an internal test of the product or a "reasonable testing program."

For goods that are intended for children (12 years or younger), the new legislation imposes an additional, and more stringent, third-party testing requirement beginning in Dec 08 for lead testing, and phased in quickly thereafter for other categories of product. Every manufacturer, importer or private labeler of a children's product, must have its product tested by an accredited independent testing lab and, based on the testing, must issue a certificate that the product meets all applicable CPSC requirements. For a current list of accredited labs, see <http://www.cpsc.gov/about/cpsia/accredited.html>

For clear guidelines on the form and content of the COC see <http://www.cpsc.gov/ABOUT/Cpsia/faq/elecrtfaq.pdf>

Recent conversations between the trade community and staff officials at the Commission have resulted in a tentative change in the original instruction (articulated in public meetings in Sept and October) that the certificates be physically present with the goods (in the container or permanently attached to the packages, in the manner of a packing list). Officials are now saying that electronic availability of the certificates to CBP, the CPSC and to US distributors and retailers would fulfill the 'availability' mandate. Many importers will have their shippers observe the original instruction in addition to the electronic option, as well as having copies on hand themselves, until CPSC issues further rules in this regard.

The most important safety standard changes are those related to lead content in children's products.

Lead content in children's products: 1) as of Feb 09, all *accessible surface coatings* will contain no more than 600 ppm lead, to be reduced to 90 ppm by August 09; 2) over the next three years lead content of the *accessible substrates of the product* will be reduced to 600 ppm (Feb 09), 300 ppm (Aug 09) and to 100 ppm by Aug 2011, unless the CPSC concludes that it is not technologically possible / commercially feasible to attain this lower target.

After Feb 09, children's products containing *more than 600 ppm* lead are banned in the U.S. Exemptions from these lead standards are possible for component parts if the CPSC rules that these parts are inaccessible. They promise to issue instructions as to inaccessibility within a year. For a complete & straightforward text on the new lead content guidelines see <http://www.cpsc.gov/ABOUT/Cpsia/101rfc.pdf>.

There will be a live web-cast of the next public meeting on the subject of lead content in children's product, to be held in Bethesda MD on November 6. See <http://www.cpsc.gov/cgibin/cpsialead.aspx>

In view of the specific changes to the product safety standards embodied in the CPSIA, The American Companies will continue to review and report on the aspects of the legislation until we have reviewed and reported on the entire law. In the meantime, if you have further questions or are concerned about the products you import, please contact Jim Carroll, American's Corporate Compliance Manager to discuss in further detail: direct phone 201-478-4682, or [jamesc@shipamercon.com](mailto:jamesc@shipamercon.com)

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