

Consumer Product Safety Information Act Fact Sheet

The intent of this fact sheet is to provide guidance to SGIA members as they implement the provisions of the Consumer Product Safety Information Act, as administered by the Consumer Product Safety Commission. The information contained in this document should not be construed as legal advice. As new information becomes available, this fact sheet will be updated. Currently, the CPSC has issued four proposed rules. SGIA is in the process of developing and submitting comments on the relevant proposals.

What is considered a children's product?

For implementation of this legislation, the CPSC is defining children's product as:

a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a consumer product is primarily intended for a child 12 years of age or younger, the following factors will be considered:

- A statement by the manufacturer about the intended use of the product, including a label on the product if such statement is reasonable.
- Whether the product is represented in its packaging, display, promotion or advertising as appropriate for use by children 12 years of age or younger.
- Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger.
- The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.

What are the lead paint and lead content requirements?

The CPSIA contains two provisions as it relates to lead – lead paint and lead content.

After August 14, 2009, paint and similar surface-coating materials for consumer use must be reduced from 600 ppm to 90 ppm.

The limits on the amount of lead in children's products will be phased in over the course of three years. As of February 10, 2009, products designed or intended primarily for children 12 and younger may not contain more than 600 ppm of lead. Children's products that contain more lead than 600 ppm are banned in the U.S. after February 10, 2009, and the sale of those products can result in significant civil and criminal liability. On August 14, 2009, products designed or intended primarily for children 12 and younger cannot

contain more than 300 ppm of lead. The limit goes down to 100 ppm after three years, or August 14, 2011, unless the Commission determines that it is not technologically feasible to have this lower limit.

Some children's products may be exempted or excused from these new lead limits if a component part containing lead is inaccessible. The Commission has issued a proposed rule on this issue. Also, the Commission has issued proposals exempting listed natural products such as natural fibers (cotton, linen, wool, silk, flax, linen), wood, semiprecious gem stones as well as precious gemstones.

What are the Third Party Testing Requirements?

The new legislation imposes an additional third-party testing requirement for all consumer products primarily intended for children twelve years of age or younger. Every manufacturer (including an 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.

The third-party testing and certification requirements for children's products are phased in on a rolling schedule. The statute requires the CPSC to issue laboratory accreditation regimes for different categories of children's products. Once the CPSC issues the laboratory accreditation requirement for that category of children's products, each children's product in that category that is manufactured more than ninety days after that date must be tested and certified to the applicable requirements. The schedule for CPSC to issue the laboratory accreditation requirements and the certification schedule is set forth on the timeline shown in the chart below.

	CPSC Publishes Accreditation Procedure	Third-Party Testing Required
Lead Paint	September 22, 2008	December 22, 2008
Cribs And Pacifiers	October 2008	January 2009
Small Parts	November 2008	February 2009
Metal Jewelry	December 2008	March 2009
Baby Bouncers, Walkers And Jumpers	March 2009	June 2009
300 ppm Lead Content	May 2009	August 2009
CPSC Children's Product Safety Rules	June 2009	September 2009

Currently, textiles and other children's products manufactured by SGIA members must meet the general conformity standards as the accreditation procedures have yet to be developed and published.

When do I have to establish tracking labels for my products?

The requirement for tracking labels becomes August 14, 2009. The tracking label must contain certain basic information, including the source of the product, the date of manufacture and more detailed information on the manufacturing process such as a batch or run number. This provision applies not only to toys but to children's textile products as well. This provision applies to all products manufactured AFTER August 14, 2009.

Do I have to have a certificate with each product?

The Commission has issued a rule specifically allowing use of an electronic certificate provided the Commission has reasonable access to it, it contains all of the information required by section 102 of the CPSIA, and it complies with the other requirements of the rule. The following link to the CPSC's website provides further information on the general conformity certificate needed: <http://cpsc.gov/about/cpsia/faq/elecfaq.pdf>

The law requires that each import (and domestic manufacturer) shipment be "accompanied" by the required certificate. The requirement applies to imports and products manufactured domestically. Under the rule issued by the Commission an electronic certificate is "accompanying" a shipment if the certificate is identified by a unique identifier and can be accessed via a World Wide Web URL or other electronic means, provided the URL or other electronic means and the unique identifier are created in advance and available with the shipment.

How does the Phthalate ban affect my products?

This section of the Act impacts garment decorators providing child care articles. A child care article is a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething. By way of example, a pacifier/teether would be an item that would help a child with sucking or teething; a bib would facilitate feeding; a crib mattress would facilitate sleeping as would pajamas and crib sheets.

On February 10, 2009, DEHP, DBP, and BBP are permanently banned, and DINP, DIDP, and DnOP are banned on an interim basis, for children's toys or child care

articles as defined in section 108 of the CPSIA. The ban on the six specified phthalates in section 108 of the CPSIA only applies to products that are manufactured on or after February 10, 2009.

Manufacturers and retailers can label products as complying with the limits in the CPSIA for phthalates regardless of when they were manufactured. The new statute permits products to be labeled as complying with CPSC requirements as long as that representation is accurate.

Children's toys and child care articles manufactured on or after February 10, 2009, will need a general conformity certification based on a "test of each product or a reasonable testing program." Starting in September 2009, children's toys and child care articles will have to be certified based on third-party testing of the product by accredited third-party laboratories. The Commission will post its procedures for accrediting labs to test for phthalates in June 2009.

Specialty Graphic Imaging Association (SGIA) Supporting the Leaders of the Digital & Screen Printing Community

"Specialty imaging" comprises digital imaging, screen printing and the many other imaging technologies SGIA members use, including those they'll tap in the future. These are the imaging processes and technologies employed to create new products and to enhance existing products including point-of-purchase displays, signs, advertisements, garments, containers and vehicles.