

CPSC Issues Proposed Regs on Children's Products

In the face of widespread outcries about the effect of the Consumer Product Safety Improvement Act (CPSIA) on retailers, small businesses and even thrift shops, the Consumer Product Safety Commission (CPSC) on January 15 issued three sets of proposed regulations.

They begin implementation of the CPSIA that makes it illegal to sell any product intended for use by children aged 12 or younger containing lead in excess of 600 ppm, or to export them, after Feb. 10. Later on, stricter standards apply. CPSIA also bans certain phthalates from toys or child-care products that the child "can bring to his mouth."

One draft regulation lists natural materials - untreated wood, cotton and silk, precious gemstones, and others - that are automatically exempted from requirements of the law. Another proposal provides guidance on what product components will be considered to be inaccessible to children through "normal and reasonably foreseeable use and abuse" and thereby exempt from the ban.

The third proposal establishes procedures and requirements for a CPSC determination that a child's product does not exceed the lead content limits or that if it does exceed the limits, would not result in the absorption of any lead into the human body nor have any other adverse impact on public health or safety.

Numerous, diverse organizations have decried the enormous cost of the legislation, particularly due to the testing requirements and uncertainty due to the ban going into effect before clear guidance is issued. The NAM Coalition notes that "no laboratories are duly accredited to do lead substrate testing and no comprehensive screening methods have yet been approved by the CPSC staff for such testing. In addition, there are currently an inadequate number of accredited test laboratories to perform testing under existing regulations and standards already being required."

Comments on the proposed regulations are due on February 17. A fact sheet on the CPSIA appeared in the December 2008 SGCD newsletter and is available on the SGCD website or from sandyspence325@gmail.com. For copies of the proposed regulations, contact Sandy Spence at 302-841-2882 or by email.