

# *U.S. Consumer Product Safety Commission Overview and CPSIA Update*



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Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission

# Today's Agenda

- Overview of the CPSC
- Regulatory Overview



# Where is the U.S. Consumer Product Safety Commission located?



■ Headquarters:  
Bethesda, MD



■ Lab Facilities:  
Gaithersburg, MD



# Commissioners



**Inez Tenenbaum**  
■ Chairman



**Nancy Nord**  
Commissioner



**Thomas Moore**  
Commissioner



**Anne Northup**  
Commissioner



**Robert Adler**  
Commissioner



The President appoints one Commissioner as the Chairman,  
who acts as Principal Executive Officer

# What is CPSC?

CPSC is an independent agency created to protect the public from unreasonable risks of injury associated with consumer products.

Five Commissioners appointed by the President for multi-year terms with confirmation by the Senate.



# Commission Authority

- Consumer Product Safety Act
- Consumer Product Safety Improvement Act
- Federal Hazardous Substances Act
- Poison Prevention Packaging Act
- Flammable Fabrics Act
- Refrigerator Safety Act
- Virginia Graeme Baker Pool and Spa Act
- Children's Gasoline Burn Prevention Act



# What Is a Consumer Product?

- Jurisdiction over thousands of types of consumer products under the Consumer Product Safety Act.
- Excludes some products covered by other federal agencies such as:
  - Cars and related equipment (NHTSA)
  - Food, drugs, medical devices, and cosmetics (FDA)
  - Firearms (BATF)
  - Airplanes (FAA)
  - Boats (Coast Guard)
  - Pesticides (EPA)



# What *Is* a “Children’s Product”?

The term is defined as a *consumer product* that is designed or intended *primarily* for children *12 years* of age and younger.



# CPSIA Issues

- What is a children's product?
- Requirements that apply to children's products
- Where is further CPSIA information?
- Publicly available database
- Lead Content Information (section 101(b))
- Product Certification (section 102)
- Recognized Labs
- Tracking Labels (section 103)



# CPSIA Issues

- Durable Nursery Products
- Product Registration Cards (section 104(d))
- Mandatory Toy Standards (section 106)
- Child Care Articles (section 108)
- Phthalates (section 108)
- The Commission (202(b))
- Information Sharing (section 207)
- Public Database (section 212)



# CPSIA Issues Continued

- Expanded Reporting under section 15(b)
- Generic Defect Rules (section 15(j); section 223(a))
- State Attorneys General (section 218)
- General Accounting Office Studies
- XRF Study (section 101(f)(4))



# Defining “Children’s Product”

Factors CPSC *must* consider:

- (1) A statement or marking by the *manufacturer*, but only *if reasonable*
- (2) whether the product is represented as appropriate for children under 13 in its *packaging, advertising*, etc.
- (3) whether the product is “commonly recognized” as intended for children under 13
- (4) CPSC’s Age Determination Guidelines



# Products for Teens and Preteens

- A product that is intended primarily for preteens is a children's product even if some teens or adults are expected to use it.
- A product that is intended primarily for teenagers is not necessarily a children's product even if age 12 is part of the marketing range.



# Staff Guidance

- Identify “children’s products”
- Identify “child care article”
- Identify “children’s toy”



# What Requirements Apply to Children's Products?

- For children's products, there are a number of CPSC requirements that *generally* apply:
  1. CPSIA section 101 *lead content* limits
  2. CPSIA section 102 *certification* must be based on testing by recognized *third party test labs*
  3. CPSIA section 103 *tracking label* requirements apply to product and packaging



# Few Lead Content Exceptions

## CPSIA section 101(b)

- Exclusions – none have been granted by the Commission – denied ATVs, bikes, crystals, brass components
- Different limits for children’s products containing electronics components
  - *Final rule* issued January 2010 [[link](#)]
- Stays of enforcement granted for a few outdoor products, such as *youth ATVs* and *bikes* [[links](#)]
- *Report to Congress* seeks more flexibility [[link](#)]



# Lead “Determinations”

- The determinations identify materials whose lead content *will not exceed 100 ppm*
- Apply primarily to *natural* materials, such as dyed and undyed textiles (cotton, wool), wood (and paper), precious and semiprecious stones
- Do *not* include *metal or plastic fasteners* such as buttons, screws, grommets or zippers used in apparel or elsewhere
- *Final rule* issued August 2009 [[link](#)]; explanatory Statement of Policy issued October 2009 [[link](#)]



# How to Find More Information

- Step 1: go to CPSC's home page:  
[www.CPSC.gov](http://www.CPSC.gov)
- Step 2: find the “CPSIA banner”—look for “**Consumer Product Safety Improvement Act**” with a star and USA flag background in the upper middle of the home page (marked with red arrows on the next slide but the arrows do not appear on the actual web site)



MP3/Podcasts | RSS | Safety Tips | Videos/Webcasts | Wireless | 中文 / Tiếng Việt

PUT CPSC RECALLS ON YOUR WEB SITE

- HELP | ADVANCED SEARCH
- ESPAÑOL
- WHAT'S NEW
- ESPECIALLY FOR KIDS
- PRESS ROOM
- BUDGET AND PERFORMANCE
- PUBLIC CALENDAR
- JOBS AT CPSC
- CONTACT US | DIRECTIONS
- CONSUMER OPINION FORUM

## Consumer Product Safety Improvement Act

### Breaking News

→ [Generation 2 Worldwide & ChildESIGNS Drop Side Cribs Recalled: Three Infant Deaths Reported](#)

**Recalls and Product Safety News**  
 Help keep your family safe by checking product recalls and safety news from CPSC.

**Neighborhood Safety Network (Español)**  
 Help all Americans become aware of lifesaving safety information.

**Report an Unsafe Product**  
 Report an incident with a product that caused an injury. Medical Professionals and Fire/Police Investigators: file MECAP, incident reports.

**Product Safety Standards**  
 Find a [product safety standard](#). View product safety [voluntary standards activities](#) and [research reports](#) for selected consumer products.

**Sign Up for Email Announcements (Español)**  
 Get free recall and safety news by email as part of CPSC's "Drive for 1 Million" campaign.

**CPSC Publications**  
 View and order CPSC publications on a wide variety of consumer safety issues.

**CPSC's Most Wanted:**

- MEGA Brands Magnetic Toys
- Delta Cribs (Safety Peg)
- Stork Craft Cribs
- Simplicity Bassinets
- Dorel Asia Cribs
- Kolcraft Play Yards



**Recent Recalls**

- [Pull Toys](#)
- [Strollers](#)
- [Wind Chime Toys](#)
- [Lamps \(Español\)](#)
- [Drop Side Cribs \(Español\)](#)



**What's Hot**

- [Schylling Associates: \\$200,000 Civil Penalty for Violation of Lead Paint Ban, Failure to Report](#)
- [Report to Congress on the Consumer Product Safety Improvement Act \(CPSIA\) \(pdf\)](#)
- [CPSC Chairman's Statement on Cadmium in Children's Products](#)

**On Safety**

- YouTube
- Twitter
- Podcast
- Flickr

Additional Web Sites Maintained by CPSC

- [PoolSafety.gov](#)
- [www.Recalls.gov](#)
- [ATVSafety.gov](#)
- CPSC Info Centers
- Resale/Thrift Stores
- [Drywall \(Español\)](#)
- [Cribs \(Español\)](#)
- [Generators](#)
- USA.gov

# Finding CPSIA Information

- Step 3: click on the CPSIA Banner—it will open up a new page “about CPSIA” (see next slide)





## US Consumer Product Safety Commission

Consumer Safety About CPSC Library - FOIA Business

[CPSC Home](#) > [About CPSC](#) > [CPSIA](#) > Current

# Consumer Product Safety Improvement Act

### Sign up for Email Alerts

Receive **e-mails** regarding due dates, announcements, and other information from CPSC.

### CPSIA Legislation

Read the CPSIA **legislation** (and other CPSC statutes as amended), or view by **section**

### Small Businesses

Find information on the CPSIA for **small businesses** and **resale stores & product resellers** (pdf).

### General Certification of

### Contents

- [What's New](#)
- [CPSIA by Topic](#)
- [Learn More](#)

### What's New

- ➔ Requirements for Consumer Registration of Durable Infant or Toddler Product; Correction to Final Rule, February 1, 2010 [\[PDF\]](#)
- ➔ Guidelines and Requirements for Mandatory Recall Notices, FINAL RULE, January 21, 2010 [\[Text\]](#) [\[PDF\]](#)
- ➔ [Report to Congress on the Consumer Product Safety Improvement Act \(CPSIA\)](#), January 15, 2010 (PDF) (Links to Commissioners' Statements are at the end of the report)

### CPSIA by Topic

- [All-Terrain Vehicles \(ATVs\)](#)
- [Phthalates](#)



# Finding CPSIA Information

- Step 4: on the new page, locate the CPSIA Banner and right below it, find
  - [CPSIA by Topic](#)
- Step 5: click on “CPSIA by Topic”: this will bring you to an alphabetical list of topics (see next slide)



http://www.cpsc.gov/about/cpsia/cpsia.html#bytopic

File Edit View Favorites Tools Help

Consumer Product Safety Improvement Act of 2008 (...)

[resale stores & product resellers](#) (pdf).

### General Certification of Conformity

**Learn** about a sample, instructions, and frequently asked questions (pdf).

### Laboratory Accreditation

**Read** about the Accreditation requirements, **register** as a third-party laboratory, or **view** a list of accredited testing laboratories.

**XML** Subscribe to a **RSS feed** about the CPSIA

Find CPSC Regulatory Notices and Requests for Comments on [regulations.gov](#)

## CPSIA by Topic

- [All-Terrain Vehicles \(ATVs\)](#)
- [Durable Nursery Products](#)
- [Effectiveness of CPSC's Authority over Unsafe Consumer Product Imports](#)
- [Enforcement by State Attorneys General](#)
- [Import Safety and Interagency Cooperation](#)
- [Labeling of Toys and Games](#)
- [Laboratory Inspection & Supply Chains](#)
- [Lead](#)
- [Penalties](#)
- [Phthalates](#)
- [Preemption](#)
- [Preventable Injuries and Deaths in Minority Children](#)
- [Public Database](#)
- [Recall Authority/Corrective Action](#)
- [Stockpiling](#)
- [Toy Safety Standards](#)
- [Third Party Testing](#)
- [Tracking Labels](#)
- [Whistleblower Protections](#)

## Learn More

- ➔ [CPSC Public Workshop: CPSIA Product Testing](#), December 10 - 11, 2009
- ➔ [Required Actions Pursuant to the Consumer Product Safety Improvement Act of 2008 - Timeline](#) [PDF]
- ➔ [Definition of 'Children's Product'](#)
- ➔ [Letter from Acting Chairman Nord to Representative John D. Dingell about the](#)

Trusted sites

100%



# Finding CPSIA Information

- Step 6: click on “**Lead**” – this will open a new page with all of the available information on CPSIA lead content and lead paint limits (see next slide)





## US Consumer Product Safety Commission

Consumer Safety About CPSC Library - FOIA Business

[CPSC Home](#) > [About CPSC](#) > [CPSIA](#) > Current

# Consumer Product Safety Improvement Act

## Section 101. Children's Products Containing Lead; Lead Paint Rule

- [Brief Summary](#)
- [Open Requests for Comments and Information](#)
- [Commissioners' Statements](#)
- [Federal Register Notices](#)
- [Frequently Asked Questions \(FAQs\)](#)
- [General Counsel Advisory Opinions](#)
- [Requests for Exclusions](#)
- [Public Comments](#)
- [Public Meetings](#)
- [Records of Commission Action, Ballot Votes, and Staff Briefing Packages](#)
- [Requirements and Guidelines](#)
- [Staff Presentations](#)
- [Stays of Enforcement](#)
- [Test Procedures](#)

### Brief Summary

The CPSIA lowers the amount of lead that can be in children's products. Section 101 sets new limits for the lead content in children's products and the amount of lead in the paint used on those products.

### Lead Content Limits

The limits on the amount of lead in children's products are phased in over the course of three years. By 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

# Certification

## CPSIA section 102

- Most consumer products that are subject to mandatory standards or bans must be *certified* as in compliance with each applicable requirement.
  - Products made in the USA: *manufacturer* must certify
  - Products made elsewhere: *importer* must certify
- *Children's products* must be certified based on testing by a *recognized third-party* test lab.



# Finding a “Recognized” Lab

- To issue a valid certificate, you must be sure that testing is performed by a *recognized* third party test lab; not all accredited labs are recognized.
- All recognized labs are *listed on CPSC’s website* with their *approved scope*; a lab may be approved by CPSC for one standard but not another.
- You can also search for recognized labs nearest your location.



# Checking CPSC Website for Labs

- Follow the instructions on slides 12 through 14 to get to the “about CPSIA” page.
- Locate the seven *green boxes* along the left side of the page.
- Find the fifth green box from the top, which says “Laboratory Accreditation.”
- Click on the yellow word “view”—this will open a new page (see next slide).



List of Accredited Testing Laboratories - Microsoft Internet Explorer provided by US CPSC

http://www.cpsc.gov/cgi-bin/labapplist.aspx

File Edit View Favorites Tools Help

List of Accredited Testing Laboratories

## List of Accredited Testing Laboratories

Section 14(a)(3)(E) of the Consumer Product Safety Act, as amended, requires the Commission to "maintain on its Internet website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules."

Third party testing is required to support a certification of compliance to the rules shown below for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories.

- Bicycle Helmets, 16 CFR Part 1203 (effective date 02/10/2010)
- Lead Paint, 16 CFR Part 1303 (effective date 12/21/2008)
- Dive Sticks and Other Similar Articles, 16 CFR Part 1500.86(a)(7) and (8) (effective date 02/10/2010)
- Full-Size Cribs, 16 CFR Part 1508 (effective date 01/20/2009)
- Non Full-Size Cribs, 16 CFR Part 1509 (effective date 01/20/2009)
- Rattles, 16 CFR Part 1510 (effective date 02/10/2010)
- Pacifiers, 16 CFR Part 1511 (effective date 01/20/2009)
- Bicycles, 16 CFR Part 1512 (effective date 05/17/2010)
- Bunk Beds , 16 CFR Part 1513 (effective date 02/10/2010)
- Small Parts Rule, 16 CFR Part 1501 (effective date 02/15/2009)
- Lead Content in Children's Metal Jewelry, [Test Method CPSC-CH-E1001-08](#) or [2005 CPSC Laboratory SOP](#) (effective date 03/23/2009)
- Lead Content in Children's Metal Products, [Test Method CPSC-CH-E1001-08](#) (effective date 02/10/2011)
- Lead Content in Children's Non-Metal Products, [Test Method CPSC-CH-E1002-08](#) (effective date 02/10/2011)

Accreditation requirements and effective dates for third party testing for additional children's product safety rules will be added in the future. The list of laboratories below will be updated on a regular basis.

A. E. Kirby Memorial Health Center  
 A.N.C.I. Servizi S.r.l. Section C.I.M.A.C. Centro Italiano Materiali di Applicazione Calzaturiera  
 ACT lab  
 ACT Lab Taicang  
 Advanced Chemical Co. Laboratory

Done Trusted sites 100%



# Finding Recognized Test Labs

- By scrolling through the list, you can find all the labs that have been recognized for various types of tests.
- Click on a lab name and you can learn more details about its location, contact info and for what tests it is recognized for[“its *scope*”].
- On the lower half of the page, you can also search for recognized labs that are nearest you.



# Tracking Labels

## CPSIA section 103

- Children's products manufactured on or after 8/14/2009 must have permanent distinguishing marks on the *product and packaging* “to the extent practicable.”
- *Manufacturers and importers* are responsible.
- Marks must allow consumers to *ascertain*:
  - The manufacturer or private labeler
  - The date and place of production
  - Cohort information



# Tracking Label Guidance

- *Statement of Policy* issued July 2009 [[link](#)]
- Interprets basic requirements such as when product or packaging should be marked, how permanent the marks should be, and how specific the dates and places of manufacture should be.
- Does not require all information on one label.
- No size or font requirements.
- Does not require creation of batch or lot system, but you need some method of tracking parts.



# Limit for Lead in Paint

## CPSIA section 101(f)

- 90 ppm limit became effective 8/14/09
- Applies to the same items as previously under 16 C.F.R. part 1303, namely (1) paint sold to consumers as such; (2) toys, other articles intended for children bearing paint or other surface coating; and (3) household furniture bearing paint or other surface coating



# Durable Nursery Products

- Twelve classes are identified by statute and six more recently identified by staff.
- CPSC must promulgate mandatory standards for all of these (two every six months).
- For durable nursery products, the manufacturer also must provide product registration cards and keep records of consumers who register.



# Durable Nursery Products

## CPSIA section 104(b)

- Section 104 requires CPSC to issue at least two new standards every six months
- Safety Standard for Toddler Beds – April 28, 2010
- Safety Standard for Bassinets and Cradles – April 28, 2010
- Final Safety Standard for Infant Walkers – June 21, 2010
- Final Safety Standard for Infant Bath Seats – June 4, 2010
- Proposed NPR for Full-Size and Non-Full Size Cribs – July 12, 2010



# Product Registration Cards

## CPSIA section 104(d)

- Required for all categories of durable infant and toddler products
- Final rule issued December 29, 2009 with correction on February 22, 2010



# Mandatory Toy Standards

## CPSIA section 106

- Most provisions of ASTM F-963-07 became mandatory for toys made after February 10, 2009.
- Most provisions of ASTM F-963-08 became mandatory for toys made after August 17, 2009 (except deletion of toy box provision).
- CPSC consulting on upgrade of six specific provisions; deadline for upgrade is August 2010.



# Child Care Articles

- Includes items designed or intended for children *age 3 and younger* to facilitate sleep or feeding or to help such children with sucking or teething.
- Limit is 1000 parts per million for six specific phthalates.



# Phthalates

## CPSIA section 108

- Revised test method focuses on concentration in each *plasticized component* rather than the entire product.
- Unlike the lead provision, phthalate section lacks an exception for inaccessible components.
- Commission enforcement focus remains on items of greatest risk.



# Toys and Phthalates

- Children's toys are also subject to 1000 ppm limit on three banned phthalates.
- Toys that can be mouthed are subject to 1000 ppm limit on three additional phthalates.



# January 2010 Report to Congress

- Commission reached consensus on several issues:
  - Need for more flexibility in deciding when exemptions from lead limits are appropriate
  - Desirable to make future reductions in lead limits prospective, not retroactive
  - Need for greater flexibility on books
  - Need for flexibility on certification requirements for low volume manufacturers



# Where to Find Information

- CPSC home page: [www.cpsc.gov](http://www.cpsc.gov)
  - “Library – FOIA” tab leads to copies of Federal Register notices
  - “Business” tab leads to regulatory summaries
- CPSIA flag banner leads to
  - Info on lab accreditation
  - Summary of requirements for specific products
  - Sample certificate
  - News items



# Operating with a Full Commission

## CPSIA section 202(b)

- For the first time in twenty years, the Consumer Product Safety Commission is at full strength, with five Commissioners on board.
- The Commission is holding public briefings on a weekly basis, often with public participation.
- The Commission meets weekly on compliance issues, with special topics discussed monthly.



# Information Sharing with Other Governments

CPSIA § 207



# Prior Constraints on Information Sharing

- Section 6(b) limits the Commission's ability to share information concerning product safety, even with other governments.
- CPSA section 29(e) provides a limited exception for sharing CPSC investigation reports with other Federal agencies and State and local agencies who would prevent further disclosure.
- No provision for sharing with foreign governments.



# New CPSIA section 29(f)

- CPSIA adds a new section 29(f) that authorizes broader information sharing with other governments, including foreign governments, pursuant to an agreement or memorandum of understanding where used for specific purposes.
- The other agency must demonstrate that it has authority to maintain the confidentiality of the material.



# Public Database

## CPSIA section 212

- Report to Congress unveils CPSC plan for SaferProducts.gov [working name]
- Released almost \$8 million in FY09 funds to launch development of public database
- Public hearing November 10, 2009
- Projected date for public portal: March 2011
- How will the public database change our work?



# Expanded Reporting

- The new law adds the requirement to report when *any product or substance* over which the Commission has jurisdiction (other than motor vehicle equipment) fails to comply with “any other rule, regulation, standard, or ban under this Act or any other Act enforced by the Commission.”
- This requirement was effective October 13.



# Two Key Changes to section 15(b)

- The reporting requirement is no longer limited to products that are defined as “consumer products.” It now extends to almost all products and substances within the Commission’s jurisdiction.
  - Exceptional case: motor vehicle equipment
- The reporting requirement is expanded to cover a much broader set of regulated product violations.



# Two Key Changes to section 15(c)

- Section 15(c) as amended by CPSIA *expands the list of involuntary corrective actions* the Commission may order after a trial-type hearing.
- Section 15(c) as amended by CPSIA authorizes the Commission to order certain corrective actions *without a prior hearing* if it files suit under section 12.



# Two Key Changes to section 15(d)

- Section 15(d) as amended gives the Commission *greater control of the remedy* for a substantial product hazard after a trial-type hearing.
- Section 15(d) as amended gives the Commission authority to *amend or revoke a corrective action* plan under specified circumstances.



# “Generic Defect” Rules

## CPSIA section 223(a)

- New section 15(j) allows the Commission, by rule, to define the presence or absence of certain characteristics as a defect for a class of products.
- Characteristic must be “readily observable” and addressed by voluntary standards that are effective and generally complied with.
- Characteristic may be one that should not be present (drawstring) or one that should (GFCI on hairdryer).



# State Attorneys General

## CPSIA section 218

- CPSC holds a monthly call with representatives of State AG offices.
- We meet by phone and coordinate on a monthly basis.
- We are working to ensure a coordinated enforcement approach.



# Government Accountability Office

CPSIA sections 107, 212, 224, 225, 232, 234

- GAO called upon to review many different topics:
  - Prevention of injuries to minority children
  - Need for financial set asides to fund recalls
  - Use of formaldehyde in manufacturing
  - Costs and benefits of ATVs
  - Import safety program
  - Utility of the product safety database



# GAO Report on CPSC's Oversight of Imported Products

- CPSC has limited staff at the ports and therefore must work closely with CBP.
- Recommendation #1: implement key provisions of CPSIA, including generic defect rules and certification provisions.
- Recommendation #2: update agreements with CBP to clarify roles; develop capacity to analyze advance shipment data; use CPSC data to target.
- Recommendation #3: update Strategic Plan.



# XRF Study and Implications

## CPSIA section 101(f)(4)

- When used properly, XRF is highly accurate in determining lead content of homogeneous plastic materials
  - New accreditation rule contemplates use for certification of lead content in plastic
  - Staff planning to use XRF for enforcement purposes
- For measuring lead in paint, significant limitations still remain
  - Need standard reference materials



# Contact Information

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Deputy Director

Office of Compliance and Field Operations

- 301-504-7520- work
- 240-638-6955 – after hours cell
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