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On January 30, 2009, the U.S. Consumer Product Safety Commission voted to issue a one-year stay on select testing and certification requirements outlined in paragraphs 14 (a) (1), (2) and (3) of the Consumer Product Safety Act, as amended by subsection 102(a) of the Consumer Product Safety Improvement Act, with some exceptions. Section 102 says that any manufacturer of a item that falls under rules outlined in the CPSIA or in any other Act overseen by the CPSC is required to certify compliance based on reasonable and/or third-party testing (subject to effective dates based on product type).

WHAT DOES THIS MEAN?

- ➔ The CPSC has recognized, amid “substantial confusion” over testing requirements and the products to which they apply, that it does not have the time nor staffing resources to address all such concerns prior to the February 10th enforcement date when the lead and phthalate regulations of the CPSIA go into effect.

THIRD-PARTY TESTING FOR LEAD PAINT IS STILL REQUIRED

- ➔ Manufacturers, including importers must still utilize third-party testing laboratories to test and certify compliance in regard to the lead content of paint and surface coatings for items made after December 21, 2008.
- ➔ Third-party testing is also required for the following items manufactured after the date indicated in parentheses: pacifiers and full-size and non-full size cribs (January 20, 2009); small parts (February 15, 2009); metal components of children’s metal jewelry (March 23, 2009).

While the stay limits requirements of testing and certification relating to lead and phthalate limits effective February 10th, those limits themselves have not been put on hold. In short....

ALL PRODUCTS MUST STILL COMPLY WITH MANDATORY STANDARDS

Although some products will be temporarily exempt from extensive testing and certification, the stay does not apply “to the sale of products that do not comply with applicable mandatory safety requirements, “ including the limits of 600 ppm for overall lead content and 1,000 ppm for phthalates that went into effect on February 10, 2009.

Under Sections 19 and 20 of the Consumer Product Safety Act, it is unlawful to manufacture, distribute or sell any product that does not comply with regulations enforced by the CPSC, and any individual who “knowingly violates” the established standards will be subject to civil penalties.

Contact us Today to answer any questions regarding testing and compliance under the new regulations as outlined in the CPSIA.

330 Loch'n Green Trail
Arlington, TX 76012
(817) 275-2691 – Office
(817) 275-1883 – Fax
www.AFLab.com

cpsc@AFLab.com