

Gradient Corporation



NEWS ALERT

Consumer Product Safety Improvement Act (CPSIA) of 2008 - What you should know

On August 14, 2008, the Consumer Product Safety Improvement Act (CPSIA) of 2008 (H. R. 4040) was signed into law. The new act significantly amends the previous Consumer Product Safety Act (CPSA) and increases CPSC's enforcement authority.

Safety of Children's Products

The changes to the CPSA are especially significant to manufacturers of children's toys and products. The Act provides more stringent safety requirements for children's toys and products including safety standards for durable nursery goods (*e.g.*, cribs), tracking labels for children's products so that vendors and purchasers may easily identify products in the event of a recall, enhanced recall authority, a publicly available consumer product safety information database, *etc.* The legislation also establishes uniform federal standards for toys and children's products containing lead and phthalates, and mandates testing.

Changes to Total Lead Content Requirements

Products designed or intended primarily for children 12 years of age or younger will be banned if they contain lead in any part of the product according to the time schedule below.

Effective Date	Lead Limit in Product
February 10, 2009	600 ppm
August 14, 2009	300 ppm (0.009% lead paint)
August 14, 2011	100 ppm

Ban of Certain Products Containing Phthalates

Also beginning February 10, 2009, toys for children 12 years or younger or childcare items for children age three or younger will face the following restrictions:

- **Banned:** Toys containing more than 0.10% di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP)
- **Interim Ban:** Toys containing more than 0.10% of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-n-octyl phthalate (DnOP), all of which may be permanently banned pending review by a Chronic Hazard Advisory Panel.

Mandatory Third-Party Testing

For more information on Gradient's services, contact:

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Gradient Corporation is a nationally renowned consulting company offering expertise in Toxicology, Risk Assessment, Environmental Chemistry, and Fate and Transport. We have assisted clients in addressing Product Safety and recall issues involving lead and plastics to address the requirements of the CPSA as well as scientific defense of toxic tort claims.



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Any product falling under the Act's children's product safety rule must be tested using the Consumer Safety Specification on Toy Safety (ASTM F963-07) and manufacturers must certify that their products comply with the applicable CPSC standards and rules. Testing must be performed by accredited independent assessment bodies before commercial distribution (or importation). CPSC will publish a notice regarding accreditation and assessment within 180 days of enactment of the Act.

How might the Act affect you, and what can you do now?

- Products affected include toys, children's furniture, children's jewelry, children's clothing, *etc.*
- Review the requirements of the Act and CPSC's timeline for promulgation
- Carefully examine your supply chain
- Evaluate your current safety testing procedures to determine compliance with the new Act and how in your procedures might need to be changed
- Identify accredited testing laboratories or assessment bodies

Please contact us if you would like more information.

¹CPSC will hold public meetings on November 6, 2008 (lead), and December 4, 2008 (phthalates).

