

U.S. Consumer Product Safety Improvement Act of 2008

Summary of Key Provisions of Title I - Children's Product Safety



Michigan Network for
CHILDREN'S
Environmental
HEALTH

The Consumer Product Safety Improvement Act of 2008 (CPSIA), signed into law in August 2008, enhances and amends former legislation on consumer product protection. The following are brief highlights of Title I – Children's Product Safety.

GENERAL PROVISIONS

Note: On January 30, 2009, the CPSC placed a one year stay on the testing and certification provisions, except for lead paint (December 2008) and lead in jewelry (March 2009), prolonging relevant dates below by one year. However, the new lead and phthalate standards must still be met.

The U.S. Consumer Product Safety Commission (CPSC) shall:

- Accredit third party testing bodies to review children's products and material samples of such products to ensure such products comply with this and any other federal laws.
- Determine any new requirements for certifying that a product meets federal guidelines at the first viable date or no later than 10 months from enactment (June 2009). Certification requirements for certain products must be established sooner—e.g., lead paint within 30 days (September 2008).
- Maintain a website stating which producers have passed government certification.
- Require—within 90 days of enactment (November 2008)—children's product producers (manufacturers or importers) and labelers (any private entity that places its privately-owned label on children's products) to:
 - » Provide a certificate confirming what products have been certified by an accredited, third-party testing body. (The certificate must state what requirements were applicable to the product.)
 - » Provide information—on both product and package—that allows both consumer and producer to determine the location, date of production, batch, run number, and any other information regarding the product's source.
- Not require sellers of used children's products, small businesses, crafters, or charities to certify that their products meet the new lead limits, phthalates standards, or new toy standards, but shall only permit the sale or resale of products in compliance with CPSIA standards.
- Require durable infant and toddler product (e.g., cribs and other nursery furniture) producers to provide a registration form for the express purpose of creating a recall databank, i.e., a means to contact registered owners in case of recall within 1 year of enactment (August 2009).
- Determine within 1 year (August 2009) the effectiveness of American Society for Testing and Materials (ASTM) safety standards with regard to: internal harm or injury caused by inhalation or ingestion of magnets in children's products; toxic substances; spherical and hemispherical objects; battery-operated toys; and cords, straps, and elastics.
- Review all CPSC regulations at least every 5 years to adjust for changes in technology.

LEAD

- Children's products are treated as banned hazardous materials if found to contain accessible lead in concentrations higher than:
 - » 600 parts per million (ppm) after 180 days (February 2009).
 - » 300 ppm after 1 year (August 2009).
 - » 100 ppm after 3 years (August 2011). May be altered by the CPSC if determined not technologically feasible.
 - » More stringent limits can be assigned by the CPSC.

Exceptions to the above limits cover:

- » Certain product parts, if proven that the lead will not be absorbed into human bodies even if the parts are broken or swallowed. (Note: paint, coatings, and electroplating are disqualified as 'barriers' to human accessibility.)
- » Electronic devices (including battery operated), if use of a lead alternative is not technologically feasible. (Efforts will be made to minimize children's exposure to lead in batteries and eventually to bring levels down to those required above.)
- The maximum allowable amount of lead in paint and surface coatings decreases from 600 ppm to 90 ppm one year after enactment (August 2009).
- Government-approved methods shall be determined for testing for the presence of lead.
- The CPSC has exempted certain products from lead testing if they are composed of natural materials or materials not likely to contain lead. Such products include:
 - » Natural materials (wood, pearls, natural fibers, etc.)
 - » Precious gemstones
 - » Semiprecious gemstones not associated with lead
 - » Batteries (in their functional state)

PHTHALATES

- 'Childcare products' refer to products for children up to 3 years of age, and 'children's toys' refers to products for children up to 12

years of age.

- Childcare products and children's toys containing the phthalates DEHP, DBP, and BBP in concentrations higher than 0.1% *per phthalate* (1,000 ppm) were banned after 180 days (February 2009).
- Childcare products and children's toys containing the phthalates DINP, DnOP, and DIDP in concentrations higher than 0.1% *per phthalate* (1,000 ppm) were provisionally banned after 180 days (February 2009).
- A Chronic Hazard Advisory Panel (CHAP) was to be appointed no sooner than 180 days (February 2009) to examine health effects of DINP, DnOP, DIDP and any phthalates not named in the Act, as well as phthalate alternatives within 18 months (by August 2010). Within 180 days (February 2011) of the completion of the study, CHAP and CPSC will determine if DINP, DnOP, DIDP and/or any additional phthalates should be banned permanently.

STATE LAWS PASSED PRIOR TO ENACTMENT OF CPSIA

- State laws that maintain at least as strict requirements as those in this law can be preserved. States were required to file a petition to the CPSC within 90 days (November 2008).
- This law applies only to the stated products. Products not covered can still be regulated by state law, e.g., childcare products used for children 3 years of age and older and toys intended for children 12 years of age and older.

This fact sheet is a summary and does not cover all aspects of this law. Please refer to authorized legal sources for complete aspects of the Consumer Product Safety Improvement Act of 2008. A copy of this law may be found at: <http://www.cpsc.gov/cpsia.pdf>.

Network Members:

American Academy of Pediatrics (Michigan Chapter) • Arab Community Center for Economic and Social Services (ACCESS) • Association for Children's Mental Health • Autism Society of Michigan • Citizens for Alternatives to Chemical Contamination • Clean Water Fund • Clinton County Family Resource Center • Detroiters Working for Environmental Justice • East Michigan Environmental Action Council • Ecology Center • Healthy Homes Coalition of West Michigan • Learning Disabilities Association (LDA) of Michigan • Local Motion • Michigan Chapter of the National Association of Pediatric Nurse Practitioners • Michigan Coalition for Children and Families • Michigan Environmental Council • Michigan League of Conservation Voters Education Fund • Michigan Nurses Association • Science and Environmental Health Network • Voices for Earth Justice.

The Michigan Network for Children's Environmental Health is a coalition of health professionals, health-affected groups, environmental organizations, and others dedicated to a safe and less toxic world for Michigan's children. Through education, outreach, and advocacy, we seek to protect Michigan's children from adverse impacts caused by exposure to widespread hazardous chemicals.

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