

# *CPSIA OVERVIEW*

*CONNECT Annual Meeting  
June 16, 2009*

*Heather Webb*

*Bureau Veritas  
Consumer Products Services*



**Move Forward with Confidence**

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The following messages are qualified by

- (a) the fact that this is evolving and this is the current state of our knowledge and
- (b) there are many open points such as the definition of a "reasonable testing process".

**HOW IMPORTANT IS YOUR BRAND?**

**WHERE ARE YOU DISTRIBUTING?**

**WHAT ARE YOUR PRODUCTS?**



**CPSIA**  
**Consumer Product Safety**  
**Improvement Act**

- Children's Product – a **consumer product designed or intended primarily for children 12 years of age and younger**
  - Determined by:
    - Manufacturer's stated intent and labeling
    - How the product is promoted or advertised
    - Whether the product is commonly recognized for use by children
    - CPSC Age Determination Guidelines
  
- Consumer Product – **CPSA defines a consumer product as**
  - “any article, or component part thereof, produced or distributed
    - (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or
    - (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...”



## HIGHLIGHTS OF CPSIA

- LEAD IN SURFACE COATING
- LEAD IN SUBSTRATES
- PHTHALATES
- TRACKING LABEL
- TOY STANDARD
- DURABLE NURSERY AND TODDLER PRODUCTS
- GENERAL CONFORMITY CERTIFICATE (GCC)
- THIRD PARTY
- STAY OF ENFORCEMENT

## ➤ Lead In Surface Coatings 16 CFR 1303

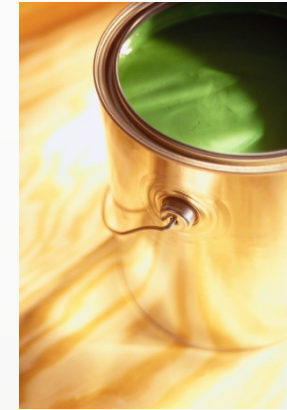
### ➤ Scope

- Coatings on children's products
- Coatings on furniture – adult and children's
- Wet paint (house paint)

### ➤ Limit

- 600 ppm – currently in effect
- 90 ppm – in effect as of August 14, 2009

### ➤ Includes inventory



## ➤ Lead in Substrates

### ➤ Scope

- Total lead for any accessible part (substrate) of children's product

### ➤ Limit

- 600 ppm - February 10, 2009
- 300 ppm - August 14, 2009
- 100 ppm - August 14, 2011
- if 100 ppm is not technologically feasible, the lowest possible limit (and lower than 300 ppm) to be established



### ➤ Includes inventory on effective dates

# Lead in Substrates - Exclusion



- Inaccessible materials – after normal and reasonable foreseeable use and abuse
  - Paint, coatings, and electroplating not barriers
  - Interpretative rule published
  - Enforcement Policy published until guidance document finalized
- Certain electronic devices
  - Final rule published
- Exclusions: certain products or materials, if the CPSC determines that lead is not absorbed or has adverse impact on public health or safety
  - Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion
- Excluded products
  - Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion

<http://www.cpsc.gov/about/cpsia/cpsia.html>



- Children's toys and child care articles not to exceed more than 0.1% DEHP, DBP, or BBP individually
  - children's toys defined as 12 years and under
  - child care articles - to facilitate sleep or feeding of children 3 years and under, or to help children with sucking and teething
- Interim prohibition (until final rule is promulgated):
  - shall not exceed more than 0.1% DINP, DIDP, or DnOP individually
  - any children's toy that can be placed in the mouth and child care articles
    - toys that can be kept in the mouth by a child so that it can be sucked or chewed
    - toy or part of toy with one dimension less than 5 cm
- **Effective February 10, 2009**
  - Includes inventory



# Tracking Labels



- Children's products shall have permanent, distinguishing marks on product and packaging
- The tracking label will enable
  - the manufacturer to ascertain:
    - the location and date of production
    - cohort information
    - any other information that facilitates identification of the specific source of the product
  - the consumer to ascertain:
    - the manufacturer or private labeler
    - location and date of production
    - cohort information
- **Effective 1 year after enactment (August 14, 2009)**

# Toy Safety Standard

## ➤ Mandatory Toy Safety Standard

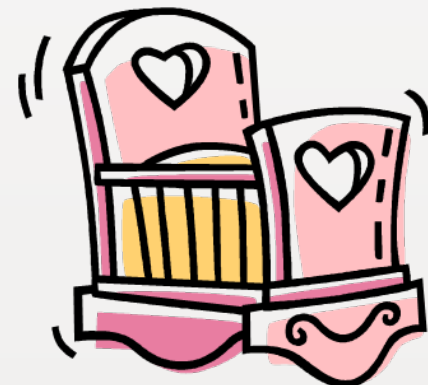
- ASTM F963 is mandatory
- **Effective: February 10, 2009**
- Review effectiveness of ASTM F963 by August 14, 2009



# Durable Nursery and Toddler Products



- Durable infant or toddler product means a durable product intended for use, or reasonably expected to be used, by children under the age of 5 years
- Requires CPSC to issue mandatory standards that
  - are substantially the same as such industry standards; or
  - are more stringent than such industry standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.
- Within 1 year of enactment (**August 14, 2009**), promulgate standards for 2 categories of durable infant or toddler products every 6 months.
- As of **August 14, 2009**, registration form will be required to be provided to consumers
- Permanently label product with manufacturer name and contact information, model name and number, and the date of manufacture
- Manufacturer to maintain registration information for 6 years after date of manufacture



# GCC (General Conformity Certificate)



- **EVERY Domestic Manufacturer and Importer** of a product *which is subject to a consumer product safety rule*
  - Adult and Children's products
  - Based on a reasonable testing program, stating that each product complies with all rules, bans, standards or regulations applicable to the product
    - CPSC has 15 months to define “reasonable testing program”
  - Shall list each rule, ban, standard or requirement applicable to the product (except those in the stay)
  - Effective 90 days after enactment (**November 12, 2008**) Stay of Enforcement (SOE) – Feb. 10, 2010
  - Only enforceable by CPSC (not FDA, EPA, FCC, DOT etc.)
  - CPSC considers manufacturers as agents, brands, importers of record, private labelers
  - List of all federally regulated products: <http://www.cpsc.gov/businfo/reg1.html>
  
- **It is the Importer or Domestic Manufacturer’s responsibility to issue GCC/COC**
  - Labs can not issue the General Conformity Certificate on your behalf

# THIRD PARTY TESTING



- Applies to specific **children's product regulations** or standards with the requirements phased in over a period of time.
  - Third party lab must be accredited to 17025 which includes the scope of the regulation by an ILAC signatory
  - Must register and be approved by the CPSC
  - First party labs must be “fire walled”
  - Testing must be completed before importing for consumption or warehousing
- Initial third-party testing requirements
  - Lead in Coatings – December 21, 2008 (children's products only)
  - Cribs and Pacifiers – January 20, 2009
  - Small Parts – February 15, 2009
  - Children's Metal Jewelry – March 22, 2009
- Based on CPSC policies
  - All materials are tested
  - Final product testing only; no component testing
  - Compositing is allowed for lead in surface coating

# General Conformity Certificates and Third Party Reporting



	<b>GCC based on Reasonable Testing Program</b>	<b>Third-Party Reporting</b>
<b>Scope</b>	Stringent enough to detect products that would fail	Validate compliance on test samples
<b>Parameters</b>	<p>Not necessary to use exact CPSC procedure:</p> <ul style="list-style-type: none"> <li>• Compositing</li> <li>• Component testing</li> <li>• Risk-based approach</li> <li>• Frequency not established</li> </ul>	<p>Use CPSC procedure:</p> <ul style="list-style-type: none"> <li>• No component testing</li> <li>• Final product testing</li> <li>• Compositing is allowed for lead in surface coating</li> </ul>

# Stay of Enforcement



## ➤ Stay applies to:

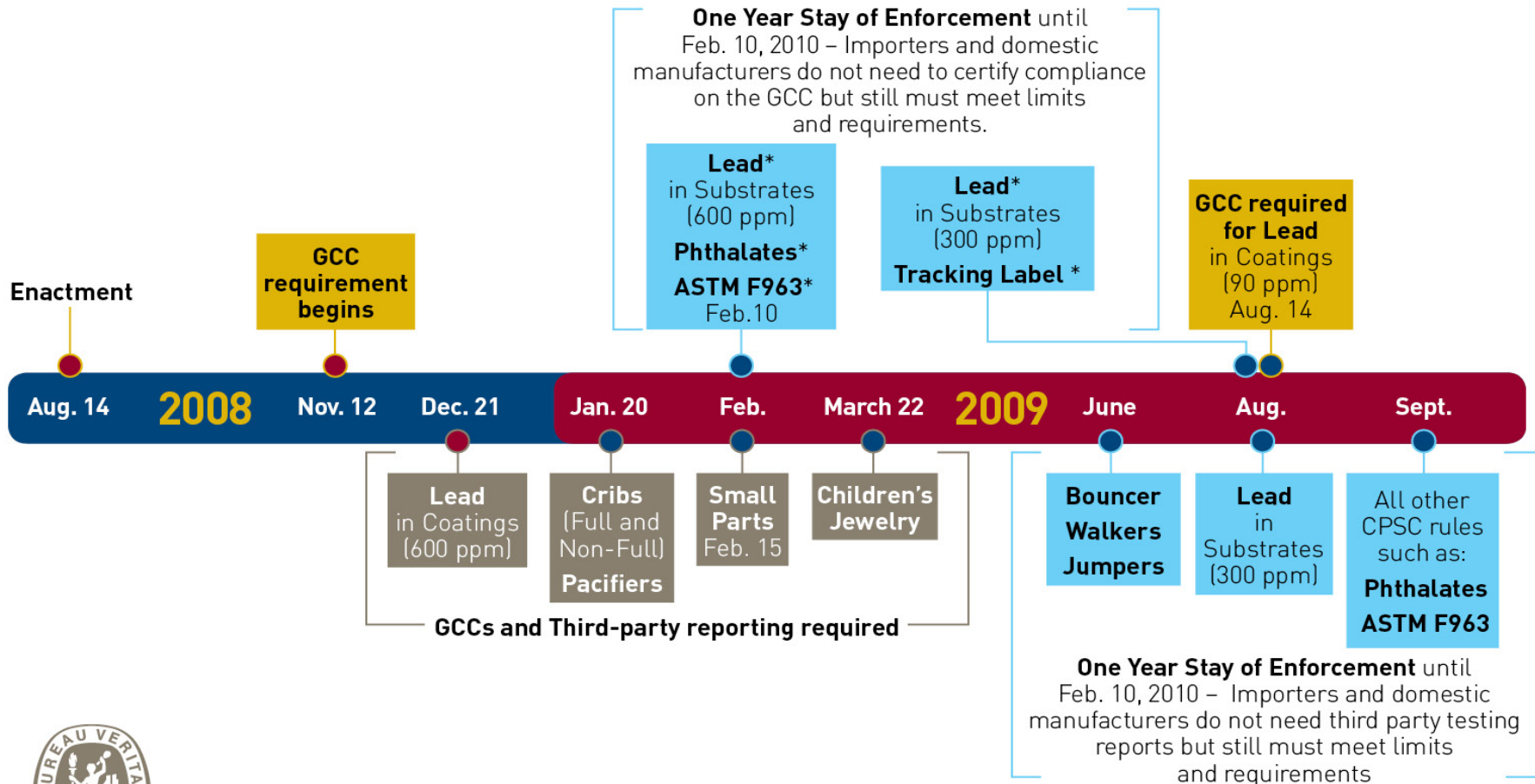
- Testing and certification for all products except those listed as exceptions in the stay effective February 10, 2009
- Products would still **need to comply** with the **requirements and limits** of:
  - The **lead (in substrates)** ban for children's products
  - Products containing specified **phthalates**
  - Mandatory toy safety standards for products (**ASTM F963**)
  - **Tracking label**
  - Bouncers, walkers, jumpers
  - **All other CPSC rules, bans, standards and regulations**
- Stay is effective until Feb 10, 2010 and voted to terminate



# Stay of Enforcement

- **Portions of CPSIA Section 102 that remain in effect:**
  - Testing and certification rules of the Consumer Product Safety Act (CPSA) in effect prior to CPSIA
  - Testing and certification rules already in effect such as
    - The lead paint ban for products made after December 21, 2008
    - Standards for full- and non-full-size cribs made after January 20, 2009
    - Pacifiers for products made after January 20, 2009
    - The small parts ban for products made after February 15, 2009
    - The lead content for metal components of children's jewelry made after March 22, 2009
  - Certifications expressly required by CPSC regulations
  - Certification requirements for ATVs made after April 13, 2009
  - Pool drain covers rules of the Virginia Graeme Baker Pool & Spa Safety Act
  - Guarantees provided for in the Flammable Fabrics Act (FFA)

# Consumer Product Safety Improvement Act (CPSIA) CPSC Stay of Enforcement




- General Conformity Certificate (GCC)
- 3rd Party Report Requirements – Children's Products
- CPSIA Stay of Enforcement (February 10, 2010 or later)

\* Applies only to toys, child care articles and/or children's products as per the scope of the individual regulation.



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VERITAS**



# CASE STUDIES

# CPSIA & Toys/Juvenile Products- Manufactured on or after February 15, 2009

## PRODUCT DESCRIPTION



### Case Study 1 CHILDREN'S TOY

- Wooden Train Set
- Plastic and metal components
- Free-rolling wheels



**GCC** GENERAL CONFORMITY CERTIFICATE  
FOR  
CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

October 30, 2008  
Page 1 of 1

MANUFACTURER JOHN DOE ABC MANUFACTURING LTD. 123 MAIN STREET ANYTOWN, MO 65002 USA	IMPORTER JANE DOE ABC IMPORT LTD. 456 MARKET ST SEATTLE WASHINGTON 98101 USA
---	---

Sample Description: WOODEN TOY TRAIN SET  
Part Number: 123456789  
Lot Number: 1234567890  
Date of Manufacture: 10/30/08  
Place of Manufacture: ANYTOWN, MO, USA  
Date of Testing: SEPTEMBER 2008  
Name of Testing Laboratory: BUREAU VERITAS

Specific tests were performed under the supervision of the manufacturer and the results are as follows:  
The following tests, standards and regulations apply for this production lot:  
- Test methods for sampling, use and abuse of top and other articles intended for use by children 16 CFR 1501.001-010  
- The flame propagation of 16 CFR 1505.4 (USA Regulation)  
- The sharp edge requirements of 16 CFR 1505.4 (USA Regulation)  
- The labeling requirements of 16 CFR 1505.10, "Misleading top and other labeled articles intended for use by children" 16 CFR 1505.10 (USA Regulation)  
- The small parts requirements of 16 CFR 1501.101 (USA Regulation)  
- The lead content requirements of 16 CFR 1303.101 (USA Regulation)  
- The flammability requirements of 16 CFR 1626.101 (USA Regulation)

### GCC Statement based on Reasonable Testing Program for:

- 16 CFR 1303: Lead in Coatings (600 ppm)
- 16 CFR 1501: Small Parts

### Third Party Report for:

- 16 CFR 1303: Lead in Coatings (600 ppm)
- 16 CFR 1501: Small Parts



**THIRD PARTY TEST REPORT**  
FOR  
CLIENT NAME

Test Method: 16 CFR 1303-1303.101  
Date Reported: 10/30/08  
Page 1 of 1

CLIENT NAME  
WOODEN TOY TRAIN SET  
123456789  
1234567890

Sample Description:	WOODEN TOY TRAIN SET	Sample Size:	1000g
Material:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1303-1303.101
Label:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Label Age Group:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Approximate Age Group:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Child Toy Label:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Label Age Group:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Label Age Group:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101
Label Age Group:	WOODEN TOY TRAIN SET	Test Method:	16 CFR 1501-1501.101

TESTS:  
- 16 CFR 1303-1303.101 (USA Regulation)  
- 16 CFR 1501-1501.101 (USA Regulation)

The sample(s) meet(s) the following requirements:  
Client signature (signature and date) \_\_\_\_\_  
Date Reported: 10/30/08

### Product would still need to comply with the requirements and limits of:

- Lead in Substrates (600 ppm)
- Phthalates
- ASTM F963
- 16 CFR 1500.44/ 1500.3(c)(6)(vi): Flammability of Solids
- 16 CFR 1500: Sharp Points/ Sharp Edges

# CPSIA & Softlines Products

## - Manufactured on February 10, 2009

### PRODUCT DESCRIPTION



### CHILDREN'S WEARING APPAREL

- Toddler Girls size 2T Shirt and Pant Set
- Painted Snaps at back opening
- Screen Print graphic
- Drawstring at pants waist

**GCC** GENERAL CONFORMITY CERTIFICATE FOR CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

Page 1 of 1

MANUFACTURER JANE DOE JANE DORRANCEMENT LTD. 123 MAIN STREET ROAD SUITE 1234 SEATTLE, WA 98101	IMPORTER JANE DOE JANE DORRANCEMENT LTD. 123 MAIN STREET ROAD SUITE 1234 SEATTLE, WA 98101
---	---

Sample Reference No.	000001-0001	Sample No.	0001
Test Method	ASTM D 4130	Test Method No.	0001
Lot No.	123456	Lot No.	123456
Plant Code	000001	Plant Code	000001
Plant Name	123456	Plant Name	123456
Date of Manufacture	TO BE ADVISED	Date of Testing	SEPTEMBER 25, 2008
Name of the Laboratory	TO BE ADVISED		

THE FOLLOWING INFORMATION IS FOR INFORMATION ONLY. IT DOES NOT CONSTITUTE A WARRANTY OR A GUARANTEE OF THE QUALITY OF THE PRODUCT. THE PRODUCT IS SUBJECT TO THE REQUIREMENTS OF THE CPSIA AND THE CPSIA REGULATIONS. THE FOLLOWING INFORMATION IS FOR INFORMATION ONLY. IT DOES NOT CONSTITUTE A WARRANTY OR A GUARANTEE OF THE QUALITY OF THE PRODUCT. THE PRODUCT IS SUBJECT TO THE REQUIREMENTS OF THE CPSIA AND THE CPSIA REGULATIONS.

- The following rules, laws, standards and regulatory requirements for the production of the product:
- The test methods for sampling, use and abuse of top and other articles intended for use by children 16 CFR 1609.100-100.000
- The flammability requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The sharp edge requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The labeling requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The small parts requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The lead content requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The mechanical requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)

**GCC Statement based on Reasonable Testing Program for:**  
 16 CFR 1303: Lead in Coatings (600 ppm)

**Third Party Report for:**  
 • 16 CFR 1303: Lead in Coatings (600 ppm)

**THIRD PARTY TEST REPORT**

CLIENT NAME: [REDACTED]

TEST RESULT: [REDACTED]

Sample Reference No.	000001-0001	Sample No.	0001
Test Method	ASTM D 4130	Test Method No.	0001
Lot No.	123456	Lot No.	123456
Plant Code	000001	Plant Code	000001
Plant Name	123456	Plant Name	123456
Date of Manufacture	TO BE ADVISED	Date of Testing	SEPTEMBER 25, 2008
Name of the Laboratory	TO BE ADVISED		

THE FOLLOWING INFORMATION IS FOR INFORMATION ONLY. IT DOES NOT CONSTITUTE A WARRANTY OR A GUARANTEE OF THE QUALITY OF THE PRODUCT. THE PRODUCT IS SUBJECT TO THE REQUIREMENTS OF THE CPSIA AND THE CPSIA REGULATIONS.

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- The flammability requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The sharp edge requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The labeling requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The small parts requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The lead content requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)
- The mechanical requirements of 16 CFR 1609.100-100.000 (16 CFR Regulations)

**Product would still need to comply with the limits of:**

- **Lead in Substrates (600 ppm)**
- **16 CFR 1610: Flammability of General Wearing Apparel**
- **16 CFR 1500: Sharp Points and Sharp Edges**
- **CPSC Drawstring Guidelines**

# Consumer Product Safety Improvement Act (CPSIA)

## Toys, Children's Products and Furniture (Children and Adults)

Regulation	Limit or Requirement	Compliance Effective	GCC and 3rd Party Report	Plastic or Plush Toy	Pacifier	Crib	Children's Metal Jewelry (Non-toys)	Bouncer Walker Jumper	Children's Furniture Mini-couch High Chair	Adult Furniture
Lead in Surface Coatings - Children's 16 CFR 1303	600 ppm 90 ppm	Now Aug. 14, 2009	Now Aug. 14, 2009	•	•	•	•	•	•	
Lead in Substrates CPSIA	600 ppm 300 ppm 100 ppm	Now Aug. 14, 2009 Aug. 14, 2011	— Feb. 10, 2010 Aug. 14, 2011	•	•	•	•	•	•	
Phthalates CPSIA	0.10%	Now	Feb. 10, 2010	•	•	•		• <sup>1</sup>	•	
Small Parts (Under 3 years) 16 CFR 1501	Meet	Now	Now	•	Covered in Pacifier Requirements	•	•	•	•	
Sharp Points and Edges 16 CFR 1500.48 and 49	Meet	Now	Feb. 10, 2010	•	•	Covered in Crib Requirements	•	•	•	
Flammability of Solids 16 CFR 1500.44	Meet	Now	Feb. 10, 2010	•	•	•	•	•	•	•*
ASTM F963 Toy Safety	Meet	Now	Feb. 10, 2010	•	•					
Pacifiers 16 CFR 1511	Meet	Now	Now		•					
Cribs 16 CFR 1508/1509	Meet	Now	Now			•				
Flammability of Mattresses and Pads 16 CFR 1632/1633	Meet	Now	Feb. 10, 2010			•				
Children's Metal Jewelry	600 ppm 300 ppm 100 ppm	Now Aug. 14, 2009 Aug. 14, 2011	Now Aug. 14, 2009 Aug. 14, 2011				•			
Bouncers, Walkers, Jumpers 16 CFR 1500.18 (a) (6)	Meet	Now	Feb. 10, 2010					•		
Tracking Label	Meet	Aug. 14, 2009	Feb. 10, 2010	•	•	•	•	•	•	
Any other rule	Meet	Now	Feb. 10, 2010	•	•	•	•	•	•	•*
Adult Furniture and Paint 16 CFR 1303	600 ppm 90 ppm	Now Aug. 14, 2009	— Feb. 10, 2010 (GCC)							•*

\* GCC only; Third-party report not required.

<sup>1</sup> Bouncers, Walkers and Jumpers: Only certain parts or certain products will require phthalates testing depending on product design and marketing.

Information as of March 31, 2009

# Consumer Product Safety Improvement Act (CPSIA)

## Softlines

### (Children and Adults)

Regulation	Limit or Requirement	Compliance Effective	GCC and 3rd Party Report	Adult Wearing Apparel	Children's Wearing Apparel	Children's Sleepwear	Children's Footwear	Children's Costumes Apparel Toy Components	Comforter Adult	Children's
Lead in Surface Coatings - Children's 16 CFR 1303	600 ppm 90 ppm	Now Aug. 14, 2009	Now Aug. 14, 2009		*	*	*	*		*
Lead in Substrates CPSIA	600 ppm 300 ppm 100 ppm	Now Aug. 14, 2009 Aug. 14, 2011	— Feb. 10, 2010 Aug. 14, 2011		*	*	*	*		*
Phthalates CPSIA	0.10%	Now	Feb. 10, 2010		Bibs only	*		*		*
Small Parts (Under 3 years) 16 CFR 1501	Meet	Now	Now					*		*
Sharp Points and Edges 16 CFR 1500.48 and 49	Meet	Now	Feb. 10, 2010		*	*	*	*		*
Drawstrings Guidelines	Meet	Now	Feb. 10, 2010		*			*		
Flammability of Wearing Apparel 16 CFR 1610	Meet	Now	Feb. 10, 2010	**	*	Tight-fitting and infants sleepwear only		*		
Flammability of Vinyl 16 CFR 1611	Meet	Now	Feb. 10, 2010	**	*	Tight-fitting and infants sleepwear only		*		
Flammability of Children's Sleepwear 16 CFR 1615/1616	Meet	Now	Feb. 10, 2010			*				
Flammability of Solids 16 CFR 1500.44	Meet	Now	Feb. 10, 2010					*		
Tracking Label	Meet	Aug. 14, 2009	Feb. 10, 2010		*	*	*	*		*
ASTM F963 Toy Safety	Meet	Now	Feb. 10, 2010					*		
Any other rule	Meet	Now	Feb. 10, 2010	**	*	*	*	*	**	*

\*GCC only; Third-party report not required.

Information as of March 31, 2009

- From apparel and toys to consumer electronics and hard goods, Bureau Veritas Consumer Products Services (BVCPS), provides a full range of quality and safety compliance testing, inspections and consulting services on an ongoing basis to help protect your reputation and brand.
- We can work with you to identify quality concerns prior to distribution, monitor your private label brands throughout their life cycles, and assess all your products, including textiles, apparel and home furnishings for regulatory compliance.



*A committed partnership based on integrity, teamwork, and customer focus.*



# THANK YOU FOR ATTENDING!



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[www.bureauveritas.com/cpsia](http://www.bureauveritas.com/cpsia)

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