



CPSC Issues & Answers

An Importers view on how the CPSIA law has affected their operations

Presented by:

Evan Locke, Director of Global Quality, Franklin Sports

*CONNECT Annual Meeting 2009
Industry Educational Sessions
Tuesday, June 16th
Henderson House, Weston, MA*

GLOBAL STANDARDS AND REGULATIONS

- **SAFETY AND REGULATORY GUIDELINES**
 - Products must meet global standards and regulatory requirements for the countries they are shipped to and sold.
 - **These are based on many factors including, but not limited to...**
 - Legal standards
 - Country of Distribution
 - Customer specific requirements
 - Age of end user
 - Risk assessment

CPSIA 2008

August 14, 2008



February 10, 2009

122 STAT. 3016 PUBLIC LAW 110-314—AUG. 14, 2008

Public Law 110-314
110th Congress

An Act

Aug. 14, 2008 To establish consumer product safety standards and other safety requirements
(H.R. 4040) for children's products and to reauthorize and amend the Consumer Product Safety Act.

Consumer Product Safety Improvement Act of 2008.
Congress and Trade.
16 USC 2003 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Product Safety Improvement Act of 2008".
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Authority to issue implementing regulations.
- Sec. 4. THE CONSUMER PRODUCT SAFETY COMMISSION'S FUNCTIONS.
- Sec. 5. (a) The Commission shall lead, in cooperation with the Secretary of Health and Human Services, the following activities:
 - (1) The Commission shall conduct a comprehensive registration of durable nursery products.
 - (2) The Commission shall conduct a study on the labeling requirements for advertising toys and games.
 - (3) The Commission shall conduct a study on the mandatory toy safety standards.
 - (4) The Commission shall conduct a study on the prevalence of injuries and deaths in minority children related to consumer products.
- Sec. 106. Prohibition on sale of certain products containing specified phthalates.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Subtitle A—Administrative Improvements

- Sec. 201. Reauthorization of the Commission.
- Sec. 202. Full Commission requirement; interim quorum; personnel.
- Sec. 203. Submission of copy of certain documents to Congress.
- Sec. 204. Expedited rulemaking.
- Sec. 205. Inspector general audits and reports.
- Sec. 206. Industry-sponsored travel ban.
- Sec. 207. Sharing of information with Federal, State, local, and foreign government agencies.
- Sec. 208. Employee training exchanges.
- Sec. 209. Annual reporting requirement.

Subtitle B—Enhanced Enforcement Authority

- Sec. 211. Public disclosure of information.
- Sec. 212. Establishment of a public consumer product safety database.
- Sec. 213. Prohibition on stockpiling under other Consumer Product Safety Act provisions.
- Sec. 214. Enhanced recall authority and enforcement of plans.
- Sec. 215. Inspection of recalled consumer products for bedbug infestation.
- Sec. 216. Supply chain.

August 14, 2009

August 14, 2011

CPSIA 2008

FEELING OF CHAOS

- CPSC

- Is not taking the 'responsibility' to make decisions
- Placing blame on Congress
- Continually states they are ...Imposed with the 'responsibility' to enforce the law without the resources...

- US Congress

- Industry is critical of the rush to impose the law and timelines
- Industry is frustrated
- Industry is confused

- We need clear answers

- Retroactive vs. Prospective

- It is **NOT** the intent, limits or requirements that are difficult to accept, it is their respective unresponsiveness and unwillingness to be sensitive to the realities of the supply chain.

Know your DEFINITIONS!

CPSA – SEC. 3. [15 U.S.C. 2052 (a)]

(2) CHILDREN'S PRODUCT -

...a consumer product designed or intended **primarily** for children 12 years of age or younger.

(5) CONSUMER PRODUCT -

...any article, or component part thereof, produced or distributed for sale to a consumer **for use in or around** a permanent or temporary household or residence, a school, in recreation, or otherwise, or for the personal use, consumption or enjoyment of a consumer...

(3) COMMERCE-

... trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(8) DISTRIBUTION IN COMMERCE-

... “to distribute in commerce” and “distribution in commerce” means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(9) IMPORT-

... “import” and “importation” include reimporting a consumer product manufactured or processed, in whole or in part, in the United States.

(11) MANUFACTURER-

... any person who manufactures or imports a consumer product.



Are YOU breaking the law?



Are YOU breaking the law?



- If over the limits... **YES!**

SEC 101
Containing Lead

Substrate

-600ppm

-300ppm

-100ppm

SEC 101
Lead Paint

Surface Coatings

-600ppm

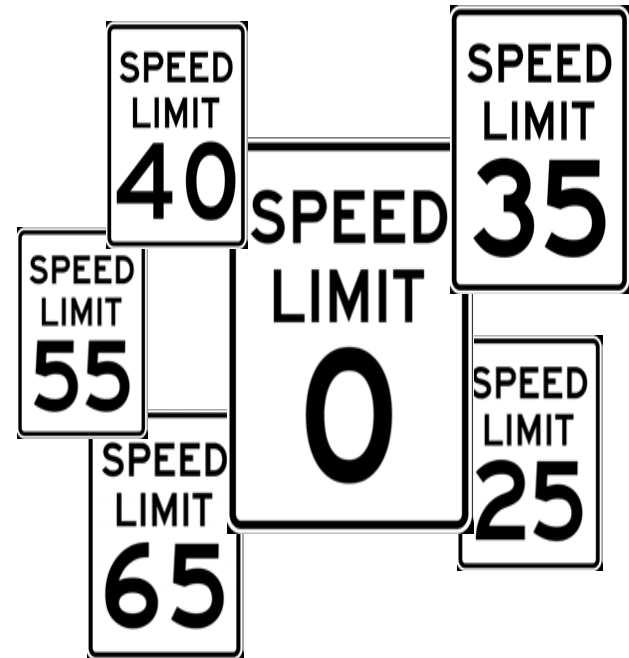
-300ppm

-90ppm

SEC 108

Phthalates

-<0.1% 3P
or 6P



Are YOU testing products?

- Determine your customer and distribution channel
 - If the USA...use the CPSIA as your minimum guide
- Consider testing
 - Proves product manufactured meets requirements
- Tighten or implement limits early
 - Prepare your supply chain
 - Assure inventory is not adversely affected
- Communicate and discuss early in the development process
- Establish a policy...
 - NO product may be manufactured or shipped unless all identified testing and labeling requirements have been satisfied
 - Use of a the GCC (General Certificate of Conformity)
 - (SEC 102 (a) MANDATORY AND THIRD PARTY TESTING (1) GENERAL CONFORMITY CERTIFICATION)



As an importer, distributor or manufacturer, your responsibility is to insure all manufactured components are compliant.



What can YOU do?

STAY ALERT



- Speak and/or Write to your Congressional Representation
- Speak to your Associations
- Speak to your Legal Counsel
- Speak to a CPSC Certified/Recognized Lab
- Sign up for Auto Notices from the CPSC on recalls and updates to the CPSIA

HOW CONFIDENCE
FEELS.





THANK YOU

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