

# News from CPSC

## U.S. Consumer Product Safety Commission

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### **CPSC Clarifies Requirements of New Children's Product Safety Laws Taking Effect in February**

#### *Guidance Intended for Resellers of Children's Products, Thrift and Consignment Stores*

Washington, D.C. – In February 2009, new requirements of the Consumer Product Safety Improvement Act (CPSIA) take effect. Manufacturers, importers and retailers are expected to comply with the new Congressionally-mandated laws. Beginning February 10, 2009, children's products cannot be sold if they contain more than 600 parts per million (ppm) total lead. Certain children's products manufactured on or after February 10, 2009 cannot be sold if they contain more than 0.1% of certain specific phthalates or if they fail to meet new mandatory standards for toys.

Under the new law, children's products with more than 600 ppm total lead cannot lawfully be sold in the United States on or after February 10, 2009, even if they were manufactured before that date. The total lead limit drops to 300 ppm on August 14, 2009.

The new law requires that domestic manufacturers and importers certify that children's products made after February 10 meet all the new safety standards and the lead ban. Sellers of used children's products, such as thrift stores and consignment stores, are not required to certify that those products meet the new lead limits, phthalates standard or new toy standards.

The new safety law does not require resellers to test children's products in inventory for compliance with the lead limit before they are sold. However, resellers cannot sell children's products that exceed the lead limit and therefore should avoid products that are likely to have lead content, unless they have testing or other information to indicate the products being sold have less than the new limit. Those resellers that do sell products in violation of the new limits could face civil and/or criminal penalties.

When the CPSIA was signed into law on August 14, 2008, it became unlawful to sell recalled products. All resellers should check the CPSC Web site ([www.cpsc.gov](http://www.cpsc.gov)) for information on recalled products before taking into inventory or selling a product. The selling of recalled products also could carry civil and/or criminal penalties.

The agency intends to focus its enforcement efforts on products of greatest risk and largest exposure. While CPSC expects every company to comply fully with the new laws, resellers should pay special attention to certain product categories. Among these are recalled children's products, particularly cribs and play yards; children's products that may contain lead, such as children's jewelry and painted wooden or metal toys; flimsily made toys that are easily breakable into small parts; toys that lack the required age warnings; and dolls and stuffed toys that have buttons, eyes, noses or other small parts that are not securely fastened and could present a choking hazard for young children.

The agency has underway a number of rulemaking proposals intended to provide guidance on the new lead limit requirements. Please visit the CPSC website at [www.cpsc.gov](http://www.cpsc.gov) for more information.