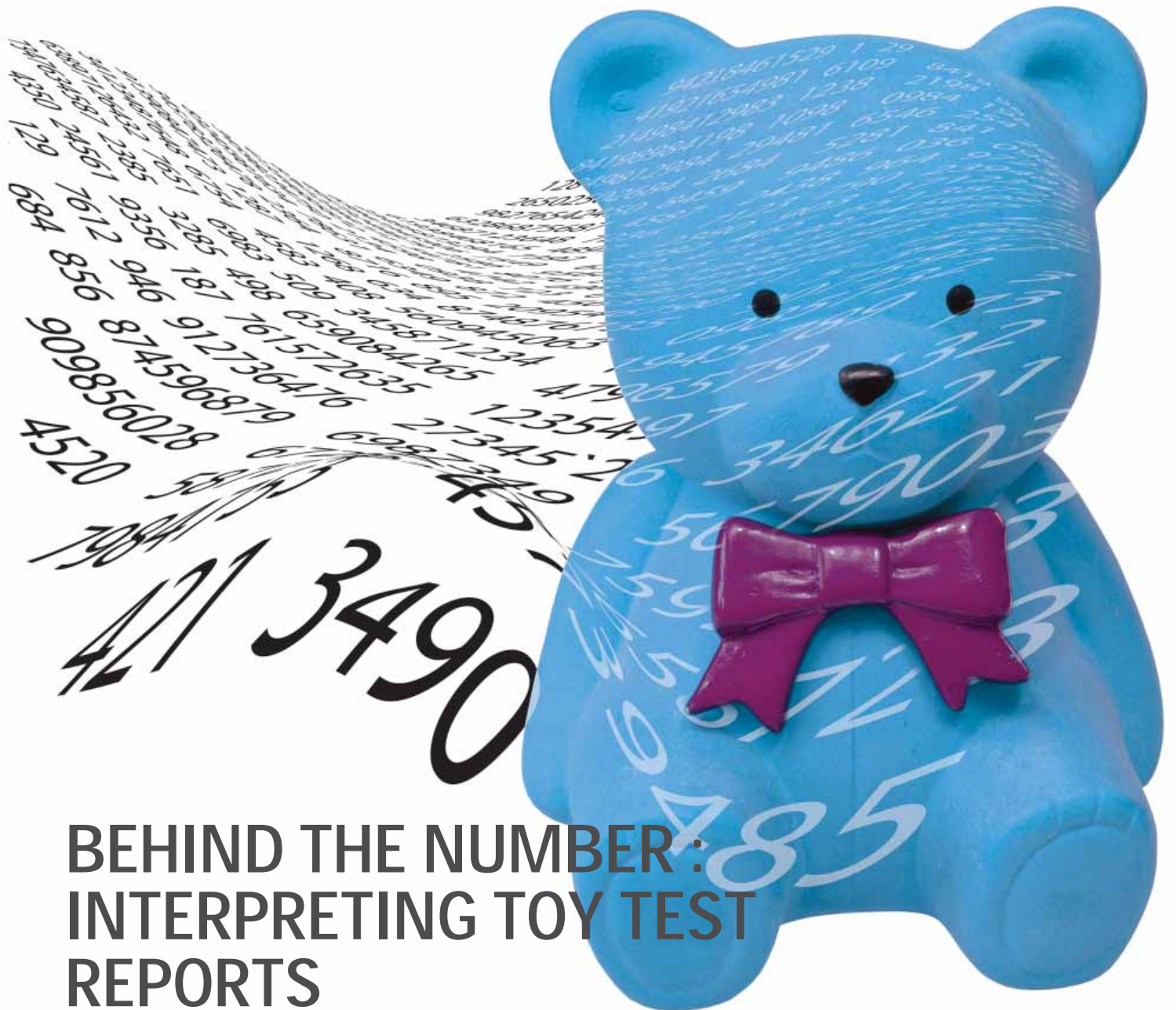


CONSUMER COMPACT

THE QUARTERLY CONSUMER PRODUCT PUBLICATION THAT KEEPS YOU INFORMED

APRIL 2009, VOL. V ISSUE 1



BEHIND THE NUMBER : INTERPRETING TOY TEST REPORTS

FOOD CONTAMINANT SERIES - MYCOTOXINS
CPSIA : AN UPDATE

SGS

CPSIA - AN UPDATE

Do you know how to comply with CPSIA requirements and when? SGS helps you meet not only the current requirements but also prepare your company and products to meet future requirements.

Background

In response to a wave of recalls of “toxic toys” and other products, the US enacted the **Consumer Product Safety Improvement Act (CPSIA) of 2008** on 14th August, 2008. The objective of this comprehensive legislation is to protect the public against unreasonable risks of injuries and deaths associated with consumer products. All children’s products including toys, books, child care articles and clothing are covered in different ways by this law. The law is comprehensive and includes multiple aspects from tougher lead requirements to 3rd party testing to product labelling and many other complex requirements for manufacturers, importers and retailers.



The new law includes:

1. More stringent safety standards for a variety of children’s products: **limits on lead in children’s products, lower limits on lead in paint and surface coatings, bans of certain phthalates.**
2. Mandatory safety testing and certification requirements: **third-party testing from a CPSC accredited laboratory and a Certificate of Conformity for all products.**

The consumer product toy safety rule “ASTM F963-07 e1” is mandatory from 10th February 2009.

The CPSIA regulation dramatically changes the legal requirements for children’s products on the US market. Manufacturers, importers, private labellers, distributors and retailers of consumer products must take appropriate steps to be sure that their products conform to all aspects of the law and safety standards. SGS offers guidance through the complex regulatory context, interpretations of the new law and testing solutions for product compliance.

CPSIA Implementation Timeline

In November 2008, the US Consumer Product Safety Commission (CPSC) published guidance explaining key provisions of the CPSIA and its 4 year-implementation from 2008 to 2011. But on 30th January 2009, the Consumer Product Safety Commission (CPSC) said that certain testing and certification requirements will be delayed (‘stay’) by one year. This delay applies only to Third-Party Testing requirements and General Conformity Certificates (GCCs) for certain products (see charts on pages 10 & 11).

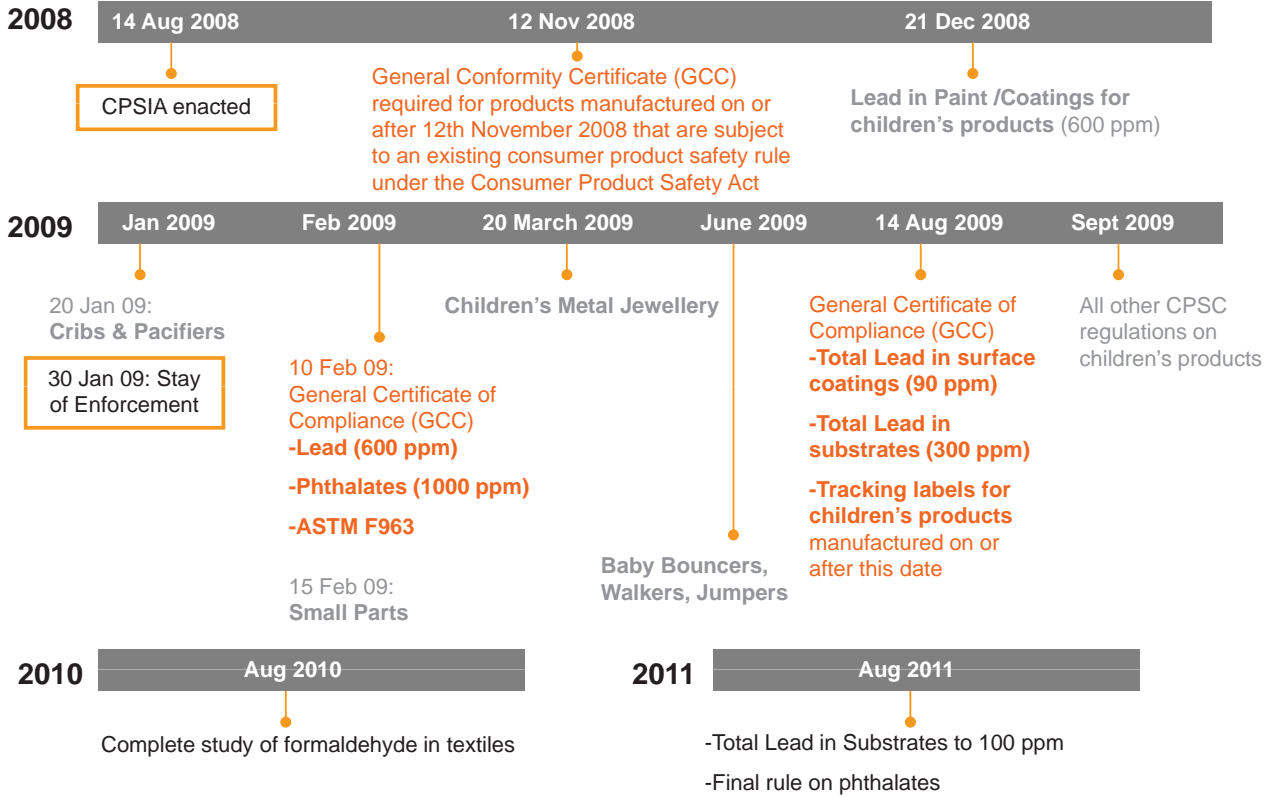
In brief:

- Commission will not enforce until February 10, 2010, the CPSC accredited 3rd party testing and certification portion of the Act for which procedures have not yet been defined
- Products still need to meet the safety requirements (E.g.: Children’s products need to comply with lead content limit of 600 ppm, Toys and childcare items can not contain phthalates above 1000 ppm)



CPSIA IMPLEMENTATION TIMELINE:

- 1) Manufacturer's Certificate (GCC) – All products
- 2) 3rd Party Testing and certification – Children's products



CPSC ALSO IDENTIFIED RULES THAT ARE EXCEPTIONS TO THIS STAY OR DELAY:

PRODUCT SAFETY RULE	TESTING AND CERTIFICATION REQUIRED
Lead Paint: 16 CFR 1303	21st December 2008
Cribs and Pacifiers: 16CFR 1508/9, 11	20th January 2009
Small Parts	15th February 2009
Metal Jewellery	23rd March 2009
All Terrain Vehicles (ATVs)	13th April 2009
Pre-CPSIA testing and certification requirements, including: automatic residential garage door openers, bike helmets, candles with metal core wicks, lawnmowers, lighters, swimming pool slides, mattresses	Current
Pool drain covers	19th December 2008

COMPLIANCE DEADLINE AND MANDATORY CERTIFICATION PER PRODUCT /SUBSTANCE:

	WHEN DO PRODUCTS NEED TO COMPLY?	WHEN IS CPSC 3RD PARTY TESTING AND CERTIFICATION ENFORCED /REQUIRED?
Lead in Paint*: Limit of 600ppm	Current	21st December 2008
Limit drops to 90ppm	14th August 2009	14th August 2009
Total Lead content*: Limit of 600ppm	10th February 2009	10th February 2010
Limit drops to 300ppm	14th August 2009	10th February 2010
Limits drops to 100ppm (If deemed technologically feasible by the CPSC)	14th August 2011	10th February 2010
Ban on certain phthalates* : limit of 0.1 % (of total weight) in toys and childcare articles	10th February 2009	10th February 2010
Mandatory Toy Standard (ASTM F963)	10th February 2009	10th February 2010
Cribs and Pacifiers	Current	20th January 2009
Small Parts (products for children under 3)	Current	15th February 2009
Baby bouncers, walkers and jumpers	Current	10th February 2010
Wearing Apparel Flammability	Currently required	Enforced on February 10, 2010
Children’s Sleepwear Flammability	Currently required	Enforced on February 10, 2010
Sharp Points/ Sharp Edges	Currently required	Enforced on February 10, 2010
Flammability of Carpets & Rugs	Currently required	Enforced on February 10, 2010
Flammability of Mattress Pads	Currently required	Enforced on February 10, 2010

*For products in inventory or on store shelves, regardless of date of manufacture



The stay or delay does not relieve the manufacturer or importer from the responsibility to ensure that their product meets all applicable product safety rules. The covered products still have to comply with the regulations as stated, and conform to limits as described above. The stay of enforcement applies only to the regulatory requirements for which CPSC has yet to define methods and do not require 3rd party testing certification yet. Compliance can be based on reasonable testing program. [Read related issue on SAFEGUARDS \(CPSIA PART 16\)](#)

General Conformity Certificate (GCC) for all products

The US importer or the domestic manufacturer (US) has now been designated as the sole entity that must issue the General Conformity Certificate (GCC). Starting November 12, 2008 these entities must certify that each shipment of a given product meets current applicable safety rules enforced by the CPSC via a GCC that can either accompany the shipment or be made available online.

Certification based on Mandatory Third Party testing

- § Applies to children's products only
- Certifying that the product complies with all bans, standards or regulations enforced by the CPSC
- § Enforcement Stayed until 10th February 2010 for certain requirements such as,
- Lead in Substrate, Phthalates, ASTM F963 and Wearing Apparel & Children's Sleepwear Flammability
 - The stay of mandatory testing and certification does not apply to safety rules mentioned above in second table.

One Certificate can be used for each product and must list separately each safety rule applicable to the product. One Certificate can include compliance with both general conformity and third party testing requirements.

SGS offers assistance with Third-Party Testing and General Conformity Certificates

The procedure that the CPSC requires for testing increases significantly the regulatory burden on manufacturers. This impact is particularly onerous for small and medium-sized entities struggling in a challenging economic climate.

A. Manufacturers and importers – Check list for compliance:

Get to know your product and the laws and regulations that affect you and check whether testing and certification are required :

- Type of products need to be certified and regulatory context (regulations, standards, ban, etc)
- Who is responsible for issuing GCC and furnish it through the supply chain
- GCC or self certification
- Certification based on mandatory third party testing

How can SGS help?

- SGS experts can provide technical training to help you understand the CPSIA impacts on your products and implement the right solution
- A manufacturer of a children's product can support its certification of compliance with test results from one of the 17 SGS CPSIA accredited laboratories SGS offers consulting and advanced testing services to help you reduce lead testing costs
- If no specific requirements are listed, it is recommended to set up a quality assurance program, including testing of raw materials, components and final products.
- SGS offers XRF product screening for lead content. Check with your suppliers the chemical /material content of products

B. Resellers - Check list for compliance:

- Check the list of dangerous recalled products before selling a product through the CPSC website
- Contact the manufacturer to obtain a test report showing the product is lead free

- Be wary of certain products that may contain phthalates such as soft plastic toys (excluding latex or silicone), paints used on flexible surfaces, adhesives.
- [Subscribe](#) to the SGS Product Recalls publication which every 2 weeks compiles product recalls from around the world.

SGS is your committed partner for CPSIA compliance, whether for toys, textile or hard goods, through its global network of experts and accredited laboratories. Third party testing is required to support a certification of compliance for children's products that are manufactured after the effective dates listed with each rule. SGS offers a number of locations for third party testing to CPSIA requirements. [Download](#) the leaflet as summary of the 17 CPSIA accredited testing laboratories worldwide.

For more information please contact sanjeev.gandhi@sgs.com.

Resources for updates and more information

- SGS SafeGuardS
- Update bulletins and FAQs
- Seminars and webinars
- www.hardlines.sgs.com/cpsia
- www.cpsc.gov/about/cpsia/cpsia.html

Definition:

A children's product is one designed or intended primarily for children 12 years of age or younger. Toys, clothes, furniture, books, jewellery, blankets, games, CDs/ DVDs, strollers and footwear may all be considered children's products.