

# U.S. Consumer Product Safety Commission



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Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission.

# **CPSIA Amendments Enacted Into Law in August 2011**

# CPSIA Amendments

- HR 2715 Enacted into law in August 2011 with almost unanimous approval by U.S. Congress.
- Provides targeted regulatory relief to businesses.
- Maintains all significant enhancements to public safety from the CPSIA.

# CPSIA Amendments

- Lead Content Limit
- Phthalates
- Third Party Testing
- Small Batch Manufacturers
- Other Amendments

**LEAD CONTENT LIMIT**

# CPSIA Amendments

## Lead Content Limit

- 100ppm maximum applies only to products manufactured on or after August 14, 2011
- Off-road vehicles (i.e., ATVs, ROVs, Snowmobiles) now exempt
- Used children's products now exempt, if:
  - product was donated for charitable purposes; or
  - product was obtained from someone who originally obtained the product for use (and not for resale).
  - Exemption does not apply to:
    - children's metal jewelry;
    - any children's product for which the donating party or seller has actual knowledge that the product violates the lead content limit; or
    - any other children's product identified by the CPSC (after a hearing).
- 300ppm maximum for bicycle components made of metal

# CPSIA Amendments

## Lead Content Limit

- CPSC may grant exceptions for products if:
  - Lead is required because it is not practicable or not technologically feasible to manufacture the product by removing the excessive lead or by making the lead inaccessible;
  - The product (or any of its components) is not likely to be placed in the mouth or ingested; and
  - The exception will have no measurable adverse effect on public health or safety, taking into account normal and reasonably foreseeable use and abuse.
- Any party seeking an exception must satisfy the CPSC that it meets these requirements.

# PHTHALATES

# CPSIA Amendments

## Phthalates

- Phthalate content limits – like the lead content limits – no longer apply to *inaccessible* parts of children’s toys and child care articles
- A part is inaccessible if it is not physically exposed and has a sealed covering or casing
- The inaccessible parts excluded from the phthalate content limits may not become physically exposed through “reasonably foreseeable use and abuse of the product,” including:
  - Swallowing, mouthing, breaking, aging, or children’s activities with the product

# THIRD PARTY TESTING

# CPSIA Amendments

## Third Party Testing

- By October 2011, the CPSC shall seek public comment on opportunities to reduce third party testing costs. The CPSC request for public comment will include the extent to which:
  - The CPSC should accept third party testing results performed, among other things, for other USG agencies on materials under the CPSC's jurisdiction;
  - The CPSC should modify certification requirements to reduce “redundant” testing on materially similar or identical products;

# CPSIA Amendments

## Third Party Testing

### Public Comment Topics (continued)

The extent to which:

- Products with many components subject to third party testing may be evaluated using a subset of such components selected by a CPSC approved lab;
- Manufacturers of substantially similar products may use sampling procedures that reduce testing costs without reducing the benefits of third party testing;
- Conformity with other national or international government standards may assure the CPSC of conformity with U.S. product safety rules/regs/stds

# CPSIA Amendments

## Third Party Testing

### Public Comment Topics (continued)

The extent to which:

- Alternative testing technology (other than that approved by the CPSC) exists that will satisfy CPSC requirements; and
- Other techniques exist that will lower the cost of third party testing, while assuring compliance with US. consumer product safety rules/regs/standards.

# SMALL BATCH MANUFACTURERS

# CPSIA Amendments

## Small Batch Manufacturer

Defined as a manufacturer that:

- Had no more than \$1 million total gross revenue from the sale of all consumer products in the previous calendar year.

## Covered Products

- Consumer product manufactured by a small batch manufacturer (see above definition), where no more than 7,500 units of the same product were manufactured in the previous calendar year.

# CPSIA Amendments

## Small Batch Manufacturer

After a public notice period and a hearing, the CPSC shall:

- Either provide alternative testing requirements for covered products manufactured by small batch manufacturers; or
- Exempt small batch manufacturers from third party testing requirements.

# No Small Batch Exemption

The Commission cannot provide any alternative requirements or exemptions for any third party testing requirements for:

- Lead paint
- Full-size cribs and non-full-size cribs;
- Pacifiers;
- Small parts;
- Children's metal jewelry;
- Baby bouncers, walkers, and jumpers; and
- Durable infant or toddler products

# OTHER AMENDMENTS

# CPSIA Amendments

## Other Amendments Relevant to Toy Industry

- Creates a mechanism for updating standards for durable infant or toddler products
- CPSC may grant exemptions from tracking label requirements, if CPSC determines placement of the tracking label on the product is not practicable.
- CPSC must seek a model number, serial number or photograph for products identified in Reports of Harm at [www.SaferProducts.gov](http://www.SaferProducts.gov).

# Contact Information

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