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# ❖SPC&B Safety News❖

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A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

August 2, 2011

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## *Congress Passes CPSIA Amendment — Bill Provides for Prospective Application of 100 ppm Lead Limit on August 14, 2011*



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With almost unprecedented speed, the House and the Senate both passed H.R. 2715 yesterday, a bill that will amend certain provisions of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The President is expected to sign the bill.

Once the legislation goes into effect, the most significant immediate impact will be to change the application of the new 100 ppm lead limit for children's products, scheduled to go into effect on August 14, 2011, to **children's products manufactured after the effective date, rather than to those sold or offered for sale on and after the effective date.** This is good news for all importers, distributors and retailers who may have goods in inventory that do not pass the 100 ppm standard.

Other key provisions in the legislation include:

- ◆ The CPSC is authorized to grant limited exceptions to the lead limits in cases where low levels of lead are necessary for proper function
- ◆ The lead limits will no longer apply to "used children's products"
- ◆ New exclusions or differing requirements for lead content in ATVs, dirt bikes, and bicycles
- ◆ Requires the CPSC to seek public comment on ways to reduce the cost of third party testing requirements
- ◆ Authorizes the CPSC to provide alternative testing requirements for products manufactured by "small batch manufacturers"
- ◆ Excludes "ordinary books" and "ordinary paper-based printed materials" from third party testing requirements
- ◆ Specifies that the phthalates limit will apply only to "accessible components," to be defined by the CPSC (in the interim, manufacturers should follow the accessibility guidelines for lead content)
- ◆ The CPSC is required to stay publication of a consumer report in the public database for an additional 5 days when the agency receives notice of materially inaccurate information

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- ◆ Requires the CPSC to seek from the individual or entity submitting the consumer report the model or serial number or a photograph of the product, if not provided in the initial report

We will continue to keep you apprised of further developments. If you have any questions, please contact Gail Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com), Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com), or Alli Baron at [abaron@spcblaw.com](mailto:abaron@spcblaw.com), or call us at 212-425-0055, for further information.

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