



**PRINTING
INDUSTRIES
OF AMERICA**

Advancing Graphic Communications

Consumer Product Safety Improvement Act of 2008*

On August 14, 2008, President Bush signed into law the Consumer Product Safety Improvement Act of 2008 (CPSIA). The legislation was passed in response to many high-profile recalls of both imported and domestically-produced children's toys due to excessive levels of lead and other possible toxic chemicals in children's toys.

The CPSIA greatly expands the authority of the Consumer Product Safety Commission (CPSC) and regulates potentially hazardous children's products by establishing safe levels for lead and phthalates (chemicals used to make plastics soft). The new law establishes three requirements that are relevant to printing operations and their customers and they are:

- **Testing and certification of compliance for lead content in all children's products**
- **Testing and certification of compliance for certain phthalates in certain children's products**
- **Inclusion of "tracking labels" on all children's products**

When does the CPSIA apply to products produced by printers?

The CPSIA requires manufacturers, including printers, of domestic and imported children's products, children's toys, and child care articles to test their products and certify that they comply with the new lead and phthalate content limits established by the CPSIA. For children's products manufactured by printers, such as books, magazines, flashcards, baseball cards, posters, calendars, etc., a formal Compliance Certificate must be issued by the printer and accompany all products manufactured on and after February 10, 2010.

Although the testing and certification requirements do not take effect until next year, **starting February 10, 2009, printers will not be able to legally manufacture or distribute children's products and/or toys** and retailers will not be able to legally sell children's products unless they comply with new content limits established by the CPSIA.

What is a children's product, children's toy, and child care article?

The term "children's product" is broadly defined by the CPSC, as a "consumer product designed or intended primarily for children 12 years of age or younger" and includes such items as children's books, magazines, flashcards, etc.

The term "children's toy" is defined by the CPSC as a "consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays" and would include printed materials that have "play value" such as bath books, sticker books, coloring books, etc.

The CPSC defines "child care articles" as a "consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger or to help such children with sucking or teething" and includes such products as sleepwear and pacifiers.

What Lead Content Limit does the CPSIA Establish?

The CPSIA establishes limits on the amount of total lead in children's products. As of August 14, 2009, the CPSIA bans the manufacture, sale, and distribution of any children's product, including any existing product in inventory, that contains more than **300 parts per million by weight (ppmw) total lead content**. The CPSIA could possibly reduce the lead limit again in August 2011 if it can be shown that it is technically feasible on a product-by-product basis.

What Phthalate Content Limits does the CPSIA Establish?

The CPSIA created two phthalate limits applicable to all children's toys and child care articles. The first is a permanent ban on the manufacture, sale, and distribution of children's toys or child care articles containing more than **0.1% di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP)**.

The second is an interim prohibition on children's toys that can be placed in a child's mouth or child care articles containing more than **0.1% diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP)**. Both the permanent and interim phthalate limit standards apply to all children's toys and child care articles, including those products in inventory that were manufactured prior to February 10, 2009.

What Testing Is Required to Issue a Compliance Certificate?

The CPSIA mandates that the testing be performed by an accredited third party laboratory. As of August 21, 2009, the CPSC has not issued accreditation guidelines for total lead or phthalate content testing in products. The list of labs that have been accredited for testing lead in paint, lead in jewelry, and other requirements can be found at <http://www.cpsc.gov/cgi-bin/labapplist.aspx>. When CPSC accredits labs for lead in children's products or phthalates, they will be identified at this web site.

Are there any Exemptions from the Testing and Certification Requirements for Lead?

On August 19, 2009 the CPSC issued its first in what is hoped to be a series of determinations regarding books and other printed matter exemptions from the lead limits. When the CPSC makes a determination, it is declaring that a material does not inherently contain lead or does not contain lead that exceeds the lead content limits. As such any material that is covered by a determination is thus exempt from the lead limits and does not require testing and certification.

The August 19, 2009 CPSC determination established that the following components of books and other printed materials are now exempt from the testing and certification requirements for lead:

- Paper
- Any product printed with four color process inks (CMYK)
- Any product coated with varnish, water-based, or UV-cured coatings
- Threads used for book binding
- Animal based glues
- Adhesives that are not accessible*
- Binding materials that are not accessible*

Despite the best efforts of Printing Industries, other trade associations, printer members, and suppliers, the CPSC did not include all of the components of books and other printed matter in this determination.

The materials that are **NOT** covered by the August 19, 2009 determination are:

- Spot or PMS inks
- Saddle stitching wire
- Non-animal based glues that are accessible*
- Metal coils both coated and uncoated for coil bound materials
- Plastic coils for coil bound materials
- Foils used in foil stamping
- Laminates

If a material not covered by the current determination is used in a children's product, then it must be tested and certified to prove that it does not exceed the lead limit.

Printing industries of America will continue to work with the CPSC on obtaining additional determinations for the materials not covered under the one issued August 19, 2009.

* CPSC has ruled that any adhesive that is covered would not be subject to the lead requirements as it would be considered "inaccessible". Inaccessibility has been defined by the CPSC in a separate rule that can be found at <http://www.cpsc.gov/library/foia/foia09/brief/leadinaccessguide.pdf>. CPSC specifies that a component part is inaccessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product including swallowing, mouthing, breaking, or other children's activities, and the aging of the product, as determined by the Commission. CPSC has established some tests that are to be used to determine accessibility.

Are there any Exemptions from the Testing and Certification Requirements for Phthalates?

CPSC has not issued any formal determinations that would exempt products or components from the phthalates limits, testing, and certification requirements. However, on August 7, 2009 CPSC issued a statement of policy regarding the testing of component parts for the presence of the six regulated phthalates. The statement of policy can be found at <http://www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf> and **it requires manufacturers to test and certify they are meeting the phthalate limits if they know that one of the six regulated phthalates are being used in their product.**

Can I Distribute Products in Inventory After February 9, 2009?

The CPSIA's new lead and phthalate limits apply retroactively to all existing inventory. Children's products in inventory (i.e., manufactured prior to February 10, 2009) may **NOT** be distributed on or after February 10, 2009 unless they meet the lead and phthalate limits of the CPSIA.

What does the CPSC's "One-Year Stay of Testing and Certification Requirements for Certain Children's Products" do?

On January 30, 2009 the CPSC issued a one-year stay of the testing and certification requirements for certain children's products (including books and other printed material) subject to the new lead and phthalate standards. The stay postpones the requirement for printers to test and certify their products against the new lead and phthalate standards. Although the new implementation deadline for testing and certification is February 10, 2010, starting February 10, 2009 printers will not be able to legally manufacture or distribute children's products and/or toys and retailers will not be able to legally sell children's products unless they comply with new content limits established by the CPSIA. The stay does not prevent retailers, vendors, and other print customers from requesting printers to test and certify their products ahead of this new deadline. The stay also does not postpone any of the CPSIA's tracking label

requirements and does not apply to any standard for which the CPSC has issued laboratory accreditation procedures, such as the lead-in-paint standard.

What are the Tracking Label Requirements of the CPSIA?

Effective August 14, 2009 the CPSIA requires manufacturers of children's product to place permanent, distinguishable marks on the product and its packaging that identify the manufacturer, date and location of product production, and any identifying batch or other run characteristics.

There is not a formal "label" per se as the CPSC is requiring the children's product to be permanently marked with the required information. In implementing the CPSIA, the CPSC is not using a uniform "one-size-fits all" approach and is not specifying how such information should appear on the product. They do mandate distinguishing marks that identify:

- Manufacturer
- Location of production
- Date of production
- Cohort information (e.g., batch, run number, or other identifying characteristic)

There are several options to meet the requirements. One approach is to include all of the required information on the product. Another approach would be to use a "code number" that could be a combination of customer number and job number. The code number could be used to retrieve the required information. In using the code approach, the CPSC is requiring the manufacturer's identification along with city and state as just a web address will not be sufficient, although a web site address could be included.

For More Information

Brief summaries of the changes and other supporting information can be found on the Printing Industries of America's CPSIA website at www.printing.org/cpsia. For questions, please contact Gary Jones at 412-259-1794 or gjones@printing.org.

* The information in this document is current as of September 24, 2009 and is subject to change based on further guidance, regulation, or interpretation by the CPSC.