

HR4040 - Consumer Product Safety Improvement Act - Signed into Law

President Bush has signed the *Consumer Product Safety Improvement Act of 2008* (HR4040) into federal law. All effective dates for requirements are based on the enactment date of August 14, 2008.

The law includes: new requirements for lead in children's products; a lower limit for lead in paint and surface coatings; a ban on certain phthalates; mandatory third party testing; mandatory tracking labels and product registration cards; whistleblower protection; and increased civil penalties.



Timeline for the Consumer Product Safety Improvement Act of 2008

Several key dates are included within the law. This timeline cites important dates that Consumer Product Safety Commission and Industry are to follow:

30 DAYS (September 13, 2008)

- Publish notice of requirements for third party accreditation body for lead paint

60 DAYS (October 13, 2008)

- Publish notice of requirements for third party accreditation body for full-size cribs and non-full size cribs

90 DAYS (November 12, 2008)

- Mandate product testing and issuance of certificates (children's products)
- Publish notice of requirements for third party accreditation body for small parts

120 DAYS (December 12, 2008)

- Publish notice of requirements for third party accreditation body for children's metal jewelry
- Require cautionary labeling with respect to advertisements on Internet websites

180 DAYS (February 10, 2009)

- Ban total lead in substrates to 600ppm
- Prohibit phthalates
 - DEHP, DBP, or BBP – not to exceed 0.1%
 - Interim Prohibition - DINP, DIDP, or DnOP – not to exceed 0.1%
- Initiate the process of appointing a Chronic Hazard Advisory Panel to study effects of all phthalates on children's health and phthalate alternatives used in toys and child care articles
- Require cautionary labeling with respect to catalogs and other printed materials
- Mandate ASTM F963-07 *Consumer Safety Specifications for Toy Safety*

210 DAYS (March 12, 2009)

- Publish notice of requirements for third party accreditation body for baby bouncers, walkers, and jumpers

10 MONTHS (June 14, 2009)

- Publish notice of requirements for third party accreditation body for all other children's products
- Establish requirements for the periodic audit of third party conformity assessment bodies

NO LATER THAN 1 YEAR (August 14, 2009)

- Commence the rulemaking required to promulgate standards for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter
- Promulgate a final consumer product safety rule for each manufacturer of a durable infant or toddler product to: provide consumers with a consumer registration form; maintain record keeping to improve recalls; and to permanently place contact information on each product
- Examine and assess the effectiveness of ASTM F963 as it relates to safety, labeling and test methods of certain products

1 YEAR (August 14, 2009)

- Ban total lead in substrates to 300ppm
- Issue rule to provide guidance for inaccessible materials (lead ban)
- Modify 16 CFR 1303 lead in surface coating requirement to 90ppm
- Complete study of alternative methods for lead in surface coatings
- Amend maximum civil penalties allowed
- Issue regulation on interpretations of penalty factors
- Require tracking labels for children's products and their packaging

15 MONTHS (November 14, 2009)

- Initiate a program by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements
- Establish protocols and standards for ensuring that a children's product tested for compliance is subject to testing periodically, and when there has been a material change in the product's design or manufacturing process. This includes the sourcing of component parts
- Establish protocols and standards for testing random samples to ensure continued compliance.
- Establish protocols and standards for verifying a children's product tested by a conformity assessment body complies with applicable children's product safety rules
- Establish protocols and standards for safeguarding against the exercise of undue influence on a third party conformity assessment body by a manufacturer or private labeler

2 YEARS (August 14, 2010)

- Complete study of formaldehyde in textiles

3 YEARS (August 14, 2011)

- Ban total lead in substrates to 100ppm (or substituted amount based on feasibility)
- Promulgate final rule on phthalate study

Additional Resources:

Full text of Consumer Product Safety Improvement Act:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h4040enr.txt.pdf

Previous Bureau Veritas Bulletin on HR 4040: <http://tinyurl.com/5sec3o>

CONTACT INFORMATION

Please contact your customer service representative or email:

analyticalservices@us.bureauveritas.com or

ToyJPTechnicalServicesAmericasMail@us.bureauveritas.com

Bureau Veritas Consumer Products Services, Inc. ("BVCPS") provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided "as is." BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.

Copyright © 2008 Bureau Veritas Consumer Products Services, Inc. All Rights Reserved.