



Bureau Veritas Consumer Products Services

CPS Regulatory Bulletins / Newsbytes

2011 Archive – Americas

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Americas – 2011 Bulletins & Newsbytes

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Mar	11NB-017	Revised AAFA Restricted Substance List (RSL) Released	US
Mar	11NB-018	CPSC Staff to Present Final Rules for Children's Toddler Beds to Commissioners	US
Mar	11NB-020	California Proposition 65 Settlement Establishes Cadmium Limit for Jewelry	US
Mar	11NB-021	California Amends Proposition 65 Settlement for Handbags and Other Fashion Accessories	US
Apr	11B-115	Congress Proposes Children's Sports Athletic Equipment Safety Act	US

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Apr	11B-119	Deadline Extended to 2012 for Lighting Facts Labeling	US
Apr	11B-121	CPSC Approves and Establishes Effective Date for New Mandatory Standard for Toddler Beds	US
Apr	11NB-022	CPSC Approves Accreditation Changes for Third-Party Conformity Assessment Bodies	US
Apr	11NB-024	CPSC Approves New Mandatory Standard for Toddler Beds	US
Apr	11NB-025	CPSC Requirements for Accreditation of Third-Party Testing Conformity Assessment Bodies for Toddler Beds	US
May	11B-123	Congress Proposes Reform to the Toxic Substance Control Act	US
May	11B-125	BIFMA Revises Performance Standard for Office Chairs	US
May	11NB-026	NEWSBYTE: Maryland Amends DecaBDE Law	US
May	11NB-027	Washington Revises Proposed Children's Safe Product Act Rules	US
May	11NB-028	CPSC Releases Correction to the Safety Standard for Toddler Beds	US
May	11NB-029	Health Canada Addresses Frequently Asked Questions Regarding the Canada Consumer Product Safety Act	Canada
May	11NB-030	Maryland Establishes Cadmium Restriction for Children's Jewelry	US
Jun	11B-129	New Federal Safety Rule To Be Imposed for Hair Dryers	US
Jun	11NB-032	USDA Accepts GOTS Certification for Organic Textile Fibers	US
Jun	11NB-033	Maine Amends DecaBDE Law	US
Jun	11NB-034	Congress Proposes Bill with Amendments to CPSA and CPSIA	US
Jun	11NB-035	CARB Phase 1 Inventory Sell-Through Date Extension	US
Jun	11NB-036	Legislation Introduced to Address Battery Compartments	US
Jun	11NB-038	Consumer Product Safety Commission Schedules Meeting to Discuss Decision Regarding the 100 PPM Lead Limit	US
Jun	11NB-039R	Governor Signs Amendment to Maine Toxic Chemicals in Children's Products Law	US
Jul	11B-135	CPSC's Final Rule on Drawstrings and Ties Will Take Effect on August 18, 2011	US
Jul	11B-136	New US Labeling Rules for Sunscreens	US
Jul	11B-137R	Washington Adopts Final Rule for the Children's Safe Product Act	US
Jul	11NB-040	CPSC Approves Amended ASTM Standard F1816-97 for Drawstrings in Children's Upper Outerwear	US
Jul	11NB-041	FTC Seeks Public Comments Regarding Care Label Rule	US

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Jul	11NB-042	Delaware Enacts Law Banning Certain Children's Products Containing BPA	US
Jul	11NB-043	CPSC Votes on the Feasibility of Meeting the 100 ppm Total Lead Requirement	US
Jul	11NB-044	Revision to State Requirements for Mercury in Button Cell Batteries	US
Jul	11NB-045	Receipt Paper with Bisphenol-A Restricted by Connecticut	US
Jul	11NB-046	Health Canada Proposes Cadmium Guidance for Children's Jewelry	Canada
Jul	11NB-047	CPSC Approves Third-Party Testing Requirements for Toys	US
Aug	11B-140	Congress Amends the Consumer Product Safety Improvement Act (CPSIA)	US
Aug	11B-141	CPSC Releases NPR for Proposed Revisions to Requirements for Consumer Registration of Durable Infant or Toddler Products	US
Aug	11B-143	CPSC Issues Draft NPR for Safety Standard for Play Yards	US
Aug	11B-145	ASTM F963-08 Toy Safety Standard: Sections Revised	US
Aug	11NB-048	CPSC Approves New Third-Party Testing Requirements for Phthalates	US
Aug	11NB-049	Washington State Requests Comments on the Draft Guidance Documents for the Children's Safe Product Act Reporting Rule	US
Aug	11NB-050	New York Ban Tris (2-Chloroethyl) Phosphate	US
Aug	11NB-051	President Signs H.R. 2715 Amending the Consumer Product Safety Improvement Act of 2008	US
Aug	11NB-053	California Air Resources Board Holds ATCM Workshop	US
Aug	11NB-054	Illinois Amends Lead Poisoning Prevention Act	US
Sep	11NB-056	Proposition 65 Settlement Involving Cadmium in Jewelry Reached	US
Sep	11NB-057	Washington State Releases Guidance Documents for the Children's Safe Product Act Reporting Rule	US
Sep	11NB-058	CPSC to Review and Vote on Testing and Certification Rule (Reasonable Testing Program Rule) this Fall	US
Sep	11NB-060	Notice of Proposed Rulemaking for the Safety Standard for Play Yards Published in the Federal Register	US
Sep	11NB-061	CPSC Releases Briefing Packages on Final Rule for Testing and Certification (Reasonable Testing Program) and Component Part Testing	US
Oct	11B-150	CPSC Passes Final Rule on Testing and Labeling for Product Certification and Reserves Reasonable Testing Program	US

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Oct	11B-151	CPSC Passes Final Rule on Component Part Testing	US
Oct	11NB-062	AAFA Releases New Restricted Substance List (RSL)	US
Oct	11NB-063	Brazil Bans BPA in Baby Bottles	Brazil
Oct	11NB-064	California Restricts BPA in Bottles and Cups for Children	US
Nov	11B-153	ASTM Approves Children's Jewelry Safety Standard	US
Nov	11B-157	Effective Date Delayed for Canadian General Service Lighting Energy Efficiency Regulations	Canada
Nov	11NB-066	FTC Seeks Public Comments Regarding Textile Labeling Rules	US
Nov	11NB-067	California Releases Draft Safer Consumer Products Regulation	US
Dec	11B-159	ASTM International Publishes New Standard for Bedside Sleepers	US
Dec	11B-160	ASTM International Publishes Revised Standard for Toy Safety	US
Dec	11NB-071	US Bottled Water Quality Standard - Maximum Established for DEHP [Di (2-ethylhexyl) phthalate]	US
Dec	11NB-073	US CPSC Announces Advance Notice of Proposed Rulemaking for Fire Pots and Gel Fuel, and Requests Comments	US

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Food Safety Modernization Act Becomes Law

On January 4, 2011 President Barack Obama signed into law the *Food Safety Modernization Act*, a significant reform of US food safety laws. A key purpose of the legislation is to prevent foodborne diseases that impact as many as one in six Americans each year.

Under the new law, the Food and Drug Administration (FDA) will be provided with the use of additional tools and resources to enhance their oversight of domestic food products, as well as the millions of imports coming into the United States each year. In addition, the FDA will have expanded access to food safety records and increased authority to issue mandatory recalls as necessary.



Summary of Key Points

The legislation is meant to strengthen the US food safety system by using a prevention-focused approach and increasing the FDA's authority to protect the public. At this time, the law gives FDA authority over 80% of the food supply, but does not include US Department of Agriculture (USDA) regulated meat and poultry products.

The *Food Safety Modernization Act* can be divided into the following main requirements:

- **Preventative Controls** – The FDA will require prevention-based controls across the food supply.
- **Inspection and Compliance** – A comprehensive inspection plan by the FDA utilizing a risk-based approach and innovative inspection processes will be required.
- **Imported Food Safety** – Importers will be required to verify that their foreign suppliers have appropriate preventative measures in place to ensure safety and will be utilizing 3rd Party auditors to inspect foreign food facilities.
- **Response** – The FDA will now have mandatory recall authority for all food products retailed in the United States.
- **Improved Partnerships Between Federal, State, Local and Foreign** – The FDA must strengthen and improve collaboration and training of food safety personnel across these various entities.

Additional Information

Text of the Act:

- <http://origin.www.gpo.gov/fdsys/pkg/BILLS-111hr2751enr/pdf/BILLS-111hr2751enr.pdf>

Contact Information

Bureau Veritas can assist you with your food product quality monitoring programs including testing and inspections. If you have any comments and/or questions, please contact your customer service representative or email: jonathan.byrne@us.bureauveritas.com

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CPSC Provides Two Testing Methods for Cadmium in Metal Jewelry

The Consumer Product Safety Commission (CPSC) has published the internal test methods for cadmium in children's metal jewelry that will be used by their Office of Compliance for purposes of enforcement. The methods include a 24 hour acid extraction method as well as a shorter alternate method. The Commission has requested the methods be considered for inclusion in the ASTM Children's Jewelry Standard that is under development.



Summary of CPSC Test Methodologies

Key Points

- Both methods are for the analysis of extractable cadmium from children's metal jewelry
- These methods are not required to be followed by labs other than the CPSC, however, the CPSC encourages them to be followed to ensure consistent results are achieved.
- The methods require that the sample accurately represents the item being tested. Additionally, any component that can be removed undamaged should be tested separately. For example, a pendant that can be removed from a necklace undamaged would be tested separately from the whole chain.
- A longer 24 hour extraction that uses an intact sample as well as a shorter alternative method that uses a powdered portion of sample was provided.
- Results are reported in micrograms of cadmium extracted from the product.
- Extraction results for the intact sample versus the powdered sample will not be the same.

Intact Test Method

- Suspend intact jewelry item or component in HCL acid
- Shake at 37°C for 24 hours
- Analyze extract for cadmium content

Powdered Test Method

- Grind the jewelry item or component into a fine powder
- Pass grinding through a 0.5 mm aperture sieve
- Submerge approximately 0.15 grams of powder in HCL acid
- Shake at 37° C for 2 hours
- Analyze extract for cadmium content
- An adjustment factor is used due to the higher surface area of the powder versus an intact item or component

Additional Information

CPSC staff comments to ASTM on test methods:

<http://www.cpsc.gov/library/foia/foia11/os/cadmiumjewelrycomm.pdf>

CPSC test methods for cadmium in children's jewelry:

<http://www.cpsc.gov/library/foia/foia11/os/cadmiumjewelrytest.pdf>

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Newsbytes

NEWSBYTE: CARB Releases Guidance Document on Wood Composite Products

On January 6, 2011, the California Air Resources Board (ARB) issued a new *Regulatory Guidance* document regarding wood composite products that contains a comprehensive listing of sell-through provisions and dates. Since ARB originally extended the sell-through dates of pre-Phase 1 composite wood finished goods in July 2010, this document incorporates those dates plus summarizes rules applicable to all manufacturers, importers, distributors, fabricators, and retailers of composite wood product panels and finished goods.

This document does not change any of the existing sell-through dates but contains individual tables of dates that apply to each link in the composite wood products supply chain from manufacturer to retailer. It can be used as a convenient reference for any parties dealing with composite wood products subject to the regulation.

Additional Information

To view document: <http://www.arb.ca.gov/toxics/compwood/outreach/regguidance.pdf>

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11NB-001, January 2011



Newsbytes

NEWSBYTE: Massachusetts Enacts New BPA Regulation

A new bisphenol-A (BPA) regulation has been approved by the Public Health Council of Massachusetts. The regulation applies to reusable bottles or cups that contain BPA and that are designed and intended to be filled with food or liquid and used by children age three and younger. These products cannot be manufactured in the state as of January 7, 2011 and cannot be sold as of July 1, 2011.

Additional Information

- To view latest text of the Law:
<http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr650.rtf>
- For more BPA information/Massachusetts Office of Health & Human Services:
<http://tinyurl.com/6h3mneb>

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11NB-002, January 2011



Newsbytes

NEWSBYTE: California Postpones Approval of Green Chemistry Regulations

The California Department of Toxic Substances Control (DTSC) has chosen not to approve the proposed "Green Chemistry rules" because of the expressed concerns of several stakeholders, including those from industry, scientists, legislative leaders, and environmental groups. According to some critics of the regulations, the rules as written would not prevent companies from replacing harmful chemicals with other ones that have not yet been found to be safe. Critics also were concerned that the burden of proof about toxicity is placed on the DTSC rather than manufacturers. The DTSC decided to postpone approval and make changes to the rules, rather than approve rules with potential problems in order to meet the January 1, 2011 deadline. No new deadline for approval has been established.

Additional Information

Statement from DTSC: <http://www.dtsc.ca.gov/upload/GRSP-12-23-2010.pdf>

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11NB-003, January 2011



Newsbytes

NEWSBYTE: Washington Department of Ecology Requests Changes to Children's Safe Product Act

The Washington State Department of Ecology has submitted a bill to amend the *Children's Safe Product Act*. This proposed amendment would establish criteria for prioritizing products that pose a risk for children. The amendment also requires manufacturers of the highest priority products to perform alternative assessments in order to determine if and how alternative, safer substances could be used. The alternative assessments must contain information about the availability of alternatives including their cost, performance, and whether they are available in the US. They must also provide information about the alternatives themselves, such as their environmental impact, potential hazard, and if they are bioaccumulative.

Additional Information

View Act: <http://apps.leg.wa.gov/RCW/default.aspx?cite=70.240&full=true>

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11NB-004, January 2011



Newsbytes

NEWSBYTE: NOCSAE Plans to Update Football Standards

The National Operating Committee on Standards for Athletic Equipment (NOCSAE) finished their annual meeting January 22, 2011 in Phoenix, Arizona, with a vow to pursue several updates to football helmet standards. Officials from the Consumer Product Safety Commission (CPSC) and a leading expert in sport-related concussions, were involved in urging safety improvements.

NOCSAE is a key player in overseeing athletic equipment safety. The group announced that they would work on devising standards that take into consideration the complex forces that cause concussions, as well as new standards for helmets intended for juvenile use. NOCSAE would work with the Centers for Disease Control and Prevention to communicate to parents of young players the limits of current safety standards. At the meeting, some NOCSAE board members maintained that no scientific data warrants any changes and expressed doubt that the new efforts would increase safety. However, the CPSC Chairwoman informed a Senate Commerce subcommittee last month that the CPSC would begin monitoring football helmets and NOCSAE progress. No target dates have been established for updating the standards.

Additional Information

To view New York Times reposting:

http://www.nytimes.com/2011/01/23/sports/football/23helmet.html?_r=1

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11NB-005, February 2011



Newsbytes

NEWSBYTE: CPSC Extends Stay on Third-Party Testing and Certification

The Consumer Product Safety Commission (CPSC) voted to extend the stay on third-party testing and certification for total lead in children's products, except for metal components of children's metal jewelry and certain related products. The stay, which was set to expire February 10, 2011, has been extended to December 31, 2011. This extension will provide the CPSC with additional time to develop rules related to third-party testing. It does not affect current or future lead content requirements for children's products with which companies are currently required to comply.

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11NB-006, February 2011



Newsbytes

NEWSBYTE: US House and Senate Propose Bisphenol-A Laws

Congressional bills restricting the use of Bisphenol-A (BPA) in certain consumer products were recently introduced in both the US House and Senate. The House Bill restricts BPA in all reusable food and beverage containers and any container incorporating BPA that is sold with food or a beverage in it. The Senate Bill bans BPA in a narrower scope of products. It prohibits BPA from baby food containers (including the lining), empty baby bottles and empty cups for children three years of age and younger.

Additional Information

- To view the proposed House Bill:

<http://www.gpo.gov/fdsys/pkg/BILLS-112hr432ih/pdf/BILLS-112hr432ih.pdf>

- To view the proposed Senate Bill:

<http://www.gpo.gov/fdsys/pkg/BILLS-112s136is/pdf/BILLS-112s136is.pdf>

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11NB-007, February 2011



Newsbytes

NEWSBYTE: Minnesota Identifies Nine Priority Chemicals

The Minnesota Department of Health (MDH) has identified and published a list of nine priority chemicals as required under the *Toxic Free Kids Act*. The Act, which became law in May 2009, established a framework by which the MDH, in consultation with the Minnesota Pollution Control Agency (MPCA), would compile a list of chemicals of high concern and designate and publish a list of priority chemicals in children's products by February 1, 2011.

The list includes lead, cadmium, bisphenol A (BPA), decabromodiphenyl ether (DecaBDE), hexabromocyclododecane (HBCD), formaldehyde, and the phthalates BBP, DBP, and DEHP. While the Act requires MDH to identify and publish a list of priority chemicals, it **does not** have any reporting or other regulatory requirements for companies.

Ultimately, the MPCA is required to make recommendations for means to reduce and phase out the use of priority chemicals in children's products and to promote consumer product designs that use green chemistry principles.

Additional Information

- MDH announcement:
<http://www.health.state.mn.us/divs/eh/hazardous/topics/toxfreekids/priority.html>
- Priority Chemicals table:
<http://www.health.state.mn.us/divs/eh/hazardous/topics/toxfreekids/pclist/pctable.pdf>
- Toxic Free Kids Act Interim Report to Legislature
http://www.pca.state.mn.us/index.php/component?option=com_docman/task,doc_view/gid,3908

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11NB-008, February 2011



Newsbytes

NEWSBYTE: Bisphenol A and Two Other Chemicals Designated as Priority Chemicals by Maine

The Maine Department of Environmental Protection (DEP) designated Bisphenol A (BPA), nonylphenol (NP), and nonylphenol ethoxylates (NPEO) as priority chemicals under the *Toxic Chemicals in Children's Products Regulation*. According to the regulation, companies must report if these chemicals are present in their children's products within 180 days, or by 5:00 p.m. EDT June 8, 2011. The DEP is planning to provide directions for reporting and the appropriate reporting forms on their website.

Additional Information

- Maine DEP Safer Chemicals in Children's Products:

<http://www.maine.gov/dep/oc/safechem/index.htm>

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Newsbytes

NEWSBYTE: Green Chemistry and Commerce Council Present Webinar Featuring EPA Representatives

Green Chemistry and Commerce Council (GC3) presented a Webinar in early February hosting representatives from the US Environmental Protection Agency (EPA) Office of Pollution Prevention and Toxics. The Webinar provided attendees, including Bureau Veritas, with an overview of the Agency's chemical management activities and initiatives related to green chemistry, sustainability, *Toxic Substances Control Act* (TSCA) reform, and the Design for the Environment (DfE) Program work on alternatives assessments and safer product labeling.

TSCA was the opening topic of the Webinar. The Administration has articulated six principles of reform, one of which is the encouragement of green chemistry. TSCA reform bills have not yet been introduced in this Congress, but on February 3rd, Senator Lautenberg held a hearing to discuss the topic with key stakeholders. While the shaping of TSCA reform is under way, the EPA has also begun enhancements to their current chemical management program by incorporating them into eight published action plans pertaining to specific chemicals.

Also reviewed in the Webinar were programs that actively promote the creation of green products and green technology, such as the The DfE Program, Pollution Prevention (P2) & Sustainability Strategy, and the Presidential green chemistry challenge. During the Question and Answer session, the EPA acknowledged the important role of green chemistry and green chemistry principles for improving current and future chemical management programs. They also acknowledged actively working on how the EPA can best assist manufacturers and retailers in bringing green products to consumers, a topic of much concern to Bureau Veritas.

Additional Information

- GC3 webpage: <http://www.greenchemistryandcommerce.org/home.php>
- EPA's Green Chemistry Program: <http://www.epa.gov/greenchemistry/>
- EPA's Green Engineering Program: <http://www.epa.gov/oppt/greenengineering/>
- TSCA and EPA's Enhanced Chemical Management Program: <http://www.epa.gov/opptintr/>
- EPA's Design for Environment Program: <http://www.epa.gov/dfe/>

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If you have any questions about our green initiatives or analytical and chemical services, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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Newsbytes

NEWSBYTE: Reminder - Final Manufacturing Compliance Date Nears for Corded Window Coverings

As Bureau Veritas announced in September 2010, the Window Covering Manufacturers Association (WCMA) has significantly improved the safety requirements for corded window coverings within the ANSI/WCMA A100.1-2010 standard. The major changes in this version of the standard focus on new requirements for Roman shades, roll-up blinds, and tension devices used with continuous loop operating cords.

Prior to the standard being approved and published through ANSI, it was understood that two main compliance dates would exist based on the risk associated with certain product designs. The first compliance date was December 3, 2010. The second and final compliance date, March 3, 2011, is quickly approaching. By this date, all corded window covering products must be in manufacturing compliance with all applicable sections of the standard.

Bureau Veritas has been and continues to work closely with the WCMA to help improve the safety requirements within the standard. Bureau Veritas has full capabilities to test to the ANSI/WCMA standard and has been testing to these new requirements for several months now.

Additional Information

For more information about the compliance dates, please refer to our previous clarification released in November of 2010: <http://tiny.cc/qg6or>

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11NB-011, February 2011



Newsbytes

NEWSBYTE: Reminder – Children’s Product Certificate Required

Effective today, February 18, 2011, all children’s sleepwear that is manufactured on or after this date and subject to the *Flammability Standards for 16 CFR Part 1615, Standard for the Flammability of Children’s Sleepwear: Sizes 0 through 6X (FF3-71)* and *16 CFR Part 1616, Standard for the Flammability of Children’s Sleepwear: Sizes 7 through 14 (FF5-74)* is required to have a **Children’s Product Certificate (CPC)** based on third-party testing for these standards.

Children’s sleepwear as defined by the standard includes: nightgowns, pajamas, or similar or related items such as robes, intended to be worn for sleeping or activities related to sleeping; infant garments (defined in *16 CFR Part 1615.1*); and tight-fitting garments (as defined in *16 CFR Part 1615.1(c)* and *1616.2 (m)*).

Additional Information

View the list of CPSC accredited labs: <http://www.cpsc.gov/cgi-bin/labsearch/>

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11NB-013, February 2011

CPSC Releases Ballot Vote Sheet Recommending NPR for Portable Bed Rails

Under the *Consumer Product Safety Improvement Act* (CPSIA), the Consumer Product Safety Commission (CPSC) is required to study current industry safety standards related to certain infant & toddler products and to make an assessment as to whether those standards would be considered sufficient safety standards.

On March 22, 2011, the CPSC released a ballot vote sheet recommending that a notice of proposed rulemaking (NPR) related to portable bed rails be issued. The Commission is recommending a rule under section 104(b) of CPSIA for portable bed rails that would adopt ASTM F2085-10a with certain modifications.



Background

After studying voluntary industry standards, it is the responsibility of the CPSC to mandate these existing standards as written, as well as to provide any stricter safety testing criteria considered necessary.

Summary of Draft Notice of Proposed Rulemaking

The CPSC is recommending that ASTM F2085-10a *Standard Consumer Safety Specification for Portable Bed Rails* be adopted as mandatory with the following modifications;

- A clarification that foam and inflatable bed rails will be included within the scope of these regulations
- Inclusion of definitions for foam bed rail, inflatable bed rail, critical assembly component, critical installation component, and misassembled/functional portable bed rail
- An Inclusion of requirements for critical installation components, critical assembly components and potential misassembled bed rail hazards, that may lead to a loss of functionality of the bed rail
- A change emphasizing that the safety alert symbol and the signal word (⚠ WARNING) must precede Suffocation and Strangulation Hazard
- A revision to a current warning to read as follows;
 - Children who cannot get in and out of an adult bed without help can be trapped between a mattress and a wall and suffocate. NEVER place children younger than two years old in adult beds with or without a portable bed rail
- Critical installation components must be labeled with the following proposed entrapment hazard warning
 - ⚠ WARNING – ENTRAPMENT HAZARD
NEVER use a portable bed rail without installing this part onto bed. Incorrect installation can allow the portable bed rail to move away from the mattress, which can lead to entrapment and death.

Additional Information

Once the NPR is voted upon, and if it is accepted by the commissioners, then there will follow a comment period of 75 days from the time of its publication in the *Federal Register*. The NPR also states that an effective date will be set at six months from the publication date of the final rules within the *Federal Register* and will apply to product manufactured or imported on or after the established effective date.

To read details on the proposed changes or to view the draft Notice of Proposed Rulemaking:

- NPR from Federal Register - <http://www.cpsc.gov/library/foia/foia11/brief/bedrailNPR.pdf>

Contact Information

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Newsbytes

NEWSBYTE: Canadian Consumer Product Safety Act Becomes Effective June 20, 2011

The Governor General of Canada has fixed June 20, 2011 as the date on which the *Canadian Consumer Product Safety Act* (CCPSA), Chapter 21 of the *Statutes of Canada*, 2010, comes into force. The Act modernizes and strengthens the safety regulation of consumer products in Canada.

CCPSA creates prohibitions with respect to manufacturing, importing, selling, advertising, packaging and labelling of certain consumer products, including those that are a danger to human health or safety. In addition, it establishes certain measures that will make it easier to identify whether a consumer product is to be considered a danger to human health or safety and, if so, to more effectively prevent or address the danger. It also includes application and enforcement requirements.

Additional Information

Text for the new legislation can be found at these websites:

- <http://www.gazette.gc.ca/rp-pr/p2/2011/2011-02-16/html/si-tr12-eng.html>
- <http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-eng.php>

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11NB-014, March 2011



Newsbytes

NEWSBYTE: Revised AAFA Restricted Substance List (RSL) Released

The American Apparel and Footwear Association (AAFA) has released the 8th version of their *Restricted Substance List* (RSL). Updates to sections on flame retardants, metals, organotin compounds and miscellaneous compounds have been made. The 8th version of the RSL, which includes notes detailing all the changes incorporated since version 7, is available on the AAFA website.

Additional Information

AAFA website: <http://www.apparel and footwear.org/IndustryTools.asp>

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11NB-017, March 2011



Newsbytes

NEWSBYTE: CPSC Staff to Present Final Rules for Children's Toddler Beds to Commissioners

On March 30, 2011, members of the Consumer Product Safety Commission (CPSC) staff will present to the Commissioners the final rules for children's toddler beds. A decisional meeting will then be held on April 13, 2011, where the Commissioners will decide as to whether they should accept the final rules as proposed or to offer suggestions for changes to the proposed final rules. Once the final rules are voted upon, and if the Commissioners vote in favor of the passing of the final rules, then the law will become effective 60 days from the time of its publication within the *Federal Register* and will be applicable to manufactured or imported products on or after the effective date.

#

Additional Information

To view the Toddler Bed Final Rules: <http://www.cpsc.gov/library/foia/foia11/brief/toddlerfinal.pdf>

To view the previous bulletin for the NPR for Toddler Beds: <http://tiny.cc/0i4mc>

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11NB-018, March 2011



Newsbytes

NEWSBYTE: California Proposition 65 Settlement Establishes Cadmium Limit for Jewelry

The first Proposition 65 settlement to set cadmium limits in jewelry has recently been reached. The company that signed onto this settlement markets jewelry for children 14 years of age and younger and they have agreed to ensure that nationally their jewelry does not exceed a total cadmium limit of 300 ppm. While the limit applies to all accessible and inaccessible components of jewelry, the settlement exempts cubic zirconia, glass, rhinestone and vitrified ceramic materials of jewelry intended for children over six years of age.

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11NB-020, March 2011



Newsbytes

NEWSBYTE: California Amends Proposition 65 Settlement for Handbags and Other Fashion Accessories

The California Proposition 65 settlement involving DEHP in various kinds of fashion accessories has recently been amended to include limits for the phthalates BBP and DBP. As amended, the settlement limits DEHP, BBP and DBP in fashion accessories to 1000 ppm each. These limits apply to a wide range of products including handbags, purses, wallets, clutches, totes, jewelry, apparel, and various kinds of cases and bags.

Additional Information

Regarding the original settlement: <http://tiny.cc/zrs7x>

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11NB-021, March 2011



US Congress Proposes Children's Sports Athletic Equipment Safety Act

On March 16, 2011 both houses of the US Congress introduced legislation (House Bill HR1127 and Senate Bill S601) proposing a *Children's Sports Athletic Equipment Safety Act*. The purpose of the act would be to encourage and ensure the use of safe helmets for football and other purposes.

Although the legislation is not in its final stage, once it is finalized and passed, it is expected to be enacted within nine months of that action.



Background

For many years, there have been voluntary standards in place enacted by the National Operating Committee on Standards for Athletic Equipment (NOCSAE) related to helmets. However, due to the increased public awareness of concussion incidents that have occurred, particularly related to football and youth helmets, legislation has been proposed to provide oversight on the industry.

Requirements

Both bills specifically address the risk of concussion that is missing from the voluntary industry safety standards for football helmets plus the following:

- Lack of a safety standard for youth football helmets worn by children, particularly those younger than 12 years old.
- Need for third-party testing and certification requirements for all youth football helmets (including reconditioned youth football helmets) used up to the age of eighteen.
- Providing a label with the date of manufacture on newly manufactured football helmets and date of reconditioned label for reconditioned helmets.
- Providing a warning label that cautions consumers that a football helmet's ability to protect the wearer can decline over time.
- Better Federal Trade Commission (FTC) enforcement for false or misleading claims with respect to athletic sporting activity goods to prevent helmet manufacturers and resellers misrepresenting concussion safety claims. Also, to prevent used helmet reconditioners from falsely claiming that their helmets have been certified and met voluntary industry safety standards.

Additional Information

View the proposed legislation:

- Link to HR1127: <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1127ih/pdf/BILLS-112hr1127ih.pdf>
- Link to S601: <http://www.gpo.gov/fdsys/pkg/BILLS-112s601is/pdf/BILLS-112s601is.pdf>

Bureau Veritas Assistance

We offer services for a range of athletic protective equipment and apparel. If we can be of help or answer any questions, please contact your customer service representative or email: cps.info@bureauveritas.com

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Deadline Extended to 2012 for Lighting Facts Labeling

The Federal Trade Commission (FTC) has extended the deadline for compliance with new light bulb labeling requirements until January 1, 2012. This action was taken after consideration of public comments, and allows an extra six months for manufacturers to bring their products in line with the new requirements.



Background

After reviewing public comments and a petition submitted by the National Electrical Manufacturers Association (NEMA) regarding new labeling requirements for consumer lighting products, the FTC extended the deadline for manufacturers to comply with new light bulb labels until 2012.

Although originally scheduled for July 2011, manufacturers will be afforded more time to incorporate the new labeling on their bulb packages. The new version labels will not be required for some incandescent bulbs (e.g., 75-watt), which are scheduled to be phased out by federal efficiency standards.

NEMA had also requested an extension of the effective date until 2013 for the labeling of compact fluorescent lamps (CFLs), but the FTC declined that extension.

Requirements

The new labels are intended to help consumers choose among the different bulb types, including traditional incandescent bulbs, compact fluorescent (CFL), and light-emitting diode (LED) bulbs. The labels are to appear on the back of each package of light bulbs and must contain information on brightness, estimated yearly energy cost, rated life, light appearance, and wattage. Manufacturers are encouraged to begin using the new labels on their packaging before the effective date if possible.

Additional Information

Text of Federal Register Notice: <http://www.ftc.gov/os/fedreg/2011/04/110407lightbulbfrn.pdf>

Samples of new labels: <http://www.ftc.gov/os/2010/06/100618lightbulbs.pdf>

Contact Information

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CPSC Approves and Establishes Effective Date for New Mandatory Standard for Toddler Beds

The US Consumer Product Safety Commission (CPSC) unanimously approved (5-0) a new mandatory standard to improve the safety of toddler beds. The new federal standard builds upon the ASTM voluntary standard (F1821-09) Standard Consumer Safety Specification for Toddler Beds and adds additional protections to prevent injuries to children.



Background

Under the Consumer Product Safety Improvement Act (CPSIA), the Consumer Product Safety Commission (CPSC) is required to study current industry safety standards related to certain infant and toddler products and to make an assessment as to whether those standards would be considered sufficient safety standards. CPSC has already issued mandatory standards for cribs, infant walkers and infant bath seats.

New Requirements

Since 2005, CPSC reports there have been 122 incidents involving toddler beds, including four deaths and 43 injuries. The new requirements add additional protections to prevent injuries to children. In addition to ASTM F1821-09, the new mandatory federal regulation to be published as 16 CFR Part 1217 provides additional requirements:

- **Guardrail Height** - To reduce the number of falls from toddler beds, a new guardrail height requirement states that the guardrail must extend at least five inches above the top of the bed's mattress.
- **Slat/Spindle Strength for Guardrails, Side Rails, and End Structures** – Spindle/slat strength testing for toddler beds must be consistent with the testing required for crib spindles/slats.
- **Warnings** – Separate warning labels will be required on toddler beds to address the hazards associated with entrapment and strangulation hazards.

Effective Date

The rule will become effective on October 20, 2011 and will apply to products manufactured or imported on or after that date.

Additional Information

To view the Federal Register publication: <http://edocket.access.gpo.gov/2011/pdf/2011-9421.pdf>

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Newsbytes

NEWSBYTE: CPSC Approves Accreditation Changes for Third-Party Conformity Assessment Bodies

The Consumer Product Safety Commission (CPSC) has approved changes to the criteria for acceptance of accreditation of third-party conformity assessment bodies for testing to the lead paint and surface coating regulations in 16 CFR 1303. The changes require that currently approved third-party assessment bodies, also known as third-party testing laboratories, become accredited to perform one or more of three CPSC-approved test methods by April 5, 2013. Two of the test methods, CPSC-CHE1003-09 and CPSC-CH-E1003-09.1, involve wet chemistry techniques while the third, ASTM F2853, calls for the use of a specific piece of XRF equipment.

Additional Information

Federal Register Notice: <http://www.cpsc.gov/businfo/frnotices/fr11/tpaccred.pdf>

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11NB-022, April 2011



Newsbytes

NEWSBYTE: CPSC Approves New Mandatory Standard for Toddler Beds

The US Consumer Product Safety Commission (CPSC) unanimously approved (5-0) a new mandatory standard to improve the safety of toddler beds. The new regulation (16 CFR 1217) includes all requirements from ASTM F1821-09 *Standard Consumer Safety Specification for Toddler Beds* and the following additional requirements that CPSC has addressed and added:

- Guardrail Height - To reduce the number of falls from toddler beds, a new guardrail height requirement states that the guardrail must extend at least five inches above the top of the bed's mattress.
- Slat/Spindle Strength for Guardrails, Side Rails, and End Structures – Spindle/slat strength testing for toddler beds must be consistent with the testing required for crib spindles/slats.
- Warnings – Separate warning labels will be required on toddler beds to address the hazards associated with entrapment and strangulation hazards.

Bureau Veritas will notify you when the mandatory standard is published in the Federal Register. The standard will go into effect six months after this publication.

Additional Information

Text for the new legislation can be found at:

- <http://www.cpsc.gov/about/cpsia/cpsia.html#whatsnew>
- <http://www.cpsc.gov/about/cpsia/sect104.html>

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11NB-0024, April 2011



Newsbytes

NEWSBYTE: CPSC Requirements for Accreditation of Third-Party Testing Conformity Assessment Bodies for Toddler Beds

On April 20, 2011 the Consumer Product Safety Commission (CPSC) published a *Federal Register* document that would establish accreditation requirements for third-party conformity assessment bodies to test toddler beds intended for use by children.

Each manufacturer, importer, or private labeler of products subject to *16 CFR Part 1217* will need to have their manufactured products tested by a third-party conformity assessment body accredited for that testing, and be required to issue a certificate of compliance based upon that testing.

The accreditation must be to *ISO Standard ISO/IEC 17025:2005, General Requirements for the Competence of Testing and Calibration Laboratories*, and the scope of the accreditation must expressly include testing to the test method for toddler beds included in *16 CFR 1217, Safety Standard for Toddler Beds*.

Additional Information

To view the CPSC notice: <http://edocket.access.gpo.gov/2011/pdf/2011-9422.pdf>

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11NB-025, April 2011



Congress Proposes Reform to the Toxic Substance Control Act

A bill intended to modernize the *Toxics Substances Control Act (TSCA)* of 1976 has been introduced in Congress. The proposed bill, known as the *Safe Chemicals Act of 2011*, is based on TSCA reform legislation proposed last year with some key differences. These differences are a direct result of feedback from chemical industry leaders, public officials, scientists, doctors, academics and non-profit organizations.



Major Reforms to Current TSCA Law Included in the 2011 Bill

- Minimum Data Sets (MDS)
 - Requires companies to submit minimum sets of data for new and existing chemicals. MDSs for existing chemicals are required within the earlier of 18 months of a chemical being assigned to a priority class or within five years of enactment of the law. MDSs for new chemicals are due at the time of filing a new chemical notification.
- New Chemical Substance and New Use Review
 - Requires notification when using a new chemical or using a chemical in a new way.
- Safety Standard Determination
 - Redefines the factors that are considered when determining safety. Both new and existing chemicals would be subject to safety determination unless designated by EPA to be intrinsically safe. Places the burden of proving safety on companies. States that safety determinations are not subject to judicial review. If a new or existing chemical is determined to be unsafe, regulatory action, including restriction or banning a chemical, can be taken.
- Disclosure of information
 - Narrows the conditions under which information can be claimed as confidential. Claims approved by EPA would expire after no more than five years.

Key Differences Between 2011 and 2010 Proposed TSCA Reform Bills

- Minimum Data Set Requirements
 - Previously proposed TSCA reform defined and imposed a collective requirement on manufacturers and processors to submit a minimum amount of information about a chemical to the EPA in order to conduct safety standard determinations. The 2011 reform implies that each manufacturer and processor must individually submit this information to the EPA even if it was previously submitted by another company.
- Prioritization
 - The 2010 bill required creation of one large list of priority chemicals. The 2011 bill requires that each chemical be placed into one of these three priority classes: immediate risk management, safety standard determination, or no immediate action.
- Import and Export
 - The 2010 bill removed export notification requirement for actions taken under Section 4 testing rules. The 2011 bill added back the export notification requirement for chemicals that are subject to the data submission requirement. It also states that chemicals imported as part of an article are subject to the same requirements as imported bulk chemicals.
- Confidential Business Information (CBI)
 - CBI claims were subject to a five year expiration in the 2010 bill. The 2011 bill requires the EPA to specify the types of information that do not have a five year expiration. It also allows EPA to release CBI without notice in certain cases, to share CBI with states if they ensure confidentiality and to determine that information previously classified as confidential is no longer subject to such treatment.

Full Text of Proposed Bill: <http://www.gpo.gov/fdsys/pkg/BILLS-112s847is/pdf/BILLS-112s847is.pdf>

Contact Information

If you have any comments and/or questions, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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BIFMA Revises Performance Standard for Office Chairs

A new revision of the industry standard for office chairs, ANSI/BIFMA X5.1-2011, has been released after more than three years of work by the Chair Standards Subcommittee of the Business and Institutional Furniture Manufacturers Association (BIFMA). Published through ANSI, the new version contains several substantial procedural changes as well as many changes to the test loads, drop heights, etc. These changes will impact future manufacturing and sales of office chairs in both the retail and hospitality industries.



Background

BIFMA began preliminary work on its office chair standard in 1974, releasing the first version in January 1977, and making several revisions since. After using the 2002 version of X5.1 for several years, the subcommittee on chair standards conducted reviews to ensure that the tests accurately described the proper means to evaluate the safety, durability, and structural adequacy of general-purpose office chairs. As a result of this review, the group recognized the need for several changes within the Standard in order to improve evaluations.

Summary of Key Changes

One factor identified by the subcommittee was that the general population continues to grow larger and heavier, which could have significant impact on office chairs. After reviewing this data, the subcommittee worked with the Ergonomics subcommittee to update the test loads used throughout the standard. For the revised version of the standard, the test loads are based on the 95th percentile male user, which was determined to weigh 253 lbs. Some of the load changes within the standard are to the following sections:

- Section 9, Swivel Test
- Section 13, Arm Strength Test – Vertical – Static
- Section 17, Caster / Base Durability Test – Cyclic
- Section 18, Leg Strength Test – Front and Side Application
- Section 22, Out Stop Test for Chairs with Manually Adjustable Seat Depth

Two other significant procedural changes have been made for the following two tests:

- Rear Stability: For this test, the “BIFMA Block” that was used previously has been eliminated and has been replaced by a stack of loading disks. These disks harmonize with ISO stability tests and the collection of disks better approximates the distribution of weight that a consumer places against the chair back.
- Arm Strength Test – Vertical - Static: This evaluation was changed so that it now specifies applying an initial vertical pull force, unless the chair design does not allow for such a pull force to be applied. Previously, the standard allowed either a pull or a push force to be used when testing the arms, but research demonstrated that results could differ depending on the means of application.

Bureau Veritas Assistance

Bureau Veritas has actively participated on the BIFMA technical subcommittee responsible for this standard throughout its revision process. The new Standard impacts both the retail and hospitality markets which Bureau Veritas supports through a suite of testing services. We have multiple global labs with the capability and experience to test and evaluate office chairs to the new requirements.

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
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 China – Shanghai: bvcps_sh_bd@cn.bureauveritas.com

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Newsbytes

NEWSBYTE: Maryland Amends DecaBDE Law

Maryland has enacted legislation amending its current DecaBDE Law. Prior to the amendment, Maryland banned the manufacturing, leasing, or selling of mattresses, residential upholstered furniture and electrical equipment containing DecaBDE starting on December 31, 2010. The law extended this ban to all products as of December 31, 2012, except transportation and military equipment which the law eventually bans by December 31, 2013.

An exemption for vehicles and vehicle parts was also included in the law. The newly enacted amendment narrows the scope of the ban to products containing more than 0.1 % (1000 ppm) total DecaBDE. It also expands the scope of exempt products by including aircrafts and aircraft parts.

Additional Information

To view the law: <http://mlis.state.md.us/2011rs/bills/hb/hb0054t.pdf>

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11NB-026, May 2011



Newsbytes

NEWSBYTE: Washington Revises Proposed Children's Safe Product Act Rules

The Washington State Department of Ecology (DOE) is actively working on creating rules for the *Children's Safe Product Act*. The act requires the creation of a list of chemicals of high concern to children (CHCC) and also requires companies that manufacture children's products to submit information to the DOE if their product contains any of these chemicals.

In response to comments received from the public and industry, the DOE is making several major revisions to the proposed rules. Phthalic anhydride and all six phthalates restricted by the *Consumer Product Safety Improvement Act* (CPSIA) have been added to the CHCC list and nonylphenol has been removed from the list. Significant changes involving adjustments to the chemical content ranges that companies can report, such as a new lower reporting range for intentionally added chemicals, have also been made. Other modifications to the rules include additional definitions and removal of time requirements for updating the CHCC list.

Official comments about these proposed changes can be submitted to the DOE via email or mail until June 15, 2011. The proposed rules will go into effect 31 days after adoption which is currently scheduled for July 2011.

Additional Information

To view the proposed rules and the DOE CSPA webpage:

Proposed Rules: http://www.ecy.wa.gov/laws-rules/wac173334/p0904a_supp.pdf

DOE CSPA webpage: <http://www.ecy.wa.gov/programs/swfa/cspa/>

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11NB-027, May 2011



Newsbytes

NEWSBYTE: CPSC Releases Correction to the Safety Standard for Toddler Beds

On May 13, 2011, the Consumer Products Safety Commission (CPSC) released a revision to the *Safety Standard for Toddler Beds, 16 CFR 1217*. The final rules were published in the *Federal Register* on April 20, 2011 and an effective date of October 20, 2011 was established. The final rule is applicable to products that are manufactured or imported on or after this effective date. This revision includes three sections that were accidentally left out of the first final rules release. The revision only includes editorial additions and the effective date will remain October 20, 2011.

#

Additional Information

- To view the Revised Toddler Bed Final Rules:
<http://www.cpsc.gov/businfo/frnotices/fr11/toddlerbedcorr.pdf>
- To view the previous BV Bulletin for the NPR for Toddler Beds: <http://tiny.cc/4bfjd>

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11NB-028, May 2011



Newsbytes

NEWSBYTE: Health Canada Addresses Frequently Asked Questions Regarding the Canada Consumer Product Safety Act

Health Canada has released a frequently asked questions (FAQ) document to address common questions about the *Canada Consumer Product Safety Act*, which comes into force on June 20, 2011. The FAQ document answers 30 different questions that cover a range of topics from reporting requirements to the implementation plan for the law as well as details on the creation of regulations related to the law.

Additional Information

To view the FAQ:

<http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/faq-eng.php>

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11NB-029, May 2011



Newsbytes

NEWSBYTE: Maryland Establishes Cadmium Restriction for Children's Jewelry

On May 19, 2011, the Maryland legislature enacted a law limiting the total amount of cadmium in children's jewelry to 75 ppm or less. According to the law, children's jewelry includes any charm, bracelet, pendant, necklace, earring, or ring, and any component of jewelry for children under 13 years of age. The law specifically excludes any toy jewelry regulated under the *Consumer Product Safety Improvement Act* (CPSIA). This cadmium restriction goes into effect on July 1, 2012 at which point children's jewelry exceeding the 75 ppm total cadmium limit may not be manufactured, sold, offered for sale, or distributed in the Maryland.

Additional Information

To view the Law: <http://mlis.state.md.us/2011rs/bills/hb/hb0145e.pdf>

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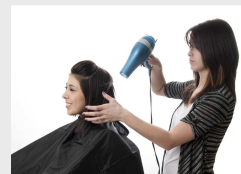
11NB-030, May 2011

**BUREAU
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New Federal Safety Rule To Be Imposed for Hair Dryers

The US Consumer Product Safety Commission (CPSC) has established a new federal safety rule requiring the inclusion of an immersion protection device in handheld hair dryers, beginning thirty days after publication of the notice of final rulemaking in the *Federal Register*.

No specific date for final rulemaking publication has been identified.



Background

In November 2002, the CPSC Office of Compliance issued a letter to manufacturers and importers of hand-supported hair dryers, indicating the CPSC considered handheld hair dryers to present a substantial hazard if they did not have immersion protection as required by *UL 859, Standard for Household Electric Personal Grooming Appliances*. Professional hair dryers were also referenced in this letter.

After reviewing hazard and injury information, as well as public comments from interested parties, the CPSC issued a proposal in May 2011 for handheld hair dryers, requiring integral immersion protection for both personal and commercial devices.

Requirements

The new requirement will be referenced in *16 CFR Part 1120* and require the presence of integral immersion protection in compliance with the requirements of *UL 859* for residential devices, or the requirements of *UL 1727* for commercial devices. The CPSC estimates that manufacturer compliance with the proposed requirements is in excess of 95 percent of applicable products.

Products that are in compliance with the specified UL requirements would also be in compliance with the new regulation. All product will need to be in compliance with the regulation no later than 30 days from the issuance of the final regulation in the *Federal Register* (date undefined).

Additional Information

Text of the 2010 Federal Register Notice: <http://frwebgate1.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=hxbt8/13/2/0&WASaction=retrieve>

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Newsbytes

NEWSBYTE: USDA Accepts GOTS Certification for Organic Textile Fibers

On May 20, 2011, the United States Department of Agriculture (USDA) issued a Policy Memorandum to advise that textile products which are produced in compliance with the *Global Organic Textile Standard* (GOTS) are now allowed to be sold in the US as “organic.” GOTS is a voluntary global standard for the processing of textile products (including the spinning, knitting, weaving, dyeing and manufacturing) made with organically grown fibers.

Previous to the above mentioned memorandum, the USDA allowed only products made from raw natural fibers such as cotton, flax and wool, which meet the USDA's National Organic Program (NOP) Regulation (7 CFR Part 205), to be labeled as “organic.” NOP regulations do not specify processing or manufacturing standards for textile products. A product can be labeled as “organic” and make reference to NOP certification if production complies with both the NOP production standards for the growing of the fibers, and the NOP handling standards for processing of the finished product. This includes processing methods allowed in 7 CFR 205. However, most of these methods and ingredients are not applicable to textile processing, so NOP labeling is not likely to be achievable for most textile products since dyestuffs and other agents are used in production.

The USDA policy memo confirms that textile products which are produced in accordance with GOTS can be sold as “organic” in the US. However, such products cannot refer to the USDA NOP certification or display the USDA organic seal.

It should be noted that the Federal Trade Commission (FTC) labeling requirements must be followed to as well.

Additional Information

To view the USDA Memorandum: <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5090967>

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If you have any questions, please contact your customer service representative or email:

AnalyticalServices@us.bureauveritas.com.

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11NB-032, June 2011



Newsbytes

NEWSBYTE: Maine Amends DecaBDE Law

Maine recently enacted an amendment to the existing law that limits DecaBDE, a chemical commonly used as a flame retardant, from certain products. Prior to the amendment the law stated that DecaBDE could not be replaced with a brominated or chlorinated chemical alternative. The amendment removes this restriction.

Additional Information

To view the enacted amendment:

http://www.mainelegislature.org/legis/bills/bills_125th/billpdfs/HP069001.pdf

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11NB-033, June 2011



Newsbytes

NEWSBYTE: Congress Proposes Bill with Amendments to CPSA and CPSIA

The United States House of Representatives recently proposed Bill HR 1939, which contains several major amendments to the *Consumer Product Safety Act* (CPSA) and the *Consumer Product Safety Improvement Act* (CPSIA). If passed, this bill would change the date when the 100 ppm lead content limit comes into effect by moving it back a year. It would also limit the scope of the 100 ppm lead content requirement to products for children six years of age and younger that can be mouthed. The bill includes a number of other significant amendments including changes to the scope of products that have to meet current lead restrictions, the scope of components that must meet current phthalate restrictions, third-party testing requirements, as well as rules related to the consumer products safety information database.

Additional Information

To view the Law: <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1939ih/pdf/BILLS-112hr1939ih.pdf>

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11NB-034, June 2011



Newsbytes

NEWSBYTE: CARB Phase 1 Inventory Sell-Through Date Extension

In May, 2011, the California Air Resources Board (ARB) announced a delay of enforcement of the sell-through dates for existing inventory of Phase 1 finished goods which use Hardwood Plywood – Veneer Core composite wood. The extension moves the sell-through date from June 30, 2011 to June 30, 2012, and applies to all importers, distributors, fabricators, and retailers of finished goods.

The sell-through date for Phase 1 Particleboard (PB) and Medium Density Fiberboard (MDF) panels has also been extended, from May 31, 2011 to December 31, 2011. This extension applies only to distributors of those panels. It does not affect the sell-through date for finished goods using PB or MDF. That date remains at June 30, 2012

Additional Information

To view document: http://www.arb.ca.gov/toxics/compwood/outreach/11_01_advisory.pdf

Bureau Veritas Assistance

If you have any questions, or need assistance in label review for products subject to the CARB regulations, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-035, June 2011



Newsbytes

NEWSBYTE: Legislation Introduced to Address Battery Compartments

The *Button Cell Battery Safety Act of 2011* has been introduced in the US Congress in an effort to reduce the risk of injury or death to children from ingestion of button cell batteries. The intent of the bill is to prevent access to these batteries by making the compartments housing them more secure against entry by children.

Button cell batteries are commonly found in many consumer products, including watches, calculators, hand-held electronics, some remote controls, and a wide range of toys. The National Poison Data System indicates over 3,400 cases of button battery ingestion were reported to US poison centers each year between 2007 and 2010. An increase in related serious injuries has been attributed to the use of newer batteries with different design and higher voltages.

The *Button Cell Battery Safety Act of 2011* tasks the Consumer Product Safety Commission (CPSC) with the following: devising standards for products containing button cell batteries, developing a standard to prevent access to button cell battery compartments by small children, and creating appropriate warning labels to be placed on battery packaging, accompanying literature, and where feasible, on the product itself.

Additional Information

Link to Senate press release:

http://commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=2fae38cf-05f4-4e00-8c1b-3c7bb68254ca&ContentType_id=77eb43da-aa94-497d-a73f-5c951ff72372&Group_id=4b968841-f3e8-49da-a529-7b18e32fd69d

How Can Bureau Veritas Help?

If you have any questions, need to have a product evaluated or designs reviewed, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-036, June 2011



Newsbytes

NEWSBYTE: Consumer Product Safety Commission Schedules Meeting to Discuss Decision Regarding the 100 PPM Lead Limit

On Wednesday June 29th, the Consumer Product Safety Commission (CPSC) will discuss publishing a draft *Federal Register* notice stating that a 100 ppm total lead limit for substrates in children's products is technologically feasible and the limit will therefore go into effect on August 14, 2011. A subsequent decisional meeting on publishing this draft *Federal Register* notice is scheduled for July 13, 2011.

Additional Information

To view the enacted amendment:

<http://www.cpsc.gov/library/foia/foia11/brief/lead100tech.pdf>

How Can Bureau Veritas Help?

Bureau Veritas would be pleased to assist you with any of your CPSC/CPSIA requirements and analytical testing needs for a wide range of products. If you have any questions, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-038, June 2011



Newsbytes

NEWSBYTE: Governor Signs Amendment to Maine Toxic Chemicals in Children's Products Law

An amendment to the Maine toxic chemicals in children's product law has recently been enacted. The law requires companies to provide information to the state when a children's product contains a chemical that the state has identified as a priority chemical. It also provides the state the ability to ban children's products that contain these chemicals.

The amendment to the law makes significant changes to its reporting requirement through the establishment of a *de minimis* (minimum) level of 100 ppm. Other changes to the law include modifications to the definition of children's product and the addition of a provision that allows for the removal of a chemical from the priority chemical list if it is determined that it does not pose a risk to human health.

Additional Information

To view the enacted amendment:

http://www.mainelegislature.org/legis/bills/bills_125th/billpdfs/HP084101.pdf

How Can Bureau Veritas Help?

Bureau Veritas would be pleased to assist you with any of your analytical testing needs for a broad range of goods, including children's products.. If you have any questions, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-039R, June 2011



CPSC's Final Rule on Drawstrings and Ties Will Take Effect on August 18, 2011

Under the *Consumer Product Safety Improvement Act* (CPSIA), the Consumer Product Safety Commission (CPSC) is authorized to make rules for consumer products whose characteristics may pose a substantial product hazard under certain circumstances.



On July 19, 2011, the CPSC published a final rule in the *Federal Register*, stating that children's upper outerwear garments which have neck or hood drawstrings (in sizes 2T to 12), and those which have waist or bottom drawstrings (in sizes 2T to 16) that do not meet the criteria of the previously voluntary standard, ASTM F1816-97, *Standard Safety Specifications for Drawstrings on Children's Upper Outerwear*, present a substantial product hazard.

The new rule, 16 CFR 1120, will become effective on August 18, 2011.

Highlights of the Rule

- Children's upper outerwear is subject to standard ASTM F1816-97, and if they are not compliant, they are considered to be a substantial product hazard. See **Note 1** below.
- Defines a "drawstring" as "a non-retractable cord, ribbon, or tape of any material to pull together parts of outerwear to provide for closure". This definition considers ties to be drawstrings, as well as traditional tunneled drawstrings.
- Size equivalents for garments that are sized under S, M, L sizing system are as follows: Girls' and Boys' sizes Large (L) are equivalent to size 12. Girls' and Boys' sizes Extra-large (XL) are equivalent to size 16.
- Garments do not need to be labeled in any manner as being "boys" or "girls," nor whether the garment is intended for boys or girls, in order to be subject to the rule.

State Requirements

This rule does not pre-empt state requirements for drawstrings. Therefore, it should be noted that the New York and Wisconsin state requirements also need to be followed, as well as the CPSC requirement when selling children's apparel in those states. For a summary of the CPSC, New York and Wisconsin requirements, please see the charts below.

Note 1: Products on the substantial product hazard list:

This rule falls under Section 15 of CPSA and therefore does not trigger any testing or certification requirements under section 14(a) of CPSA. However, products that are on the substantial product hazard list are subject to the reporting requirements of section 15(b) of CPSA. Failure to report a substantial product hazard to the CPSC subjects a company to civil penalties and possibly criminal penalties as well. A product that contains a substantial product hazard is subject to corrective action. Therefore, the CPSC can order the manufacturer, distributor or retailer of the product to offer consumers a refund of the purchase price or to repair or replace the item. In addition, an item that is offered for import into the United States and contains a substantial product hazard must be refused admission into the country.

Additional Information

- The Federal Register announcement can be accessed via the following link:
<http://www.gpo.gov/fdsys/pkg/FR-2011-07-19/pdf/2011-17961.pdf>
- A copy of ASTM F1816-97 can be obtained by contacting ASTM International at:
<http://www2.astm.org>

See following charts for summary of CPSC and state requirements.

Hood and Neck Drawstring and Tie Requirements

	New York Law	Wisconsin Law	CPSC 16 CFR 1120 *
What types of apparel are affected?	All children's clothing	All children's clothing	Upper outerwear
What sizes?	2T-12	0-16	2T-12
What are the requirements?	No hood / neck drawstrings are allowed	No hood / neck drawstrings are allowed	Drawstrings/ ties should not be used in the head / neck area

Waist of Upper and Lower Clothing Drawstring Requirements

	New York Law	Wisconsin Law	CPSC 16 CFR 1120 *
What types of apparel are affected?	All children's upper and lower clothing.	Children's upper outerwear	Children's upper outerwear
What sizes?	2T-16	0-16	2T-16
What are the requirements?	<ul style="list-style-type: none"> • No more than 3 inches of the drawstring shall be outside of the drawstring channel when the garment is extended to its fullest width • Toggles, knots or other attachments shall not be used at the ends of the drawstrings • The drawstring shall be attached to the garment at its midpoint. 	<ul style="list-style-type: none"> • No more than 3 inches of the drawstring shall be outside of the drawstring channel when the garment is extended to its fullest width • Toggles, knots or other attachments shall not be used at the ends of the drawstring • The drawstring shall be sewn at the midpoint of the channel so that it cannot be completely pulled out of the channel. 	<ul style="list-style-type: none"> • No more than 3 inches of the drawstring/ties shall be outside of the drawstring channel when the garment is extended to its fullest width • Toggles, knots or other attachments shall not be used at the ends of the drawstring / ties • The drawstring/ties shall be sewn at the midpoint of the channel so that it cannot be pulled out of the channel

Note: *ASTM F 1816-97

Contact Information

Bureau Veritas can monitor your compliance to the new rule via your test protocol or manual, as well as providing product development consultation. Please contact your service representative or email:

Hong Kong: bvcps.softline@hk.bureauveritas.com

China – Guangzhou: bvcps_pyinfo@cn.bureauveritas.com

China – Shanghai: bvcps_sh_bd@cn.bureauveritas.com

China – Xiamen: bvcps_xminfo@cn.bureauveritas.com

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New US Labeling Rules for Sunscreens

On June 14, 2011, the U.S. Food and Drug Administration (FDA) announced significant changes to the labeling rules for sunscreen products. The changes are intended to provide better information to consumers for the purchase and use of sunscreens, and to allow them to more effectively protect themselves and their families from sun-induced damage. The rules include warning label requirements and definitions. The rules will go into effect on June 18, 2012.



Key Points of Rules

All sunscreen products are considered over-the-counter (OTC) products and are required to be in the "Drug Facts" format.

- The FDA states that a sunscreen must protect equally against both types of sun radiation (UVB and UVA) to be considered "broad spectrum." Broad Spectrum sunscreens with an SPF value 15 or higher can claim to reduce the risk of skin cancer and early skin aging if used as directed with other sun protection measures. Non-Broad Spectrum sunscreens, and Broad Spectrum sunscreens with an SPF value lower than 15, can only claim to "help prevent sunburn."
- Any sunscreen product that is not Broad Spectrum, or that is Broad Spectrum with an SPF value less than 15, requires a warning statement. The wording of this warning has been revised to state, "**Skin Cancer/Skin Aging Alert:** [in bold font] Spending time in the sun increases your risk of skin cancer and early skin aging. This product has been shown only to help prevent sunburn, **not** [in bold font] skin cancer or early skin aging."
- The rules also ban manufacturers from claiming that their sunscreens are waterproof or sweatproof. This is due to the fact that these claims are misleading and false. However, sunscreens can claim to be "Water Resistant." If that term is used, it is required to be on the front label and must indicate whether the sunscreen remains effective for 40 minutes or 80 minutes while swimming or sweating, based on standard testing.

How Can Bureau Veritas Help?

Bureau Veritas can test sunscreens for labeling, physical characteristics, and active ingredients verification. If you need assistance related to sunscreens or have questions on any other health and beauty products, please contact your customer service representative or email:

Hong Kong : BVCPSFood.hk@hk.bureauveritas.com

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Washington Adopts Final Rule for the Children's Safe Product Act

The Washington State Department of Ecology adopted final rules for the *Children's Safe Product Act* which require companies to submit a report when a children's product contains a chemical of high concern. These rules establish 66 chemicals of high concern, tiers of potential exposure, plus other requirements and deadlines.



Key Highlights of the Rules

Reporting Requirements

- **Reporting** – A company must report when a product component contains one of the 66 chemicals of high concern identified in the rule if the chemical is intentionally added, or if the chemical is a contaminant and occurs above 100 ppm. **Note:** *A company that can demonstrate that they use a reasonable manufacturing control program and exercise due diligence to minimize a chemical that is a contaminant is not required to report.*
- **Exemptions** - The law exempts a number of products from its reporting requirements. The rules also exempt over the counter drugs, prescription drugs, food, dietary supplements, packaging, medical devices, or products that are both a cosmetic and a drug regulated by the FDA.
- **Reporting Responsibility** - The company responsible for reporting is either the manufacturer of the product, importer who assumes ownership of the product, or domestic distributor of the product. A trade organization, on behalf of its members, may also provide this report.

Reporting Details and Deadlines

- **Tiers** - Products are classified into four tiers which dictate when reporting for the product is due: products intended to be put in mouth or applied to a child's body (Tier 1), products intended to be in prolonged contact with skin (Tier 2), products intended to be in short contact with skin (Tier 3), and products with no skin contact (Tier 4).
- **Company Class** – Companies are classified into six classes which dictate when the company must submit a report for a product. This ranges from 1 billion in sales to less than \$100,000.
- **Reporting Ranges** – Companies may report the amount of the chemical of high concern present using various specified ranges instead of the exact amount.
- **Product Category** – Companies must identify product category or categories in which the product occurs.
- **Reporting Deadlines** – The deadline for reporting is determined by company size as well as product tiers, with the largest companies being required to report first.

Definitions

- **Children's Products** – Toys, cosmetics, jewelry, childcare articles, clothing, and car seats for children under 12.
- **Product Category** - The "brick" level of the GS1 Global Product Classification (GPC) standard identifies products that serve a common purpose, are of a similar form and material, and share the same set of category attributes. Some examples of "bricks" are: puzzles (non powered), puzzles (powered), sweaters/pullovers, shirts/blouses/polo shirts/T-shirts, etc.
- **Product Component** - A uniquely identifiable material or coating (including ink or dye) that is intended to be included as a part of a finished children's product.

Additional Information

Full text: <http://www.ecy.wa.gov/laws-rules/wac173334/x0904a.pdf>

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
 Hong Kong: bvcps.toy@hk.bureauveritas.com
 China – Shanghai: bvcps_sh_bd@cn.bureauveritas.com
 China – Shenzhen/Dongguan: bvcpstoy.sz@cn.bureauveritas.com

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July 2011, Bulletin 11B-137R



Newsbytes

NEWSBYTE: CPSC Approves Amended ASTM Standard F1816-97 for Drawstrings in Children's Upper Outerwear

On June 29, 2011, the Consumer Product Safety Commission (CPSC) voted to approve an amended version of the now voluntary industry standard ASTM F1816-97 for drawstrings in children's upper outerwear. Subsection 15J of the *Consumer Product Safety Improvement Act* (CPSIA) enables the CPSC to approve voluntary industry standards as regulatory when "such standards have been effective in reducing the risk of injury from consumer products and that there is substantial compliance with such standards."

The Commission voted to amend ASTM F1816-97 to include ties within the definition of drawstrings. Therefore, all ties on children's garment in sizes 2T-12 for hood and neck requirements, and sizes 2T-16 for waist and bottom openings, must meet the drawstring requirements of ASTM F1816-97.

The final rule on the above will be published in the *Federal Register*. Upon publication, Bureau Veritas will provide our clients with additional detailed information.

This new ruling will become effective 30 days after the final rule is published in the *Federal Register*.

How Can Bureau Veritas Help?

Bureau Veritas offers a full range of softlines testing and quality solutions. If you have any questions related to drawstrings or other concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-040, July 2011



Newsbytes

NEWSBYTE: FTC Seeks Public Comments Regarding Care Label Rule

On July 7, 2011 the Federal Trade Commission (FTC) announced an Advance Notice of Proposed Rulemaking and Request for Public Comments in regard to 16 CFR 423, *The Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods*. The FTC is seeking comments from the public regarding the following:

- Currently, 16 CFR 423 allows care symbols to be used. However, it allows only the use of the 1996 version of ASTM International's symbols, as contained in ASTM D5489-96c - *Standard Guide for Care Symbols for Care Instructions on Textile Products*. The FTC is welcoming comments on whether the rule should be modified to allow the updated version of ASTM care symbols.
- Whether the Rule should address care instructions disclosed in languages other than English.
- In the past, FTC has not established a definition for "professional wetcleaning" nor permitted care labels that recommend a professional wetclean care instruction. Since the International Organization for Standardization (ISO) has developed standards relating to wetcleaning, the FTC is seeking comment as to whether the Care Label rule should be amended to include wetcleaning.
- Overall costs, benefits, and necessity of the Care Labeling Rule.

Note: Comments must be received by the FTC no later than September 6, 2011.

Additional Information

To view FTC notice: <http://www.ftc.gov/opa/2011/07/carelabeling.shtm>

How Can Bureau Veritas Help?

If you have any questions about care labeling or other textile or apparel issues, Bureau Veritas offers a full range of testing and softlines solutions. Please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-041, July 2011



Newsbytes

NEWSBYTE: Delaware Enacts Law Banning Certain Children's Products Containing BPA

A law prohibiting the sale of children's products containing bisphenol-A (BPA) has been passed in the state of Delaware. The law defines children's products as: "an empty bottle or cup capable of being filled with food or liquid that is designed or intended by a manufacturer to be used by a child under the age of four." Manufacturers are immediately prohibited from selling these products and merchants cannot sell them after December 31, 2011.

Additional Information

To view the enacted amendment:

[http://legis.delaware.gov/LIS/lis146.nsf/vwLegislation/SB+70/\\$file/legis.html?open](http://legis.delaware.gov/LIS/lis146.nsf/vwLegislation/SB+70/$file/legis.html?open)

How Can Bureau Veritas Help?

Bureau Veritas offers a full range of chemical management solutions for multiple product lines. If you have any questions regarding BPA in children's products or other concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-042, July 2011



Newsbytes

NEWSBYTE: CPSC Votes on the Feasibility of Meeting the 100 ppm Total Lead Requirement

On July 13, 2011, the Consumer Product Safety Commission (CPSC) voted 3-2 that a 100 ppm total lead limit for substrates in children's products is technologically feasible despite concerns expressed by several CPSC commissioners. The 100 ppm lead limit is scheduled to go into effect on August 14th of this year. This requirement will apply to new and existing inventory unless action is taken by Congress to change the law so that this requirement does not apply to products manufactured before August 14, 2011.

How Can Bureau Veritas Help?

Bureau Veritas offers a full range of analytical solutions for multiple product lines. If you have any questions about the lead limits or other concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-043, July 2011



Newsbytes

NEWSBYTE: Revision to State Requirements for Mercury in Button Cell Batteries

Maine, Rhode Island and Connecticut have postponed the effective dates of legislation banning distribution of mercury added button cell batteries. The three states have revised the original effective date of July 1, 2011.

Impact to the supply chain from this year's natural disaster in Japan has been cited as the cause for the amendments to the effective dates.

- The effective date for Maine is January 1, 2012 for zinc-air button cell batteries, alkaline manganese button cell batteries, and silver oxide button cell battery stamped with designations 357, 364, 371, 377, 395, SR44W, SR621SW, SR626SW, SR920SW, or SR927SW.
- The effective date for Rhode Island is January 1, 2012 for silver oxide batteries.
- The effective date for Connecticut is July 1, 2012 for silver oxide batteries.
- There is still presently a ban in the state of Ohio on mercury added button cells.

Button cell batteries are commonly found in many consumer products, including watches, calculators, hand-held electronics, some remote controls, and a wide range of toys.

Additional Information

<http://www.fjata.org/press/mercury-free-button-cell-battery-info/>

Bureau Veritas Assistance

The changes in the button cell battery requirements will be reflected in test offerings from Bureau Veritas Consumer Product Services. If you have any questions about these revisions or other battery concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-044, July 2011



Newsbytes

NEWSBYTE: Receipt Paper with Bisphenol-A Restricted by Connecticut

The state of Connecticut became the first state to enact a law that prohibits the sale of thermal receipt paper containing bisphenol-A (BPA). This restriction goes into effect on October 1, 2013. The law also states that if the US Environmental Protection Agency (EPA) has not identified a commercially available alternative to receipt paper with BPA by June 30, 2013, the effective date of the ban will be postponed until July 1, 2015.

Additional Information

To view the enacted amendment:

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00222-R00SB-00210-PA.htm>

Bureau Veritas Assistance

If you have any questions, please contact your customer service representative or email:

cps.info@us.bureauveritas.com

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11NB-045, July 2011



Newsbytes

NEWSBYTE: Health Canada Proposes Cadmium Guidance for Children's Jewelry

Health Canada is proposing a guideline limiting total cadmium content in children's jewelry to 130 ppm. The proposed limit is provided in a consultation document they released that quantifies the risk, provides the basis for the proposed cadmium limit, and solicits input on the proposal. Comments will be accepted on the proposal until October 10, 2011.

Additional Information

<http://www.hc-sc.gc.ca/cps-spc/legislation/consultation/2011cadmium/index-eng.php>

Bureau Veritas Assistance

Bureau Veritas offers a full range of analytical solutions for multiple product lines. If you have any questions about cadmium requirements or other concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-046, July 2011



Newsbytes

NEWSBYTE: CPSC Approves Third-Party Testing Requirements for Toys

On July 20, 2011, the Consumer Product Safety Commission (CPSC) voted to issue the notice of requirements for accreditation of third-party conformity assessment bodies for testing to standard ASTM F-963. With these requirements in place, manufacturers, importers and private labelers will need to test with a third-party testing laboratory. It has been mandatory for toys to comply with ASTM F963 under the requirements of the *Consumer Product Safety Improvement Act* (CPSIA).

The CPSC also imposed a stay of enforcement until December 31, 2011. After this date, all toys manufactured or imported into the US will require a certification of compliance based on testing conducted by an accredited third-party testing laboratory.

How Can Bureau Veritas Help?

Bureau Veritas offers a full range of toy and juvenile products testing and quality solutions. If you have any questions related to toy testing or other concerns, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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11NB-047, July 2011

Congress Amends the Consumer Product Safety Improvement Act (CPSIA)



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On August 1, 2011 the US House and Senate passed Bill HR 2715, an amendment to the *Consumer Product Safety Improvement Act of 2008* (CPSIA). This amendment is intended “to provide the Consumer Product Safety Commission (CPSC) with greater authority and discretion in enforcing the consumer product safety laws.”



Background

While both Congressional parties were in agreement that CPSIA required changes, there was disagreement over the extent of these changes that resulted in several failed amendments. After months of no movement, and propelled by the impending retroactive decrease in the lead limit for children's products, a Bill was put together and then passed over the course of a few days that had bipartisan agreement and minimal opposition. The amendments become effective upon the President's signature.

Overview

(More details in following 'Analytical Highlights' section)

- The Bill contains 11 sections. Below is a summary of some significant CPSIA changes.

Lead in children's products:

- The lead limit, set to decrease from 300 ppm to 100 ppm on August 14, 2011, will be prospective and not retroactive, and some exemptions and potential exemptions are outlined.

Application of third-party testing requirements:

- The requirement for “random samples” is removed in favor of “representative” samples for third-party testing under certification testing procedures.
- The CPSC will solicit comments and make any appropriate changes to the requirements targeted at reducing the costs of third-party testing.
- Some small batch manufacturers may apply for exemption from third-party testing requirements for any product with production under 10,000 units per year.

Updating standards for durable nursery products:

- Upon update of a standard, the CPSC will have 90 days to reject the standard or it will become a mandatory requirement 180 days after notification.

Application of the phthalate requirements:

- Clarifications were made to the application of the phthalate requirements.

Improved product identification on the Public Database:

- Provides more time when a claim is made of an inaccurate report.
- Requires the CPSC to request a serial/model number if not submitted.

Tracking label modification:

- Allows the CPSC to exempt products or class of products if it determines it is not practicable to mark such items.

Key Analytical Highlights

Changes to Lead Requirements

- 100 ppm Total Lead in Substrates Requirement
 - The total lead in substrates requirement that goes into effect on August 14, 2011 only applies to products manufactured after the effective date. All current inventory must still meet the 300ppm limit in order to be sold after August 14.

Functional Purpose Exemption from Lead in Substrates

- Off-highway motorized vehicles including snowmobiles
- Resale of used children's products
 - This exclusion does not apply to metal children's jewelry or any product in which it is known that the product violates the lead limits
- Bicycles and other related products
 - The lead limits for metal components described in the June 20, 2009 *Notice of Stay of Enforcement Pertaining to Bicycles and Related Products* continues to be effective for the products identified in the notice until December 31, 2011. After that date, these metal components must meet a 300 ppm total lead limit
- The CPSC may grant exceptions for a specific product, class of products, material, or component part if all three of the following criteria are met:
 - The product or component requires the inclusion of lead because it is not practicable or technologically feasible to meet the lead requirement; and
 - The product or component is not likely to be placed into the mouth or swallowed under normal and foreseeable use and abuse of the product; and
 - It will have no measurable adverse effect on public health and safety in that it will have no measurable increase in blood lead levels of a child.
 - The Commission may establish a limit or place a manufacturing expiration date or compliance schedule for any exception granted. Any such established limit will be effective retroactively unless otherwise stated

Third Party Lead Testing Exemptions

- Metal component parts on bicycles
- Ordinary books and paper-based printed materials
 - Defined as ordinary books, magazines, post cards, and similar products printed on paper or cardboard, printed with inks or toners, and bound by conventional methods
 - Third-party testing is still required for books with inherent play value, books intended for children three years or younger, accessories sold with an ordinary book, and components printed on material other than paper or cardboard or that contain non-paper based components which are not part of the binding or finishing materials used in a conventional method

Changes to Phthalates Requirements

- Applications
 - Phthalates requirements only apply to plasticized component parts or other component parts that are made of a material that may contain phthalates
- Inaccessible Components
 - Phthalates requirements do not apply to components that are inaccessible under reasonable and foreseeable use and abuse of the product. The Commission has one year to create a rule providing guidance on product components or classes of components that are considered inaccessible or adopt the same guidance as those used for determining inaccessibility for lead.

Contact Information

If you have any comments or questions about CPSIA or other analytical requirements, please contact your customer service representative or email: marketingmail@hk.bureauveritas.com

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CPSC Releases NPR for Proposed Revisions to Requirements for Consumer Registration of Durable Infant or Toddler Products

On August 8, 2011, the Consumer Product Safety Commission (CPSC) published in the *Federal Register* proposed requirements for 16 CFR 1130 that are intended to clarify or correct certain aspects of this Rule.

The existing requirements were passed via the *Consumer Product Safety Improvement Act*, Section 104(d), 'Consumer Registration Requirement' and have been in effect since December 29, 2010. The newly proposed amendment came about as a result of manufacturers and test laboratories requesting that specific sections of 16 CFR 1130 be addressed and clarified.



Summary of Draft Notice of Proposed Rulemaking

The CPSC is recommending the following changes to 16 CFR 1130:

- The combining of Sections 1130.6 and 1130.7 into one Section in an effort to clarify the format and the text required for the product registration card.
- A revision to the font height requirement (from 12/10 pt. to 0.12/0.10 inch).
- A revision to the language and format of the back/top portion, and also a language revision to the purpose statement located on the front/top portion of the product registration card.
- Omitting the manufacturer's name from the back/bottom portion of the card.
- Allowing for a third party to process product registration cards. The third party's name may be included as a "c/o" (in care of) in the address on the form.
- Clarifying that product registration cards do not need to be maintained within the US, but information must be made available within 24 hours upon request.
- Revision to align the heading language of the purpose statement from what is present in the text of the regulation and what is displayed in figure 1 of the regulation.

Effective Date

The proposed amendment would become effective 12 months after publication of the final rules in the *Federal Register*. Registration forms that meet either the existing rule or the proposed amendment will be considered compliant.

Additional Information

The CPSC will be accepting comments regarding these proposed changes which must be received by October 24, 2011. Information on the submission of comments, electronically and written, is present within the NPR.

To review the details on the proposed changes, or to view the draft Notice of Proposed Rulemaking:

- NPR from Federal Register: <http://www.cpsc.gov/businfo/frnotices/fr11/durablereg.pdf>

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
Hong Kong: bvcps.toy@hk.bureauveritas.com

China – Shanghai: bvcps_sh_bd@cn.bureauveritas.com

China – Shenzhen/Dongguan: bvcpstoy.sz@cn.bureauveritas.com

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CPSC Issues Draft NPR for Safety Standard for Play Yards

The Consumer Product Safety Commission (CPSC) has issued a draft Notice of Proposed Rulemaking (NPR) for play yards, released under Section 104(b) of the *Consumer Product Safety Improvement Act* (CPSIA). The draft proposed rule incorporates the applicable voluntary standard ASTM F406-11 with certain modifications to strengthen the standard. The CPSC Commissioners must vote on the approval of this draft NPR for publication in the *Federal Register*.



Background of CPSIA Requirements

Section 104(b) of the *Consumer Product Safety Improvement Act* (CPSIA) of 2008 requires the CPSC to review current industry standards for durable nursery products and to implement mandatory requirements for such products. The CPSC must mandate safety standards for no fewer than two nursery products every six months. The current NPR addresses play yards. A play yard is defined as a framed enclosure with a floor made for the purpose of providing sleeping and playing accommodations for a child that cannot climb out and is less than 35 inches in height.

The CPSC staff recommends adopting the requirements specified in ASTM F406-11 *Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards* as a mandatory standard for play yards with three modifications that could reduce potential asphyxiation, strangulation and collapse hazards. Additionally, the CPSC staff recommends an effective date of six months after publication of a final rule in the *Federal Register*.

Modifications to ASTM F406-11

The CPSC requirements outlined in the draft proposed rule are the same as those in ASTM F 406-11 with the following three recommended modifications. These changes, supported by CPSC staff, are meant to strengthen the standard and reduce the risk of injury by ensuring that play yard testing is performed properly.

1. Remove the size and shape restrictions from the clamping surface in the corner bracket structural integrity test in section 8.30.3.1.
2. Clarify wording in the equipment subsection (8.12.1) of 8.12 Floor Strength Test for Mesh/Fabric Products.
3. Clarify wording in subsection 8.12.2.1 of 8.12 Floor Strength Test for Mesh/Fabric Products.

Additional Information

To view the revised draft NPR and the proposed changes:
<http://www.cpsc.gov/library/foia/foia11/brief/playyardNPR.pdf>

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
 Hong Kong: bvcps.toy@hk.bureauveritas.com
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ASTM F963-08 Toy Safety Standard: Sections Revised

In advance of the upcoming ASTM F15.22 Sub-Committee meeting on toy safety scheduled for August 30, 2011, Bureau Veritas is providing an update on revisions to the ASTM F963 Toy Safety Standard that have already been approved by the Sub-Committee.

Beyond these approved revisions (listed below), work continues on the toy safety standard and additional information will be available after the completion of the ASTM F15.22 Sub-Committee meeting.



Approved Revisions

4.32 Certain Toys with Nearly Spherical Ends: Revised to clarify that the requirements only apply to the nearly spherical ends of the toy and not to non-spherical areas of the toy or component; Additional images added to the rationale to help clarification of shapes of applicable toys; Section title changed from “*Certain Toys with Spherical Ends*” to “*Certain Toys with Nearly Spherical Ends*.”

8.15 Test for Stability of Ride-On Toys or Toy Seats: Revised to distinguish between the load placements for Fore and Aft stability and Sideways stability. Section title changed from “*Test for Stability of Ride-On Toys*” to “*Test for Stability of Ride-On Toys or Toy Seats*.” Subsequently, a definition is added to clarify that a “toy seat” is a stationary toy product with a seat that has play features.

4.15.5 Overload Requirements for Ride-On Toys and Toy Seats: A new test method has been added that specifies the methodology, location and time used to conduct the overload test. Section title changed from “*Overload Requirements for Ride-On Toys and Seats*” to “*Overload Requirements for Ride-On Toys and Toy Seats*.”

4.12 Plastic Film: The wording was changed to clarify the scope of the requirement. The word “nominal” was changed to “average” for clarity. Section title changed from “*Packaging Film*” to “*Plastic Film*” in the requirements and also in the test method for thickness. Also, a thickness requirement was removed from the test method.

4.22 Teethingers and Teething Toys: Added exclusion for soft-filled (stuffed) teething toys or soft-filled parts or parts of fabric. In addition, the requirements do not apply to rigid components having a major dimension equal to or less than 1.2 in. (30 mm) contained within soft-filled teething toys.

4.2 and A4.6.3.6 Flammability: Wording changing from “should” to “shall.” This was done to eliminate the non-mandatory language of these Sections.

4.14.4 Strings and Lines for Flying Devices: Wording changing from “Resistivity” to “Resistance.” This was done to correct the terminology.

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
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Newsbytes

NEWSBYTE: CPSC Approves New Third-Party Testing Requirements for Phthalates

The Consumer Product Safety Commission (CPSC) has unanimously approved new third-party testing requirements for phthalates. The Commission approved a stay of enforcement on third-party testing and certification for phthalates until December 31, 2011. The CPSC also determined that only plastic parts and other components which could conceivably contain phthalates require testing. They specifically identified untreated and unfinished wood, metal, natural fibers, natural latex and mineral products as materials that do not have to be tested or certified for phthalates, provided they have not been treated or altered in a way that could result in the addition of phthalates into the material.

Additional Information

To view the enacted amendment:

<http://www.cpsc.gov/cpscpub/prerel/prhtml11/11291.html>

Bureau Veritas Assistance

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11NB-048, August 2011



Newsbytes

NEWSBYTE: Washington State Requests Comments on the Draft Guidance Documents for the Children's Safe Product Act Reporting Rule

Washington State has released four draft guidance documents for the *Children's Safe Product Act Reporting Rule* and is currently accepting comments on them. The law requires manufacturers to report to the Department of Ecology when products for children under 12 years of age contain one or more of 66 chemicals that have been identified as chemicals of concern to children. The four documents provide guidance on product categories, product components, due diligence, and practical quantification limits (PQL) as they relate to the rules for the law. The deadline for submitting comments is August 26, 2011.

Additional Information

To view the enacted amendment:

<http://www.ecy.wa.gov/programs/swfa/cspa/guidance.html>

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11NB-049, August 2011



Newsbytes

NEWSBYTE: New York Ban Tris (2-Chloroethyl) Phosphate

The Governor of New York signed an act banning tris (2-chloroethyl) phosphate, known as TCEP, from child care products as of December 1, 2013. The act defines child care products as products for children under three years of age, including such items as: baby products, toys, car seats, nursing pillows, crib mattresses, and strollers. It also specifically excludes used products from this ban. New York State is the first state to ban the use of TCEP which is a flame retardant that can be found in electronics, vinyl, upholstery, and furniture foam.

Additional Information

To view the enacted amendment:

http://assembly.state.ny.us/leg/?default_fld=&bn=A06195&term=&Text=Y

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11NB-050. August 2011



Newsbytes

NEWSBYTE: President Signs H.R. 2715 Amending the Consumer Product Safety Improvement Act of 2008

As anticipated, President Obama signed Bill H.R. 2715 into law on August 12, 2011 after it passed both Houses of Congress on August 1. The President's signature comes just days before the August 14th date that would have seen a retroactive reduction for lead in substrates of children's products from 300 ppm to 100 ppm, as required under the *Consumer Product Safety Improvement Act* (CPSIA). The Bill removes the retroactivity of the lower limit and requires only products produced on or after August 14, 2011 to meet the 100 ppm requirement. Children's products in inventory, produced prior to August 14, 2011 must still meet the 300 ppm lead limit.

In addition, the Bill exempts some products from the lead in substrate requirements and gives the Consumer Product Safety Commission (CPSC) greater authority to grant further exemptions. Also included in the legislation are significant changes to the phthalate requirements, which now apply only to certain accessible materials; and some exemptions for third-party testing for certain classes of products and for small-batch manufacturers.

On August 11, Bureau Veritas conducted two complimentary Webinar sessions covering the impact of the new law along with other recent rule-makings from the CPSC. If you missed the Webinar, you may request a complimentary recording by contacting: cps.info@us.bureauveritas.com

Additional Information

- To view the Bill: <http://www.gpo.gov/fdsys/pkg/BILLS-112hr2715enr/pdf/BILLS-112hr2715enr.pdf>
- To view previous Bureau Veritas Bulletin on the amended Bill:
http://www.bureauveritas.com/wps/wcm/connect/bv_com/group/home/about-us/our-business/our-business-consumer-products/news+and+events/regulatory+bulletins/congress_amends_cpsia

How Can Bureau Veritas Help?

If you have any questions about the amended CPSIA or other analytical requirements, please contact your customer service representative or email: cps.info@us.bureauveritas.com

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Newsbytes

NEWSBYTE: California Air Resources Board Holds ATCM Workshop

On August 23, 2011, the California Air Resources Board (ARB) held a workshop to present and discuss possible amendments to the California Code of Regulations, Title 17, Section 93120 Airborne Toxic Control Measure (ATCM) To Reduce Formaldehyde Emissions From Composite Wood Products. Attending the workshop were representatives of the Air Resources Board, as well as concerned industry organizations, Composite Panel Association (CPA) and Hardwood Plywood & Veneer Association (HPVA), plus composite wood manufacturers. The workshop was also presented live as an online webcast.

Various attendees made presentations regarding possible amendments to the ATCM, such as expanding the scope of coverage and clarifying the applicability to various types of composite wood and finished goods using composite wood. Presentations and other additional information are being posted as they become available at the CARB website under the UPDATES listing.

No immediate action is expected from CARB. This workshop was intended to help define the issues and facilitate information gathering for further study.

Additional Information

To view presentations: <http://www.arb.ca.gov/toxics/compwood/compwood.htm>

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1NB-053, Month 2011



Newsbytes

NEWSBYTE: Illinois Amends Lead Poisoning Prevention Act

Illinois has enacted an amendment to the *Lead Poisoning Prevention Act* which requires certain products that contain more than 40 ppm total lead, but less than the Federal limit, to have a warning label. The amendment clarifies the types of children's jewelry, child care articles and toys that must meet the requirements of the law and it excludes inaccessible components, as well as component parts, that the Consumer Product Safety Commission (CPSC) has exempted from third-party requirements. It also changes the required wording of the warning label.

Additional Information

To view the enacted amendment:

<http://www.ilga.gov/legislation/97/SB/PDF/09700SB1943enr.pdf>

How Can Bureau Veritas Help?

Bureau Veritas offers a full range of testing and quality solutions. If you have any questions about Illinois lead regulations or other analytical requirements, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-054, August 2011



Newsbytes

NEWSBYTE: Proposition 65 Settlement Involving Cadmium in Jewelry Reached

The Center for Environmental Health reached a California Proposition 65 settlement with a number of major retailers. The requirements of the settlement apply to both children's and adult jewelry and requires the companies involved to stop selling jewelry that has an accessible or inaccessible component or material with more than 300 ppm total cadmium by December 31, 2011. The 300 ppm total cadmium limit does not apply to cubic zirconia, glass, rhinestone, or vitrified ceramic components of adult jewelry or jewelry for children over six years old.

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11NB-056, September 2011



Newsbytes

NEWSBYTE: Washington State Releases Guidance Documents for the Children's Safe Product Act Reporting Rule

Washington State has finalized five guidance documents for the Children's Safe Product Act Reporting Rule. The rule establishes 66 chemicals of concern to children and requires manufacturers to report to the Department of Ecology when products for children under 12 years old contain one or more of them. The five documents provide guidance on reporting responsibility, product categories, product components, due diligence, and practical quantification limits (PQL) as they relate to the rules for the law. While the Reporting Responsibility Guidance Document is entirely new, drafts of the other four guidance documents were previously released for comment, but the final guidance documents do not have any significant differences from their draft version.

To view the guidance documents:

<http://www.ecy.wa.gov/programs/swfa/cspa/guidance.html>

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11NB-057, September 2011



Newsbytes

NEWSBYTE: CPSC to Review and Vote on Testing and Certification Rule (Reasonable Testing Program Rule) this Fall

The CPSC Commissioners voted (3-2) to approve the Fall 2011 Regulatory Agenda. That agenda included a timeline to vote on the testing and certification rule, often referred to as the "reasonable testing program" rule. The proposed rule released in May 2010 established requirements for a reasonable testing program used to certify a general use product that requires a General Conformity Certificate (GCC) and the testing and certification protocols used to certify a children's product. This agenda sets the release and vote on the final rule this fall.

Commissioners Northrup and Nord proposed an amendment to the agenda that would require a new proposed rule prior to the final rule process and before any vote. This would likely have delayed the timetable for the final rule past October, but that amendment was not passed and the agenda still schedules the vote on the final rule occurring in October.

Additional Information and Resources

A notice of the vote and statement by Commissioner Nord:

<http://www.cpsc.gov/LIBRARY/FOIA/ballot/ballot11/fallregagenda.pdf>

"Proposed rule on testing and certification from May 2010," Federal Register Notice:

<http://www.cpsc.gov/businfo/frnotices/fr10/testing.pdf>

For an overview of the proposed requirements, download Bureau Veritas' complimentary white paper:

"Understanding CPSIA Certification Requirements" at www.bureauveritas.com/cpsia-rtp

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If you have any questions, please contact your customer service representative or email:

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11NB-058, September 2011



Newsbytes

NEWSBYTE: Notice of Proposed Rulemaking for the Safety Standard for Play Yards Published in the Federal Register

On September 20, 2011, the US Consumer Product Safety Commission (CPSC) released the Notice of Proposed Rulemaking (NPR) for the Safety Standard for Play Yards for publication in the *Federal Register*. The Commission will receive comments on this proposed rulemaking until December 5, 2011. The Commission also is requesting comments from manufacturers on how long it would take to bring current designs into compliance with the proposed rules.

Instructions on how to submit comments can be found in the *Federal Register* link below. Once all comments have been received and reviewed, the Commission will establish an effective date for the final rules for play yards.

Additional Information

To view the Federal Register NPR for Play Yards

<http://www.cpsc.gov/businfo/frnotices/fr11/playyardNPRcomm.pdf>

For an overview of the proposed safety standard, view the previous Bureau Veritas Bulletin entitled: *CPSC Issues Draft NPR for Safety Standard for Play Yards*

http://bit.ly/bureauveritas_PlayYards_Aug2011

Bureau Veritas Assistance

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11NB-060, September 2011



Newsbytes

NEWSBYTE: CPSC Releases Briefing Packages on Final Rule for Testing and Certification (Reasonable Testing Program) and Component Part Testing

As anticipated the US CPSC (Consumer Product Safety Commission) released the draft Final Rules for:

Testing and Labeling Pertaining to Product Certification; and

Conditions and Requirements for Relying on Component Part Testing or Certification, or Another Party's Finished Product Testing or Certification, to Meet Testing and Certification Requirements.

The testing and labeling rule establishes the protocols and standards for the certification of children's products subject to third-party testing. This rule was released as a proposed rule in May 2010, and is sometimes referred to as the reasonable testing program requirements.

The component part testing rule was also released as a proposed rule in May 2010. That rule establishes the requirements for the certification of components parts, as an alternative to final product testing.

Next Steps

The Commission has scheduled a webcast on September 28th to discuss both rules. The CPSC staff will brief the Commissioners followed by a Q+A session. The webcast is open to the public. More information about the webcast can be found on the CPSC public calendar (see link below).

A follow-up decision meeting has been scheduled for the Commissioners on Oct 12th, but that date is subject to change. A vote date has not yet been confirmed.

If approved, the component part testing rule will be effective 30 days after it passes and is published in the Federal Register. The testing and certification rule will be effective 15 months after passing and being published in the Federal Register.

Additional Information

Testing and Certification Rule: <http://www.cpsc.gov/library/foia/foia11/brief/certification.pdf>

Component Part Testing Rule: <http://www.cpsc.gov/library/foia/foia11/brief/componentpart.pdf>

CPSC Public Calendar: <http://www.cpsc.gov/calendar.html>

Bureau Veritas Assistance

Bureau Veritas will continue to inform you of all updates on this topic and provide further information following a vote by the Commissioners. A webinar to review the new rules and their impact on your business will be scheduled soon after the final rules are passed. If you have any questions in the meantime, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

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11NB-061, September 20110

CPSC Passes Final Rule on Testing and Labeling for Product Certification and Reserves Reasonable Testing Program



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The US Consumer Product Safety Commission (CPSC) has passed the final rule for certification and testing for children's products and placed the Reasonable Testing Program for non-children's products on reserve. The final rule is intended to address the requirements of the Consumer Product Safety Improvement Act (CPSIA), Section 102 Mandatory Third Party Testing for Children's Products. The CPSC was required by the law to establish protocols and standards by which a children's product may be certified. The rule will be effective in January 2013, 15 months after it is published in the Federal Register.



Background of CPSIA Requirements, Section 102

Section 102 of the CPSIA required certification for children's products as well as non-children's products with an applicable rule, ban or standard enforced by the CPSC. Non-children's products must be tested to a reasonable testing program providing a High Degree of Assurance (HDoA) the product is compliant and a general conformity certificate must then be issued indicating compliance with applicable requirements. Children's products must be tested to all applicable requirements by a CPSC approved, accredited third-party conformity assessment body. Based on this testing the manufacturer must issue a children's product certificate indicating compliance.

Summary of the Final Rule

The Final Rule, which will be published as 16 CFR 1107, provides additional guidance for the testing and certification of children's products under CPSIA as follows:

The certification program for children's products requires:

- Third-party testing of sufficient samples for certification with a High Degree of Assurance (HDoA) that the product complies with all requirements.
- Third-party periodic testing of products during production to ensure they continue to comply with all requirements.

Note: A one year maximum interval is allowed between third-party periodic testing; two years with first-party production testing; three years if production testing is certified with ISO 17025 to certification methods.

- Samples selected for periodic testing shall be representative of the production lot. The CPSC has indicated future rulemaking will clarify how representative samples are selected.

Note: CPSIA called for random sampling to be used in periodic testing. The word random was changed to representative by H.R. 2715 and is reflected in the final rule.

- Re-certification after any material change. Can be conducted as component part testing, following the Component Part Testing requirements, if appropriate.

- All failing test results must be investigated to determine source of non-conformity. CPSC stated testing a new sample without investigation does not provide a HDoA the other products comply.

Note: The final rule removed specific remedial action plan requirements included in the proposed rule. However, it does require that any non-conformity be reviewed to determine the cause.

- All required documents retained for a five-year period.

Note: Documents do not need to be created in English, and documents do not need to be stored in the US as stated in the proposed rule. However, documents still must be readily available upon request and be able to be translated within 48 hours.

Continued on next page

Reasonable Testing Program (RTP) is Reserved

While the CPSIA did not require the CPSC to define a Reasonable Testing Program (unlike the program for children's products which was required), the CPSC decided to define requirements in the proposed rule published in May 2010. The Final Rule, however, reserves the section and does not provide requirements for a RTP. Highlights regarding this decision are as follows:

- A RTP is still required by CPSIA to certify general use/non-children's products even though requirements have not been defined in the Final Rule.
 - The Commissioners reiterated during the webcast that despite the reservation of this section, a manufacturer certifying a non-children's product must follow a reasonable testing program.
- With the section reserved, the CPSC also has made no changes and no significant comments on the procedures for a RTP.
- The CPSC may decide at a later date to establish requirements for a RTP or not to pass any rule regarding a RTP.
- If the CPSC remains silent on the requirements of a RTP, a certifier may use the procedures in the proposed rule, or reference a CPSC guidance document from November 2009, which first outlined the CPSC's view of a RTP. The CPSC guidance document and proposed rule list the following components can be part of a RTP:
 - Product Specification
 - Certification Testing
 - Production Testing Plan
 - Remedial Action Plan
 - Record Keeping

Acceptable labeling for compliant products

- The final rule states a certified compliant product may contain the label:
 - "Meets CPSC Safety Requirements"

Additional Resources

The CPSC has posted recordings of the webcasts discussing this topic at:
<http://www.cpsc.gov/webcast/previous.html>

The complete Final Rule has not yet been released in the Federal Register. The CPSC briefing package with the draft Final Rule and comments can be viewed at: <http://www.cpsc.gov/library/foia/foia11/brief/certification.pdf>

Contact Information

Bureau Veritas Consumer Products Services offers complete services for testing and certification of children's products and reasonable testing program services for general use/non-children's products. Please contact your customer service representative for further assistance or email: marketingmail@hk.bureauveritas.com

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CPSC Passes Final Rule on Component Part Testing

On October 19, 2011, the US Consumer Product Safety Commission (CPSC) passed the final rule for the conditions and requirements for relying on component part testing or certification, or another party's finished product testing or certification, in order to meet the testing and certification requirements of the Consumer Product Safety Improvement Act (CPSIA). The rule will become effective 30 days after publication in the Federal Register.



Background

On May 20, 2010, the Commission issued a notice of proposed rulemaking addressing the ability of using component part testing to meet the CPSIA testing and certification requirements. The revised final rule creates a new 16 CFR 1109, which describes the requirements for using component part testing as the basis for issuing certificates for adult products or children's products. This rule will allow the importer or the domestic manufacturer to rely on finished product testing or certification provided by a foreign supplier, as long as they meet the applicable CPSIA rules.

Summary of the Final Rule

- The Final Rule was written to reduce testing costs for specific chemicals, including:
 - Lead content of paint and surface coatings materials of 16 CFR 1303
 - Metals of surface coatings in toys in ASTM F963 (lead, cadmium, chromium, barium, antimony, arsenic, mercury, selenium)
 - Lead content in children's products of the CPSIA
 - Certain phthalate content (0.1%) in child care articles and children's toys of the CPSIA
- This rule supersedes all policy statements and guidelines pertaining to component part testing, except the phthalate statement of policy which only requires testing of materials that are known to contain phthalates and excludes testing of inaccessible materials.
- Although component part testing before final assembly and relying on another party's finished product testing or certification, is voluntary, once a party decides to conduct or rely upon either, the requirements in 16 CFR 1109 apply.
- A component part certifier assumes the responsibilities of a manufacturer under 16 CFR 1107, including: third-party certification testing, third-party periodic testing, production testing, and recordkeeping.

Significant Changes from the Proposed Rule to the Final Rule

- The most significant change to the final rule is the allowance of an importer to rely on finished product test reports or certification from a foreign manufacturer to certify a product.
- Records will not be required to be maintained in English, as long as records can be translated within 48 hours, or within an otherwise arranged timeframe with the CPSC.

Continued on next page

Significant Changes from the Proposed Rule to the Final Rule – *Continued*

- Records will not be required to be maintained in the US, as long as they can be provided to the CPSC upon request, by either hardcopy or electronic form.
- All records will need to be maintained for five years, instead of the original timeframe of life of the product plus five years.
- Certain certificate content requirements have been eliminated: identification of each component part tested, by part number or other specification, as well as the manufacturer and supplier of the part. Certificates may now refer to reports for the date and place where the product was tested.
- Component parts must be traceable back to the party who had the parts tested for compliance, not to the supplier or each subcomponent.
- After a product is tested, certifiers and testing parties in possession of the product or component part must exercise due care to prevent contamination. Due care does not permit willful ignorance.

Additional Resources

The CPSC has posted recordings of the webcasts discussing this topic that can be found at:

<http://www.cpsc.gov/webcast/previous.html>

A copy of the complete Final Rule and CPSC briefing package with comments can be viewed at:

<http://www.cpsc.gov/library/foia/foia11/brief/componentpart.pdf>

Contact Information

Bureau Veritas Consumer Products Services offers complete services for component part testing.

Please contact your customer service representative for further assistance or email:
marketingmail@hk.bureauveritas.com

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Newsbytes

NEWSBYTE: AAFA Releases New Restricted Substance List (RSL)

The American Apparel and Footwear Association (AAFA) recently released an updated restricted substances list (RSL). This 9th version of the AAFA RSL includes changes such as the addition of a number of chemicals to the reporting appendix because of the new Washington State and REACH requirements. An additional column also has been added to every section of the RSL for Global Apparel, Footwear, and Textile Initiative (GAFTI) comments. All changes made to this version are noted in the RSL itself which is available on the AAFA website.

AAFA website: <http://www.apparelfootwear.org/Resources/RestrictedSubstances.asp>

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11NB-062, October 2011



Newsbytes

NEWSBYTE: Brazil Bans BPA in Baby Bottles

The Brazilian National Health Surveillance Agency (ANVISA) has announced a ban on the importation, sale, and manufacture of baby bottles containing Bisphenol A (BPA) published under Resolution 41 of September 16, 2011. Manufacturers and importers will have 90 days after the publication of the ban in the Official Gazette to be in compliance. Existing inventory can be sold until December 31, 2011. This legislative measure aligns Brazil with the BPA bans adopted in other countries such as Canada and the European Union.

Official Diary of the Union N° 180 19 September, Resolution 41 (in Portuguese):

<http://www.in.gov.br/visualiza/index.jsp?data=19/09/2011&jornal=1&pagina=54&totalArquivos=128>

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11NB-063, October 2011



Newsbytes

NEWSBYTE: California Restricts BPA in Bottles and Cups for Children

The Governor of California recently signed a law limiting the amount of Bisphenol A (BPA) allowed in food and beverage use bottles and cups for children 3 years of age and younger. Under the law, as of July 1, 2013, these items cannot contain more than 0.1 parts per billion (ppb) BPA. California joins the growing number of states, including New York, Wisconsin and Washington, that have enacted laws related to BPA in various products, although it is the first state to specify a BPA limit rather than prohibiting any amount of BPA.

To view the enacted amendment:

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1301-1350/ab_1319_bill_20111004_chaptered.pdf

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11NB-064, October 2011

ASTM Approves Children's Jewelry Safety Standard

On November 1, 2011, ASTM International approved ASTM F2923-11, "Children's Jewelry Safety Standard," that includes strict cadmium limits in children's metal and plastic jewelry. The test method and limits were adopted from the US Consumer Product Safety Commission's (CPSC) migratable content limit for cadmium in children's metal jewelry. The new ASTM standard also addresses other possible hazards in children's jewelry, including magnets, batteries, nickel, lead in paint and substrates, and other heavy metals in surface coatings.



ASTM expects to have the standard available for purchase on November 7, 2011.

Background

The scope of the standard applies to "children's jewelry," which is defined as jewelry designed or intended primarily for use by children 12 years old and under. The standard includes both fine and fashion jewelry, but not toy jewelry. The standard is intended to cover many known hazards with children's jewelry, but it does not purport to cover every conceivable hazard.

Summary of the Chemical Requirements

- **Lead in Substrates**
 - Materials must not exceed 100 ppm total lead, excluding those materials listed in 16 CFR 1500.91 (e.g., textiles, wood, precious metals, precious stones, animal-derived and plant-derived materials), which is consistent with the Consumer Product Safety Improvement Act (CPSIA).
- **Soluble Heavy Metals in Surface Coatings**
 - Requires testing and compliance which is consistent with the soluble heavy metal requirements of surface coatings on toys as specified in toys standards of ASTM F963 and EN71:3 with maximum levels as follows:

▪ 60 ppm Antimony	▪ 60 ppm Chromium
▪ 25 ppm Arsenic	▪ 60 ppm Mercury
▪ 1000 ppm Barium	▪ 500 ppm Selenium
▪ 75 ppm Cadmium	
- **Cadmium in Metal and Plastic Substrate Materials**
 - Metal and plastic/polymeric components must meet migratable limits for cadmium, if they fail an initial screen for total cadmium content. Materials that contain 300 ppm or less total cadmium do not need to be tested for migratable cadmium. Components that exceed the 300 ppm total screening limit must meet the following migratable or soluble limits:
 - Components that are small parts must meet the following requirements:
 - Plastics shall be tested using the EN71:3 test method and shall not exceed 75 ppm.
 - Metals shall be tested using the CPSC method CPSC-CH-E1004-11 and shall not exceed 200 µg. This method requires an intact component to be suspended in a flask with a certain volume of 0.07N hydrochloric acid, and then placed in a 37°C shaker bath for 24 hours.
 - Components that are not small parts but may be mouthed are tested to a modified version of the CPSC Standard Operating Procedure for Measuring Lead in Children's Metal Jewelry, February 3, 2005, Section II. The modification includes an extraction conducted for six hours at 37°C in a shaker bath. The extracted cadmium shall not exceed 18 µg.

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Summary of the Chemical Requirements – *Continued*

- **Nickel in Metal Materials**
 - Metal components must meet migratable nickel limits, which are consistent with BS EN 1811:2011; EN 12472, as follows:
 - Post assemblies for children's jewelry which are inserted into pierced ears and other pierced parts of the human body shall not exceed 0.2 µg/cm²/week.
 - All other jewelry intended to come into direct and prolonged contact with the skin shall not exceed 0.5 µg/cm²/week.
- **Liquid Filled Jewelry**
 - Children's jewelry should not contain any materials listed in 16 CFR 1500.231 or materials which would require special labeling under 16 CFR 1500.14. Permitted liquids in liquid filled children's jewelry should be screened to eliminate potential hazards in accordance with ASTM F963.
 - The cleanliness of cosmetics, liquids, pastes, putties, gels, and powders used in children's jewelry (excluding art materials) shall meet the ASTM F963 requirement.
 - The formulations of cosmetics used in children's jewelry shall be evaluated for potential microbiological degradation, or they shall be tested for microbial control and preservative effectiveness as determined in ASTM F963.

Summary of the Mechanical Requirements

Most of the mechanical requirements are based on hazards addressed in the ASTM F963 Toy Safety Standard.

- **Magnets**
 - The magnet requirements reference the requirements in ASTM F963 and address the potential hazard of ingesting magnets that release from a product.
 - Hazardous magnets are banned unless the product is for children over 8 years of age and contains proper warning.
 - Earrings that use magnets to attach across the skin require a warning to avoid extended use and to use only as intended.
- **Strangulation**
 - To address potential strangulation hazards, necklaces must release under tension via a breakaway feature, or release of the clasp or chain.
 - According to the test method, the chain is looped around a pulley and a fixed rod is used to apply the breakaway tensile force.
- **Earring Embedment**
 - It is recommended that manufacturers design the backing of children's earrings to be large enough to decrease the risk of the earring becoming embedded in the child's ear, particularly resulting from first time piercings.
 - A warning label is also recommended to inspect a child's ears for signs of embedding occurring.
- **Batteries**
 - Children's jewelry containing batteries are subject to requirements that mirror the battery requirements in ASTM F963.
- **Suction Tongue Studs are Banned**

Contact Information

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Effective Date Delayed for Canadian General Service Lighting Energy Efficiency Regulations

The Energy Efficiency Regulations have been amended to delay the effective dates for incandescent phase outs prescribed in the Regulations by two years to January 1, 2014 for 100 and 75 watt bulbs and to December 31, 2014 for 60 and 40 watt bulbs.



Background

Following the introduction of the energy efficiency standard for general service lighting (light bulbs) in 2007, which was designed to implement incandescent bulb improvements or replacement by technologies such as compact fluorescent or LED bulbs, Natural Resources Canada received over 100 communications from consumers concerning alternative technologies. These concerns were focused mainly on perceived health issues, performance and mercury content. Though these questions have been addressed, it was determined that evidence to allay these concerns has not been fully communicated to or understood by the consumer.

Consequently, the implementation of the standards for general service lighting for all wattages will be delayed so that implications for lighting choices for Canadian consumers can be more effectively communicated to them.

Summary of Amendment

This amendment to the General Service Lighting Regulations delays the effective dates for general service incandescent bulb bans prescribed in the Energy Efficiency Regulations by two years to January 1, 2014 for 100 and 75 watt bulbs and to December 31, 2014 for 60 and 40 watt bulbs.

The new effective date for compliance with Canada's efficiency standards for general service lighting for 100/75/60/40 watt light bulbs (general service lamps) has been established to strengthen communication activities, to allow more time for technology innovations to be introduced and established, and to address concerns expressed about perceived health and mercury issues, including safe disposal for compact fluorescent lamps (CFLs). This delay also allows programs dealing with the disposal of CFLs to be more firmly established.

Additional Information

Canada Gazette Notice:

<http://www.gazette.gc.ca/rp-pr/p2/2011/2011-11-09/html/sor-dors228-eng.html>

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:
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Newsbytes

NEWSBYTE: FTC Seeks Public Comments Regarding Textile Labeling Rules

On November 1, 2011 the Federal Trade Commission (FTC) announced an Advance Notice of Proposed Rulemaking and Request for Public Comments in regard to the Textile Rules. The Rules require that most textile products sold in the United States contain labels disclosing the fiber content of the product, the manufacturer or marketer name, and the country where the product was processed or manufactured. The Textile Rules implement the Textile Fiber Products Identification Act.

The FTC is seeking comments from the public as to whether the Commission should:

- make modifications to the generic names of man-made fibers;
- clarify requirements for products containing elastic material and trimmings;
- address the use of multiple languages for required labeling;
- clarify disclosure requirements for print and online advertising;
- clarify or reconsider the Rules' list of products excluded from the Textile Act;
- add or clarify any terms included in the Rules; and
- modify consumer and business educational materials.

The FTC is also seeking comment on:

- the costs and benefits of the Textile Act's requirement that businesses use identification issued by the FTC;
- the extent to which retailers obtain guarantees for textile products; and
- whether the guarantee provisions of the Textile Rules and Act should be modified.

Note: Comments must be received by the FTC no later than January 3, 2012. For information on how to submit comments, please see link below.

Additional Information

To view FTC notice: <http://www.ftc.gov/opa/2011/11/textilerules.shtm>

How Can Bureau Veritas Help?

If you have any questions about care labeling or other textile or apparel issues, Bureau Veritas offers a full range of testing and softlines solutions. Please contact your customer service representative or email: cps.info@us.bureauveritas.com

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Newsbytes

NEWSBYTE: CALIFORNIA RELEASES DRAFT SAFER CONSUMER PRODUCTS REGULATION

California Department of Toxic Substances Control (DTSC) has released a new draft of the Safer Consumer Products regulation, commonly known as the “green chemistry” regulation for public review and comment. The new proposal, among other changes, immediately establishes a list of chemicals of concern, expands who would be responsible for compliance, shortens many timeframes, and lowers the acceptable limit for exempting certain chemicals. The DTSC will host a public workshop on December 5, 2011 to discuss the draft regulation. The deadline for submitting written comments to the DTSC is December 30, 2011.

Draft Safer Consumer Products Regulation weblink:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/SCP-Regulations-Informal-Draft-10312011.pdf>

Safer Consumer Products - Workshop Notice weblink:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/SCP-Workshop-Notice-10312011.pdf>

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11NB-067, November 2011



ASTM International Publishes New Standard for Bedside Sleepers

In December of 2011, ASTM International, formerly known as the American Society for Testing and Materials (ASTM), announced the publication of a new standard for bedside sleepers. The new standard, designated as ASTM F2906-11, provides safety requirements and labeling requirements for bedside sleepers. A bedside sleeper is a rigid frame assembly that is secured to an adult bed and provides a safe sleeping environment for infants. The bedside sleeper is intended to keep the child in close proximity to an adult during sleep hours.



Introduction

This safety specification, in response to data collected by the CPSC, attempts to minimize hazards associated with bedside sleepers from occupant retention, structural integrity, product assembly, and a lack of consumer education on the proper use of these products.

Performance Requirements

This safety standard sets forth requirements for:

- Separation distance from an adult bed when the product is secured per the manufacturer's instructions to the specified test platform
- Product disengagement requirements when tested accordingly
- Barrier requirements around the occupant retention area
- Latching/locking requirements for a side or end portion of the bedside sleeper if it can be lowered
- Attachment means to adult bed
- Additionally, the bedside sleeper must meet the requirements of ASTM F406 or ASTM F2194, or both, as designated by the manufacturer

Labeling Requirements

All bedside sleepers shall comply with labeling requirements from either ASTM F406 or ASTM F2194, or both as designated by the manufacturer, as well as the labeling requirements specified within this standard.

Instructional Literature

All bedside sleepers shall comply with the instructional literature requirements from either ASTM F406 or ASTM F2194, or both as designated by the manufacturer, as well as the instructional literature requirements specified within this standard.

Additional Information

To view and purchase a copy of the ASTM F2906-11:

<http://www.astm.org/Standards/F2906.htm>

Contact Information

Any comments and/or questions, please contact your local customer service representative or email to:

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ASTM International Publishes Revised Standard for Toy Safety

The Toy Safety Standard ASTM F963-08 has been revised to ASTM F963-11. This revision was approved on December 1, 2011 and published on December 16, 2011. ASTM International will notify the US Consumer Product Safety Commission (CPSC) of the revised standard in accordance with Section 106 of the Consumer Product Safety Improvement Act (CPSIA). The CPSC will begin their review process and has 90 days to determine if they will accept the revised ASTM F963-11. If there is no objection from the CPSC, the new version will become mandatory 180 days after the Commission was notified of the availability of the new standard which is June 13, 2012.



Summary of the Revision to ASTM F963-11:

- The requirements and test methods for the Overload and Stability Sections have been clarified.
- A definition for “toy seat” has been added.
- Flammability: changed the word “should” to “shall” to eliminate the non-mandatory language.
- “Packaging film” changed to “plastic film” to be more inclusive and duplicate information deleted in the Test Method Section.
- “Resistivity” changed to “resistance” for strings and flying devices.
- Jaw entrapment test gauge was modified to add a third dimension; also added a requirement that the gauge has to completely pass through the opening.
- Exclusion added for soft filled rattles and teethingers.
- Exclusions added for constant air inflatable products and juvenile products from the scope of the standard.
- Heavy metal requirements have been revised as follows:
 - total lead in surface coating limit has been reduced from 600 ppm to 90 ppm to be aligned with 16 CFR 1303;
 - new heavy metal in substrate requirement, equivalent to the European Toy Standard EN71:3, has been added;
 - new cadmium requirement added for metal components that fit within the small parts cylinder;
 - total digestion screening is allowed to determine compliance to the soluble requirement and the special soluble extraction requirement for metal small parts;
 - compositing is allowed when conducting the total digestion test only; and
 - alternative tests are allowed as long as specific conditions are met (i.e., XRF testing).
- A Guidance Annex for the design of bath toys to minimize potential projection hazards has been added.
- Changed “flux density” to “flux index” for toys with magnets and added a soaking test.

Additional Information

To view and purchase a copy of the ASTM F963-11: <http://www.astm.org/Standards/F963.htm>

Contact Information

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Newsbytes

NEWSBYTE: US Bottled Water Quality Standard - Maximum Established for DEHP [Di (2-ethylhexyl) phthalate]

The US Food and Drug Administration (FDA) has completed its decision making process to establish a maximum allowable level of the synthetic organic chemical Di (2-ethylhexyl) phthalate (DEHP) in bottled water. The FDA has determined this rule to be protective of public health. Effective April 16, 2012, bottled water cannot exceed the following limit for DEHP:

Contaminant (CAS Reg. No.)	Concentration in milligrams per liter
Di(2-ethylhexyl)phthalate (117-81-7)	0.006

About the Requirement

DEHP will now be added to the Chemical Quality section of 21 CFR 165.110. Bottled water manufacturers will be required to monitor finished product and source water (unless an exemption applies) for this chemical contaminant in addition to the many other contaminants currently listed in the Chemical Quality section of 21 CFR 165.110. Bottled water that exceeds this level of DEHP after April 16, 2012 will be deemed misbranded or adulterated as applicable per the regulation.

Background

The proposal to adopt the EPA's maximum for this contaminant in drinking water occurred in a 1993 *Federal Register* notice. The comment period for this proposed rule was reopened in April of 2010 to seek a final resolution. The amendment is effective April 16, 2012.

Additional Information

Federal Register Final Rule: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-19/html/2011-26707.htm>

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Newsbytes

NEWSBYTE: US CPSC Announces Advance Notice of Proposed Rulemaking for Fire Pots and Gel Fuel, and Requests Comments

On December 27, 2011, an advance notice of proposed rulemaking (ANPR) aimed at improving the safety of gel fuels and firepots was published in the Federal Register / Vol. 76, No. 248. The United States Consumer Product Safety Commission (CPSC) voted 4-0 to publish the ANPR.

The ANPR was prompted by the number of serious injuries and deaths incurred by consumers using these products. The CPSC is aware of 76 incidents between April 2010 and September 2011, which have resulted in two deaths and at least 34 people who were hospitalized with second and third-degree burns to the face, chest, hands, arms or legs.

Concerned with the risk of injury associated with firepots, gel fuel and gel fuel containers, potential regulatory alternatives and other possible ways to address this risk, the CPSC is requesting written comments in response to this notice. These comments must be received by February 27, 2012. Comments can be submitted at:

<http://www.regulations.gov/#!documentDetail;D=CPSC-2011-0095-0001>

Additional Information

To view the CPSC announcement:

<http://www.cpsc.gov/cpscpub/prerel/prhtml12/12059.html>

To view the Federal Register posting:

<http://www.gpo.gov/fdsys/pkg/FR-2011-12-27/pdf/2011-32908.pdf>

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11NB-073, December 2011