



PISANI & ROLL LLP
Attorneys at Law

FEBRUARY 2, 2009 CLIENT ALERT

CPSC ANNOUNCES ONE YEAR STAY OF CERTAIN TESTING AND CERTIFICATION REQUIREMENTS UNDER CPSIA

BACKGROUND:

On January 30, 2009, the Consumer Product Safety Commission ("CPSC") voted to issue a one year stay of enforcement for certain testing and certification requirements for manufacturers and importers of certain products intended for children 12 years old and younger.

The Consumer Product Safety Improvement Act of 2008 (the "CPSIA") established a new General Certificate of Conformity requirement for all products that are subject to an existing standard, ban, etc., manufactured on or after November 12, 2008. Also, the CPSIA established new limits for lead and phthalates in children's products, and required Certificates of Conformity for such children's products to be supported by testing conducted by an accredited independent testing laboratory.

THE ONE YEAR ENFORCEMENT STAY:

The new total lead content limits (600 ppm) and phthalates limits (1000 ppm) will still apply to all children's products on February 10, 2009. In addition, ASTM International Standard F963-07 Consumer Safety Specifications for Toy Safety (ASTM F963) will still become a mandatory safety standard under the Consumer Product Safety Act on that date. *However*, the stay postpones the CPSC's enforcement of the General Certificate of Conformity and mandatory testing requirements applicable to importers and manufacturers of children's products subject to these standards until February 10, 2010. In other words, importers and manufacturers will not need to test or certify to these new requirements, but will still be required to meet the lead and phthalates limits, mandatory toy standards and any other applicable consumer product safety requirements during that time.

EXCEPTIONS TO THE STAY:

Importantly, the stay of enforcement announced on Friday does **not** apply to:

- Third-party testing and certification of children's products subject to:
 - The ban on lead in paint and other surface coatings effective for products manufactured after December 21, 2008;
 - The standards for full-size and non full-size cribs and pacifiers effective for products manufactured after January 20, 2009;
 - The ban on small parts effective for products manufactured after February 15, 2009; and

- The limits on lead content of metal components of children's jewelry effective for products manufactured after March 23, 2009.
- Certification requirements applicable to ATV's manufactured after April 13, 2009.
- Pre-CPSIA testing and certification requirements, including those applicable to automatic residential garage door openers, bike helmets, candles with metal core wicks, lawnmowers, lighters, mattresses, and swimming pool slides
- Pool drain cover requirements of the Virginia Graeme Baker Pool & Spa Safety Act.

In its notice announcing the stay, the CPSC advised that the agency is currently finalizing four proposed rules intended to relieve certain materials and products from lead testing and plans to issue more guidance regarding when testing is required and how it is to be conducted.

The full text of the CPSC announcement is available on the CPSC website at www.cpsc.gov, or on our website's home page at www.worldtradelawyers.com (under the "News" banner). If you have any questions concerning the CPSC's action, please contact Robert Pisani at (202) 466-0960, Michael Roll at (310) 826-4410, or Brett Harris at (845) 255-1850, or send an email to info@worldtradelawyers.com.

If you wish to be removed from our mailing list, please reply to this email and place "remove" in the subject line.

www.worldtradelawyers.com