



CPSC Stay of Enforcement of Testing and Certification Requirements

The Challenge

On January 30, 2009 the Consumer Product Safety Commission (CPSC) issued a stay of enforcement of testing and certification requirements until February 10, 2010. How will this stay of enforcement effect you and your product line?

The Solution

This stay delays enforcement of certain third party testing and General Conformity Certificate (GCC) requirements under § 14(a) of Consumer Product Safety Act (CPSA) as amended by § 102 of Consumer Product Safety Improvement Act (CPSIA). Toys and children's products, however, are still required to comply with all applicable regulations.

The stay provides the CPSC time to seek input from the industry as well as perform scientific investigations to complete a number of ongoing and projected rulemakings. The stay also provides a short but welcome relief for the children's product industry, where they can educate themselves of the applicability of the CPSIA and other relevant regulations to their product/product lines and ensure compliance with those standards.

The stay applies to third party testing and GCC requirements for:

- Lead content (substrate)
- Phthalates
- ASTM F-963 Mandatory toy standard

The stay does not apply to the GCC requirement based on third party testing for:

- Lead in paint/surface coating (16 CFR 1303)
- Small parts (16 CFR 1501)
- Cribs (16 CFR 1508-1509)
- Pacifiers (16 CFR 1511)
- Lead in children's metal jewelry

To reemphasize, the stay does not relieve the children's product industry from complying with the underlying requirements, including lead content, phthalates and ASTM F963 once those requirements become effective from February 10, 2009.

References:

- Draft Federal Register Notice: <http://www.cpsc.gov/library/foia/foia09/brief/stayenforce.pdf>
- CPSC Press Release: <http://www.cpsc.gov/cpscpub/prerel/prhtml09/09115.html>
- Acting Chairman Nancy Nord's statement: <http://www.cpsc.gov/cpscpub/prerel/prhtml09/09115nord.pdf>
- Commissioner Thomas Moore's statement: <http://www.cpsc.gov/cpscpub/prerel/prhtml09/09115moore.pdf>

For further information on the CPSIA, please visit <http://www.intertek-labtest.com/resources/CPSIAInfo/?lang=en>

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