

Gus receives answer from the Consumer Product Safety Commission

Last Wednesday, Gus sent a letter to U.S. Consumer Product Safety Commission (CPSC), encouraging the Commission to consider the ramifications of the Consumer Product Safety Improvement Act's (CPSIA) implementation. He also urged the CPSC to determine whether they can provide regulatory relief to businesses that will both protect children from dangerous products and ensure the continued survival of retailers that provide much-needed products for deserving children and their families.

The Los Angeles Times has more: Gus Bilirakis, a Republican congressman from Florida, sent a letter today to the chairwoman of the CPSC expressing his concern that the law will have a negative effect on thrift and consignment stores.

"I have heard from retailers in my district who are greatly concerned that they will be forced to stop providing such products on Feb. 10, 2009, because they lack clear and consistent guidance on how to meet the new law's mandates," the letter says. "These constituents have indicated that they may be forced out of business because of their inability to comply with the law's third-party testing requirements."

Thursday afternoon, the CPSC issued a press release to clarify the requirements of new children's product safety laws taking effect in February:

Under the new law, children's products with more than 600 ppm total lead cannot lawfully be sold in the United States on or after February 10, 2009, even if they were manufactured before that date. The total lead limit drops to 300 ppm on August 14, 2009.

The new law requires that domestic manufacturers and importers certify that children's products made after February 10 meet all the new safety standards and the lead ban. Sellers of used children's products, such as thrift stores and consignment stores, are not required to certify that those products meet the new lead limits, phthalates standard or new toy standards.

The new safety law does not require resellers to test children's products in inventory for compliance with the lead limit before they are sold. However, resellers cannot sell children's products that exceed the lead limit and therefore should avoid products that are likely to have lead content, unless they have testing or other information to indicate the products being sold have less than the new limit. Those resellers that do sell products in violation of the new limits could face civil and/or criminal penalties.

Thursday evening, The St. Petersburg Times filed this report:

The Consumer Product Safety Commission on Thursday exempted them from a new law that requires manufacturers and retailers to test all children's items for lead. The law, which would have put many children's consignment shops out of business, goes into effect Feb. 10. U.S. Rep. Gus M. Bilirakis had asked the commission to "provide regulatory relief" to second-hand stores because they provide a needed product in bad economic times.

The commission agreed Thursday, saying in a news release that the new law would not require resellers to test their inventories. Instead, the agency would focus on "products of the greatest risk and the largest exposure."

The agency urged resellers to stay away from products with lead and to keep a watchful eye on its list of recalled toys, such as cribs and play yards, children's jewelry and painted toys.

But the agency followed up with this language:

"Resellers cannot sell children's products that exceed the lead limit and therefore should avoid products that are likely to have lead content, unless they have testing or other information to indicate the products being sold have less than the new limit. Those resellers that do sell products in violation of the new limits could face civil and/or criminal penalties."

While the wording might indicate that resellers should avoid selling items on the recall list, some consignment store owners said it was vague and left them on the hook for violations.

"It's still illegal to sell it if it doesn't have the lead standard and so if it's not tested, potentially we could still be breaking the law," said Carol

Vaporis, owner of Duck Duck Goose Consignment in New Port Richey. "We need to be exempt from that."

The law requires items meant for children 12 and younger to have certification that they contain less than 600 parts per million of lead. After August, that amount drops to 300 parts per million in total lead content and 90 parts per million in paint.

Lead exposure can cause brain and nervous system damage, behavior and learning problems, among other things, in kids.

Stella Myers, owner of Stellie Bellies, a St. Petersburg children's consignment store, was relieved shops like hers are now exempt.

"I think it's definitely a smart move in our economy and for our environment and for the people who purchase from resale shops," she said, "as well as for the people that own them."

For more information on the Consumer Product Safety Improvement Act [Click here](#).