

Consumer Product Safety Improvement Act of 2008 (CPSIA):  
Certain Electronic Devices



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December 2009

## Section 101: Children's Products Containing Lead; Lead Paint Rule

- Goal: reduce lead content of children's products to the lowest level that technology will allow
- Children's product: a consumer product designed or intended primarily for children 12 years of age or younger

## Section 101(a): General Lead Ban

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- Lead limits for any part of a children's product:
  - Effective August 14, 2009: 300 ppm total
  - Effective August 14, 2011: 100 ppm total unless, after notice and hearing, Commission determines that this limit is not technologically feasible

## Section 101(b): Exclusions;

### Section 101(b)(4): Certain Electronic Devices

- If the Commission determines that it is not technologically feasible for certain electronic devices, including devices containing batteries, to comply with subsection (a), the Commission, by regulation, shall issue:
  - Requirements to eliminate or reduce potential exposure and accessibility; and
  - A schedule for achieving full compliance, unless the Commission determines full compliance is not possible on a set schedule
- Periodic review will take place no less than every 5 years

## Section 101(d): Technological Feasibility

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- If a product that complies is commercially available in the product category
- Technology to comply is commercially available
- Industry will be capable of achieving the limit by the effective date
- Alternative practices would allow compliance

## Previous Commission Actions

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- Notice of proposed rulemaking
  - January 15, 2009; 74 FR 2435
- Withdrawal of proposed rulemaking
  - 74 FR 7021
- Interim Final Rule
  - February 12, 2009; 74 FR 6990
  - Codified at 16 C.F.R. § 1500.88

# Public Comments

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- 7 comments received in response to Federal Register notices
  - An anonymous commenter through Regulations.gov
  - Gary Jones of Learning Curve Brands, Inc.
  - Jane, submitted through Regulations.gov
  - A group of organizations representing electronics industries
  - A group of consumer advocates
  - Joe Lee of SMART Technologies
  - Pratik Ichhaporia of Intertek Consumer Goods-North America

# Comments

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- No exemptions for electronic devices
- Staff response:
  - CPSIA allows the Commission to address the technological feasibility of certain electronic devices complying with the lead content limits, and directs the Commission to review and revise each regulation to make it more stringent and to require the lowest amount of lead that is technologically feasible



## Comments, cont.

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- Scope
- Staff response:
  - CPSIA allows for exemption for certain electronic devices, not other types of products
  - No additional exemptions needed in final rule

## Comments, cont.

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- Removable and replaceable parts
- Staff response:
  - Removable/replaceable parts, inaccessible when installed, should not be subject to the lead content requirements
  - Spare parts not intended primarily for children; may be for general use by the public
  - Even if included with children's product, parts are installed by adults, and inaccessible to children once installed

## Staff Recommendations

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- Issue final rule that specifies, as in the interim final rule, exemptions or alternate lead limits for certain electronic devices or components of devices for which it is not technologically feasible to comply with the CPSIA lead content limits
- Clarify that the scope of the rule is limited to materials and components that are integral to the electronic functioning of certain electronic devices