



U.S. CONSUMER PRODUCT SAFETY COMMISSION

REGULATION OF LEAD IN CHILDREN'S PRODUCTS

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These comments are those of the CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Consumer Product Safety Improvement Act of 2008 (CPSIA)

- **Public Law 110-314, August 14, 2008**
- **Section 101. Children's Products Containing Lead; Lead Paint Rule**
 - **Lead content of product components**
 - **Lead containing paint and other surface coatings**
- **Summary and links to information:**
<http://www.cpsc.gov/about/cpsia/sect101.html>

CPSIA: Children's Product Definition

- **A children's product is defined as a consumer product designed or intended primarily for children 12 years of age or younger**
- **Factors to consider: manufacturer's statements about intended use; packaging, display, promotion, advertising; whether the product is commonly recognized as intended for children 12 years or younger; CPSC staff's Age Determination Guidelines**

Lead Content of Product Components

CPSIA Section 101:

- **Limits for total lead content for any part (component) of a children's product that is accessible:**
 - **300 parts per million (ppm):
Effective August 14, 2009**
 - **100 ppm: effective August 14, 2011, unless not technologically feasible by Commission determination**

CPSIA Section 101(b): Exclusions from Lead Limits

- **Certain materials or products**
 - **May be excluded if the Commission, after notice and hearing, finds that lead will not result in any absorption, taking into account normal and reasonably foreseeable use and abuse by child, nor have any other adverse impact on health or safety**
 - **Procedures final rule: effective 3/11/09**
 - **Federal Register notice: 74 FR 10475**
 - **16 CFR § 1500.90**

CPSIA Section 101(b) Exclusions continued

- **Inaccessible component parts**
 - **Not accessible if not physically exposed and will not become exposed through reasonably foreseeable use and abuse**
 - **Paint, coatings, or electroplating may not be considered a barrier rendering lead in the substrate inaccessible**
 - **Final rule: effective 8/14/09**
 - **Federal Register notice: 74 FR 39535**
 - **16 CFR § 1500.87**

CPSIA Section 101(b) Exclusions continued

- **Certain electronic devices**
 - **If Commission determines it is not technologically feasible to meet lead limits; by regulation issue requirements to eliminate or reduce potential exposure and accessibility**
 - **Periodic review no less than every 5 years**
 - **Interim final rule: effective 2/10/09**
 - **Federal Register notice: 74 FR 6990**
 - **16 CFR § 1500.88**

CPSIA Section 101 Determinations

- **Commission determined certain products do not contain lead in excess of the lead limits; therefore no testing is required**
- **Final rule: effective 8/26/09**
 - **Federal Register notice: 74 FR 43031**
 - **16 CFR § 1500.91**
- **Procedures final rule: effective 3/11/09**
 - **Federal Register notice: 74 FR 10475**
 - **16 CFR § 1500.89**

CPSIA Section 101 Determinations

examples

- <http://www.cpsc.gov/about/cpsia/smbus/cpsiasbguide.pdf>
- Other natural materials such as feathers, fur, untreated leather, etc.
- Paper and other materials made from wood or cellulosic fiber
- Dyed or undyed textiles (cotton, wool, hemp, nylon, yarn, etc.), including children's fabric products, such as baby blankets, and non-metallic thread and trim. This does not include products that have rhinestones or other ornaments that may contain lead or that have fasteners with possible lead content (such as buttons, metal snaps, zippers or grommets).

Lead Containing Paint and Other Surface Coatings

16 C.F.R. part 1303

- **“Paint and other similar surface-coating materials means a fluid, semi-fluid, or other material, with or without a suspension of finely divided coloring matter, which changes to a solid film”**
- **Does not include materials such as printing inks that become part of the substrate**

CPSIA Section 101: Lead Paint Rule

- **Amended regulations at 16 C.F.R. Part 1303**
- **Reduced established lead limits for consumer paint and similar surface coatings from 0.06% to 0.009% lead**
 - **By weight of the total nonvolatile content of paint or the weight of the dried paint film**
- **Effective August 14, 2009**

CPSIA: Lead Paint Rule

continued

- **Applies to:**
 - **Paint and similar surface coatings intended for consumer use**
 - **Toys and other articles for use by children bearing lead-containing paint**
 - **Furniture for consumer use bearing lead-containing paint**
- **Periodic review and possible revision no less than every 5 years**

CPSIA: Lead Paint Rule

continued

- **Testing Methods**
 - **May rely on XRF or other alternative methods for screening but not certification**
 - **Periodic review of test methods no less than every 5 years**

Testing Guidance and Policy

- **Staff developed standard operating procedures for testing for lead content of metal, non-metal, paints and coatings**
 - <http://www.cpsc.gov/about/cpsia/sect101.html#test>
- **Commission Statement of Policy: Testing and Certification of Lead Content in Children's Products**
 - **Requirements**
 - **Definitions**
 - <http://www.cpsc.gov/about/cpsia/leadpolicy.pdf>

Certification

- Section 14(g) of the Consumer Product Safety Act, 16 C.F.R. part 1110, 15 U.S.C. § 2063(g)
- Must be in English
- Issued by domestic manufacturer or importer
- Specific information required
- Must “accompany” each shipment
- Certificate is required to be furnished to distributors and retailers
- <http://www.cpsc.gov/about/cpsia/faq/elecfaq.pdf>

Tracking Labels for Children's Products

- Section 103 of the CPSIA requires that the tracking label provide, “to the extent practicable,” marks that will enable the ultimate purchaser to ascertain the manufacturer or private labeler, the location and date of production of the product and cohort information.
- The tracking label requirement applies to children’s products manufactured on or after August 14, 2009.
- <http://www.cpsc.gov/about/cpsia/sect103.html>
- <http://www.cpsc.gov/about/cpsia/faq/103faq.html>

Practical Considerations

- **Understand possible sources of lead**
 - **Certain raw materials: paints, plastics, metal alloys**
 - **Recycled materials: unintended lead content**
- **Establish controls for supplies of materials and component parts to avoid unintended violations**
- **Understand that test results indicating lead content close to the limit may indicate an uncontrolled source; possibility that some products might actually exceed the limit**

Summary

- **Understand the law and regulations**
 - **Lead content requirements apply to paint and to other materials**
 - **All toys and other children's products; all component parts of a product**
 - **Exclusions for certain products, component parts of products, and certain materials**
 - **Exclusion examples: inaccessible component parts; certain electronic devices**
 - **Testing, tracking label, and certification requirements**

QUESTIONS?

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THANK YOU!