

## New law seeks to fix Consumer Product Safety Improvement Act

8/18/2011 Christopher J. Predko

On Friday, August 12, 2011, President Obama signed into law H.R.2715, a bill to “fix” what Congress described as “unintended consequences” of the 2008 Consumer Product Safety Improvement Act (CPSIA). While the reform bill is not everything that industry had hoped for, it will provide some clarity and relief from certain CPSI requirements. In a nutshell, the new law:

- Makes the new 100 ppm lead limit for children’s products prospective. Prior to the new law, the CPSIA would have prohibited the sale of all children’s products containing more than 100 ppm lead, regardless of manufacture date. Now, only children’s products manufactured **after** August 14, 2011, are subject to the limit;
- Allows the Consumer Product Safety Commission (CPSC) to grant exceptions to the lead limit requirements for products that do not create an exposure risk to children. The new law provides procedures for manufacturers/distributors to request specific exceptions;
- Grants certain exceptions to the lead limits for: children’s all-terrain vehicles, bicycles, and certain used children’s products;
- Provides special exemptions for “small batch” manufacturers;
- Exempts books and other printed materials from third-party testing requirements;
- Excludes non-accessible parts in children’s products from phthalate limit requirements; and
- Modifies CPSC’s evaluation of public database reports that may be materially inaccurate, and requires report submitters to provide model/serial numbers of allegedly defective products.

Warner Norcross & Judd's Consumer Product Safety Group regularly counsels clients regarding CPSIA interpretation and compliance. Members of the group have represented clients in CPSC matters for nearly 30 years and routinely advise clients in all areas of consumer product regulatory compliance. If you have questions about the CPSIA or other product regulation issues, please contact [Chris Predko](#), chair of the Consumer Product Safety Group, at 616.752.2190 or [cpredko@wnj.com](mailto:cpredko@wnj.com).