

Fashion Apparel Law Blog

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Testing Requirements Under Consumer Product Safety Improvement Act Stayed For Additional Year to February 10, 2011

On Friday, December 18, 2009, the Consumer Product Safety Commission ("CPSC") issued a notice announcing a revision to the terms of the stay of enforcement of the stringent certification and testing requirements under the Consumer Product Safety Improvement Act ("CPSIA"). With regard to testing and certifying children's products for compliance with phthalate levels, the stay is continued while the CPSC works toward finalizing the accreditation requirements for testing labs. Once standards for a particular category of product are published in the Federal Register, the responsible parties will have 90 days to achieve compliance with the testing and certification requirements. For children's products subject to lead testing requirements, the stay has been extended for an additional year, to February 10, 2011.^[1]

Additionally, the CPSC has adopted an interim enforcement policy permitting component part testing. Under this policy, domestic manufacturers and importers may still obtain testing certification for complete, finished products, but they now have the additional option of collecting certifications from the manufacturers of component parts. For example, most fasteners such as zippers, snaps and buttons are not, themselves, children's products and thus not subject to the testing and certification requirements. However, once they are integrated in to a children's product, the requirements apply to the entire item. Under the new policy, manufacturers and importers may obtain certification from suppliers of component parts, obviating the need to have the entire finished product tested and certified.

As before, while enforcement of the testing and certification requirements is currently stayed, all products must still comply with applicable limits governing lead and phthalate content. Details on the particular strictures of the CPSIA can be found [here](#).

[1] The stay will expire as scheduled for four categories of products: bicycle helmets, bunk beds, infant rattles and dive sticks.