

CPSC Proposes Revisions to CPSIA Geared to Lessen Burden on Business

CPSC Advisory

April 2011

By: [Carol Brophy](#)

The Consumer Product Safety Commission (CPSC) is supporting revisions to the Consumer Product Safety Improvement Act (CPSIA) that would make the act less burdensome, and is taking steps to request that Congress make revisions toward this end. The House of Representatives Energy and Commerce Subcommittee on Commerce, Manufacturing and Trade held a hearing on a discussion draft of a bill that would revise the Consumer Product Safety Improvement Act (CPSIA). [Click here to view draft bill.](#)

The subcommittee is planning to hold a markup on the bill when it returns from the Easter recess in early May. Companies and their trade associations may wish to evaluate these materials and provide feedback to the subcommittee staff on key points as soon as possible.

The discussion draft bill recommends several amendments to the CPSIA on crucial issues, including:

- Definition of a "children's" product;
- Application of lead limits;
- Application of third-party testing;
- Application of the phthalates standard;
- Tracking label exemption; and
- Requirements for the public database.

Note the blank spots in the draft text, which reflect issues that are under negotiation among congressional staffers. This includes a potential reduction in the age included in the definition of a "children's" product. Republican staff would like to lower the age requirement, and have informally suggested age 6. Democratic staff wants to keep the age limit at 12. Because the age limit of 12 is

in the current bill and has been copied into some state statutes and policies, there is some concern that lowering the age limit would lead to preemption problems and allow states to make up the gap with new requirements for the age ranges not covered. In sum, however, all of the proposed revisions are aimed at lessening the burden of implementation on the business community while continuing to protect consumers.

The bill will face many challenges to move forward. While House passage is likely with Republican leadership, the bill will face a tough road in the Senate, especially if it appears that the reform bill is "weakening" the CPSIA. In addition, the Democratic commissioners on the CPSC recently wrote to subcommittee members opposing some of the proposed changes in the discussion draft of the bill.

[Click here to view letter.](#)

CPSC Commissioner Nancy Nord also submitted her comments in support of the discussion draft bill. [Click here to read comments.](#)

Related Practices:

[Complex Litigation](#)

[Products Liability](#)