

February 2011

Client Alert: Consumer Product Safety Commission Extends Stay of Enforcement for Testing and Certification of Lead Content in Children's Products

The Consumer Product Safety Commission has [extended its stay of enforcement](#) on lead content testing in products aimed at children through the end of the year. Beginning on December 31st, 2011, children's products must be tested and certified by a CPSC-approved third-party laboratory to be sold in the United States. This is the third extension of this deadline and Chairman Tenenbaum noted this would be the "final" extension.

However, despite this stay, manufacturers, importers and retailers of children's products must continue to comply with existing federal restrictions for total lead content. Current federal law requires that all children's products have no more than 300 parts per million (ppm) of lead content. That lead content limit will drop to 100 ppm on August 14, 2011, unless the Consumer Product Safety Commission determines that it is not technologically feasible to establish this lower limit for a particular product or product category.

Also, the stay of enforcement does not apply to the current 90 ppm limit on lead in paint and surface coatings or to the current 300 ppm limit on lead content in metal components of children's jewelry. Certification based on third-party testing is currently required for children's products in these categories.

The extended stay gives manufacturers and importers additional time to comply with the new rules. But businesses should already be working to ensure their products will be in compliance.

2011 is shaping up to be an exceptionally newsworthy year for the Consumer Product Safety Commission. In addition to tightening lead content testing requirements, the CPSC also will introduce [a new Consumer Product Safety Information Database](#) starting March 11th.

The database will allow consumers to file online complaints against manufacturers and retailers. The complaints will be made public and businesses only have a 10-day window to respond before a complaint becomes public.

If you have any questions regarding the issues raised in this alert, please contact either the Womble Carlyle attorney with whom you usually work or one of the following attorneys:

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