

Fashion Apparel Law Blog

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Oops They Did It Again! Lead Testing Requirements Under Consumer Product Safety Improvement Act Stayed Until The End Of 2011

The Consumer Product Safety Commission (“CPSC”) recently issued a notice announcing a revision to the terms of the stay of enforcement of the stringent certification and testing requirements under section 14 of the Consumer Product Safety Improvement Act (“CPSIA”). With regard to testing and certification of the total lead content in children’s products, except for metal components of children’s metal jewelry, the stay of enforcement is extended until December 31, 2011. The extension of the stay also applies to certain parts of youth all-terrain vehicles, youth off-road motorcycles, youth snowmobiles, bicycles, jogger strollers, and bicycle trailers.

The extension of the stay of enforcement for the above-listed products does not affect the stay of enforcement for testing and certifying children’s products for compliance with phthalate levels, and testing of children’s toys for compliance with the mandatory toy safety standard, as described in the [December 28, 2009 notice](#). Thus, that stay of enforcement will remain in effect until notices of requirements of laboratory accreditation are published in the Federal Register. At that time, the responsible parties will have 90 days from that date to achieve compliance with the testing and certification requirements.

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](#).