

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES

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CPSIA PART 14 SUPPLEMENTARY ADVISORY OPINION ON BOOKS AND CHILDREN'S PRODUCTS

Certification of children's products based on third-party testing requires testing of the finished product for lead content and not just on components of such products. Certification based on third-party testing for lead content limits on children's products is not required until August 2009.

Since the signing of CPSIA into law in August 2008¹, guidance documents have been published by the CPSC to address a number of aspects in relation to the new legislation. The Commission's guidance covered general certificates of conformity, effective dates for lead and phthalates, labeling requirements, exemption of certain materials and resellers of children's products².

Further to the guidance on children's books of December 2008, CPSC has published on January 15, 2009, a supplementary advisory opinion on the applicability of the Consumer Products Safety Improvement Act (CPSIA) of 2008 on children's books and other products. Highlights of this guidance are summarized below:

- General conformity certification (GCC) for lead content can be based on a test of each product or upon a reasonable testing program.



¹ [Safeguard 64/08 Revised 'US President Signs Consumer Product Safety Law'](http://www.cpsc.gov/cpsia.pdf), September 2008 Consumer products Improvement Act of 2008, Public Law 110-314, August 14, 2008 <http://www.cpsc.gov/cpsia.pdf>

² [Safeguard 12/09 'CPSIA Updates 10: Advisory Opinion on Books and Similar Products'](http://www.cpsc.gov/ABOUT/CPSIA/CPSIA.HTML), January 2009 and references therein Consumer Product Improvement Act, US Consumer Product Safety Commission, [HTTP://WWW.CPSC.GOV/ABOUT/CPSIA/CPSIA.HTML](http://www.cpsc.gov/ABOUT/CPSIA/CPSIA.HTML) and references therein

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- A reasonable testing program for lead content:
 - Does not necessarily require third-party testing.
 - Can be based on XRF technology if such technology is used in a reliable manner.
 - If manufacturer is confident in the results of lead tests done on components, they are not required to test the final product (e.g. a finished bracelet or necklace in which all parts have been tested for lead content would not necessarily need the final product to be tested).
- Certification based on third-party testing for lead content limits of children's products is not required until August 2009.
- Manufacturer needs only to issue a GCC for lead content on February 10, 2009, based on a reasonable testing program.
- A GCC does not require the manufacturer to test every title of book printed.
- A GCC can be based on tests of components of the book including printing ink, paper, glue, laminates and any other component that is used to make the book, so long as the components are representative of the finished product covered by the GCC.
- A retailer / distributor of children's books can rely on GCC to sell / distribute those books.
- A retailer / distributor can rely on a GCC until requirements for third-party testing for lead content of children's products go into effect in August 2009.
- **Certification of children's products based on third-party testing requires testing of the final children's products for lead content** and not just the components of those products.
- Additional guidance and rulemaking on third-party certification and component testing are expected in the coming months to *'establish protocols and standards for ensuring that a children's product tested for compliance with the applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts.'*



The CPSC published on January 30, 2009, a notice to grant a one-year stay of testing and certification requirement for certain products. Please refer to our recently published SafeGuards 020/09³ for further details.

SGS is committed to informing interested parties as development on CPSIA and other legislations occur. Please do not hesitate to contact us for further information.

³[SafeGuards_02009_CPSIA_part_13_Stay_of_Enforcement-EN-09](#)

February 2008 and references therein

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