

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONIC

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## CPSIA UPDATES PART 18: INTERIM FINAL RULE ON LEAD EXEMPTION IN CERTAIN ELECTRONIC DEVICES

The Consumer Product Safety Commission (CPSC) issued an interim final rule concerning certain electronic devices for which it is not technologically feasible to meet the lead limits as required under CPSIA section 101.

On January 30, 2009, the Commission announced a stay of 1 year of enforcement of testing and certification requirements of certain provisions of the CPSIA until February 10, 2010<sup>1</sup>. Although the testing and certification requirements are stayed for manufacturers or importers of children's products, including electronic devices until February 10, 2010, the stay of enforcement did not provide any meaningful relief to manufacturers or importers of children's electronic devices that contain component parts that exceed the lead content limits due to technological infeasibility. The Commission recognizes that it is currently not technologically feasible for certain parts of electronic devices to comply with the CPSIA lead limits.

Consistent with the authority granted to CPSC by US Congress, the Commission has issued an interim final rule providing exemptions for certain electronic devices **effective February 10, 2009**. The exemption is provided for inaccessible components in electronic devices, electronic components or devices that may be accessible but are subject to technological constraints, and replaceable components. A list of exemptions is listed on page 2<sup>2</sup>.



<sup>1</sup> CPSC Grants One Year Stay of Testing and Certification Requirements for Certain Products, U.S. Consumer Product Safety Commission, Release #09-115, January 30, 2009 <http://www.cpsc.gov/cpsc/pub/prerelease/prhtml09/09115.html>  
[www.cpsc.gov/cpsc/pub/prerelease/prhtml09/09115.html](http://www.cpsc.gov/cpsc/pub/prerelease/prhtml09/09115.html)  
Safeguard 20/09 'Stay of Enforcement of the Critical Provisions of Consumer Product Safety Improvement Act (CPSIA), February 2009.

<sup>2</sup> Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Withdrawal of Proposed Rule; Children's Products Containing Lead; exemptions for Certain Electronic Devices; Interim Final Rule, Ballot Vote Sheet, US CPSC, February 5, 2009; <http://www.cpsc.gov/library/foia/foia09/brief/leadwithdrawal.pdf>

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### Lead Content Exemption

1. Inaccessible components [evaluated by applicability of probes (16 CFR 1500.48 and 1500.49), before and after use and abuse tests (1500.51(c) and 1500.52(c))].
2. Blended into glass of cathode ray tubes, electronic components and fluorescent tubes
3. Alloying element in steel [ $< 0.35\%$  lead ( $< 3500$  ppm)].
4. Manufacturing of aluminium [ $< 0.4\%$  lead ( $< 4000$  ppm)].
5. Copper-based alloys [ $< 4.0\%$  lead ( $< 40000$  ppm)].
6. Lead-bronze bearing shells and bushings.
7. Compliant pin connector systems.
8. Optical and filter glass.
9. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements, and Black Light Blue (BLB) lamps.
10. Components of electronic devices that are removable or replaceable such as battery packs and light bulbs that are inaccessible when the product is assembled in functional form or are otherwise granted an exemption.

The interim final rule will become effective without prior notice and comment. The Commission finds that the public notice and comment before the issuance of this interim final rule would have been impractical given the statutory requirement imposed in the CPSIA that the lead limits go into effect on February 10, 2009 and the inapplicability of the Commission's stay of certain testing certification requirements to lead content limits imposed on these products. The Commission will continue to gather comments on the final interim rule which will be considered before issuing final regulations.

SGS is committed to inform as development on CPSIA and other legislations occur.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for lead, phthalates and other heavy metals in a comprehensive range of children's products and other consumer products for the US and worldwide markets. Please do not hesitate to contact us for further information.

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