

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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CPSIA UPDATES 23- LEAD CONTENT EXCLUSION FOR 'GENERAL PURPOSE' PEN TIP COMPONENTS

The Writing Instrument Manufacturers Association (WIMA) submitted a request for exclusion from the lead limit of the CPSIA on tip of ballpoint pens and roller ball pens on February 9, 2009. WIMA states that most of the pens sold for use in schools or by children are ballpoint pens and roller ball pens and the brass tips of these pens contain up to 5% lead, currently there are no alternatives materials that can be used.

After review by the Commission, in a June 4, 2009 letter, the CPSC General Counsel provided the following direction for "general purpose" pens:

According to section 101(a) of the CPSIA, the lead ban is applicable to children's products containing lead. The term "children's product" means a consumer product designed or intended primarily for children 12 years of age or younger. Accordingly, to the extent that these ballpoint pens are not being marketed to, or advertised as being intended for use by children 12 years or younger, they would be considered as general purpose items. Further, the CPSC has confirmed that the vast majority of pens and roller ball pens are not primarily intended for children,

whether or not they are sold for use in schools. A "general purpose" pen would not need exclusion from the lead limit under the CPSIA because these pens are not regarded as children's products.



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The majority of “novelty pens” are also not considered to be primarily intended for children. Even if a pen is colorful, decorated or embellished, such colors, decorations or embellishments, alone, might not result in it being a “children’s product”. Therefore, these pens are also not subject to the lead limit under the CPSIA.

Only those pens that are considered to be “children’s products” as defined by the CPSIA are subject to section 101(a) of the CPSIA. Deciding whether a pen is a “children’s product” may depend on multiple features but the Commission advises that it is only pens that are determined to be “children’s products” will be subject to further evaluation to assess the level of lead content.

However, the WIMA exclusion request inquired only about general use pens, so no comments have been provided for pens considered as “children’s product” in the General Counsel’s letter.

SGS is committed to inform as developments on CPSIA and other legislation occur.

Throughout our global network of laboratories, we are able to provide a range of services, including consultancy for CPSIA, analytical testing and consultancy for lead, phthalates and other restricted substances 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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