

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONIC

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## CPSIA UPDATE 26 CPSC INTERPRETATIVE RULE ON INACCESSIBILITY FOR LEAD CONTENT

The Consumer Product Safety Commission (CPSC) has recently published a final rule providing guidance with respect to what product components, or classes of components, will be considered inaccessible. This interpretative rule is effective 14 August, 2009.

Under section 101 (b) (2) (A) of the Consumer Product Safety Improvement Act (CPSIA), lead limits shall not apply to any component part of a children's product that is not physically exposed due to a barrier layer (sealed casing) that is not compromised through normal and reasonably foreseeable use and abuse <sup>1</sup>. In section 101 (b) (3), paint, coating, or electroplating may not be considered to be a barrier that would render lead in the substrate to be inaccessible to a child. In section 101 (b) (2) (B), the Commission is required, by 14 August, 2009, to issue a rule to provide guidance on inaccessibility <sup>1</sup>. Highlights on the final interpretative rule on accessibility and requirements are summarised below <sup>2</sup>.

- Final rule construes accessibility to be physical contact with lead-containing component parts, and mouthing and swallowing, along with touching, among the children's activities that can result in contact with the lead-containing parts
- A children's product that is or contains a lead-containing part which is enclosed, encased, or covered by fabric and passes the appropriate use and abuse tests on such cover is inaccessible to a child unless the product or part of product is < 5 cm in one dimension.
- Intentional disassembly or destruction of products by children over the age of eight by means of knowledge not available to younger children, including the use of tools, will not be considered in evaluating products for accessibility of lead-containing components.
- Acrylic polymer layers of a compact disk (CD) or DVD are not coatings under section 1303 because such layers are not surface coatings that are separable from the substrate through scraping. Testing and certification would not be required if the internal metallic layer of a disk is not accessible.

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<sup>1</sup> [Children's Products Containing Lead; Interpretative Rule on Inaccessible Component Parts, Consumer Product Safety Commission, 31, July 2009](#)

<sup>2</sup> [Public Law 110-314 \(Consumer Product Improvement Act of 2008\), 110<sup>th</sup> Congress, 14, August, 2008](#)

- In considering reasonably foreseeable use and abuse, accessibility probes for evaluating accessibility of sharp points or sharp metal or glass edges (16 CFR 1500.48 and 1500.49) are appropriate for testing the wider range of products for children up to twelve years old. An accessible component would be defined as one that contacts any portion of the specified segment of the accessibility probe.
- Bite test (16 CFR 1500.53 (c)) is excluded for the purpose of use and abuse tests.
- Regulations and standards for use and abuse tests for different age groups are summarised in Table 1.



Table 1

Scope	Age Group	Regulation / Standard
Evaluation of accessibility of lead-containing component parts of a children's product as a result of normal and reasonably foreseeable use and abuse of the product	≤ 18 months	Use and abuse tests (16 CFR 1500.50 and 16 CFR 1500.51)
	36 months ≥ age > 18 months	Use and abuse tests (16 CFR 1500.50 and 16 CFR 1500.52)
	96 months ≥ age > 36 months	Use and abuse tests (16 CFR 1500.50 and 16 CFR 1500.53)
	12 years ≥ age > 96 months	Use and abuse tests (16 CFR 1500.50 and 16 CFR 1500.53)

SGS will inform interested parties as development on CPSIA and other legislation 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. You can also check our list of [CPSIA accredited laboratories](#) and visit our [CPSIA webpage](#).



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