

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES

NO. 109/08 DECEMBER 2008

CPSIA PART 7: US STATE OF WASHINGTON FOLLOWS CPSIA

The state of Washington withdrew rule making to implement Children's Safe Products Act (CPSA). The CPSIA preempts Washington's standards for lead, cadmium and phthalates but some important parts of Washington's law will remain in effect.

In April 2008, the Governor of the state of Washington signed HB 2647 (Dickinson, 2008) into law to set the strict standards for lead, cadmium and phthalates for children's products¹. The legislation would be effective on July 1st, 2009.

On November 12th, 2008, the Department of Ecology decided to withdraw its rule making process for the implementation of CPSA². The decision was based on its assessment that the federal legislation CPSIA substantially preempts CPSA and its standards for lead, cadmium and phthalates (Laws of 2008, Chapter 288). This federal preemption precludes the need for the proposed rule because the purpose was to clarify how the lead, cadmium and phthalate standards apply to certain products.



¹ Engrossed Second Substitute House Bill 2647 'Chapter 288, Laws of 2008' <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/2647-S2.SL.pdf>
Safeguard 25/08 'The US State of Washington Sets Strictest Standards for Toys and Children's Products' April 2008
Safeguard 49/08 'US Legislation Updates: Part 5 'Overview of Regulatory Requirements for Lead in Children's Products' August 2008

² 'Children's Safe Products Rule, Ecology stops rule making' Department of Ecology, State of Washington, November 12, 2008, <http://www.ecy.wa.gov/programs/swfa/rules/ruleChildren.html> and references therein

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There are however parts of Washington's law (Laws of 2008, Chapter 288) that are not preempted as highlighted below:

- Develop a list of Chemicals of High Concern for Children (CHCC)
- In January 2009, Department of Ecology with assistance from Health will present a report to Washington State legislature:
 - ⇒ Describing the processes how CHCCs are identified,
 - ⇒ Addressing concerns raised, particularly by small manufacturers and retailers, about the reporting requirements,
 - ⇒ Describing how the new law affects the availability of safe car seats in Washington; and
 - ⇒ Identifying children's products or product categories that contain CHCCs.



By the summer of 2009, Ecology expects to begin rule making for children's products containing CHCCs. This rule will also contain reporting requirements and such requirements will be expected to become effective in spring 2011 at the earliest.

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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