

## **CPSC Final Rule: Procedures and Requirements for a Commission Determination or Exclusion**

The U.S. Consumer Product Safety Commission (CPSC) has issued a final rule, effective March 11, 2009, which outlines procedures and requirements for requests for:

- (1) A Commission determination that a commodity or class of materials or a specific material or product does not exceed the lead content limits specified under section 101(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA); and
- (2) The exclusion of a commodity or class of materials or a specific material or product that exceeds the lead content limits under section 101(a) of the CPSIA but which will not result in the absorption of any lead into the human body nor have any other adverse impact on public health or safety.

Requests for either of the above must:

- Be e-mailed to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov) and titled "Section 101 Request for Lead Content Determination," for (1) above, and titled "Section 101 Request for Exclusion of a Material or Product," for (2) above. Requests may also be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address.
- Be written in the English language.
- Contain the requestor's name, address and e-mail address or telephone number.
- Provide specified documentation, including:
  - A detailed description of the product or material and how it is used by a child;
  - Representative data on the lead content of parts of the product or materials used in the production of a product;
  - All relevant data or information on manufacturing processes through which lead may be introduced into the material or product;
  - Any other information relevant to the potential for lead content of the product or material to exceed the CPSIA limits; and
  - Detailed information on the relied-upon test methods for measuring lead content of products or materials including the type of equipment used or any other techniques employed and a statement as to why the data is representative of the lead content of such products or materials generally.

A request for determination that a material or product does not exceed the lead content limits must also provide:

- An assessment of the likelihood or lack thereof that the manufacturing processes will result in lead contamination of a material or product that ordinarily does not contain lead.
- All relevant data or information on the facilities used to manufacture the material or product, and any other materials used in the product.
- An assessment of the likelihood or lack thereof that the use of leaded materials in a facility will result in lead contamination of a material or product that ordinarily does not contain lead.
- Any data or information that is unfavorable to the request that is reasonably available to the requestor.

A request for an exclusion from the lead limits must also provide:

- An assessment of the manufacturing processes which strongly supports a conclusion that they would not be a source of lead contamination of the product or material, if relevant.
- The best-available, objective, peer-reviewed, scientific evidence to support a request for an exclusion demonstrating that the normal and reasonably foreseeable use and abuse activity by a child (including swallowing, mouthing, breaking, or other children's activities) and the aging of the material or product for which exclusion is sought, will not result in the absorption of any lead into the human body, nor have any other adverse impact on public health or safety. This literature should support a request for exclusion that addresses how much lead is present in the product, how much lead comes out of the product, and the conditions under which that may happen, and information relating to a child's interaction, if any, with the product.
- The best-available, objective, peer-reviewed, scientific evidence that is unfavorable to the request that is reasonably available to the requestor.

**Link to:** [Federal Register](#)

STR provides testing, audit, certification, and responsible sourcing services to help ensure that clients have the highest level of confidence in the quality, safety and social standards of their products and systems. For more information regarding STR global services, please contact us at [info@STRQuality.com](mailto:info@STRQuality.com).