

Confusion, Concern Still Surround New CPSIA Regulations

The toy industry has responded by holding a rally on Capitol Hill to call for modifications to the law. At the same time, Nancy Nord, the acting chair and head of the Consumer Product Safety Commission, urged President Barack Obama to appoint a new CPSC chairman to deal with the mounting complaints and to clarify the regulations.

The greatest area of confusion and concern is the law's limits on lead in products intended for children aged 12 and under, which have made it illegal to sell or distribute numerous items that manufacturers and retailers had in stock as of the effective date for the law's lead limit, Feb. 10, 2009.

The products in question include bicycles, older library books and youth-model ATVs, all of which manufacturers say do not pose a danger to children. Manufacturers and retailers have been seeking exemptions for these products, and in early April Ms. Nord said she would allow retailers of youth-model all-terrain vehicles to sell their older inventory.

However, it isn't clear if she has the authority to grant such permission. Ms. Nord has stated that the law limits the CPSC's discretion to allow sales of existing products, and has called on Congress to deal with the issue. Consumer groups have responded by saying that a new agency leader, not Congress, should help resolve concerns about the law. The legislation "gives the CPSC the power to address concerns about the law, but the CPSC is failing to respond forcefully to concerns," a coalition of consumer groups, including Consumers Union and Kids in Danger, said in a statement.

At the rally on Capitol Hill, six members of Congress addressed the standing-room only crowd, and explained the details of bill H.R. 1815, Consumer Products Solutions Act of 2009, which is intended to clarify the applicability of certain provisions in the CPSIA. Key points in the bill include: allowing retailers a "sell-through" period for existing inventory; making provisions to the lead and phthalate standards; exclusion of certain materials from the lead content limits; clarifying lead-testing methodologies; and providing CPSC with the authority to extend or delay effective dates, and to grant exemptions.