

## **Congressional Lawmakers Reach Agreement on Consumer Product Safety Improvement Act of 2008**

After meeting in conference for several weeks, U.S. House and Senate conferees have resolved differences between two bills aimed at overhauling the Consumer Product Safety Commission and have reached final agreement on the provisions which were deemed the most difficult to reconcile. On August 6, 2008, the unified bill was sent to President Bush, who is expected to sign it, and includes the following:

- New, lower lead limits for products manufactured for children aged 12 or younger. Specifically, the permissible lead level for surface coatings would be reduced from the current 600 ppm down to 90 ppm. For accessible substrate materials, the limits would be 600 ppm 180 days after enactment, 300 ppm after one year, and possibly 100 ppm after three years. The CPSC would also be directed to review these limits periodically and could lower them further.
- A permanent ban on three types of phthalates from children's products and a temporary ban on three other types of phthalates from children's products small enough to be put in a child's mouth, pending further research into their health effects
- ASTM F963-07 to become a mandatory toy safety standard
- Mandatory third-party testing of certain children's products as well as provision for CPSC inspection and certification of manufacturers' proprietary test labs
- Mandatory safety standards for durable nursery products, such as cribs, strollers and high chairs
- Mandatory safety standards for all-terrain vehicles
- Labeling requirements for internet, catalog and other advertising
- Requirements for tracking labels for children's products which would aid in identifying recalled products
- The establishment of a public database of potential hazards
- Whistleblower protections for private sector employees
- Consumer product safety law enforcement authority for state Attorneys General
- Higher civil penalties for safety violations
- Preemption: The conference report accompanying the bill relies on the federal preemption provisions of the underlying Consumer Product Safety Act and other Acts administered by the CPSC. Standards enacted by the CPSC and those enacted directly by statute preempt state law to ensure efficient and consistent enforcement and avoid a patchwork of laws that apply differently across the country. This preemption applies to lead content, lead paint, phthalates and many other issues.

STR offers analytical expertise in lead and phthalate content testing. Our hazard prevention program for toys includes comprehensive design evaluation, safety testing, audit, inspection as well as responsible sourcing services. For more information, contact us at [inquiry@strus.com](mailto:inquiry@strus.com).