

Maine Enacts Laws on Children's Product Safety

On April 14, 2008, Maine Governor John Baldacci signed into law LD 2053, An Act to Ensure that Children's Toys and Products are Free of Lead (Public Law Chapter 604). This law states that a person may not manufacture, or knowingly sell, distribute or offer for sale or distribution, a lead-containing children's product. A "lead-containing children's product" is defined as a children's product that: (1) contains lead in the aggregate, excluding lead in a paint or surface coating, at more than .009% of the total weight or is made with a product component containing lead at more than .009% of the total weight of the product component, except that if the product or product component lead level is preempted by federal law then the federal standard for lead level governs; or (2) is coated with a paint or surface coating with a lead content that exceeds the Consumer Product Safety Commission safety rule as established in 16 Code of Federal Regulations, Part 1303, as amended. A "children's product" is defined as a product that is marketed for use by a child or the use of which by a child is foreseeable, including but not limited to a toy, child care article, children's lunch box or children's jewelry. A "child" is defined as under 12 years of age. A "child care article" is defined as a product designed or intended by the manufacturer to facilitate the sleep, relaxation or feeding of children or to help children with sucking or teething. A "children's lunch box" is defined as a fabricated container marketed or intended for use to carry food or drink for consumption by a child. Exceptions: The restrictions do not apply to consumer electronic products in which the lead-containing component is inaccessible to children, including, but not limited to, electronic toys, personal computers, audio and video equipment, calculators, wireless telephones, game consoles, hand-held electronic and electrical devices that incorporate a video screen used to access interactive software, and their related devices and products that comply with the provisions of directive 2002/95/EC of the European Union as adopted by the European Parliament and the Council of the European Union. This law takes effect July 1, 2009.

On April 17, 2008, Governor Baldacci signed into law LD 2048, An Act to Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products (Public Law Chapter 643). This law requires the state to publish a list of chemicals of high concern by January 1, 2010, and further requires manufacturers of children's products that contain such chemicals of high concern to disclose information to the Department of Environmental Protection on their chemical use. The bill authorizes the department to require replacement of a priority chemical in children's products with a safer alternative whenever it determines that a safer alternative is available for a specified use. The bill further authorizes the department to participate in an interstate clearinghouse to share information and cooperate with other states to promote safer chemicals in consumer products. A "children's product" is defined as a consumer product intended for use by children, such as baby products, toys, car seats, personal care products and clothing, and any consumer product containing a chemical of high concern that when used or disposed of will likely result in exposure of a child or fetus to that chemical. Food and beverage packaging are exempt from the requirements of this law, unless the product is intentionally marketed or intended for the use of children under three years of age. This law takes effect July 17, 2008.

Links: [State of Maine Legislature LD 2053](#)

[State of Maine Legislature LD 2048](#)

STR is a fully approved and qualified lab to test products for lead content. We have comprehensive safety testing services and the expertise to assist companies with their regulatory compliance needs. Contact us at inquiry@strus.com.