
❖ SPC&B Safety News ❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

August 15, 2011

I. President Signs CPSIA Amendment Legislation

II. Changes Ahead for Chinese Textile Safety Standard



I. On Friday, President Obama signed into law the amendment to the Consumer Product Safety Improvement Act of 2008 (CPSIA), referred to in our *Safety News* of August 2, 2011. Accordingly, the new 100 ppm lead limit will only apply prospectively, to **children's products manufactured after August 14, 2011**. Any children's products manufactured before August 14, 2011, whether on the water, in inventory, or on store shelves, remain subject to the 300 ppm limit previously in effect.

Other key provisions in the legislation include:

- ◆ The CPSC is authorized to grant limited exceptions to the lead limits in cases where low levels of lead are necessary for proper function
- ◆ The lead limits will no longer apply to "used children's products"
- ◆ New exclusions or differing requirements for lead content in ATVs, dirt bikes, and bicycles
- ◆ Requires the CPSC to seek public comment on ways to reduce the cost of third party testing requirements
- ◆ Authorizes the CPSC to provide alternative testing requirements for products manufactured by "small batch manufacturers"
- ◆ Excludes "ordinary books" and "ordinary paper-based printed materials" from third party testing requirements
- ◆ Specifies that the phthalates limit will apply only to "accessible components," to be defined by the CPSC (in the interim, manufacturers should follow the accessibility guidelines for lead content)
- ◆ The CPSC is required to stay publication of a consumer report in the public database for an additional 5 days when the agency receives notice of materially inaccurate information
- ◆ Requires the CPSC to seek from the individual or entity submitting the consumer report the model or serial number or a photograph of the product, if not provided in the initial report

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II. The latest version of the Chinese national safety standard for textile products, GB 18401-2010, is slated to be implemented next year, on August 1, 2012. Large portions of the standard remain unchanged, including its requirements that testing be conducted for formaldehyde, pH, colorfastness, azo dyes, and odors. The standard prescribes testing requirements for three categories of textiles – A) babies’ products, B) products with direct skin contact (such as brassieres, hosiery, bed sheets, and summer garments), and c) products without direct skin contact (such as sweaters, trousers, outerwear, bedspreads, and home textiles); the required levels for each substance vary based on whether an item is considered category A, B, or C.

The new standard expands the testing requirements to cover home textiles such as bedding and kitchen linen, while specifically excluding products such as disposable sanitary products, bags, backpacks, shoes, umbrellas, and carpets. It also changes the definition of babies’ products to include items for use by children under 36 months old and under 100cm in height (instead of 24 months and 80cm as was previously required). In addition, adjustments were made to the permissible levels for pH value and colorfastness to alkaline perspiration, and 4-Aminoazobenzene was added to the list of banned azo dyes. Lastly, products that are undyed or bleached now do not require colorfastness testing.

Only textile products complying with the revised standard may be imported and sold as of August 1, 2012.

If you have any questions on safety standards in the U.S. or abroad, please contact Gail Cumins at gcumins@spcblaw.com, Donna Shira at dshira@spcblaw.com, or Alli Baron at abaron@spcblaw.com, or call us at 212-425-0055, for further information.
