Frequently Asked Questions on the Consumer Product Safety Improvement Act of 2008*

What is the Consumer Product Information Act of 2008?

On August 14, 2008, President Bush signed into law the Consumer Product Safety Improvement Act of 2008 (CPSIA). The law was passed in response to numerous high-profile recalls of imported and domestically produced children’s toys that contained excessive levels of lead and other possible toxic chemicals.

The passing of the CPSIA greatly expanded the authority of the Consumer Product Safety Commission (CPSC) and allows them to regulate potentially hazardous children’s products by establishing safe levels for lead and phthalates (chemicals used to make plastics soft). The law established the following three requirements that are relevant to printing operations and their customers:

- Testing and certification of compliance for lead content in all children’s products
- Testing and certification of compliance for certain phthalates in specific children’s products
- Inclusion of “tracking labels” on all children’s products

What does the CPSIA require of printed products?

The CPSIA requires domestic manufacturers, including printers, importers, and private labelers of children’s products, children’s toys, and child care articles, to test their products and certify that they comply with the new lead and phthalate content limits established by the CPSIA. For children’s products manufactured by printers, such as books, magazines, flashcards, baseball cards, posters, calendars, etc., a formal Children’s Product Certificate (Certificate of Compliance) must be issued by the printer and accompany all products.

When does the CPSIA apply to products produced by printers?

A formal Children’s Product Certificate (Certificate of Compliance) must be issued by the manufacturer, including printers, and importer, and private labeler and accompany all products required to be tested that were manufactured on or after February 10, 2010.

What is a children’s product, children’s toy, and child care article?

The term “children’s product” is broadly defined by the CPSC, as a “consumer product designed or intended primarily for children 12 years of age or younger” and includes such items as children’s books, magazines, flashcards, etc.

The term “children’s toy” is defined by the CPSC as a “consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.”

The CPSC defines “child care articles” as a “consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger or to help such children with sucking or teething” and includes such products as sleepwear and pacifiers.
**What is the lead content limit established by the CPSIA?**

The CPSIA bans the manufacture, sale, and distribution of any children’s product, including any existing product in inventory, that contains more than **100 parts per million by weight (ppmw) total lead content.**

**What are the phthalate content limits established by the CPSIA?**

The CPSIA created two phthalate limits applicable to all children’s toys and child care articles. The first is a permanent ban on the manufacture, sale, and distribution of children’s toys or child care articles containing more than **0.1% di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP).**

The second is an interim prohibition on children’s toys that can be placed in a child’s mouth or child care articles containing more than **0.1% diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).**

**What testing is required to issue a Children’s Product Certificate?**

As of December 31, 2011, all children’s products that are required to be tested must be tested by an accredited third-party laboratory. The specific lead test methods can be found at [www.cpsc.gov/info/toysafety/leadlab.html](http://www.cpsc.gov/info/toysafety/leadlab.html). The specific phthalate test methods can be found at [www.cpsc.gov/info/toysafety/phthalatestestfaq.html](http://www.cpsc.gov/info/toysafety/phthalatestestfaq.html). The list of accredited labs can be found at [www.cpsc.gov/cgi-bin/labsearch/](http://www.cpsc.gov/cgi-bin/labsearch/).

**Can I rely on my component supplier’s assurances that their products meet the limits?**

Yes, provided that certain conditions are satisfied. When testing is required, letters, Material Safety Data Sheets, and other declarations or assurances by vendors are not acceptable. The CPSC issued a rule in December 13, 2012 allowing for the testing of component parts and that the testing could be performed by a supplier. The test results or a certification from a component part supplier can be relied upon if the requirements of the regulations at 16 CFR Part 1109 are met. That rule requires that “due care” must be taken to ensure that the tests results or the certificate is valid and access is provided to the underlying documentation, such as test results and details on how the testing was conducted and by whom. The assurance must be based on the results of testing from an accredited third-party laboratory.

**Are there any exemptions from the testing and certification requirements for lead?**

Yes, there are two exemptions established, one for components and one for the finished product. Both are described below:

**Component Exemptions**

On August 19, 2009, the CPSC issued a determination establishing that the following components of books and other printed materials are now exempt from the testing and certification requirements for lead:

- Paper
- Any product printed with four-color process inks (CMYK)
- Any product coated with varnish, water-based, or UV-cured coatings
- Threads used for book binding
- Animal-based glues
- Adhesives that are not accessible*
• Binding materials that are not accessible*

Despite the best efforts of Printing Industries, other trade associations, printer members, and suppliers, the CPSC did not include all of the components of books and other printed matter in this determination.

The materials that are NOT covered by the August 19, 2009, determination are:

• Spot or PMS inks
• Saddle-stitching wire
• Non-animal-based glues that are accessible*
• Metal coils both coated and uncoated for coil-bound materials
• Plastic coils for coil-bound materials
• Foils used in foil stamping
• Laminates

* CPSC has ruled that any adhesive that is covered would not be subject to the lead requirements as it would be considered “inaccessible.” Inaccessibility has been defined by the CPSC in a separate rule that can be found at www.cpsc.gov/library/foia/foia09/brief/leadinaccessguide.pdf. CPSC specifies that a component part is inaccessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product, including swallowing, mouthing, breaking, or other children’s activities, and the aging of the product, as determined by the Commission. CPSC has established some tests that are to be used to determine accessibility.

**Product Exemptions**

On August 12, 2011, President Obama signed into law the House of Representatives Bill 2715 (H.R. 2715), which excluded all “ordinary paper-based printed materials” and almost all “ordinary books” that are “bound and finished in a conventional manner” created for children. The books that were not included in the exemption are those “designed and intended” for children 3 years old or younger or those books having “play value.” These books must be tested by an accredited third-party testing laboratory and certified by the manufacturer or importer as not exceeding the limit for lead or phthalates.

The legislation defined “ordinary book” and “ordinary paper-based printed materials” and they are as follows:

• Ordinary Book — The term “ordinary book” means a book printed on paper or cardboard, printed with inks or toners, and bound and finished using a conventional method and that is intended to be read or has educational value. Such term does not include books with inherent play value, books designed or intended for a child 3 years of age or younger, and does not include any toy or other article that is not a book that is sold or packaged with an ordinary book.

• Ordinary Paper-Based Printed Materials — The term “ordinary paper-based printed materials” means materials printed on paper or cardboard, such as magazines, posters, greeting cards, and similar products, that are printed with inks or toners and bound and finished using a conventional method.

• Exclusions — Such terms do not include books or printed materials that contain components that are printed on material other than paper or cardboard or contain non-paper-based components such as metal or plastic parts or accessories that are not part of the binding and finishing materials used in a conventional method.
Are there any exemptions from the testing and certification requirements for phthalates?

Yes, it is unnecessary to test and certify materials that are known not to contain phthalates. A statement of policy on this topic was issued on August 7, 2009, and can be found at www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf.

CPSC has stated that the following materials do not require testing for compliance with the ban on phthalates, provided that they have not been treated or adulterated by a substance that may contain phthalates:

- Untreated/unfinished wood
- Metal
- Natural fibers
- Natural latex and mineral products
- Paper products (paper, paperboard, linerboard and medium, and pulp)

What testing and certification is required for printed products with both exempt and nonexempt components?

There are two options that can be used and they are testing the finished product or testing only the nonexempt components. Since CPSC is now allowing component testing to be performed in lieu of whole product testing, only the nonexempt components need to be tested. The components can be tested by the printing company or the vendor as long as it meets the requirements set out by the CPSC (see question above). When testing is required, only third-party testing results from an accredited laboratory are acceptable for issuing a Children's Product Certificate.

Are products that accompany printed matter required to be tested and certified?

Yes, any product that would accompany an “ordinary book” or “other printed matter,” such as balls that would be packaged with a book on juggling, must be tested for lead and/or phthalates (for plasticized parts only) by a third-party testing lab before being shipped. A Children’s Product Certificate must be prepared and accompany the shipment.

What are the tracking label requirements of the CPSIA?

Effective August 14, 2009, the CPSIA requires manufacturers of children’s products to place permanent, distinguishable marks on the product and its packaging that identify the manufacturer, date and location of product production, and any identifying batch or other production run characteristics.

There is not a formal “label” per se as the CPSC is requiring the children’s product to be permanently marked with the required information. In implementing the CPSIA, the CPSC is not using a uniform “one-size-fits-all” approach and is not specifying how such information should appear on the product. They do mandate distinguishing marks that identify:

- Manufacturer
- Location of production
- Date of production
- Cohort information (e.g., batch, run number, or other identifying characteristic)

There are several options to meet the requirements. One approach is to include all of the required information on the product. Another approach would be to use a “code number” that could be a combination of customer number and job number. The code number could be used to retrieve the required
information. In using the code approach, the CPSC is requiring the manufacturer’s identification along with city and state as just a Web address will not be sufficient, although a website address could be included.


**For More Information**

Summaries, updates, and other supporting information can be found on Printing Industries of America’s CPSIA website at www.printing.org/cpsia. For questions, please contact Gary Jones at 412-259-1794 or gjones@printing.org.

* The information in this document is current as of June 30, 2012, and is subject to change based on further guidance, regulation, or interpretation by the CPSC.