Consumer Product Safety Improvement Act of 2008*

Background

The Consumer Product Safety Improvement Act of 2008 (CPSIA) was signed into law on August 14, 2008, and was amended on August 12, 2011.

The CPSIA regulates potentially hazardous children’s products by establishing safe levels for lead and phthalates (chemicals used to make plastics soft).

The CPSIA requires manufacturers, which includes printers, importers, and private labelers of domestic and imported children’s products, children’s toys, and child care articles to test their products using an accredited third-party testing lab and certify that the products using a Children’s Product Certificate (Certificate of Compliance) comply with the new law and regulations.

Requirements for Printers

There are three requirements relevant to printing operations under the CPSIA and they are:

- Test and certify compliance for lead content in all children’s products
- Test and certify compliance for certain phthalates in specific children’s products
- Include “tracking labels” on all children’s products

Types of Printed Materials Affected by the CPSIA

Any children’s product, toy, or child care article that is manufactured by a printing operation.

“Children’s products” are broadly defined by the CPSC as “consumer products designed or intended primarily for children 12 years of age or younger” and include such items as children’s books, magazines, flashcards, baseball cards, posters, calendars, etc.

“Children’s toys” are defined by the CPSC as “consumer products designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.”

“Child care articles” are defined by the CPSC as “consumer products 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.

Testing and Certification Requirements

The CPSIA mandates that the necessary testing be performed by an accredited third-party laboratory.

The CPSC has identified accredited labs for total lead or phthalate content testing, and they can be found at the following website: http://www.cpsc.gov/cgi-bin/labsearch/.

Current Lead Content Limit for Children’s Products

The current limit is 100 parts per million by weight (ppmw) total lead content.
Current Phthalate Content Limit for Children’s Toys and Child Care Articles

There are six phthalates that fall under the new regulation with the first three permanently banned and the second three banned for children’s toys that can be placed in a child’s mouth or child care articles until CPSC can study their health effects.

- 0.1% di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl buty phthalate (BBP)
- 0.1% diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP)

Exemptions from the Testing and Certification Requirements for Lead

There are two exemptions established, one for components and one for the finished product.

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

* Adhesives that are sealed by a covering or encased and do not become physically exposed through reasonably foreseeable use and abuse of the product may be considered inaccessible.

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.

**Exemptions from the Testing and Certification Requirements for Phthalates**

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)

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](http://www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf).

**Component and Product Testing**

If a printed product must be tested, the options are to test the product as a whole or test each component. If the testing of components option is selected, testing performed by the component supplier can be used 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 the regulation s 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.

**Tracking Label Requirements**

Effective Dates of the Requirements

February 10, 2009 — On and after this date printers will not be able to legally manufacture or distribute children’s products and/or toys unless they comply with new lead and phthalate content limits established by the CPSIA.

August 14, 2009 — On and after this date printers manufacturing children’s product must place permanent, distinguishable marks (tracking labels) on the product and its packaging.

February 10, 2011 — On and after this date all children’s products manufactured must be accompanied with a formal Compliance Certificate issued by the printer AND required testing and certification requirements take effect.

For More Information

Summaries, updates, and other supporting information regarding the CPSIA can be found on Printing Industries of America’s CPSIA webpage 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.