

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT
Industry Complaints Over Time – From Approval to Escalating Cries for Weaker Standards

Lawmakers as well as consumer and business groups applauded the August 2008 passage of the Consumer Product Safety Improvement Act (CPSIA). Over time however, business groups' grievances escalated from initial complaints related to lack of guidance, to concerns about provisions that simply needed agency regulations, and then into a full-blown demand for large-scale changes in the law. Complicating matters is CPSC Acting Chair Nancy Nord, whose actions and omissions have undermined the law's implementation, prompting several members of Congress to write her letters expressing concern or even reproaching her conduct. Below are the industry arguments as they developed over time and responses that show how the CPSC can reasonably address each complaint under the current law.

Time Period	Action	Response
August 2008	CPSIA passed after year-long negotiations and discussions involving all stakeholders, including industry groups.	Consumer and business groups laud passage of CPSIA.
September 2008	<u>New Issue Raised:</u> Industry seeks to sell unsafe products in inventory before February 10, 2009 deadline.	Member of Congress chides CPSC for implicitly endorsing the industry flooding market with unsafe products.
November 2008	<u>New Issue Raised:</u> Industry attempts to sell unsafe and illegal children's products containing phthalates after February 10, 2009.	Plain language of the CPSIA states that phthalates are not permitted to be sold after February 10, 2009.
December 2008	<u>New Issue Raised:</u> National Association of Manufacturers (NAM) criticizes the CPSC for lack of implementation guidance.	Lack of CPSC assistance leads members of Congress to send numerous messages to the CPSC asking for immediate regulatory guidance as contemplated and permitted by CPSIA.
December 2008 - January 2009	<u>New Issue Raised:</u> Small manufacturers' concern grows about compliance process – especially for lead testing and certification and ask for relief on lead testing and certification	CPSC delays enforcement of lead testing and certification requirements until 2010. CPSC publishes guidance for small business.
January 2009	<u>New Issue Raised:</u> Resellers, such as thrift stores, concerned they will lose business.	CPSC clarified that resellers are not required to test and certify for lead under the CPSIA.
	<u>New issue Raised:</u> Handmade toy and apparel makers question whether they must test for lead in their products.	CPSC finally begins rulemaking and guidance to set forth exclusions for natural materials and clarify testing and certification requirements.
	<u>New Issue Raised:</u> NAM files petition with CPSC asking for a delay for compliance with the lead requirements for accessible parts and components.	The lead requirements applied on February 10, 2009 - granting businesses six months to work on compliance after date of enactment. Under the new law, the CPSC is authorized to issue reasonable regulations, <i>including</i> those addressing accessible parts and components.
February-March 2009	<u>New Issue Raised:</u> Book publishers, libraries and ATV manufacturers also raise concerns about compliance with lead limits.	CPSC issues lead enforcement policy containing guidance on its future expected actions and exemptions for materials and certain products such as books, apparel and natural materials.
	<u>New Issue Raised:</u> February 10, 2009 compliance deadline for phthalate-free products "surprises" industry.	As a federal court ruled, the plain language of the CPSIA prohibits the sale of children's products containing the toxic plasticizer phthalates after Feb. 10, 2009; CPSC issues guidance on phthalates testing and compliance; CPSC issues interim rule for exemptions of certain products from phthalates testing, and it delays enforcement of phthalates requirements until Feb. 2010.