

Legislative Update on Consumer Product Safety Improvement Act of 2008

What: New import requirements for consumer goods will take effect **November 12** as a result of the **Consumer Product Safety Improvement Act of 2008**, which became law August. 14. Beginning on that date manufacturers and importers must certify in writing that products being imported for warehousing and/or consumption conform with the rules, bans, regulations or standards administered by the Consumer Product Safety Commission.

This requirement applies to nearly all categories of consumer goods, including **fabrics, wearing apparel**, toys, jewelry, sporting goods, refrigerators, furniture, hazardous materials, all-terrain vehicles - even pharmaceuticals subject to child-resistant cap standards.

The **new certificates** of conformity:

Must be based on a "reasonable" testing program;
Must be issued jointly or separately by two and sometimes three participants in the supply chain (i.e., manufacturer, importer and any private labeler, as appropriate);
Must accompany the product or the shipment of the product; and
Thereafter must be furnished to each distributor or retailer of the product.

A separate certificate (or certificates) is required for each product in a container. **If no certificate is issued, or if a false certificate is found to be on hand, the shipment may be refused admission and destroyed.**

Certificates of conformity must include the full contact information of the manufacturer and importer, as well as the person maintaining records of the test results upon which the certification is based; must reference the specific standard to which the product is subject; and must indicate the place and date of manufacture.

Effective Date of Certificate Requirement: CPSC officials have indicated that the certificate of conformity requirement applies to imported goods manufactured or produced on or after Nov. 12. However, no advice has yet been provided as to how the CPSC or U.S. Customs and Border Protection will determine the manufacture or production dates of importations arriving after Nov. 12.

Other New Statutory Requirements: In addition to the certificate of conformity requirement, the CPSIA :requires manufacturer and importer certification of third-party testing by an accredited laboratory of all children's products, beginning by the end of 2008; lowers permissible levels of lead content in children's products and paint; mandates a reduction in the amount of certain phthalates in children's products; requires permanent tracking labels on children's products; increases civil penalties for violations of consumer product safety laws; and provides for potential criminal liability for such violations for corporate officers.

Additionally,

The Consumer Product Safety Commission (CPSC) is considering the use of electronic certificates to meet the certificate of conformity requirement under the Consumer Product Safety Improvement Act of 2008.

The CPSC states that at recent public meetings on this new law concerns were raised about the difficulty of providing paper certificates to accompany shipping containers and products inside as well as furnishing paper certificates to each distributor or retailer. Concerns were also raised about multiple certifications for the same product.

As a result, the CPSC is seeking the following information **by Oct. 29.**

- specific recommendations for how certificates of conformity can be made available to the CPSC for inspection, electronically or otherwise, taking into account the timing and cost of any such proposal
- specific recommendations for how certificates of conformity, whether electronic or paper, can accompany shipments of products such that they can be (a) available for immediate inspection for compliance and enforcement and (b) tied to specific shipments of products
- specific recommendations for how certificates of conformity should be furnished to distributors or retailers, electronically or otherwise
- specific comments or concerns regarding the provision of either a paper or electronic certificate accompanying products

THA Action Steps to Date:

Please note that THA conducted a webinar on this topic in August 2008 and a copy of the presentation is available on the member section of THA's website, www.hosieryassociation.com

THA has joined the NAM CPSC Coalition in an effort to educate members on what and how they can comply with this new regulation.

It has also been recommended that members contact their nearest regional CPSC office (listed below) for further information.

Eastern Regional Center
Consumer Product Safety Commission
201 Varick Street, Room 903
New York, NY 10014
(212) 620-4120

Western Regional Center
Consumer Product Safety Commission
1301 Clay Street, Suite 610-N
Oakland, CA 94612
(510) 637-4050

Central Regional Center
Consumer Product Safety Commission
230 South Dearborn Street, Room 2944
Chicago, IL 60604
(312) 353-8260