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CPSC UPDATE

July 14, 2011

LEAD CONTENT LIMIT FOR CHILDREN'S PRODUCTS TO BE REDUCED TO 100 PPM AS OF AUGUST 14TH, 2011

Pursuant to a Consumer Product Safety Commission ("CPSC") vote on July 13, 2011, a Federal Register notice will soon be published announcing that children's products will be required to meet a reduced lead limit of 100 parts per million ("ppm") as of August 14th, 2011. This limit applies to the lead content of the substrate material in a children's product (the lead content of paint and similar surface coatings is governed by a different standard).

Therefore, as of August 14, 2011, all children's products sold, offered for sale, manufactured for sale, distributed in commerce, or imported for sale in the United States must meet the 100 ppm lead content limit unless otherwise excluded¹. Significantly, this limit will apply retroactively to goods currently in inventory. The term "children's product" means a consumer product designed or intended primarily for children 12 years of age or younger.

The Consumer Product Safety Improvement Act of 2008 ("CPSIA") initially reduced the amount of lead that could be contained in children's products to 300 ppm on August 14, 2009. That legislation further required reduction of the lead limit to 100 ppm as of August 14, 2011 unless the Commission determines that it is not technologically feasible to have this lower limit. As outlined in the notice to be published, the CPSC evaluated the technological feasibility of meeting the reduced limit with regard to various materials and concluded that no such determination could be made.

¹ The lead content limit does not apply to inaccessible component parts, *i.e.*, components which are not physically exposed and do not become exposed through reasonable foreseeable use and abuse of the product. In addition, the CPSC has determined that certain materials do not exceed the lead content limits (*e.g.*, certain printing inks, paper, textiles, etc.).