

GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP
COUNSELORS AT LAW

399 Park Avenue
25th Floor
New York, New York 10022-4877
(212) 557-4000
Fax: (212) 557-4415

CPSC UPDATE

February 9, 2010

By: David J. Evan (devan@gdlsk.com)

REMINDER: CPSC Extended Stay of Enforcement for Certain Standards

On December 17, 2009, the Consumer Product Safety Commission (“CPSC”) voted to extend the stay of enforcement on testing and certification for many standards. These requirements were originally scheduled to take effect tomorrow, February 10, 2010. Some of the more significant standards are noted below:

- **Flammability Requirements for Adult Wearing Apparel** - certification requirements have been stayed until further notice.
- **Total Lead Content in Children’s Products** - testing and certification requirements will not take effect until **February 10, 2011**. This pertains to lead content in the substrate of children’s products (it does **not** affect the restrictions on lead paint in children’s products).
- Testing and certification is stayed until 90 days after lab accreditation requirements are published with regard to the following children’s product standards:
 - Carpets and rugs, vinyl plastic film, children’s wearing apparel flammability, children’s sleepwear flammability, caps and toy guns, phthalates, ASTM F963 (the toy standard), clacker balls, baby walkers, bath seats, electronically operated toys, durable infant products, ATVs and mattresses.

Please note that the stay only applies to testing and certification. Products must still comply with all applicable standards.

Certification based on testing by an accredited 3rd party lab continues to be a requirement for children’s products subject to the following standards: lead paint, small parts, metal jewelry and cribs and pacifiers. In addition, as of 2/10/10, testing and certification will be required for children’s bike helmets, bunk beds, infant rattles and dive sticks.

Please feel free to contact this office with any questions.