

Key Points

2008 Consumer Product Safety Improvement Act (Effective Feb. 10, 2009)

Protecting Children (up to 12 years of age)

Lead: Substantially lowers allowable lead limits in all products.

Phthalates: Bans three types of phthalates in toys and selected items, such as teething rings. Interim ban on three other types.

Testing: Requires third-party safety certification of children's products. Upon Consumer Product Safety Commission (CPSC) approval, proprietary labs (those owned or operated exclusively for a given manufacturer, will be allowed to test products if they provide equal or greater consumer protection than the manufacturer's use of a third party lab.

Safety standards: Current voluntary toy safety standards developed by American Society for Testing and Materials (ASTM) International, an independent standard-setting organization, will become mandatory and toys must be certified to these standards.

Enhancing recall actions

Labeling: Requires manufacturers to label children's products with tracking information to help consumers and retailers identify recalled products.

Recalled products: Makes it unlawful for retailers to sell a recalled product.

Subcontractors: Requires companies to identify their subcontractors in the supply chain.

Increasing resources and effectiveness

Funding: Approves seven years of funding for the CPSC, starting at \$88.5 million in 2009 and increasing at a rate of 10 percent per year through 2015. For 2009 and 2010, an additional \$40 million would be authorized to upgrade CPSC's laboratories and \$1 million would be authorized to research the safety of nanotechnology in products.

Quorum: Allows a two-member quorum to conduct official business for nine months. The CPSC currently is without a quorum and cannot conduct business that requires Commission action, such as a mandatory recall. The measure also restores the Commission to five members instead of three members to prevent future absences of quorum.

Database: Establishes a public database to include any reports of injuries, illness, death or risk related to consumer products submitted by consumers, local, state or national government agencies, child care providers, physicians, hospitals, coroners, first responders, and the media. The CPSC would be able to expedite the disclosure of industry-provided information in the interest of public health and safety.

Strengthening penalties and enforcement

Civil fines: Increases the cap on civil penalties to \$20 million from \$1.8 million.

Criminal penalties: Increases criminal penalties to five years in jail for violators.

Attorneys General: Allows state Attorneys General to obtain injunctive relief on behalf of its residents to enforce product safety laws.

Whistleblower protections: Provides whistleblower protections for employees of manufacturers who shed light on any problems along the supply chain.