

Since the last update, there has been a burst of activity that has been positive for the printing and publishing industry. The most important one is that the testing and certification stay has been extended for another year. This is critical as it allows us additional time to work on obtaining additional exemptions for laminates, plastic and metal coil, foil, spot colors, adhesives that are accessible, and saddle stitching wire.

Here is a summary of the actions in chronological order:

- On October 29, the CPSC issued a policy statement that provides guidance on how the August 26, 2009 exemption determination (www.cpsc.gov/businfo/frnotices/fr09/leadcontent.pdf) is to be applied. There is one example involving a book made from components that are exempt and not exempt from the testing and certification requirements. The key to this example is that the CPSC is only expecting that the component that is not exempt be tested and a certification issued for the product. The entire product does not have to be tested. This “component testing” approach makes compliance demonstration process much easier as a certificate is only required for the nonexempt components. The Statement of Policy: Testing and Certification of Lead Content in Children's Products can be found at www.cpsc.gov/about/cpsia/leadpolicy.pdf.

This policy statement along with the August 29, 2009 determination are important documents as they can be shared with customers to demonstrate that if a product is made exclusively from exempt materials, then no testing or certification is required. Several members have been able to use these documents to avoid meeting this customer request. If testing is required, then only the component that is not currently exempt would have to be tested.

- On December 10, and 11, 2009, CPSC held a two-day workshop to solicit feedback from regulated industries, testing labs, consumer groups, and other interested parties relating to the sampling, testing, certification, challenges of small manufacturers, reasonable testing program conditions, component testing and material changes, verification of third party lab tests, undue influence on third party labs, and labeling of certain consumer products pursuant to Section 14 of the CPSA. Printing Industries staff was present at the workshop and contributed to the discussions presenting options for the CPSC to consider as they complete the development of a rule that will specify how products and components that are not exempt are to be sampled and tested. More details about the workshop including archives of the sessions can be found at <http://www.cpsc.gov/about/cpsia/cpsiatesting.html>.
- On December 16, 2009, the CPSC responded to Printing Industries' [petition](#) for an extension of the CPSIA's testing and certification requirements for children's books and other printed matter that was set to expire February 10, 2010. The Commission voted to extend the stay for certain products including books and other printed matter for one additional year, until February 10, 2011. The petition was granted because the CPSC realized it has not completed all of the necessary rulemaking to implement the requirements, there is insufficient lab testing capability, and more time is needed to educate the regulated community. The Commission did not extend the stay for all products and their press release containing details about the stay and the products that are can be found at www.cpsc.gov/cpscpub/prrel/prhtml10/10083.html. The stay became official on December 28, 2009 when it was published in the Federal Register. The stay can be found at www.cpsc.gov/businfo/frnotices/fr10/stay.pdf.

The action by the Commission included a very significant change as it applies to third party testing of children's products in inventory. According to the newly revised stay, any third party testing is to be conducted on products manufactured after February 10, 2010.

It does not apply retroactively, which is a dramatic change in the Commission's previous actions. The continuation of the stay is very important provides additional time before testing and certification is required and it contained two important actions that are important to the printing and publishing industry.

Although the Commission will not enforce the independent testing and certification rules until February 10, 2011, the products still must contain lead levels under the current 300-parts-per-million limit set forth by the Act unless a component such as metal coil is painted and then the limit is 90 parts-per-million. In addition, the stay does not include painted parts, which means painted coil used in a children's book or other printed product must be tested and certified.

- On December 16, 2009 The CPSC also voted to approve an updated interim testing policy that allows component part testing, something the industry has been hoping for, rather than testing of the final product. In other words, a printer would be allowed to purchase an already tested and certified spiral binding or toy component to be attached to the book, rather than having to put the entire finished book through a costly testing process. Such testing must be done by a recognized third party laboratory. This policy also confirms that if a product is made with materials that the Commission has concluded would not exceed lead limits and thus are "low lead" products (such as paper, CMYK inks, coatings, animal based glues, etc.) neither have to be tested nor are subject to a certification requirement. All products must still comply with the applicable requirements. The updated interim enforcement policy can be found at <http://www.cpsc.gov/businfo/frnotices/fr10/comppol.pdf>.