



## Will the Consumer Product Safety Improvement Act Affect You?

**Overzealous politicians enacted a poorly written piece of legislation that is causing plenty of confusion and angst for Catholic stores and manufacturers of children products. CMN President Alan Napleton comments on this important new law.**

Passed by overwhelming Congressional majorities and signed into law last summer, this sweeping law governing the manufacture and sale of children's products has profound implications for many Catholic book and gift stores as well as for many Catholic suppliers. During the past several days our office has received numerous calls from both Catholic store owners and manufactures concerning the **Consumer Product Safety Improvement Act (CPSIA)** and how it might affect their businesses. Unfortunately, there is a great deal of confusion and misinformation about this new law. With the rules and regulations of the first phase of the law scheduled to take place in just three weeks it's important that both stores and suppliers know how they might be impacted.

### **First the bad news:**

If you or your company is involved in either the manufacturing or selling of children's items it's likely the new law will affect you. If the law goes into effect under it's present format, your life is probably going to get more complicated over the next few weeks. After last year's scare over contaminated toys made in China, Congress passed this law in August requiring all products (not just toys) aimed at children under age 12 to be certified as safe and virtually lead-free by independent testing at a Consumer Product Safety Commission (CPSC) accredited lab.

Called the Consumer Product Safety Improvement Act (CPSIA) and set to go into effect in 3 stages, the law covers children's toys, bikes, books and even children's clothing. These items will now be subject to new, more stringent rules governing lead and phthalates (used to soften plastic.) The law targets items manufactured for children under age 12 and it applies to every item even if the item was made before February 10, 2009. In short, untested children's products or products that have not passed the testing criteria cannot legally be sold after the February 10th date.

It's no surprise that smaller manufacturers and publishers are loudly complaining that the testing requirements (required for each product) and costing hundreds or even thousands of dollars are both unaffordable and unrealistic. Retailers, especially small independents like Catholic book stores, are equally concerned that they may be stuck with inventory that is suddenly illegal to sell. And it's no comfort to either group that the law carries stiff penalties that includes minimum fines of \$100,000 and possible felony prison time for each violation of the law.

#### **Now some encouraging news:**

In recent weeks, thousands of manufacturers and retailers began to realize the onerous nature of this legislation and have contacted their legislators with their complaints and these are having an effect. Congressional leaders are beginning to see the unintended consequences of this poorly written and hastily passed legislation. They are starting to understand that for stores and manufacturers to comply with all provisions of the act it would place tremendous financial burdens on some of these businesses when many are struggling to survive in a very difficult economic environment.

Recently, many members of Congress, including Rep. Weiner (NY), Rep. Barrett (SC), Sen. Snowe (ME) and Sen. Levin (MI), wrote to the CPSC requesting hearings and directing the CPSC to provide common sense clarifications to small businesses regarding the implementation of the CPSIA.

This past Friday there was another noteworthy development as Reps. Henry Waxman (CA) and three other legislators sent a letter to Nancy Nord, Chairman of the CPSC, endorsing some softening in the law's regulatory interpretation. On the same day they sponsored a closed-door briefing for Capital Hill staffers which was billed as "correcting supposed misreporting and confusion" about the law. Such briefings usually take place when lawmaker's offices are being hit by a flood of inquiries and complaints.

Protecting our children against dangerous components is certainly something we all want, but after researching the law and its implications, it is obvious to me that this is a very flawed piece of legislation and probably an election-year overreaction by Congress. It was written far too broadly; applying equally to multi-million dollar corporations and mom-and-pop operations.

Defenders of the law point out that item-by-item enforcement and visits to the tens of thousands of retail establishments selling children's products is unlikely to be an enforcement priority any time soon for the CPSC's 100 field investigators. But this reasoning provides little solace to stores and manufacturers who want to operate their business in proper compliance of all laws. And it is my understanding that the law grants enforcement authority not only to the CPSC but to the 50 state attorneys general, which greatly widens the possible exposure to enforcement.

#### **What can we do?**

If you haven't already done so, a good starting point would be to become familiar with the law as it is written today. Click **here** to go to the CPSC website to read the full text of the new law and view additional information. There is plenty of information available and you might want to review a couple of recent articles by credible sources that discuss and analyze the possible ramifications of CPSIA. Click the name of each publication to access two good articles; one from the [\*Wall Street Journal\*](#) and the other from [\*Forbes Magazine\*](#).

There is also an important effort taking place to delay the implementation of CPSIA from February 10 until August 2009 and in this regard a letter from Congressmen Joe Barton and George Radanovich, both members of the Committee on Energy and Commerce to the Committees' Chairperson, Henry Waxman was sent yesterday urging this delay. To read the letter, click **here**.

It is the opinion of the CMN that the best course of immediate action would be to add our voice to the growing number of individuals and entities who are urging Congress to delay and rethink this law. To do so you should contact the offices of both Congressman Waxman and your particular state representatives letting them know your concerns over the implementation of CPSIA and urging a delay in its implementation. We need to let them know that there is a real need for clear answers and clarification concerning the provisions and impact of this law and it seems prudent that a delay in its implementation is a reasonable request that would allow time for this to take place. You can access a list of your state senators and congressman along with their contact information by clicking [here](#).

The CMN values your input and suggestions. Please take the following brief survey regarding the impact of the CPSIA:

## **[Take The Survey](#)**

Thank you for participating in our brief survey. Your feedback is important and appreciated. If you would like to post questions or concerns on the CMN Forum, please click [here](#). If you need log in assistance, call CMN at 800-506-6333 or send an [email](#).

Sincerely,  
Alan Napleton  
President  
Catholic Marketing Network

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