



Consumer Product Safety Improvement Act of 2008 (CPSIA)

June 2009

CPSIA

In August 2008, Congress passed legislation titled "The Consumer Product Safety Improvement Act of 2008" (CPSIA). This legislation seeks to decrease the levels of lead and phthalates in products intended for children under the age of 12 and is enforced by the Consumer Product Safety Commission (CPSC).

Under the CPSC General Counsel's interpretation of the CPSIA, books are subject to the same testing standards as children's toys. Very few recalls have actually involved books; in fact, the recalls surrounding books have not been necessary because of the books themselves but rather the toys that were attached to the books that were considered potential choking hazards. In spite of this information, standard hardcover and paperback books would be subject to the same testing standards as children's toys under the new legislation.

The law was set to go into effect on February 10, 2009, but in late January 2009, the CPSC issued a one-year stay of implementation for enforcement of the new lead limits in children's products, stating that the commission will not impose penalties against anyone for making, importing, distributing or selling a children's product to the extent that it is made of certain natural materials, such as an ordinary children's book printed after 1985.

The Association of American Publishers (AAP) has tested the components of books and found that the levels of lead in children's books are far below the future legal requirements at the full implementation of the regulations three years from now. However, the advisory opinion from the CPSC says that not only must the testing be done by one of their certified labs, and, unfortunately, this provision is also retroactive, and every book must be tested.

Actions ALA has taken

The ALA Washington Office submitted a comment letter to the CPSC and has not yet received a response. The Washington Office has consulted with an attorney who advised that ALA's comment letter to the Consumer Product Safety Commission offered a statutory interpretation that the Consumer Product Safety Improvement Act does not apply to libraries, even if it applies to books.

Additionally, members of Congress have remarked to ALA the same thing – the law was not intended to apply to books. ALA has urged the CPSC to clarify that this interpretation is correct.

The American Library Association is first and foremost interested in ensuring the safety of children and because of that ALA suggests that if a library is aware of a pre-1985 book possibly containing lead at harmful levels or the statutorily prescribed levels, it should remove that book.

H.R. 1692 was introduced by Rep. Fortenberry and states that CPSIA was not intended to apply to ordinary books – those books that are published on paper or cardboard, printed by conventional publishing methods, intended to be read, and lacking inherent play value. H.R. 1692 also states that testing has shown that finished books and their component materials contain total lead content at levels considered non-detectable, and the Center for Disease Control and Prevention (CDC) has determined that there is little risk to children from lead in ordinary books.

Action Needed:

Librarians should contact their representatives and ask for clarification of CPSIA, specifying what was and was not intended to be included. While the ALA fully supports protecting children, the law as it stands has left many questions. Congress should also urge the CPSC to respond to the ALA's comments and give the needed guidance in enough time to come into compliance with the law.