



**A SUMMARY OF THE
CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008
H.R. 4040, September 2, 2008**

Issue	CPSC Improvement Act	Comments
Lead Restrictions	<p>Ban on children’s products containing lead above certain levels:</p> <ul style="list-style-type: none"> • 600 PPM for lead in any part, effective 180 days (February 10, 2009) after enactment. • 300 PPM for lead in any part, effective 1 year (August 14, 2009) after enactment. • 100 PPM for lead in any part, effective 3 years (August 14, 2011) after enactment (unless CPSC determines this standard is not technologically feasible). • If CPSC determines 100ppm is technologically unfeasible, CPSC will establish a new standard lower than 300ppm. • Every 5 years the CPSC must review and revise downward the lead limit based on technology available. <p>CPSC may exclude children’s products if:</p> <ul style="list-style-type: none"> • There is evidence that lead will not be absorbed into the human body through normal use and abuse. • Lead content will not threaten public health and safety. • The component with lead in it is inaccessible. 	<p>Key issues:</p> <p>New requirements for lead in children’s products.</p> <p>Staggered entry into force dates</p> <p>Higher age limit for definition of children’s product means more products included that were never included previously.</p>

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	<p>Inaccessible defined as a component not physically exposed because of a sealed covering or casing. The component further cannot be accessible due to use and abuse such as swallowing, mouthing breaking and aging. Paint, coatings or electroplatings are not considered barriers. Within 1 year of enactment, the CPSC will better define “inaccessible.”</p> <p>Electronics may be treated differently based on CPSC determination.</p> <p>The CPSC Act supersedes ASTM F963 (Standard Consumer Safety Specification for Toy Safety).</p> <p>Technological feasibility defined:</p> <ul style="list-style-type: none"> • Product meets lead limits. • Technology to comply with the limits is available to the manufacturers. • Industrial strategies/devices have been developed so that companies are capable of achieving limits. • Alternative practices would allow manufacturers to achieve limit. <p>Lead in paint restriction (for all products) revised from 600 PPM to 90 PPM to take effect 1 year after enactment (August 14, 2008). This is to be reviewed every 5 years by the CPSC and revised downward based on technology available.</p> <p>Only 2 micrograms of lead allowed in small painted areas (defined as no greater than 10 milligrams or no more than 1 square centimeter of the surface).</p>	

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	<p>Measuring lead in paint 1 year after enactment (August 14, 2008) the CPSC will complete a study to evaluate the effectiveness of current lead measuring technology and create lead in paint testing standards based on findings. This is to be reviewed and revised every 5 years.</p>	
<p>Third Party Certification of Consumer Products</p>	<p>Every manufacturer of a <i>product</i> subject to any CPSC standards must issue a certification stating the CPSC regulations that apply to the product and that the product (based on appropriate tests) complies with all regulations. Effective within 90 days after enactment (November 12, 2008).</p> <p>Third party testing requirement for children’s products:</p> <ul style="list-style-type: none"> • Manufacturers must submit sufficient samples of the children’s product to a third party testing lab to test for compliance. • The manufacturer will issue a certificate (once tested) stating that the children’s product complies with the children’s product safety rule based on the tests performed by the third party testing lab. • The certificate can either be separate for each product safety rule applicable to a product or can be combined with all rules stated. <p>Effective 90 days after CPSC has established and published notice of requirements (depends on the product. See below timeline) for accreditation of “third party conformity assessment bodies.”</p> <p>Timeline for accreditation: The CPSC must publish third party conformity assessment body requirements:</p> <ul style="list-style-type: none"> • Within 30 days (September 13, 2008) for lead paint testing bodies. 	<p>New requirement that applies to ALL consumer products, not just children’s.</p> <p>Apply to voluntary standards as well (i.e., drawstrings)?</p> <p>New requirement that likely means more testing.</p> <p>Does this effectively permit in-house testing?</p> <p>How many products have to be tested?</p> <p>Age based definition apply this new requirement to all products intended for children (defined as aged 12 and under).</p>

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	<ul style="list-style-type: none"> • Within 90 days (November 13, 2008) for small parts testing bodies. • Within 120 days (January 12, 2009) for children’s metal jewelry testing bodies. • Within 10 months (June 14, 2009) for all other children’s products’ testing bodies. <p>Accreditation can be granted by either the CPSC or an independent accreditation organization designated by the CPSC. Accreditation requirements are to be periodically reviewed and revised by the CPSC. The CPSC must maintain a list of accredited third party testing entities. IF an insufficient number of third party testing labs have been accredited by the dates above, the CPSC can extend by 60 days. Within 10 months (June 14, 2009), the CPSC must establish auditing procedures.</p> <p>Withdrawal of Accreditation:</p> <ul style="list-style-type: none"> • A body has exerted undue influence on the testing body or compromised the integrity of the testing process. • The testing body has failed to comply with applicable protocols or standards established by the CPSC. • The testing body fails to cooperate with the CPSC in an investigation into the above two situations. <p>Third party conformity assessment body defined as not owned, managed or controlled by the manufacturer or private labeler of a product being tested by the conformity assessment body.</p> <p>Government participation: a third party conformity assessment body</p>	

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	<p>may be owned or controlled in whole or part by a government if:</p> <ul style="list-style-type: none"> • Companies are allowed to choose other non-government conformity assessment bodies. • The entity’s testing results are not subject to undue influence • The entity is not given more favorable treatment than other non-government bodies. • The test results are treated no differently from other non-governmental bodies. • The entity doesn’t exercise undue influence on other governmental authorities. <p>The CPSC may certify a testing body connected with the manufacturer if:</p> <ul style="list-style-type: none"> • The testing facility would provide equal or greater consumer safety. • The facility is protected from undue influence from the manufacturer. • There are established procedures for the facility to confidentially report allegations of wrong doing by the manufacturer. <p>Certificates must:</p> <ul style="list-style-type: none"> • Identify issue and third party testing body (names, mailing addresses, telephone numbers, and contact information for person responsible). • Date and place of manufacture. • Date and place where product was tested. • Be in English. • Be electronically filed if the CPSC wishes up to 24 hours before arrival of an imported product. 	

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Tracking Labels for Children's Products	<p>Permanent labels on products and packaging must be put on children's products so the purchaser and the manufacturer can ascertain the location, date and cohort (batch, run number, others) of production of the product. Effective 1 year (August 14, 2008) after date of enactment.</p> <p>If an advertisement, label or package references a CPSC standard, there must also be a statement confirming the product meets the standard.</p>	<p>New requirement</p> <p>Age based definition apply this new requirement to all products intended for children (defined as aged 12 and under).</p>
Labeling Requirement for Advertising Toys and Games	<p>Any advertisement by a company (internet, catalogues etc) that provides a direct means to purchase a product that requires a cautionary statement must include the cautionary statement displayed on or immediately adjacent to the advertisement.</p> <p>The manufacturer, distributor, importer or private labeler is required to inform the retailer of any cautionary statement requirement to the retailer. The retailer is likewise required to ask if a cautionary statement is required.</p> <p>The statement must be displayed in the primary language used in the advertisement and conspicuously.</p> <p>Effective 120 days (January 12, 2008) after date of enactment.</p>	
Mandatory Toy Safety Standards	<p>ASTM International Standard F963-07 Consumer Safety Specifications for Toy Safety will be taken up by the CPSC as mandatory standards.</p> <p>1 year after enactment (August 14, 2008) the CPSC will examine the</p>	

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	<p>effectiveness of the standards and promulgate rules as necessary.</p> <p>Exemption of state law from preemption: the CPSC may grant the State or political subdivision standard or regulation exemption if the standard provides a significantly higher degree of protection to the consumer and does not unduly burden interstate commerce.</p>	
<p>Study of Preventable Injuries and Deaths in Minority Children Related to Consumer Products</p>	<p>The study will assess the disparities in risks and incidence among Black, Hispanic, American Indian, Alaskan native, Native Hawaiian, and Asian/Pacific Islander children in the U.S. (to be initiated 90 days – November 12, 2008 – after enactment).</p> <p>The report (due 1 year – August 14, 2008 – after enactment of the Act) will include:</p> <ul style="list-style-type: none"> • Findings. • Recommendations for public outreach and awareness. • Recommendation for education initiatives. 	
<p>Prohibition on Sale of Certain Products Containing Specified Phthalates</p>	<p>Children’s toys or child care articles that contain concentrations of more than 0.1 percent of DEHP, DBP or BBP are banned. Effective 180 days (February 10, 2009) after enactment.</p> <p>Children’s toys that can be placed in a child’s mouth or a childcare article that contains concentrations of more than 0.1 percent of DINP, DIDP or DnOP are banned for an interim period (pending an investigation by the chronic hazard advisory panel) beginning 180 days (February 10, 2009) after the date of enactment and until a final rule is promulgated by the CPSC.</p>	<p>New requirement</p> <p>Note: similar to California state and European rules that do not address clothing (except that which may be considered a toy or used to facilitate sleep). However, Washington State legislation banning phthalates includes clothing and takes effect on 7/1/09.</p>

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	<p>The CPSC will begin a Chronic Hazard Advisory Panel to study the effects on children’s health of all phthalates and phthalate alternatives. To be <i>set up not earlier than 180 days (February 10, 2009) after enactment</i>. The panel shall, <i>within 18 months of creation</i>, conduct an examination of the health effects of all phthalates that are used in children’s products. A report is due <i>180 days after completing the study</i> and the CPSC must promulgate a final rule (<i>within 180 days</i>) to determine whether to continue or discontinue the current phthalate prohibition on DINP, DIDP and DnOP and evaluate if other phthalates need to be regulated.</p> <p>Preemption: the phthalate ban in the CPSC Act does not preempt or affect any State requirements with respect to phthalate alternatives not specifically regulated in the act.</p> <p>Definitions:</p> <ul style="list-style-type: none"> • Phthalate alternative – common substitute to a phthalate, alternative plasticizer • Children’s toy – ”a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays” • Child care article – facilitate sleep or feeding of children 3 and younger • Toy that can be placed in a child’s mouth – any part of a toy that can actually be put in a child’s mouth so that it can be sucked and chewed. If a product can only be licked, it is not regarded as able to be placed in the mouth. If a toy or part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth. 	<p>Preemption section appears to leave in place portions of California’s recently enacted legislation (AB1108) that governs phthalate alternatives.</p>

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CPSC Commission Reform	<p>Commission authorization of appropriations:</p> <ul style="list-style-type: none"> • \$118,200,000 in 2010. • \$115,640,000 in 2011. • \$123,994,000 in 2012. • \$131,783,000 in 2013. • \$136,409,000 in 2014. <p>There will be a travel budget made available as well.</p> <p>CPSC must report to congress the following within 6 months of enactment of the Act:</p> <ul style="list-style-type: none"> • Number of full time inspectors the CPSC intends to employ. • Efforts to develop training standards for employees. • Efforts to encourage publishing opportunities. • Efforts of the Commission to educate informal sellers. 	<p>Note: This is an authorization. CPSC does not actually receive extra funding unless it is provided in an annual appropriations bill as well.</p>
Full Commission Requirement; Interim Quorum; Personnel	<p>2 members of the CPSC not affiliated with the same political party constitute a quorum for the 1 year period beginning on enactment.</p> <p>Personnel must be increased by at least 500 by October 1, 2013. Of those hired, some will be assigned to duty stations at U.S. ports of entry or to inspect overseas manufacturing facilities.</p>	<p>Note: Immediately permits resumption of key CPSC functions upon enactment since current commissioners are different political parties.</p>
Rulemaking	<p>Federal Hazardous Substances Act rulemaking is amended to allow the CPSC resolve uncertainty in the Act’s application or to declare a substance hazardous.</p> <p>Any rulemaking authority under the Flammable Fabrics Act or Federal Hazardous Substances Act is taken from the Department of Commerce</p>	<p>Provides greater authority for the CPSC to regulate safety standards.</p>

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	and Department of Health, Education and Welfare and given to the Commission.	
Prohibition of Industry-Sponsored Travel	No Commissioner or employee of the Commission may accept anything of value, including transportation with respect to attendance by a Commissioner or employee at any meeting or similar function relating to CPSC duties from an interested person.	
Sharing Information with Federal, State, local and foreign agencies	<p>The Commission may make information available to any Federal, State, local or foreign government agency so long as a written certification asserts such material will be kept confident.</p> <p>Information shared can be used for law enforcement or consumer protection purposes if:</p> <ul style="list-style-type: none"> • There is a legal basis to keep the material in confidence. • The materials are used to investigate violations of laws pertaining to manufacturing and distribution. <p>The Commission may share information with foreign governments if a criminal mutual legal assistance treaty exists between the U.S. government and the foreign government.</p> <p>The Commission is not required to disclose:</p> <ul style="list-style-type: none"> • Information gained from a foreign government agency where the agency requested confidence. • Material regarding a consumer complaint obtained from any other foreign source where the foreign source requested confidentiality in supplying the information. • Information reflecting a consumer complaint reported to a 	Possible release of business confidential or inaccurate information.

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	<p>Commission reporting mechanism sponsored by foreign government agencies.</p> <p>Any agreement of understanding may be broken if the Commission determines the respective party has failed to maintain the subject information in confidence or has used the material for purposes not stated in the agreement.</p> <p>The Commission is not authorized to withhold information from Congress. The Commission is also to comply with any U.S. court order.</p> <p>The CPSC must notify each State's health department of any voluntary corrective action taken by a manufacturer in consultation with the CPSC.</p>	
<p>Annual Reporting Requirement</p>	<p>The CPSC will release a number and summary of recalls during the year and the voluntary corrective actions taken by the manufacturers. A progress report, statistics and communication to consumers will all be included in the report.</p>	
<p>Public Disclosure of Information and Establishment of a Public Consumer Product Safety Database</p>	<p>Unless public health and safety are threatened, the Commission has 15 (down from 30) days to notify the manufacturer of the information to be disclosed.</p> <p>If the Commission decides that the public health and safety require an expedited disclosure of information, the Commission may file a request with the District Court for expedited consideration. The District Court must give precedence to the matter and must grant/deny request injunction within 30 days of the CPSC's request.</p>	<p>Previous requirement was 30 days.</p> <p>Possible release of business confidential or inaccurate information.</p>

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	<p data-bbox="537 284 1428 422">Not later than 1 year (August 14, 2009) from enactment of the CPSC Modernization Act, the Commission must submit plans to Congress a plan to establish a publicly available, searchable and accessible database.</p> <p data-bbox="537 467 1360 495">The database must be available within 18 months of submission.</p> <p data-bbox="537 540 911 568">The database must include:</p> <ul data-bbox="585 581 1423 760" style="list-style-type: none"> • Reports of harm relating to the use of a product received from consumers, government agencies, health care professionals, child service providers and public safety entities. • Any voluntary corrective action taken by the manufacturer. • Comments. <p data-bbox="537 805 1451 870">The CPSC must establish electronic, telephonic and paper-based means of submitting information to the database.</p> <p data-bbox="537 915 1171 943">Reports submitted by the consumer must include:</p> <ul data-bbox="585 956 1276 1179" style="list-style-type: none"> • A description of the product. • Identification of the manufacturer. • Description of the harm. • Contact information. • Verification that information submitted is truthful. • Any additional information of public interest. <p data-bbox="537 1224 1451 1325">The CPSC must provide a clear and conspicuous notice to users that information on the database is not guaranteed accurate, complete or adequate.</p>	

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	<p>The CPSC must transmit any report received to a manufacturer within 5 business days and provide the manufacturer an opportunity to comment and request the CPSC include its comments in the database.</p> <p>All reports on the database must be made available within 10 days of receiving information.</p> <p>The Commission may not disclose the names or addresses of consumers.</p> <p>Any inaccurate information must be either not added to the database, corrected on the database or remove the information from the database within 7 days of determining that information is inaccurate.</p> <p>The CPSC will submit an annual report on the database including the operation, functionality, number of comments and reports received/posted/corrected and an analysis of the effectiveness of the database.</p>	
<p>Enhanced Recall Authority and Corrective Action Plans</p>	<p>The CPSC has the authority to cease distribution of a hazardous product and to notify people who handle the product (transportation, storage etc) to immediately cease distribution and to notify State and local public health officials.</p> <p>Any internet website where the product is advertised or sold must have a clear and conspicuous notice on it alerting consumers of the recall. Radio and television advertisements may be necessary if a substantial number of consumers may not be reached by the above remedies.</p>	<p>Significantly modified recall procedures and ability of CPSC to direct voluntary recalls.</p>

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	<p>The Commission may amend ineffective action plans or require the amendment of said plan.</p> <p>If the Commission finds, after notice and opportunity for comment, that the manufacturer, retailer or distributor ineffectively carried out the action plan, the Commission may revoke its approval. The manufacturer must then stop further distribution of the applicable product.</p> <p>Not later than 180 days after enactment (February 10, 2009), the CPSC must establish guidelines for information to be included in recall notices. The information must include:</p> <ul style="list-style-type: none"> • A description of the action being taken. • A description of the product including model number, name and photograph. • Number of units of the product. • Description of product hazard. • Identification of the manufacturers and significant retailers. • Dates product manufactured and sold. • Number and description of injuries and deaths associated with the product. • Description of a remedy available to the consumer and how to obtain it. 	
<p>Inspection of Firewalled Conformity Assessment Bodies; Identification of</p>	<p>If requested by the CPSC, every importer, retailer or a distributor of a product must identify the name/address of the manufacturer and every manufacturer must identify by name and address every retailer or distributor where the product is supplied to as well as any</p>	<p>New requirement applies to all products.</p>

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Supply Chain	subcontractors involved.	
Prohibited Acts	<p>A party cannot sell, manufacture, distribute in commerce, export or import any product that:</p> <ul style="list-style-type: none"> • Violates the CPSC Act. • Subject to voluntary standards made public. • Designated a banned hazardous substance under the Federal Hazardous Substances Act. <p>It is prohibited to sell/distribute/import any product bearing a false certification of compliance with a safety standard.</p> <p>Misrepresentation to the Commission is subject to penalties.</p> <p>Undue influence on the third party laboratories will also be enforced by the Commission.</p> <p>The Commission may prohibit a party from exporting any regulated (by the CPSC, the importing country or voluntary standards made public) consumer product.</p>	New requirement applies to all products.
Penalties	<p>Civil penalties are increased to \$100,000 (up from \$5,000) for each violation with a maximum of \$15,000,000 in cumulative violations (up from \$1,250,000). Effective 1 year (August 14, 2009) after enactment.</p> <p>The CPSC will consider the following when determining penalties:</p> <ul style="list-style-type: none"> • Products distributed. • Nature, circumstances, extent and gravity of the violation. • Undue adverse economic impacts on small businesses. 	

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	<p>The CPSC will issue a final regulation within 1 year (August 14, 2009) of enactment of the CPSC Act interpreting how penalties will be determined.</p> <p>Criminal penalties may include:</p> <ul style="list-style-type: none"> • Imprisonment for up to 5 years for a knowing and willful violation. • Fines. <p>Any criminal penalties may include forfeiture of assets associated with the violation.</p> <p>Criminal violation is a violation of this act or any other enforced by the Commission where the violator faces prison time, a fine or both.</p>	
<p>Enforcement by the State Attorneys General</p>	<p>The attorney general of a State may bring an action on behalf of its residents.</p> <p>The State will serve notice to the Commission at least 30 days before civil action.</p> <p>The State may initiate a civil action by filing a complaint immediately after notifying the CPSC that immediate action is necessary to protect residents of the State from a substantial product hazard.</p> <p>The Commission may intervene in the civil action.</p> <p>Private counsel hired by the state shall not share facts with participants in other private civil actions that arise out of the same situation that is</p>	<p>Provides for enforcement actions at state level.</p>

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	subject to attorney-client privilege or was obtained during discovery.	
Whistleblower Protection	<p>An employee may not be discriminated against by the company if the individual:</p> <ul style="list-style-type: none"> • Provides information to the government, attorney general or employer regarding a violation of CPSC regulations. • Testifies regarding CPS violations. • Assists in either of the above. • Does not participate in a task believed to be a violation to CPS standards. <p>Any person who feels has been discriminated against may file a complaint with the Secretary of Labor within 180 days of the alleged violation. The Secretary of Labor must then notify the person named in the complaint. An investigation will occur within 60 days.</p> <p>After preliminary findings, either party involved may file objections within 30 days after the investigation and request a hearing. This does not stay any reinstatement remedy reported in the preliminary finding. If no report is filed, the preliminary order becomes the final order not subject to judicial review.</p> <p>The Secretary will dismiss any complaints filed and not conduct an investigation unless the complainant can show that any discrimination was a result of any of the four factors listed above or if the employer can show that in absence of those four factors, the employer would have taken the same unfavorable action.</p> <p>The Secretary must issue a final order within 120 days after the date of</p>	Possible incentive to report false claims.

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	<p>the conclusion of any hearing.</p> <p>If the Secretary finds a violation has occurred, the person who committed the violation must:</p> <ul style="list-style-type: none"> • Take action to rectify the violation. • Re-employ the complainant with compensation (including back pay). • Provide compensatory damages to the complainant. <p>If the Secretary finds a violation, the Secretary must assess a sum equal to the aggregate amount of all costs and expenses incurred by the complainant to issue to the complainant.</p> <p>If no violation is found, the Secretary may pay for employer’s attorney’s fee (<\$1,000).</p> <p>If the Secretary has not issued a final decision within 210 days of filing the complaint or within 90 days after receiving a written determination, the complainant can bring the case to a district court where the trial will be heard by a jury at the request of either party. The same burdens of proof the same injunctive relief and compensatory damages exist as specified above.</p> <p>A petition for review in the U.S. Court of Appeals is due within 60 days after the Secretary has issued a final order.</p> <p>If either party doesn’t follow the Secretary’s final order, the other party may initiate a civil suit.</p>	

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Export of Recalled and Non-conforming Products	<p>The CPSC can prohibit a person from exporting from the U.S. any consumer product that doesn't conform with a consumer product safety standard under the CPSC Act unless the importing country okays the product within 30 days after the CPSC has notified the country of the impending shipment.</p> <p>The CPSC may prohibit a person from exporting from the U.S. any fabric or related material that doesn't conform with a consumer product safety standard under the CPSC Act unless the importing country okays the product within 30 days after the CPSC has notified the country of the impending shipment.</p>	
Import Safety Management and Interagency Cooperation	<p>Within 2 years of enactment (August 14, 2010) the CPSC will create a risk assessment methodology for identification of shipments that are intended for import into the U.S. and are likely to include products that violate safety standards.</p> <p>The developed methodology will require an international trade database system that:</p> <ul style="list-style-type: none"> • Assesses and evaluates information about shipments intended to be imported into the U.S. • Has risk assessment technology incorporated. • Examines how to share information to better identify shipments with violating products. <p>Within 1 year of enactment (August 14, 2009), the CPSC will develop a plan for sharing information with U.S. CBP that considers:</p> <ul style="list-style-type: none"> • The number of CPSC employees stationed at U.S. ports. • The extent and nature of cooperation between the CPSC and 	

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	<p>CBP.</p> <ul style="list-style-type: none"> • The number of CPSC employees stationed at the National Targeting Center of CBP and their role at the NTC of CBP. • The development of rule sets for the Automated Targeting System. <p>Risk assessment methodology is to be reported to congress within 180 days of completion. Report can indicated that the CPSC needs additional authority under the CPSC Act in order to implement the methodology.</p>	
<p>Substantial Product Hazard List and Destruction of Noncompliant Imported Products</p>	<p>The CPSC can specify a consumer product or class of consumer products as a substantial product hazard if the characteristics are readily observable and have been addressed by voluntary standards and the standards have been effective in reducing risks of injury.</p> <p>Any person affected by the rule can apply within 60 days (October 13, 2008) to petition for review.</p> <p>Products refused admission into the U.S. will be destroyed unless the Secretary of the Treasurer allows the export of the product in lieu of destruction within 90 days of approval of export.</p>	
<p>Financial Responsibility</p>	<p>The CPSC and CBP will identify any products regulated by the Act for which the cost of destruction would normally exceed bond amounts determined by the Tariff Act of 1930 and recommend sufficient bond amounts.</p> <p>The Comptroller General will conduct a study to determine the feasibility of requiring the posting of an escrow, proof of insurance or</p>	

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	security sufficient to cover the cost of destruction or a recall of a product. A report on the study is due 180 days (February 10, 2009) after enactment of the Act.	
Preemption	<p>The CPSC can not expand its authority in such a way that the CPSC's action preempts, limits or affects any other Federal, State or local law regarding damage claims or warning requirements.</p> <p>Within the Act there are 3 exemptions from preemption:</p> <ul style="list-style-type: none"> • Phthalates • Mandatory Toy Safety Standards • Warning Requirements: State warning requirements that have been in effect since August 31, 2003 	The primary issue with respect to preemption of state laws will be whether the same hazard is addressed by the federal standards. If the state standards are more stringent than the federal standards, the state must obtain an exemption from preemption from the CPSC.
Study on the Use of Formaldehyde in Manufacturing of Textile and Apparel Articles	2 years after enactment (August 14, 2010) of the Act the Comptroller General and the CPSC will conduct a study on the use of formaldehyde in the use of textile and apparel articles to identify any risks to consumers.	
Technical and Conforming Changes	<p>Children's product: designed for children 12 years of age or younger determined by</p> <ul style="list-style-type: none"> • A statement by the manufacturer about the intended use of such product. • Product representation. • How consumers perceive/recognize the product. • Age Determination Guidelines issued by the CPSC. 	
Expedited Judicial	Within 60 days of the creation of a CPSC rule or standard, a person	

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Review	adversely affected by the standard may file a petition with the U.S. Court of Appeals for judicial review.	
Effective Dates and Severability	<p>Unless otherwise stated, the amendments in this Act shall take effect on the date of enactment – August 14, 2008.</p> <p>If any provision of the Act or application of the Act is deemed invalid, the remainder of the Act will not be affected.</p>	

Key:

- 0 – 30 days = red
- 60 days = rust
- 90 days = orange
- 120 days = purple
- 180 days = light blue
- 10 months = green
- 1 year = light green
- 1 + years = pink

Last Update: September 2, 2008