

CPSIA 9/21/09 Printing Industries of America update:

The information below is taken from the Printing Industries of America Special CPSIA Update 9/21/09. In spite of the fact that the CPSC has made a determination, as outlined below, that some book components are exempt from testing, almost all books will still require final product testing unless the CPSC makes further changes to the regulations. A prime example is a perfect bound book, with a black & white text, and a paper cover printed with four color process inks, and finished with UV-cured coating. From the information below, it might appear that all these components have been approved, and that such a product would be exempt from testing. However, that is not the case, because the CPSC has not yet exempted the hot melt adhesives used for perfect binding, and the CPSC deems that the adhesive is still accessible to a child at the head and foot of the book. PIA, along with the Book Manufacturers' Institute and the Association of American Publishers are continuing to work with the CPSC to try to address these issues. We'll keep you updated as developments occur.

PIA Special Update:

Latest Lead Determination on Component Materials

On August 19, 2009 the CPSC issued the first in what is hoped to be a series of determinations regarding books and other printed matter exemptions from the lead limits. When the CPSC makes a determination, it is declaring that a material does not inherently contain lead or does not contain lead that exceeds the lead content limits. As such any material that is covered by a determination is thus exempt from the lead limits and does not require testing and certification.

In the August 19, 2009 determination, the CPSC addressed some components of books and other printed materials. The components of books that are now exempt include the following:

Paper

Any product printed with four color process inks (CMYK)

Any product coated with varnish, water-based, or UV-cured coatings

Threads used for book binding

Animal-based glues

Adhesives that are not accessible*

Binding materials that are not accessible*

Despite the best efforts of Printing Industries, other trade associations, printer members, and suppliers, the CPSC did not include all of the components of books and other printed matter in this determination. The materials that are NOT covered by the current determination are:

Spot or PMS inks

Saddle stitching wire

Non-animal-based glues that are accessible*

Metal coils both coated and uncoated for coil-bound materials

Plastic coils for coil-bound materials

Foils used in foil stamping

Laminates

If a material not covered by the current determination is used in a children's product, then it must be tested and certified to prove that it does not exceed the lead limit.

Printing industries will continue to work with the CPSC on obtaining additional determinations for the materials not covered under the one issued August 19, 2009. In addition, CPSC will be issuing a guidance document for the printing and publishing industry that will address what the determination means and what will be necessary for the industry to demonstrate compliance for the materials not covered by the initial determination.

* CPSC has ruled that any adhesive that is covered would not be subject to the lead requirements as it would be considered "inaccessible." Inaccessibility has been defined by the CPSC in a separate rule that can be found at <http://www.cpsc.gov/library/foia/foia09/brief/leadinaccessguide.pdf>. The CPSC specifies that a component part is inaccessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product, including swallowing, mouthing, breaking, or other children's activities, and the aging of the product, as determined by the Commission. CPSC has established some tests that are to be used to determine accessibility.

Testing and Certification Requirements for Phthalates

Regarding phthalates, the CPSC has not issued any formal determinations that would exempt products or components from the limits, testing, and certification requirements. However, on August 7, 2009, the CPSC issued a statement of policy regarding the testing of component parts for the presence of the six regulated phthalates. The statement of policy can be found at <http://www.cpsc.gov/about/cpsia/componenttestingpolicy.pdf> and it requires manufacturers to test and certify they are meeting the phthalate limits if they know that one of the six regulated phthalates are being used in their product.