

Public Act 08-122, An Act Amending the Connecticut Child Protection Act, and the 2009 federal Consumer Product Safety Improvement Act affect the way children's items are sold and resold in Connecticut. This fact sheet provides some highlights.

Terms to know

Children's products are items for children under age 12. They are defined as a consumer product including, but not limited to, clothing, accessories, jewelry, decorative objects, candy, food, dietary supplements or other edible or chewable items, toys furniture or other articles used by or intended to be used by children.

Consumer product means any article used primarily for personal, family or household purposes.

Children's products with asbestos are banned for children under 16.

Hazardous substance means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; or poses a mechanical, thermal, or electrical hazard.

Misbranded and/or banned hazardous substance means a hazardous substance, including a toy or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted, intended, or packaged in a form suitable, for use in the household or by children.

Public Act 08-122, An Act Amending the Connecticut Child Protection Act

Connecticut's law provides the following standards. However, since the federal law supersedes state law, it will be the federal guidelines for lead that will be enforced in Connecticut (see next page.)

Between July 1, 2009 and July 1, 2011, any children's product with greater than 300 parts per million (PPM) total lead content by weight for any part of the product is a banned hazardous product.

On and after July 1, 2011 any children's product with greater than 100 PPM total lead content by weight for any part of the product is a banned hazardous substance.

On and after July 1, 2009 any children's product with lead containing paint greater than 90 PPM total lead content is a banned hazardous substance.

On and after July 1, 2009 any children's product with lead containing paint greater than .009 milligrams of lead per centimeter squared is a banned hazardous substance.

What this means for businesses

Manufacturers, wholesalers and retailers are banned from manufacturing, distributing, selling at wholesale or retail, contracting to sell or resell, lease, sublet or otherwise place in the stream of commerce any children's product that has been designated a banned hazardous substance under this chapter or the Federal Hazardous Substances Act.

Any children's product that is the subject of voluntary or mandatory corrective action taken under the direction of, or in cooperation with an agency of the federal government, but the defect in that children's product has not been corrected is also prohibited from sale.

Any children's product that does not otherwise conform with applicable consumer safety product standards under this chapter, or any similar rule under another chapter of the general statutes or any federal laws or regulations is prohibited from sale.

A children's product shall not be a banned hazardous substance if a component that exceeds the standards is not accessible to a child because it is not exposed by reason of a covering or casing and will not be exposed through normal use and abuse of the product.

A link on the Consumer Protection website directs visitors to the most recent voluntary or mandatory corrective actions taken (visit www.ct.gov/dcp and search "Recalls.")

The Certificate of Disposition

All retailers and wholesalers must complete a Certificate of Disposition (available at www.ct.gov/dcp under "Licensing and Registration Forms").

This form requires that the type, make, model, quantity and final disposition of such children's products be specified, along with any further information required by the administrator, and requires a signed affidavit verifying the authenticity of the information provided in the certificate.

The Certificate of Disposition must be filled out within seven days of notification or receipt of information of a recall or voluntary corrective action.

Signed and dated Certificates must be maintained by the retailer or wholesaler and are subject to inspection by the administrator or designated agent for a period of not less than three years.

Important Changes to Child Product Safety Laws

*Federal Consumer Product Safety
Improvement Act*

and

Connecticut Public Act 08-122 Lead Standard



The Department of Consumer Protection commissioner may identify consumer products with which a child may reasonably or foreseeably come into contact, which may bear lead-containing paint, and may require, on a case by case basis, a warning label.

On and after July 1, 2011, if the administrator determines that a standard stricter than 100 parts per million (PPM) total lead content by weight for any part of a children's product is feasible, the administrator may adopt regulations that are as low as 40 PPM total lead content by weight for any part of such product.

Retail stores are required to post a notice indicating that an article is a banned hazardous substance, and the notice shall be posted for a specified time in a location visible to the general public.

Penalties

Any person who violates this Act shall be guilty of a Class B misdemeanor, but an offense committed with intent to defraud or mislead, or a second or subsequent offense, shall be an unclassified misdemeanor for which the penalty shall be imprisonment for not more than one year, or a fine of not more than five thousand dollars or both.



Federal guidelines for lead

The Consumer Product Safety Improvement Act (CPSIA) took effect on February 10, 2009. The requirements prevented the sale of children's products manufactured on or after that date if they contained more than 600 parts per million total lead and certain products that contain more than 0.1 % of certain phthalates or if they fail to meet new mandatory standards for toys.

On August 14, 2009, the total allowable lead limit dropped to 300 ppm.

Now, children's products that exceed the 300 ppm total lead cannot be legally sold in the U.S., even if they were manufactured before that date.

Domestic manufacturers and importers are required to certify that children's items made after February 10th, 2009 meet all the new safety standards and lead ban. Sellers of used children's products, such as thrift stores and consignment shops, are not required to certify -- or test -- that those products meet the new lead limits, phthalates standards or new toy standards.

The federal law does not require resellers to test children's products in inventory for compliance with the lead limit before they are sold. However, resellers still cannot sell children's products that exceed the lead limit of 300 ppm, and should avoid products that are likely to contain lead unless they have testing or other information to indicate the products being sold have less than the limit.

It is unlawful for resellers to sell recalled products; they should always check the www.recalls.gov website for recalled product information before accepting children's products and toys to resell. Sale of recalled products carries civil and criminal penalties.

This new law is designed to ensure that companies and resellers pay special attention to certain products such as recalled children's products, cribs and play yards; children's products that may contain lead such as jewelry, painted wooden and metal toys; toys that can break easily into small parts; toys that lack required age warnings; and toys that present a choking hazard for young children.

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