

Wed 30.03.16 17:07

Enforcement Guidelines for Children's Product Safety Published in Washington State, US

Washington's Department of Ecology (DOE) has recently published an enforcement guideline for compliance with lead, cadmium and phthalates falling under the Children's Safe Products Act (CSPA).



Sharper Statewide Scrutiny for Childcare Articles

The DOE will enforce state limits for children's products that are not covered by a limit under the Consumer Product Safety Improvement Act of 2008 (CPSIA).

When the US Federal Government's Consumer Product Safety Improvement Act of 2008 (CPSIA) [1] was enacted in 2008, it substantially preempted [2] the requirements for lead, phthalates and cadmium falling under Chapter RCW 70.240.020 of Washington's Children's Safe Products Act (CSPA) [3].

Phthalate Content Addressed in Document

On February 12, 2016, Washington's DOE published an enforcement guidance document [4] to assist industry on whether a particular children's product is subject to continuing enforcement for lead, cadmium and phthalates under RCW 70.240.020. According to the guideline, the DOE continues to investigate for violations of lead, cadmium and phthalates in children's products falling under the CSPA. It also provides important guidance for meeting these requirements, including but not limited to:

Washington's standard for lead, cadmium and phthalates are for children's products within the scope of RCW 70.240.010. These are:

- Child car seats
- Clothing
- Cosmetics for children under the age of 12
- Jewelry for children under the age of 12
- Products to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child
- Toys

Washington's limits for lead, cadmium and phthalates in children's products cover a broader range of products and are also generally more stringent than the CPSIA limits

The Washington standard for lead, cadmium and phthalates cannot be enforced for products to which a federal standard applies.

Lead content. There is considerable overlap between the products covered by the federal lead limits and children's products under the Washington law.

Cadmium content. Children's products such as childcare articles, clothing, cosmetics (other than cosmetics that are not part of a toy), footwear and jewelry are subject to Washington's CSPA limits.

Phthalates. Children's products such as clothing, footwear and cosmetics are subject to Washington's CSPA limits.

Highlights of the enforcement guideline and a comparison with CPSIA are summarized in [Table 1](#) in the latest Safeguards bulletin.

References:

- [1] [Consumer Product Safety Improvement Act \(CPSIA\)](#)
- [2] [2008 Withdrawal of Children's Safe Products Rule](#)
- [3] [Chapter RCW 70.240.020 of Washington's Children's Safe Products Act](#)
- [4] [Washington state's enforcement guidance document](#)

About SGS Services for the Consumer Goods and Retail Industry

Throughout its global network of laboratories, SGS is able to provide a range of services, including analytical testing and consultancy for lead, cadmium, phthalates and other standards such as [CPSIA](#) for children's products for Washington, the US and international markets. For further information, please contact an SGS expert.

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