

Mon 12.07.10 11:29

## Lead and product recalls in the US - SGS shows you how to reduce risks

New toy safety regulations have been introduced in the US in December 2008, including the obligation for third-party testing of lead levels in paint and surface coatings. Lead-related recalls have not become a thing of the past but they have decreased significantly.



The new regulations, such as the Consumer Product Safety Improvement Act (CPSIA), have brought along new restrictions on permitted lead levels and lead paint content in toys and other children's products.

As a result, the general number of children's products recalls has decreased by 50% between the fiscal years 2008 and 2009. The number of recalls related to violations of lead standards also dropped from 40 to 15 in the same period. However, some of the biggest US retailers have been affected by lead-related recalls in January and February 2010, as 2,100 - 252,000 of their items have been recalled due to excessive lead levels. Clearly, there is still a presence of CPSIA noncompliant products on the market. How can retailers protect their reputation by reducing the number of recalls even further?

### Causes for recall

One reason may be that some recalled products may have been manufactured before the **CPSIA lead regulations** came into effect. Also, noncompliant products should have been removed from stores and warehouses after the 10<sup>th</sup> of February 2009, but that may not have happened. In addition, older noncompliant products still in production may be subject to recall in the future.

Errors can occur even in the most thorough manufacturing processes when failing to screen raw materials or evaluate subcontractors carefully. Failure to receive or examine test reports on every paint or raw materials shipment may also lead to errors. One instance of failing to respect these procedures is enough to allow for lead to slip through.

A lead inspection, just like any other manufacturing quality check, is a snapshot of a product that rolls off the assembly line at a specific point in time. There is more than a reasonable risk that a product will not meet the CPSIA's lead standards when dealing with production quantities in the tens or hundreds of thousands.

### Implementation postponed

**Independent third-party testing** by an accredited lab is currently only required for lead in paint and other surface coatings, even though the new limits on lead content in children's products are in effect.

Addressing industry concerns relating to the intense schedule lead to third-party testing requirements for lead content in substrates to be postponed twice (December 2009) although it was meant to be implemented in February 2009. 10 February 2011 is the date when mandatory third-party testing for substrates is now scheduled for implementation.

### Solutions for retailers

Retailers are not liable for products that violate the new lead threshold based on assurance compliance. However, if independent documentation is not available, the recommendation is that manufacturers or importers ask for third party test results on lead in substrates and in paint. The retailer should consider cancelling the order or having independent tests performed if the manufacturer cannot supply reports at the time the order is placed.

Lead-related recalls may never become a thing of the past but the decrease in numbers today compared to three years ago is a noticeable improvement. The industry will continue to face regulatory challenges with the forthcoming implementation of the delayed testing restrictions and a possible further reduction in permissible lead content in substrates to 100ppm in August 2010. The rewarding aspect will be the impact on public opinion and more importantly, public safety.

SGS has **accredited testing laboratories** all over the world and can help you prepare for, implement and comply with CPSC regulations.

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