

October 6, 2008

**NEW MANDATORY CPSC IMPORT DOCUMENTATION  
REQUIREMENTS EFFECTIVE NOVEMBER 12  
Certificates of conformity must accompany all shipments of consumer  
goods**

New import requirements for consumer goods will take effect Nov. 12 as a result of the Consumer Product Safety Improvement Act of 2008, which became law Aug. 14. Beginning on that date manufacturers and importers must certify in writing that products being imported for warehousing and/or consumption conform with the rules, bans, regulations or standards administered by the Consumer Product Safety Commission. This requirement applies to nearly all categories of consumer goods, including fabrics, wearing apparel, toys, jewelry, sporting goods, refrigerators, furniture, hazardous materials, all-terrain vehicles - even pharmaceuticals subject to child-resistant cap standards.

The new certificates of conformity:

- . must be based on a "reasonable" testing program;
- . must be issued jointly or separately by two and sometimes three participants in the supply chain (i.e., manufacturer, importer and any private labeler, as appropriate);
- . must accompany the product or the shipment of the product; and
- . thereafter must be furnished to each distributor or retailer of the product.

A separate certificate (or certificates) is required for each product in a container. **If no certificate is issued, or if a false certificate is found to be on hand, the shipment may be refused admission and destroyed.**

Certificates of conformity must include the full contact information of the manufacturer and importer, as well as the person maintaining records of the test results upon which the certification is based; must reference the specific standard to which the product is subject; and must indicate the place and date of manufacture.

Effective Date of Certificate Requirement. CPSC officials have indicated that the certificate of conformity requirement applies to imported goods manufactured or produced on or after Nov. 12. However, no advice has yet been provided as to how the CPSC or U.S. Customs and Border Protection will determine the manufacture or production dates of importations arriving after Nov. 12.

Other New Statutory Requirements. In addition to the certificate of conformity

requirement, the CPSIA :

- . requires manufacturer and importer certification of third-party testing by an accredited laboratory of all children's products, beginning by the end of 2008;
- . lowers permissible levels of lead content in children's products and paint;
- . mandates a reduction in the amount of certain phthalates in children's products;
- . requires permanent tracking labels on children's products;
- . increases civil penalties for violations of consumer product safety laws; and
- . provides for potential criminal liability for such violations for corporate officers.

ST&R has been closely monitoring this legislation and can work with you to determine applicability and implementation policies. For more information about the CPSIA and its potential impact on your business, or to schedule an in-house seminar, please contact:

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