

GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP
COUNSELORS AT LAW
399 Park Avenue
25th Floor
New York, New York 10022-4877
(212) 557-4000
Fax: (212) 557-4415

CPSC UPDATE

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By: David J. Evan, Esq. (devan@gdlsk.com)

**COMPLIANCE CERTIFICATIONS TO BE REQUIRED FOR CERTAIN ADULT
PRODUCTS AS OF JANUARY 26TH, 2011**

In a Federal Register notice to be published on December 27, 2010, the Consumer Product Safety Commission (“CPSC”) has announced that it is lifting the stay of enforcement with regard to the certification requirements for “non-children’s” clothing textiles, vinyl plastic film and carpets and rugs.

Accordingly, **as of January 26th, 2011**, companies which import or manufacture “non-children’s” products that are subject to the CPSC regulations for clothing textiles, vinyl plastic film and carpets and rugs, will now be required to issue a compliance certification (also known as a General Compliance Certification or “GCC”).

- Certifications are not currently an entry requirement. However, for imported products, the certification must be available if requested by the CPSC as soon as the product or shipment is available for inspection in the U.S. For domestic products, the certification must be available if requested by the CPSC before the manufacturer introduces the product or shipment into domestic commerce.
- The importer/domestic manufacturer must furnish a copy of the certification to each distributor and retailer of the product.
- Testing by an accredited 3rd party lab is not required for non-children’s products. The certification must, however, be based on a test of the product or a reasonable testing program.
- The flammability requirements for clothing textiles exempt certain textiles from testing.¹ These textiles are, however, still covered by the regulation and a certification must be issued.

¹ Pursuant to 16 CFR 1610.1(d), the following fabrics have been found to consistently pass flammability testing. A garment made entirely from one or more of these fabrics will be exempt from testing (but will still require a certification):

- (1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
- (2) All fabrics, both plain surface and raised-fiber surface textiles, regardless of weight, made entirely from any of the following fibers or entirely from a combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester, wool.

**CPSC TO CONDUCT WEB CONFERENCES REGARDING THE NEW
CONSUMER PRODUCT SAFETY INFORMATION DATABASE**

The CPSC has announced that it will conduct two online conferences to demonstrate the upcoming public safety information database. The first web conference will take place on January 11, 2011 and will review the incident form that the public will use to file a report of harm. The CPSC will also demonstrate the search function of the database (once a report of harm is posted on-line, the public will have the ability to search the database).

The second conference will be held on January 20th, 2011 and will review the industry registration and comment features, the process for reporting incidents, and the public search component on the database.

Pursuant to the CPSC notice, persons interested in attending either web conference in person should register in advance online at www.cpsc.gov/meetingsignup.html. Persons interested in participating online via the webcast should register in advance for the January 11th web conference online at <https://www3.gotomeeting.com/register/757140102>, and for the January 20th Web conference online at <https://www3.gotomeeting.com/register/396775014>.

Companies are strongly advised to adopt internal procedures in order to properly respond to any reports of harm filed by consumers regarding their products.

Please feel free to contact this office should you have any questions.