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美国《2008 消费品安全改进法》获得通过

美国总统布什已签署《2008 消费品安全改进法》，使其正式成为法律(公共法编号：110-314)。据称，该法是 1972 年消费品安全委员会(CPSC)成立以来最严厉的消费者保护法，除对儿童产品实施更加严格的铅含量限制外，还对玩具和儿童护理品中的三种有害邻苯二甲酸盐(邻苯二甲酸二-2-乙基己酯 DEHP、邻苯二甲酸二丁酯 DBP、邻苯二甲酸丁苄酯 BBP)下达了永久禁令，对另外三种邻苯二甲酸盐(邻苯二甲酸二异壬酯 DINP、邻苯二甲酸二异癸酯 DIDP、邻苯二甲酸二辛酯 DNOP)实施过渡期限令。另外，该法规增加了消费品安全委员会的预算，并扩大其执法权力，包括保护举报者，以及要求某些儿童产品在上市销售前须进行第三方测试等。

含铅的儿童产品：

对儿童产品所有部件的铅含量进行限制。该要求将分阶段实施，最终目标是将产品任何可接触部分总铅含量的限值由不得超过重量的 0.06%(600 ppm)降至不得超过重量的 0.01%(100 ppm)。该法规还要求消费品安全委员会对这项要求定期评估，并进行必要的修改(降低限值)。

1. 铅含量限值(总铅含量占重量的比重)：

- 0.06%(600 ppm)，法规生效 180 天后开始实施(2009 年 2 月 10 日)；
- 0.03%(300 ppm)，法规生效 1 年后开始实施(2009 年 8 月 14 日)；
- 0.01%(100 ppm)，法规生效 3 年后开始实施(2011 年 8 月 14 日)；

2. 有害物质接触性：

- 上述限值不适用于儿童在合理可预见情况下使用或滥用时接触不到的儿童产品的零部件；
- 法规生效后一年内(2009 年 8 月 14 日)，消费品安全委员会应公布相关规则，为哪些产品部件可视为不可接触提供指导；
- 油漆、涂层或电镀层不能被视为使儿童接触不到底层铅的屏障；
- 消费品安全委员会应研究确定电子设备和电池是否需要完全符合限值要求。

对含铅涂料的限制更为严格：

含铅涂料中的铅含量限值(16 CFR 1303.1)从 0.06% 降至 0.009%，法规生效 1 年后开始实施(2009 年 8 月 14 日)。

儿童产品的产品安全认证：

1. 普通合格性证书

法规生效 90 天后开始(2008 年 11 月 12 日)，所有儿童产品的生产商和自有品牌商应出具

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证书，证明其产品符合相关适用标准和法规的要求。

2. 第三方测试要求

- 第三方测试要求适用于消费品安全委员会发布第三方符合性评估机构(测试实验室)认可要求通知 90 天后生产的所有儿童产品。通过认可的第三方评估机构可根据儿童产品适用的儿童产品安全法规提供符合性评估。
- 所有儿童产品的制造商和自有品牌商应根据消费品安全委员会认可并注册的可提供相关测试的第三方符合性评估机构(测试实验室)提供的评估结果出具证书，证明其儿童产品符合儿童产品安全法规的要求。
- 对于涂料中铅含量的测试，第三方测试要求将于 2008 年 12 月 21 日之后开始生效。其它第三方测试要求按消费品安全委员会的日程安排实施。

玩具和游戏用品广告的标注要求：

互联网(法规生效 120 天后，2008 年 12 月 12 日)、产品目录或其它印刷材料(法规生效 180 天后，2009 年 2 月 10 日)上玩具和游戏用品的广告中或邻近位置应标注适当的警示语句。

儿童产品的标签：

法规生效一年后起(2009 年 8 月 14 日)，所有儿童产品的制造商应在产品及其包装上加贴永久性清晰的标志，确保产品的可追溯性，使消费者可以确定制造商或自有品牌商。

强制性玩具安全标准：

从法规生效 180 天后开始(2009 年 2 月 10 日)，ASTM F963-07 将成为强制性标准(第 4.2 部分和附件 4：阻燃性要求除外)。

禁止销售某些含有特定邻苯二甲酸盐的产品：

从法规生效 180 天后开始(2009 年 2 月 10 日)，任何人提供以下产品属违法行为：

1. 邻苯二甲酸二-2-乙基己酯 DEHP、邻苯二甲酸二丁酯 DBP 或邻苯二甲酸丁苄酯 BBP 含量超过 0.1%的儿童玩具或儿童护肤品；
2. 邻苯二甲酸二异壬酯 DINP、邻苯二甲酸二异癸酯 DIDP 或邻苯二甲酸二辛酯 DNOP

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含量超过 0.1%，并且可被儿童放入口中的儿童玩具或儿童护理品。不过，消费品安全委员会应研究决定是否继续执行这项规定，或者在未来限制其它邻苯二甲酸盐或邻苯二甲酸盐替代品。

建立消费品安全公共数据库：

法规生效后两年之内(2010 年 8 月 14 日)，委员会应建立一个公共性的具有搜索功能的网上数据库，使消费者、政府机构、保健专业人士、儿童服务商或公众安全组织可以通告与消费品使用相关的伤害、疾病、死亡或风险等。

禁止销售、进口和出口被召回的产品：

禁止出口以下产品：

1. 违反美国消费品安全法规；
2. 被强制或自愿召回；
3. 被确定为对公众健康和安全有危害；或者
4. 被确定为禁止使用的有害物质。

法规中用词解释：

1. “儿童玩具”：为 12 岁或以下儿童设计并生产的儿童玩耍时使用的消费品；
2. “儿童产品”：主要为 12 岁或以下儿童设计并生产的消费品；
3. “儿童护理品”：为 3 岁或以下儿童设计并生产的，用于辅助儿童睡眠、喂食，或帮助儿童吮吸或出牙的消费品；
4. “可被放入口中的玩具”：指某部分可被儿童放入口中吮吸或咀嚼的玩具。如果只能用舌头舔及，则不被视为可放入口中。如果玩具或玩具某部分的尺寸小于 5 厘米，则该玩具被视可放入口中。

解决方案：

Intertek 是全球领先的非官方独立第三方实验室，拥有相关认可，可以为各类消费品提供测试和审核服务。Intertek 致力为客户的产品和流程增加价值，最终促进客户在全球市场取得成功。

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US Consumer Product Safety Improvement Act of 2008 Approved

President Bush has signed the "Consumer Product Safety Improvement Act of 2008" bill into law (Public Law No: 110-314). The law is said to be the strongest consumer protection legislation since the creation of the Consumer Product Safety Commission (CPSC) in 1972. Besides imposing tougher lead requirements in children's products, a permanent ban on three dangerous phthalates (DEHP, DBP and BBP) and an interim ban on three additional phthalates (DINP, DIDP, DnOP) in toys and childcare articles, the law also increases the budget and enforcement authority of CPSC, including whistleblower protections and requiring third party testing for many children's products before they can be marketed.

Children's Products containing Lead:

Bans lead in any part of a children's product. Once fully phased in, the requirement would lower the requirement from 600 ppm to 100 ppm total lead content by weight for any accessible part of the product. It also mandates the CPSC to periodically review and revise (lower) this requirement:

1. Lead Limits (Total Lead Content by weight):
 - 600 ppm effective 180 days after the date of enactment (10 Feb, 2009);
 - 300 ppm effective 1 year after the date of enactment (14 Aug, 2009);
 - 100 ppm effective 3 years after the date of enactment (14 Aug, 2011).
2. Accessibility:
 - The limits established above shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product;
 - CPSC shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible within 1 year after the date of enactment (14 Aug, 2009);
 - Paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child;
 - CPSC shall determine whether electronic devices and batteries have to be in full compliance with the limits.

More Stringent Lead Paint Ban :

Effective 1 year after the date of enactment (14 Aug, 2009), the standard (16 CFR 1303.1)

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applicable to lead paint shall be reduced from 0.06% to 0.009%.

Product Safety Certification for Children's Products :

1. General Conformity Certification

Effective 90 days after the date of enactment (12 Nov, 2008), every manufacturer of a children's product and the private labeler shall issue a certificate to certify that such product conforms to the applicable standards or rules.

2. Third Party Testing Requirement

- The third party testing requirements shall apply to any children's product manufactured more than 90 days after the Commission has established and published notice of the requirements for accreditation of third party conformity assessment bodies (testing laboratory) to assess conformity with a children's product safety rule to which such children's product is subject.
- Every manufacturer and the private labeler of children's product shall issue a certificate that certifies that such children's product complies with the children's product safety rule based on the assessment of a third party conformity assessment body (testing laboratory) accredited by CPSC and registered to conduct such tests.
- For Lead in paint, third party testing requirement would be effective after 21 December 2008. Other third party testing requirements would be required sequentially as scheduled by CPSC.

Labeling Requirement for Advertising Toys and Games:

Advertisement on internet websites (120 days after the date of enactment, 12 Dec, 2008) or in catalogues and other printed materials (180 days after the date of enactment, 10 Feb, 2009) for any toys and games, shall include the appropriate cautionary statement displayed on or immediately adjacent to that advertisement.

Tracking Labels for Children's Products:

Effective 1 year after the date of enactment (14 Aug, 2009), every manufacturer of a children's product shall place permanent, distinguishing marks on the product and its packaging to ensure the traceability of the products and enable consumer to ascertain the manufacturer or private labeler.

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Mandatory Toy Safety Standards:

Beginning 180 days after the date of enactment (10 Feb, 2009), ASTM F963-07 shall become a mandatory standard (except section 4.2 and Annex 4: Flammability requirements).

Prohibition on Sale of certain Products containing specific Phthalates:

Beginning 180 days after the date of enactment (10 Feb, 2009), it shall be unlawful for anyone to provide:

1. Any children's toy or child care article that contains concentrations of more than 0.1% of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP);
2. Any children's toy that can be placed in a child's mouth or child care article that also contains concentrations of more than 0.1% of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP). However, the Commission shall determine whether to continue in effect this prohibition or to prohibit additional phthalates or phthalate alternatives in future.

Establishment of a Public Consumer Product Safety Database:

Not later than 2 years after the date of enactment (14 Aug, 2010), the Commission shall maintain a publicly available, searchable and internet accessible database, where consumers, government agencies, health care professionals, child service providers or public safety entities could report incidents of injury, illness, death or risk related to the use of consumer products.

Prohibits the Sale, Import and Export of Recalled Products:

Prohibits the export of products that:

1. violate U.S. consumer product safety rules;
1. are subject to mandatory or voluntary recalls;
2. are designated as imminent hazards to public health and safety; or
3. are designated as banned hazardous substances.

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For the purpose of this Law:

1. **“Children's toy”** means a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays;
2. **“Children's product”** means a consumer product designed or intended primarily for children 12 years of age or younger;
3. **“Child care article”** means a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething;
4. **“Toy that can be placed in a child's mouth”** means a toy can be placed in a child's mouth if any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed. If it can only be licked, it is not regarded as being able to be placed in the mouth. If a toy or part of a toy in any dimension is smaller than 5 cm, it is considered as being able to be placed in the mouth.

The Solution:

Intertek is a leading non-governmental independent third-party laboratory qualified to perform an extensive range of consumer product tests and audits. Partnership with Intertek brings increased value to your product and process, and ultimately paves the way for success in the marketplace.

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