



CPSIA Quick Facts

Lead Paint Ban (16CFR 1303)

Certification and third party testing requirements of CPSIA apply.

Purpose: to reduce risk of lead poisoning.

Scope: Applies to (1) paint and surface coatings, (2) toys and other articles intended for use by children that bear "lead-containing paint," and (3) furniture articles for consumer use that bear lead paint. Banning limit is more than 0.06% lead (600 ppm); reduces to 0.009% (90 ppm) as of August 14, 2009.

Exempts:

- Inks or dyes that become part of substrate;
- Materials bonded to the substrate such as ceramic glazing or electroplating;
- Appliances such as washers and dryers, refrigerators, and dishwashers;
- Fixtures such as bathroom fixtures, built in cabinets, windows, doors;
- Window shades, Venetian blinds, wall hangings or draperies;
- Various agricultural and industrial paints, mirrors, metal furniture articles, and artists paints, provided they are properly labeled as required under this ban and the CPSC's requirements for art materials;
- Products such as boats and airplanes that are not "consumer products."

Caution: The total lead requirements that apply to "children's products" under the CPSIA may still apply to some of these items if they are primarily intended for use by children 12 and under. Others may be banned by operation of the Federal Hazardous Substances Act if the level of lead is sufficiently high and the lead is accessible during reasonably foreseeable use.

Test Requirements: 4/26/09 procedures are most current. Screening with XRF technology may be used for small quantities of paint. (Commission to study XRF technology and other "alternative methods for measuring lead" and report by 8/14/09.)

Trickiest issues: Age of children is undefined for toys unlike the CPSIA total lead requirement. No age limits apply to paint and furniture articles. Biggest problem at manufacturing-substitution of paint.

Problem: Substitution of paints with lead pigments or contaminants is not uncommon. Need to follow-up with "reasonable testing plan" and "third party testing" and possibly further screening for imports to assure compliance.

Further information see CPSC regulatory summary on this page:

<http://www.cpsc.gov/businfo/corrective.html>

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