
From: Rick Woldenberg
Sent: Tuesday, January 06, 2009 21:40
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(slamar@apparelandfootwear.org)
Subject: CPSIA - What's next?!

I am writing you again on the sorry subject of the CPSIA. I have begun to blog on the subject of the CPSIA (<http://learningresourcesinc.blogspot.com/> or you can join www.twitter.com and then click on "follow" at my page www.twitter.com/rwoldenberg) and am hearing more and more complaints about this law. I have reproduced some of them so you can see what your public thinks of your new law. Please read these messages - they are meant for you and the members of Congress on your committee.

Time is running out.

Richard Woldenberg
Chairman
Learning Resources, Inc.

Book burning on Feb. 10th 2009 due to CPSIA

Submitted by Nora O'Neill on Sunday, 4 January 2009

The Consumer Product Safety Improvement Act (CPSIA H.R. 4040) has a good goal: protect kids from dangerous imports tainted with lead. Bravo! Unfortunately it goes about doing so in such a way that it'll drive up costs across the board, drive many manufacturers and retailers out of business, and not really make kids any safer.

So what does CPSIA do? It mandates lead testing for ALL items intended for children under 13 or PERCEIVED as being for those under age 13. So items commonly regarded as "kids stuff" even if it is intended for adults, such as many comics, collectible books, high end popups, etc, still falls under the statute even though they're aimed at adult collectors.

It requires UNIT testing. The final product must be tested from each batch. It doesn't matter if all the components going into it are certified and have been tested as having no lead, it still must be tested for lead.

Here's an example. You publish textbooks for 4th graders. You publish a science textbook. You publish a spelling book. They are printed with all the same materials, on the same day, on the same press, with the same crew manning it. You must test the science book and the spelling book separately because they may contain lead!

This basically seems to imply that somehow alchemy works. Non-lead containing item + non-lead containing item= LEAD!

The manufacturer needs to provide a testing certificate to the retailer, which must be available for inspection, should a Consumer Product Safety Administration inspector come in. No certificate, the retailer can't sell it.

The truly bizarre part is that the new regulations apply retroactively. Even if it was printed 50 years ago and the publisher no longer exists, you need to have a certificate proving it's not filled with lead. Even if it is the only remaining copy of a rare children's book worth thousands of dollars and only will ever be handled by collectors, you cannot sell it because you can't prove it is not filled with lead.

Anything manufactured after November 10th 2008 should have come with a certificate certifying it has been tested for lead. If your distributor didn't provide one, you need to call and get one. As of February 10th, its in fact illegal for your distributor to sell you a kids' book without a certificate of lead testing, no matter when it was printed.

Objects without a certification still have to be tested. So those copies of Harry Potter and the Deathly Hollows that were printed in 2007 that are still available new at Amazon may have to be destroyed as of February 10th 2009 because they haven't been tested for lead. (Amazon is taking this seriously and sent a mail to all affiliates asking them to provide the lead testing certificates for all items)

How bad can the punishment be? For selling books? Up to \$100,000 PER ITEM and up to five years in jail. It's also a felony. Get busted, you may lose your right to vote in some states. Even if you can fight it in court, you'll likely go broke doing so and your local newspaper will carry the headline "Local business selling lead tainted goods"... even though you know they aren't. Good luck getting them to print the retraction months or years later after that PR disaster.

This includes not just selling, but distribution. So you can't donate the untested goods to your local library, Good Will, or literacy program. You also can't sell them to overseas collectors either, as they're illegal to export. (preventing dumping of truly toxic goods on third world markets is one of the few good portions of this law. Good job on that, bad job on the rest)

This leaves you, the bookseller, with two legal options: store the books indefinitely, hoping regulations change, OR destroy them.

What to do? Write your Congressman. You can look up the mailing info for your Congressman and Senators through House.gov and Senate.gov Call them on the phone too! Some of them may have a staffer dedicated to handling inquiries or willing to tell you which of the many addresses will get the mail in your representatives hands fastest.

You can find more info on CPSIA on:

- [CPSA page on CPSIA](#)
- [Government FAQ on CPSIA](#)
- [FAQ entry specifically about whether books are effects \(YES, yes they are\)](#)
- [CPSIA Central](#)
- [Washington Post Article on the impact on toy makers](#)
- [Blog post with the phone numbers of who to call at the Consumer Product Safety Administration](#)
- [Track the latest updates on CPSIA via Twitter](#)
- [Vote for amending CPSIA on Change.org between January 5th and 15th](#)
- [A blog post on how is affects taxpayers](#)

- [Look up the full text of the bill via THOMAS at the Library of Congress](#) (search for bill number H.R.40.40.ENR to get exact bill passed by the House and Senate and signed by the President. If you forget the ENR you may get only part of the bill, or the wrong version)

Foreign dealers, this does effect ALL imports, even individual items shipped through the mail. Try writing to your country's consulate in the US. They cannot directly effect legislation, but can certainly express their concern to government officials in the US.

Anonymous said...

Hi Rick,

I watched your CPSC presentation on you tube and thought you gave a very compelling argument. I, too, am a manufacturer of educational products that I fear will be subject to the new CPSIA law. My products are "primarily intended for" parents and caregivers, but do involve the participation of children. This can be achieved without the child ever coming into physical contact with any part of my products. My company's mission is to help combat childhood obesity - a cause, I believe, that deserves as much pragmatic solutions as possible. I now find myself worried about marketing, and changing certain aspects of the product that help make it so effective. What this law is doing is sabotaging potential innovation that could actually HELP children. I am sure you know this frustration first hand.

My fear is the obvious - that these products will fall within this ever-so large CPSIA scope. What I find just so ironic, to the point of it being almost ulcer-inducing, is that my company and product line (which is innovative and very effective) is fighting against an epidemic that will effect 1 in 3 children by 2010 (according to experts). This epidemic is fueled by the food industry through marketing to children, adding artificial preservatives, chemicals and "pseudo-nutrients" just to lure kids in... and keep them hooked on ... their products. Think about this... 1 in 3 kids are expected to be either overweight or obese by 2010. Wouldn't the CPSA be better served by going after the food industry and the multi-billion dollar corporations within it? Their sanctimonious position on child safety and protection is a huge hypocrisy and they should be called out on it.

December 26, 2008 5:50 PM

[Wendy Romero/Bobs and Bits](#) said...

I saw your presentation on youtube & was also present at the blogradio show tonight. How will I be affected by all of this? As an artist/handpainter of mostly one of a kind children's products, I seem to have a triple whammy. 1) I create products for children 2) I use paint -- which no one can tell me clearly how I can ever be in compliance without testing literally hundreds of colors and 3) one of a kind items can't be third party tested anyway without being destroyed. Here's how I'll be affected -- I'll be out of business. Not only will my livelihood be affected (even though it's part-time), but something that I love doing will be taken away. I have been made to feel like I'm a criminal for doing absolutely nothing wrong...sorry not made to feel like I'm a criminal -- I actually am a criminal by February 10th.

January 5, 2009 10:53 PM

[KRISTI](#) said...

Rick,

Thanks for everything you are doing to get our voices heard. I was only introduced to you this morning when I stumbled upon your you tube video and then heard you speak tonight on the radio show.

I am an Etsy small business owner and a mother of two and I can't decide which part of me is more enraged. I worked full time in corporate retail for years until I finally settled down to something I actually enjoy doing and that also allows me to spend ample time with my children. My products are made with love and care and are on the verge of extinction. The shop owner in me is heartbroken but the mom in me is just plain pissed off I was pissed off when I had to toss a half dozen Thomas trains but that is nothing compared to the anger I feel now. I do not want my children's lives filled with mindless, plastic, noisy toys and generic imported clothing. I want to raise my children to experience art & creativity & quality...and these rights are being stolen from me. Even worse than that, they are being stolen from moms just like me all over the country that have NO idea what is about to hit them. That is both terrifying and unjust.

Anyway, sorry to ramble. Really just wanted to say thanks...and glad you're here.

Kristi

<http://www.zuzugirlhandmade.com>

[Diana Adams](#) said...

Hi Rick, Along with Bridal Sewing, I make little flower girls dresses and I sell them on Ebay. I buy my fabric by the bolt on ebay, or elsewhere online for \$1 a yard. I only buy 100% cotton, but it does have a pretty color or print on it. Buttons I buy. Thread, Zippers, snaps & hooks & eyes.

I cant afford to test everything!

I also alter clothing for children.

What about that hook & Eye or button I add to a dress I've altered for a child?

There are so many levels of what ifs here....This is all I know how to do. I am 50 years old and have been sewing bridal for others since I was 15. My Grammy talk me this! She said I could do this till I retired! So now I have to age discriminate. There is no other way. I have to go adults only or else. Not good in my book!

Thanks for all you have been doing.

I saw your video on youtube, I didnt know how on earth you kept a straight face. I couldn't have.

Blessings to you,

Diana Adams

<http://www.MarylandSeamstress.com>

[Valerie Jacobsen](#) said...

I owned a used bookstore and sell children's books. According to my lawyer, I will no longer be able to sell used children's literature after 2-10-2009.

Ours is a very small business. Maybe I would never be caught, but I'm not going to put Goodnight Moon in a plain brown wrapper and hand it under the counter with 5 years in jail on the table.

[Jennifer Taggart, TheSmartMama](#) said...

Welcome to your first blog post & twitter! Being an advocate for safe products for kids, I'm disappointed with the poorly crafted CPSIA. Who the heck tests wood for phthalates?

Why should certificate organic fabrics be tested for lead? It is just silly - and will unfortunately drive several good, eco-friendly companies with toys & children's products that are non toxic out of business - exactly the opposite of the desired effect. Not to mention the huge impact on the resale industry - and if the resale industry can't resell our children's clothes and other products, what is the impact going to be to our landfills?

Jennifer
www.thesmartmama.com
(offering XRF testing services for CPSIA lead content compliance too)

[Esther](#) said...

Welcome to blogger! I have been involved with making safe children's clothing for over 10 years as a Technical Designer and Pattern Maker. This law is overwhelming and forced me to shut down my own start up. I am still consulting with other clothing designers and fighting this from a library's perspective. Keep up the good fight!

January 6, 2009 9:14 AM

[Pat](#) said...

As a former reading specialist at a K -12 research and development center I am a fan of Learning Resources materials. Now I'm your fan for taking up this cause of the poorly constructed CPSIA legislation. Thank you, thank you!!! The "little" guy feels powerless in our mumbo-jumbo legislative process.
(My daughter is an Etsy mom!)

January 6, 2009 3:03 PM