U.S. CONSUMER PRODUCT SAFETY COMMISSION

RESELLERS GUIDE TO SELLING SAFER PRODUCTS



MAKE SAFETY YOUR BUSINESS

Office of Education, Global Outreach and Small Business Ombudsman

Cover image from The Thrift Store Bears: Poems used by express permission of the illustrator, Patricia Woolley, and David Evans, in honor of his late wife and author, Olive Evans. Ms. Evans collected stuffed bears from thrift stores and wrote the poems to keep her spirits high during her struggle with breast cancer.

Jim Furmston scored the accompanying music to The Thrift Store Bears: Poems.

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The electronic version of this document (**www.cpsc.gov/resale**) provides access to additional helpful information available by clicking on the hyperlinks — the letters, words, phrases, and web addresses shown in dark blue provided throughout the document.

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INTRODUCTION

The U.S. Consumer Product Safety Commission (CPSC) created this Handbook for Resale Stores and Product Resellers to help you identify the types of products that are affected and to understand how to comply with the law so that you can keep unsafe products out of the hands of consumers. Consumers who regularly buy used products may also find this information helpful in avoiding products that could harm them or their family.

On August 14, 2008, the President signed into law the *Consumer Product Safety Improvement Act of 2008 (CPSIA)*. The implementation of the CPSIA has resulted in dramatic changes in the used product marketplace. For example:

- Selling recalled products is now unlawful.
- The law sets strict limits for lead in paint and for lead content.
- Most cribs manufactured before June 2011 may not be resold.
- New regulations (mandatory standards) are being put into practice for durable infant and toddler products, such as play yards, infant walkers, bath seats, bed rails for toddlers, and more.

In light of these new requirements for many consumer products, resellers should closely examine their products in inventory prior to resale to make sure that their products are safe and compliant with federal laws. This Handbook will help you make sound business decisions to protect yourself and your customers.

Please make sure you visit our website at: **www.cpsc.gov/resale** — for updates on this information and to sign up for the e-mail list we created specifically for resale stores and product safety.

THE BASICS

The CPSC's laws and regulations apply to anyone who sells or distributes consumer products. This includes thrift stores, consignment stores, charities, and individuals holding yard sales and flea markets.

CPSC does not require you to test your products for safety.
CPSC urges you to take a few extra steps when you sell your used products and to follow the advice in this Handbook to ensure that you are only selling safe products. And while you are not required to test your products for safety, resale stores, resellers (including those who sell on auction websites), and persons who give away used products for free cannot knowingly sell products that do not meet the requirements of the law. If a product is hazardous, or does not comply with standards, the product should be destroyed and not be sold or given away to others.

You can protect yourself and your customers by using the resources in this Handbook and at **www.cpsc.gov/resale** to screen for hazardous and other violative products. Ignorance of the law is not an excuse. But more importantly, as a person and as a business, you do not want to sell products that have the potential to cause harm to anyone, especially a child.

Examples: What you cannot sell or offer for sale:

- Children's **metal jewelry** that does not comply with the federal limit on lead of 100 parts per million;
- Products that have been **recalled** by the CPSC (unless the products have been repaired in accordance with the recall);
- Toys and other articles intended for use by children and any furniture with **paint or other surface coatings containing lead** over the specified amount;
- Products intended primarily for children age 12 or younger with **lead content** known to be over the specified amount;
- Most **cribs** manufactured before June 2011 may not be resold;
- **Durable infant and toddler products**, such as play yards, infant walkers, bath seats, bed rails for toddlers, and others that are missing parts, appear wobbly or unstable, or contain known hazards described in this Handbook; and
- Other products that violate the CPSC's safety standards, bans, rules, or regulations, or that otherwise present a substantial product hazard.



CPSC CAN HELP YOU

The CPSC would like to help you ensure that the products you sell are safe. You should periodically check **www.cpsc.gov/resale** for updates to the information in this Handbook. In addition, the CPSC has many tools available to help you stay informed about recalls and product safety. (On average, CPSC recalls between 300 – 500 products annually.)

If you are in the business of reselling products, you are expected to know the laws, rules, and regulations that apply to your business, including whether a product you are selling has been recalled for a safety issue. **It is illegal to sell any recalled product.**

- **Search Recalls:** **SaferProducts.gov** has a listing of CPSC recalls and consumer reports of harm related to consumer products. Review the list of recalled products before taking a product into inventory or selling it. You can also receive information about CPSC recalls by subscribing to the CPSC's **recall e-mail list** and downloading CPSC's free android application at **Recalls.gov**.

- **Keep Current:** Subscribe to the CPSC's e-mail list for resale stores and product resellers, and keep current on information developed specifically for resale stores at: **www.cpsc.gov/resale**.

- **When in doubt, throw it out!** Products used in the nursery, especially cribs and bassinets, have caused deaths and have been the subject of numerous recalls of millions of units. Do not sell any broken or wobbly nursery furniture or durable infant product that is missing parts, even if it has not been recalled. A baby's life could depend on it. The risk is too high.

- **Contact:** For questions about regulatory requirements, contact CPSC's Office of Education, Global Outreach, and Small Business Ombudsman: E-mail: **Business@cpsc.gov**; telephone **(301) 504-7999**; or contact the CPSC's Small Business Ombudsman at: **www.cpsc.gov/smallbiz** for additional information and guidance for small businesses.

- **Contact:** For questions about enforcement, contact CPSC's Office of Compliance for inquiries regarding enforcement: E-mail: **sect15@cpsc.gov**; telephone: **(301) 504-7520**.

CPSC'S RESPONSE TO VIOLATIONS

The CPSC's goal is to help you avoid future violations and protect your customers—not to put you out of business. If you learn that one of the products you sell violates the law or presents a hazard, immediately inform the Commission.

Under the law, it is illegal for retailers to sell or offer for sale a product in violation of the CPSIA or other CPSC laws. Our purpose is to ensure these products aren't being sold, so we still need to hear from you if you discover you may have sold one of these products in the past. The information you provide us will assist us in developing future outreach programs targeting resellers so these hazardous products won't be sold. When informed of the sale of such products, we will work with you to ensure the agency's response is appropriate under the circumstances.

You can report a potentially defective or hazardous product at: **www.SaferProducts.gov** or by phone at **(800) 638-2772**.

THANK YOU

Thank you for working with the CPSC to ensure that the children's products and other consumer products you sell are safe and comply with all applicable product safety rules.

This publication was developed by the **CPSC's Office of Education, Global Outreach, and Small Business Ombudsman**. Suggestions, feedback, and additional questions are welcomed at: **Business@cpsc.gov**.

PRODUCT GUIDES

The following guides provide illustrations of safety concerns when reselling products. Even if a product is not listed here, you should take similar care in reviewing each product and consider the potential hazards described in these guides. Additional product guides will be added over time and distributed at **www.cpsc.gov/resale**.

BABY BATH SEATS

HAZARDS: Drowning, submersion.

Infant bath seats are used in a sink or tub to provide back and front support to bathe a seated infant. They are marketed for use with infants between 5 and 10 months of age.

There are three primary hazards with baby bath seats that typically occur when the child is left unattended, even for a short period of time: the bath seat becomes unstable and tips the child over into the water; the child slips through the bath seat leg opening into the water; or the child attempts to climb out and falls into the water.

CPSC staff is aware of 29 deaths associated with baby bath seats and similar products during 2006 – 2008.



Does not meet mandatory standards

Mandatory Standards The mandatory standard for baby bath seats went into effect on December 6, 2010. Go to: **16 CFR Part 1215**.

Recalls Check **www.SaferProducts.gov** for baby bath seat recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: CPSC staff advises you to **destroy** bath seats that:

- were made prior to December 6, 2010 before the new safety standard went into effect. (See date code stamp on the bottom of the product or contact the manufacturer.) **(As of 2013, it is unlikely that compliant baby bath seats are available in the resale market)**;
- attach directly to the tub floor with suction cups. (Suction cups may have contributed to some bath seat-related deaths because they failed to adhere to the tub surface, they separated from the bath seat, or they were missing);
- are broken or damaged; or
- do not have permanent warnings visible on the product. Warning labels are required by law to be fixed to the bath seat to alert parents and caregivers that bath seats are not safety devices and that infants should never be left unattended in a bath seat.

OTHER RESOURCES: Regulatory Summary for Bath Seats (Infant)

BEAN BAG CHAIRS

HAZARDS: Suffocation, choking.



Bean bag chairs made with zippers and foam pellets have resulted in deaths, as well as nonfatal incidents. Children have unzipped bean bag chairs, crawled inside, inhaled or ingested the foam pellets, and suffocated. Some have unzipped the chairs, then pulled out the foam pellets and played with them. The pellets clogged their mouths and noses, and they suffocated. Other children choked on the pellets but survived. CPSC received reports of 5 deaths and 26 nonfatal incidents associated with bean bag chairs. Victims ranged in age from 14 months to 14 years. Since 1996, bean bag chairs have been manufactured with zippers that young children can't open.

The voluntary standard for bean bag chairs requires that chairs intended to be refilled must have a locking zipper that opens only with a special tool. Chairs not intended to be refilled must have a permanently disabled zipper or no zipper. In addition, the requirements include permanent warning labels for bean bag chairs. The label wording differs depending on whether the chairs can be refilled. Durability testing is intended to ensure that materials that could tear easily and allow pellets to escape and be inhaled are not used in manufacturing bean bag chairs.

Voluntary Standards Go to: **ASTM F1912-98 (reapproved 2009)**. Voluntary standards are industry technical specifications that are developed by industry, government, and consumer representatives.

Recalls Check **www.SaferProducts.gov** for bean bag chair recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: CPSC staff advises you to **destroy** any bean bag chair that has:

- a **zipper** that can be opened by young children;
- **stuffing** or pellets coming out of the chair; and
- **seams** that can come apart if they are pulled. The foam pellets could escape, posing a hazard to children.

OTHER RESOURCES: Bean Bag Chair Recalls

BUNK BEDS

HAZARDS: Strangulation, suffocation, hanging.

A bunk bed is any sleep structure with at least one mattress foundation more than 30 inches above the floor. A mattress foundation is the base or support on which you place the mattress. Since 1990, more than 70 children have died by strangulation or suffocation from entrapment in bunk beds. Most were 3 years old or younger. Some children strangled when their bodies, but not their heads, slid between a guardrail and the bed frame, leaving their bodies hanging. Some suffocated when they became trapped in openings within the footboard or headboard end structures or between the bed and the wall. CPSC staff also is aware of incidents of hanging, where some children hanged from a top bunk when something they were wearing caught on a vertical protrusion as they were climbing out of the bunk.



Mandatory Standards

The mandatory standard for bunk beds went into effect on June 19, 2000. Go to: **16 CFR Parts 1213, 1500, 1513** to review the regulations. (The voluntary standard is **ASTM F1427**, Standard Safety Specification for Bunk Beds.)

Recalls

Check **www.SaferProducts.gov** for bunk bed recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Check the *assembled* bunk bed, and only sell it if it has all of the following safety features. **Otherwise, destroy it.**

Guardrails on Both Sides of the Upper Bunk:

- One guardrail should run continuously from the headboard to the footboard.
- If a guardrail is not continuous, there should be no openings greater than 15 inches between the end of the guardrail and either end structure (headboard or footboard).
- There should be no openings larger than 3 ½ inches within, or immediately below, the guardrail.

End Structures:

- The end structures in the upper bunk must not have openings larger than 3 ½ inches. The end structures in the lower bunk should not have openings larger than 3 ½ inches, unless those openings are 9 inches or greater.

Other Requirements:

- Assemble and ensure that the bunk beds have all component parts, including all screws and hardware. For tubular metal bunk beds, there must be no breaks or cracks in the paint or metal around the welds that hold the side rail to the bed frame at all four corners of the upper and lower bunks.
- There should be no vertical protrusions or projections, such as ladder stiles or corner posts, that extend more than 3/16 inch above the top of any end structure, guardrail, or other part of the upper bunk.
- There should be a warning label on the bed that describes the strangulation hazard from children becoming entangled from items attached to or hanging from the upper bunk.
- The mattress, if there is one, should match the size specified in the warning label on the bed. Specifically, the top of each guardrail should be at least 5 inches above the top of the mattress and the top of each end structure (headboard and footboard) should be at least 5 inches above the top of the mattress for at least half of the mattress length.

OTHER RESOURCES: Regulatory Summary for Bunk Beds

CAR SEATS/CARRIERS COMBINATION

HAZARDS: Skull fractures, concussions, cuts, scrapes, bruises.



A combination infant car seat/carrier is a product that can serve as both a car seat and as a hand held infant carrier. This safety information summary addresses when an infant carrier is used outside of a vehicle. (The National Highway Traffic Safety Administration (NHTSA) provides advice about the safety of car seats used in vehicles at **NHTSA — Parents Central**.)

Most injuries and deaths associated with carrier seats outside of vehicles result from falls when an adult carries the car seat with the baby inside. A number of CPSC recalls were due to the handles or locks breaking, releasing and/or rotating unexpectedly allowing an infant to fall to the ground or be ejected on their own or when an adult carrying the seat falls down. These falls resulted in skull fractures, lacerations, broken bones, bruises, and scratches.

In 2010, there were an estimated 16,900 carrier-related injuries (excluding motor vehicle incidents) treated in U.S. hospital emergency departments. Between 2006 and 2008, there were 35 deaths among children less than 5 years old associated with infant carriers and car seat carriers.

Voluntary Standards

The voluntary safety standard for hand held carriers for use outside of vehicles is found at: **ASTM Voluntary Standard F2050**. Voluntary standards are industry technical specifications and are developed by industry, government, and consumer representatives.

Recalls

Check **SaferProducts.gov** for CPSC infant carrier recalls and **SaferCar.gov** for NHSTA car seat recalls. **It is illegal to sell a recalled product.**

STOP

RESELLER RESPONSIBILITY:

- Contact the manufacturer — if you have a CPSC or NHTSA recalled car seat/carrier, it may be able to be repaired to make it safe. **Otherwise, destroy it.**
- **Check with NHTSA** to see if the expiration date on the infant carrier has passed.

OTHER RESOURCES: CPSC Safety Information for Hand Held Infant Carriers; NHTSA Parents Central — Using a Secondhand Car Seat

CRIBS

HAZARDS: Suffocation, strangulation.



NEW: On June 28, 2011, new and improved safety regulations went into effect for full- and non-full-size cribs. These new mandatory rules include the elimination of drop sides, and greater structural integrity and crib strength. **Do not assume that all non-drop-side cribs (even those where the drop-side has been immobilized) comply with the standard. They do not.** No cribs may be manufactured, sold, or resold that do not meet these more stringent standards.

Definitions:

- **A full-size crib** is one that has interior dimensions of 28 + 5/8 inches wide, 52 + 3/8 inches long (within the range of 2 inches).
- **A non-full-size crib** can be either smaller or larger than these dimensions and include oversized, specialty, undersized, and portable cribs that have rigid sides.

Between November 2007 and April 2010, CPSC had reports of 35 deaths in cribs due to structural problems, many of which were related to drop-side fatalities and/or gaps opened up by loose/missing screws, or other hardware failures. Thirty-four of the 35 deaths were due to head/neck/body entrapments.

Mandatory Standards The mandatory standard for full- and non-full-size cribs went into effect on June 28, 2011. Go to: **16 CFR Parts 1219, 1220**.

Recalls Check **www.SaferProducts.gov** for crib recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY:

- **Destroy any full- or non-full-size crib (with or without drop sides)** manufactured before June 28, 2011 unless you have written proof that the crib meets the standard above. (**NOTE:** Absolutely no drop side cribs in the used marketplace — even if immobilized with new hardware — can meet the standard and, therefore, **must be destroyed**.) Each full-size and non-full-size crib must have a date stamp marked permanently on the product.
- For cribs manufactured after June 28, 2011, assemble and make sure that the cribs have all component parts, including all screws and hardware.
- **As of 2013, it is unlikely that compliant cribs are widely available in the resale market.**

A non-full size crib does not include products such as play yards, cradles, baby baskets, and bassinets with mesh/net/screen siding. These products may be subject to other regulations. See additional CPSC resellers' guidance on your product.

OTHER RESOURCES: Crib Information Center; Regulatory Summaries For Cribs (Full-Size) And Cribs (Non-Full Size)

DRAWSTRINGS ON CHILDREN'S CLOTHING

HAZARDS: Strangulation.



Drawstrings are non-retractable cords, ribbons, or tapes of any material to pull together parts of upper outerwear to provide for closure. The CPSC regulation defines "upper outerwear" as "clothing, such as jackets and sweatshirts, generally intended to be worn on the exterior of other garments."

Young children can be seriously injured or killed if the upper outerwear they are wearing catches and snags on other objects. CPSC staff is aware of 18 deaths and 38 nonfatal incidents associated with neck/hood drawstrings on children's outerwear between January 1985 and September 2009, involving children 18 months to 10 years of age. Of these, the most common incident scenarios involved drawstrings getting entangled on playground slides. Typically, as a child descended the slide, the toggle or knot on the drawstring got caught in a small space or gap at the top of the slide. Examples of catch points include: a protruding bolt or a tiny space between the guardrail and the slide platform. This can present a strangulation risk and has resulted in death. Incidents have also occurred when the long, trailing drawstring at the waist of a jacket was caught on the closed door of a moving school bus.

Substantial Product Hazard

In July 2011, the Commission determined that hood and neck drawstrings on children's upper outwear present a strangulation hazard that is a substantial product hazard. Go to: **16 CFR Part 1120**. The Commission can order retailers, including resellers, to recall a product deemed to be a substantial product hazard.

Recalls

Check **www.SaferProducts.gov** for recalls of clothing with drawstrings.
It is illegal to sell a recalled product.

STOP

RESELLER RESPONSIBILITY: Inspect children's upper outwear for the:

- **hood and neck area, sizes 2T to 12 — completely remove the drawstrings;**
- **waist and bottom area, sizes 2T to 16 — modify or remove the drawstrings** so that they are:
  - — limited to 3 inches outside the drawstring channel when the garment is expanded to its fullest width;
  - — free of toggles, knots, and other attachments at the free ends of drawstrings; and
  - — are one continuous string and bar tacked (i.e., stitched through to prevent the drawstring from being pulled through its channel).

The restrictions on drawstrings do not include: underwear and inner clothing layers, pants, shorts, and skirts that are not intended for the upper portion of the body.

OTHER RESOURCES: Drawstring Summary; Recalls Of Clothes With Drawstrings; FAQs For Drawstrings

HAIR DRYERS

HAZARDS: Electric shock, Electrocution (death).

A hand held hair dryer is a portable electrical appliance that routinely contains open-coil heating elements that are uninsulated, electrically energized wires, across which a fan blows air. Electric voltage is still present when the hair dryer is plugged in, even if the switch is in the "off" position. Without the immersion protection device shown in the illustration to the right, a dryer that is dropped accidentally into water, such as in a sink or bathtub, can electrocute anyone who is in the water or who touches the water.



Hand Held Hair Dryer
(meets UL standards)

Most new hand held hair dryers have immersion protection devices. Many used hand held dryers do not. This immersion protection is required even if a hair dryer is intended for professional use only.

The standards have been very effective in reducing deaths and electric shock injuries from hair dryer immersion or contact with water. Before the initial safety standards took effect in 1986, a total of 110 electrocutions reportedly were due to hair dryer immersions or water contact. Three hair dryer-related electrocutions were reported from 1998 to 2007, none of which were associated with immersion or contact with water.

Substantial Product Hazard

Hair dryers without immersion protection are on the CPSC's list of substantial product hazards under **16 CFR Part 1120** if they do not comply with (1) section 5 of Underwriters Laboratories' (UL) *Standard for Safety for Household Electric Personal Grooming Appliances*, UL 859, 10th Edition, approved on August 30, 2002, and revised through June 2010, or (2) section 6 of UL's *Standard for Safety for Commercial Electric Personal Grooming Appliances*, UL 1727, 4th Edition, approved on March 25, 1999, and revised through June 25, 2010. Go to: **UL Standards 859 and 1727**. The Commission can order retailers, including resellers, to recall a product deemed to be a substantial product hazard.

Recalls

Check **www.SaferProducts.gov** for hair dryer recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: CPSC staff advises you to destroy any hairdryer that does NOT have:



- an integral immersion protection device, which is a large block-shaped plug at the end of the cord that contains some type of circuit interrupter. The picture to the right shows a power cord with an integral circuit interrupter at the plug end; and
- the certification mark of a recognized testing laboratory, such as UL (Underwriters Laboratory) on the hair dryer itself.

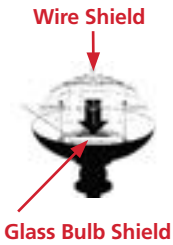
OTHER RESOURCES: Regulatory Summary For Hand Held Hairdryers

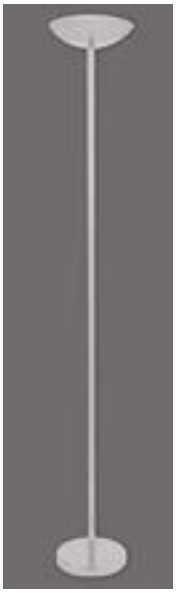
HALOGEN LAMPS

HAZARDS: Fire.

Halogen torchiere floor lamps are freestanding lamps that have a shallow bowl-shaped light fixture mounted on top of a 6-foot pole and are illuminated by a tubular halogen bulb. A halogen light bulb can heat up to nearly 1,000 degrees Fahrenheit. Because of this, flammable materials, such as curtains or clothing that come into contact with the bulb can catch fire.

From 1992–1999, the CPSC received reports of at least 270 fires and 18 fire-related deaths involving halogen torchiere floor lamps. Halogen torchiere floor lamps manufactured after February 5, 1997 that meet voluntary safety requirements are made with a wire or glass guard. The guard fits over the glass bulb shield that covers the light bulb and reduces the potential fire hazard. The guard makes it harder for flammable materials to come into contact with the light bulb and catch fire.





Voluntary Standards

Go to: **UL Standard 153, Standard for Portable Electric Luminaires**. Voluntary standards are industry technical specifications and are developed by industry, government, and consumer representatives.

Recalls

Check **www.SaferProducts.gov** for halogen torchiere lamp recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: CPSC staff advises you to **destroy** any halogen lamp if:

- **There is no wire or glass guard** over the glass bulb shield in the bowl at the top of the lamp. The top of the guard should be 3 inches from the glass bulb shield;
- **The bulb wattage** for the tubular halogen light bulb is more than 300 watts, even if the original label on the lamp says that a 500-watt bulb can be used;
- **The plug** is not polarized (one blade wider than the other);
- **The cord** has mechanical damage; or
- **There are signs of corrosion, bent, or loose parts.** Any of these may indicate a malfunctioning or potentially hazardous lamp.

OTHER RESOURCES: Halogen Lamps Recalls

LEAD IN CHILDREN'S PRODUCTS

HAZARDS: Brain damage, physical and mental delays and disorders.



Children's products, those designed and intended primarily for children 12 years of age or younger, cannot be sold if they do not meet the following lead limits:

- **90 parts per million (ppm) lead in paint** or other surface coating for toys, other articles intended for use by children of any age, and on all moveable painted furniture.
- **100 ppm lead content** limit in any accessible component part, unless otherwise excluded (see next page).

Toys, clothes, furniture, books, jewelry, blankets, games, strollers, and footwear may all be considered children's products.

Lead poisoning can cause irreversible brain damage, delay mental and physical growth, and cause behavior, attention, and learning problems. Children are particularly at risk because their developing bodies can absorb up to 50 percent of the lead to which they are exposed. This exposure occurs because children often put their hands and other objects in their mouth that can have lead dust on them. In 2012, the Centers for Disease Control estimated that about 450,000 children have lead levels higher than the CDC's recommendation limit.

Mandatory Standards

(1) Lead in Paint Rule: **16 CFR Part 1303.**
(2) Total Lead Content in Accessible Component Parts: **15 U.S.C. § 1278a** or **Sec. 101 of the Consumer Product Safety Improvement Act of 2008**, (CPSIA).

Recalls

Check **www.SaferProducts.gov** for lead recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Although you are not required to comply with the lead limits, CPSC staff encourages you use several strategies to protect your customers:

- **Resellers are not required to test** suspected products. However, resellers cannot knowingly sell any children's product or painted furniture that does not comply with the new lead limits. **Check for recalls**, and if the product has been recalled, follow the recall instructions, or **destroy** it. If you have other reasons to suspect there is excessive lead based on your knowledge of the product, **destroy** it.
- **For products with high resale value, or where you have additional safety concerns**, contact the manufacturer for verification that the product meets the lead limits. Ask for a "Children's Product Certificate." Lead screening can also be done with an x-ray fluorescence (XRF) machine. Lead testing kits sold commercially are generally unreliable and should not be used.

OTHER RESOURCES: Regulatory Summaries for Lead in Paint And Total Lead Content

LEAD IN CHILDREN'S PRODUCTS SUMMARY

With the exception of children's metal jewelry, thrift stores and other similar stores are excluded from having to comply with the limits on lead content for used children's products. (To take advantage of this exclusion, the goods being sold must be truly used, donated, and/or obtained from someone who actually used the items and may not be items that were originally purchased for the intent of resale only.)

COMMONLY RESOLD CHILDREN'S PRODUCTS THAT MAY CONTAIN LEAD

PRODUCTS THAT MAY HAVE LEAD	RESELLERS GUIDANCE
Children's metal jewelry.	Test, contact the manufacturer, or do not sell.
Children's clothes with rhinestones, metal or vinyl/plastic snaps, zippers, grommets, closures, or appliqués.	Best to test, contact the manufacturer, or do not sell.
Children's jewelry and other items made entirely of: • Surgical steel, • Precious metals, such as gold (at least 10 karat), sterling silver (at least 925/1,000), • Precious and semi-precious gemstones (excluding a list of stones that are associated in nature with lead), or • Natural or cultured pearls.	OK to sell.
Children's clothes, blankets, and other items made entirely of: • Dyed or undyed textiles (cotton, wool, hemp, nylon, etc.), • Dyed or undyed yarn. Nonmetallic thread, trim, hook-and-loop (Velcro) and elastic.	OK to sell.
Children's books printed after 1985, which are printed conventionally and intended to be read (as opposed to used for play).	OK to sell; however, books with metal spiral bindings have been recalled for lead paint.
Vintage children's books and other collectibles not considered primarily intended for children.	OK to sell, but check for recalls.
Certain **educational materials**, such as chemistry sets.	OK to sell, but check for recalls.
Items made **entirely of wood** (without paint, surface coatings, or hardware).	OK to sell, but check for recalls.
Mirrors that are part of furniture articles, to the extent that they bear lead-containing backing paint.	OK to sell, but check for recalls.
Artists' paints and related materials.	OK to sell, but check for recalls.
Metal furniture bearing factory-applied (lead) coatings, such as powder coatings.	OK to sell, but check for recalls.
Bicycles and other related products (such as trailer bicycles and jogger strollers).	OK to sell, but check for recalls.

MATTRESSES

HAZARDS: Fire.



Non-Compliant Compliant

Mattresses, either as a set with a foundation or labeled for sale alone, must meet the CPSC's flammability regulations designed to limit the spread and intensity of a fire ignited by open-flame sources, such as candles, matches, and lighters and by cigarette ignition.

Mattresses contain a substantial amount of flammable material. If a mattress that does not meet the open-flame regulation ignites in a bedroom fire, the mattress can burn rapidly and reach dangerous flashover conditions within a few minutes. (Flashover is the point at which the entire contents of a room are ignited simultaneously by radiant heat, making it impossible for occupants to escape from a fire.) The pictures show a mattress that does not meet the open-flame standard (noncompliant) and one that does (compliant) 3 minutes after each was set on fire.

Many mattress fires are caused by children playing with open flames, such as candles, lighters, and matches, or when candles are left unattended. The mattress regulation is estimated to prevent as many as 270 deaths and 1,330 injuries each year.

Mandatory Standards

The mandatory standard addressing open-flame ignition went into effect on July 1, 2007. Go to: **16 CFR Part 1633**. The mandatory standard addressing cigarette ignition went into effect on June 22, 1973. Go to: **16 CFR Part 1632**.

Recalls

Check **www.SaferProducts.gov** for mattress recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Destroy mattresses and mattress sets manufactured, imported, or renovated:

- after July 1, 2007, and that do not have a label certifying that they meet the standard. Every mattress and foundation must bear a permanent, conspicuous, and legible label in English. If a mattress was made before 2007, it would be good practice **NOT** to resell such a product.
- where the mattress or foundation is not intended to be sold separately and the component to be sold fails to meet the requirements of the standard. The label states whether the mattress is intended for use with a foundation, without a foundation, or with or without a foundation.

OTHER RESOURCES: Regulatory Summary For Mattresses and Mattress Pads.

PHTHALATES IN CHILDREN'S TOYS AND CHILD CARE ARTICLES

HAZARDS: Development effects.



Phthalates are a group of chemicals that are used, among other things, to make vinyl and other plastics soft and flexible. As of February 10, 2009, Congress permanently banned three types of phthalates (DEHP, DBP, BBP)[1] in any amount greater than 0.1 percent in (1) children's toys and (2) certain child care articles.

- A **children's toy** is designed or intended for a child who is 12 years old or younger for use when playing. General use balls, bath toys/bath books, dolls and inflatable pool toys are examples of toys that are covered by the law and might contain phthalates. Bikes, musical instruments, and sporting goods (except for their toy counterparts) are not considered toys and are not affected by the ban.
- A **child care article** is designed or intended for a child who is 3 years old or younger, to use for sleeping or feeding or to help a child who is sucking or teething. Bibs, child placemats, cribs, booster seats, pacifiers and teethers are child care articles that are covered by the law and might contain phthalates.

Congress has also banned (on an interim basis) three additional types of phthalates (DINP, DIDP, DnOP)[2] in any amount greater than 0.1 percent in (1) child care articles and (2) toys that can be placed in a child's mouth, for example: squeeze toys, teethers, bath toys, and inflatable pool toys.

Mandatory Standards — Section 108 of the **Consumer Product Safety Improvement Act of 2008 (CPSIA)** (pdf). Additional requirements related to the ban on cetain phthalates were added in section 5 of **H.R. 2715, Pub. L. No. 112-28** (August 12, 2011), which amended the CPSIA.

Recalls — Check **www.saferproducts.gov** for phthalate recalls. **It is illegal to sell a recalled product.**

STOP

RESELLER RESPONSIBILITY: You can use several strategies to comply with the phthalates ban:

- Resellers are not required to test suspected products. However, resellers cannot knowingly sell any children's toy or child care article that does not comply with the ban on phthalates. Check for recalls and if the product has been recalled, follow the recall instructions or **destroy** it. If you have other reasons to suspect the product contains banned phthalates, **destroy** it.
- Your safest course is not to sell or accept certain products, unless you know they don't contain banned phthalates. CPSC's enforcement efforts will be focused on the products most likely to pose a risk of phthalate exposure to children, such as bath toys and other small, plastic toys, especially those made of polyvinyl chloride (PVC)that are intended for young children and can be put in the mouth.

[1]DEHP: di-(2-ethylhexyl) phthalate; DEP: dibutyl phthalate; BBP: benzyl butyl phthalate.

[2]DINP: diisononyl phthalate; DIDP: diisodecyl phthalate; DnOP: di-n-octyl phthalate.

OTHER RESOURCES: Phthalates Information Center

PLAY YARDS, MESH SIDED

HAZARDS: Suffocation, strangulation, choking.



Mesh-sided play yards (or play pens) are made of fabric or mesh side panels that attach to a rigid frame structure, including a floor. They are intended primarily for children who cannot climb out.

The CPSC is aware of a total of over 2,100 incidents associated with play yards that occurred between November 2007 and December 2011, including 60 deaths and 170 injuries. About 89 percent of the incidents, as well as one death, were related to the unexpected collapse of the play yard's side rail. Since 2009, the CPSC has issued four recalls of more than 1.4 million play yards.

Mandatory Standards A mandatory standard for play yards went into effect in February 2013. Go to: **16 CFR Part 1221**.

Recalls Check **www.SaferProducts.gov** for play yard recalls. **It is illegal to sell a recalled product.**

Voluntary Standards Go to: **ASTM Voluntary Standard F406 -12A**. Voluntary standards are industry technical specifications and are developed by industry, government, and consumer representatives.

STOP

RESELLER RESPONSIBILITY: Verify that all of the following safety features are present. If not, **destroy** the play yard.



Warning labels are present and state that the sides should never be left in the down position. (In the down position, the side forms a pocket that an infant can roll into and become trapped, causing the child to suffocate.)

The top rails:



- with a hinge in the center, must lock automatically when the rails are lifted into the normal use position. (If unlocked, the hinge may collapse, and the top rails can form an acute V-shape that can entrap a child's neck and cause the child to strangle);
- vinyl covering has no tears or holes. (A teething infant can chew off pieces of the vinyl covering of a play yard's railing and choke).

The mesh:

- has openings (weave) that are less than ¼ inch;
- has no tears or loose threads. (An infant or toddler can strangle if his or her head gets caught in tears in the mesh);
- Is attached securely to the top rails and floor plate.

No rivets protrude 1/16-inch or more on the outside of the top rails. A toddler can strangle in a play yard or portable crib with protruding rivets if a pacifier string or loose (or loosely woven) clothing catches onto one.

Any staples, rivets, or screws used in construction are not loose or missing.

No mattresses or pads are added that are not provided by the manufacturer.

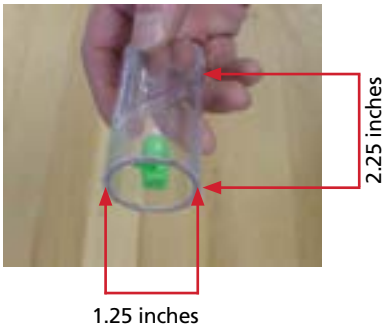
OTHER RESOURCES: Play Yard Recalls

SMALL PARTS

HAZARDS: Choking, inhaling, swallowing, death.

Children under 3 years old can choke, inhale, or swallow small parts that they put in their mouths. Products intended for children under 3 years old are **banned** if they are, or have, small parts or if one of the components can be detached or broken during normal use.

A small part can be any object or a part of an object that fits completely into a specially designed test cylinder under its own weight. The picture at the right shows the cylinder with a small toy inside. Small part cylinders are widely available for purchase.



From 2006 to 2010, the CPSC has reports of 21 children under 3 years of age who died from choking, inhaling, or swallowing balloons (8 deaths), small balls (8 deaths), and games or parts of toys (5 deaths).

Mandatory Standards

The mandatory standard for small parts went into effect on September 17, 1991. Go to: **16 CFR Part 1501**. Also see: the **Child Safety Protection Act** (effective January 1, 1995) and **16 CFR Part 1117** (reporting requirements).

Recalls

Check for recalls involving small parts. **It is illegal to sell a recalled product.**

STOP

RESELLER RESPONSIBILITY: Destroy products:

- if they have small parts and are intended for children under 3 years old, such as:
  - — balls with a diameter of 1.75 inches or less;
  - — dolls and stuffed toys that have eyes, noses, or other small parts that are not fastened securely;
  - — preschool toys, games, and puzzles with small parts;
  - — nursery products, such as baby bouncers and exercisers with small parts.
- if they are missing/lack required warning labeling on:
  - — toys and games intended for children from 3 through 5 years of age. The label must contain a small parts cautionary statement and safety alert symbol ⚠ on the packaging;
  - — balloons intended for children under 8 years old (see *Other Resources* below);
  - — products with marbles, small balls, and containing other small parts. The appropriate labels and instructions can be found in *Other Resources* below.

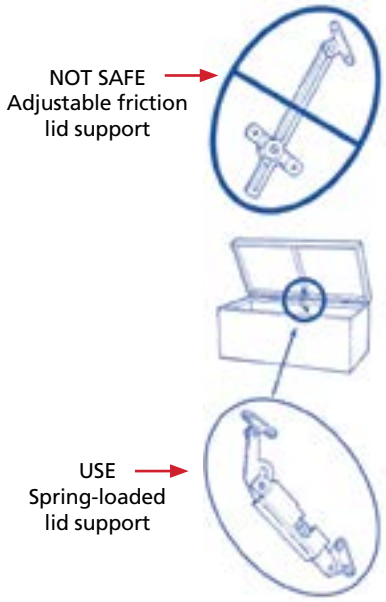
Exceptions to the small parts regulation include: books, modeling clay, crayons, paint sets, and accessories, paper products, pencils, and pens. In addition, children's clothing is exempt from the small parts regulation; but be sure that all small buttons and other parts are fastened securely.

OTHER RESOURCES: Regulatory Summary for Small Parts; Safety Alert — Children's Balloons; Child Safety Protection Fact Sheet

TOY CHESTS

HAZARDS: Suffocation, entrapment, strangulation, pinching, crushing, or laceration.

Toy chests with hinged lids that open vertically can collapse or drop suddenly, particularly if the lids have a hinge with an adjustable friction lid support (see drawing to right).



The CPSC has received reports of death and brain damage as a result of toy chest lids falling onto children's heads or necks. Most of the children were under 2 years of age. Accidents occurred when children were reaching over and into the toy chest when the lid dropped, either falling onto their heads or trapping them at the neck, between the lid and the edge of the toy chest.

Suffocation deaths have occurred when children climbed into chests to hide or sleep. Because the toy chests were not ventilated adequately, the children suffocated in the enclosed space. Lid support mechanisms, chest hardware, and attachments also have resulted in injuries, such as crushing, pinching, or lacerations.

Mandatory Standards Toy chests are regulated by the toy safety standard. Go to: **ASTM Voluntary Standard F963-07e1**.

Recalls Check **www.SaferProducts.gov** for toy chest recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Destroy toy chests that do NOT have:

- a spring-loaded lid support that will keep the lid open in any position without adjustment by the consumer to ensure adequate lid support; and
- ventilation holes or openings in the front, sides, or a gap under the lid. These ventilation holes should not be blocked if the chest is placed on the floor against the wall.

Also **destroy**:

- toy chests with an automatic locking device or a latch. These devices could prevent a child who climbs into a toy chest from exiting it.
- non-toy chests with automatic locks, such as trunks, wicker chests, and wooden storage chests that have been recalled (see recall link below). Children have also died in these chests.

OTHER RESOURCES: Safety Alert — Toy Chests; Toy Chests Recalls

TOYS WITH MAGNETS

HAZARDS: Death, intestinal perforation (holes), or blockage.

Toys containing small, powerful magnets or magnetic components, such as construction sets, action figures, dolls, puzzles, and jewelry can kill children if two or more magnets are swallowed.

If a child swallows two or more magnets, or swallows a magnet and another metal object, such as a small metal ball, the magnetic pieces in different areas of the intestines can be attracted to each other through the stomach or intestinal walls (see demonstration in picture to right). This will crush the trapped internal tissues, cutting off blood flow, and causing serious injury, infection, and possibly death. The objects can be removed only with surgery.

Estimates show that thousands of magnet-related ingestions occurred from 2009-2011. CPSC staff has received numerous reports of magnet-related ingestions, many of which required surgical intervention. In many cases the magnets had fallen out of larger components of toys or were separated from a larger set of magnets (as in the case of "desk toys"). In other cases, children swallowed intact toy components containing magnets. Some children 18 months to 16 years old required surgery to remove ingested magnets. For prior years, CPSC is aware of one death involving a 20-month old child.





Demonstration of Hazard

Mandatory Standards Toys with magnets intended for children up to 14 years old are regulated by the toy safety standard (ASTM F963). Go to: **ASTM Voluntary Standard F963**.

Recalls Check **www.SaferProducts.gov** for magnetic toy recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Destroy toys with magnetic parts that:

- have loose or missing magnetic components; or
- have been recalled.

The regulation **does not apply** to:

- Hobby, craft, and science kits with small magnets and that are intended for children over 8 years if the kits are labeled with this warning: *"This product contains (a) small magnet(s). Swallowed magnets can stick together across intestines causing serious infections and death. Seek immediate medical attention if magnet(s) are swallowed or inhaled."*
- Magnets used in devices, where the magnetic properties are not part of the play pattern of the toy, such as motors, relays, speakers, and electrical components.

OTHER RESOURCES: Magnets Information Center; Safety Alert — Magnets; Magnets Poster; Button Batteries Poster

BABY WALKERS

HAZARDS: Death, skull fractures, concussions, internal injuries, broken bones, cuts, bruises.



Infant walkers are products that support very young children before they are walking (usually 6 to 15 months old). Children may use walkers to sit, recline, bounce, jump, and, most importantly, use their feet to move around. Young children can be seriously injured or killed if a walker they are in falls down stairs.

Walkers are now required to have stair fall protection so that a walker either stops at the edge of a step or is too wide to fit through a standard size doorway. In 1992, an estimated 25,700 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers, most from falls down stairs. During the period 2004 to 2008, injuries associated with baby walkers decreased by more than 88 percent to 3,000 injuries annually. It is likely that many of the remaining injuries would be prevented if all walkers met the stair fall protection requirement of the mandatory standard.

Mandatory Standards The mandatory standard for baby walkers went into effect on December 21, 2010. Before that date, a voluntary standard for baby walkers was in effect. Go to: **16 CFR Part 1216**.

Recalls Check **www.SaferProducts.gov** for baby walker recalls. **It is illegal to sell a recalled product.**

RESELLER RESPONSIBILITY: Destroy baby walkers that do not meet the CPSC's mandatory standard that helps prevent falls downstairs. **The baby walker must have:**

- **Rubber-like gripping strips underneath**, or around the base, to grip the floor (see drawing to right);
- **OR**, if there are no gripping strips, it must have a base that is at least **36 inches wide** to prevent the baby walker from fitting through a standard doorway.



Look for a gripping mechanism under the edge of the base.



Too wide to fit through doorway

OTHER RESOURCES: Regulatory Summary For Baby Walkers; Baby Walker Recalls

CPSC RESOURCES



CPSC's Home Page:	**www.cpsc.gov**
Resale Information:	**www.cpsc.gov/resale**
Recalls (CPSC only):	**www.SaferProducts.gov**
Guidance for Resellers Email:	**Business@cpsc.gov**
Guidance on the CPSIA for Small Businesses:	**www.cpsc.gov/cpsia**
Small Business Information:	**www.cpsc.gov/smallbiz**
Report an Unsafe Product:	**www.SaferProducts.gov**
Regulations, Laws, and Information by Product:	**www.cpsc.gov/table**
Enforcement Email:	**sect15@cpsc.gov**
Phone:	**301-504-7520**

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