

110TH CONGRESS
1ST SESSION

H. R. 3477

To amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2007

Mr. FERGUSON (for himself and Mr. TOWNS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Safe Toys for Kids
5 Act".

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act and the amendments made
3 by this Act is to prevent the introduction of dangerous
4 toys and other products used by children into the market-
5 place by requiring independent third-party testing and cer-
6 tification that toys and other products intended for use
7 by children comply with consumer product safety stand-
8 ards and rules before they enter the interstate stream of
9 commerce.

10 **SEC. 3. CERTIFICATION OF COMPLIANCE OF CHILDREN'S**
11 **PRODUCTS WITH CONSUMER PRODUCT SAFE-**
12 **TY RULES.**

13 (a) EXPANSION OF CERTIFICATION REQUIREMENT
14 TO INCLUDE CERTIFICATION FOR COMPLIANCE WITH
15 ALL CONSUMER PRODUCT SAFETY RULES PROMUL-
16 GATED UNDER ACTS ADMINISTERED BY THE CONSUMER
17 PRODUCT SAFETY COMMISSION.—Subsection (a) of sec-
18 tion 14 of the Consumer Product Safety Act (15 U.S.C.
19 2063) is amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (5);

22 (2) in paragraph (1)—

23 (A) by striking “Every manufacturer” and
24 inserting “Except as provided in paragraph
25 (2),”; and

1 (B) by designating the second and third
2 sentences as paragraphs (3) and (4), respec-
3 tively, and indenting the margin of such para-
4 graphs, as so designated, 2 ems from the left
5 margin;

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) Every manufacturer of a children’s prod-
9 uct (and the private labeler of such product if it
10 bears a private label) which is subject to a consumer
11 product safety standard under this Act or a rule
12 under this or any other Act administered by the
13 Commission declaring a consumer product a banned
14 hazardous product shall issue a certificate which
15 shall certify that such product conforms to such con-
16 sumer product safety standard or is not a banned
17 hazardous product under such rule, and shall specify
18 such consumer product safety standard or such
19 rule.”;

20 (4) in paragraph (3), as redesignated by para-
21 graph (2)(B), by striking “Such certificate shall”
22 and inserting “A certificate required under this sub-
23 section shall”; and

24 (5) in paragraph (5), as redesignated by para-
25 graph (1)—

1 (A) by striking “required by paragraph (1)
2 of this subsection” and inserting “required by
3 paragraph (1) or (2) (as the case may be)”;
4 and

5 (B) by striking “requirement under para-
6 graph (1)” and inserting “requirement under
7 paragraph (1) or (2) (as the case may be)”.

8 (b) THIRD-PARTY CERTIFICATION REQUIRED.—Sub-
9 section 14(b) of the Consumer Product Safety Act (15
10 U.S.C. 2063(b)) is amended—

11 (1) by striking “The Commission may” and in-
12 serting “(1) The Commission may”;

13 (2) by designating the second sentence as para-
14 graph (2) and indenting the margin of such para-
15 graph, as so designated, 2 ems from the left margin;

16 (3) in paragraph (2), as so designated, by strik-
17 ing “Any test or” and inserting “Except as provided
18 in paragraph (3), any test or”; and

19 (4) by adding at the end the following:

20 “(3) In the case of a children’s product, any
21 test or testing program on the basis of which a cer-
22 tificate is issued under subsection (a)(2) shall be
23 conducted by a nongovernmental independent third
24 party qualified to perform such tests or testing pro-
25 grams.”.

1 (c) DEFINITION OF CHILDREN’S PRODUCTS AND
2 INDEPENDENT THIRD PARTY.—Section 14 of the Con-
3 sumer Product Safety Act (15 U.S.C. 2063) is amended
4 by adding at the end the following:

5 “(d) DEFINITIONS.—In this section:

6 “(1) CHILDREN’S PRODUCT.—The term ‘chil-
7 dren’s product’ means a toy or other article intended
8 for use by a child under 60 months of age that is
9 introduced into the interstate stream of commerce.
10 In determining whether a toy or article is intended
11 for use by a child under 60 months of age, the fol-
12 lowing factors shall be considered:

13 “(A) A statement by a manufacturer about
14 the intended use of such toy or article, includ-
15 ing a label on such toy or article, if such state-
16 ment is reasonable.

17 “(B) The context and manner of the ad-
18 vertising, promotion, and marketing associated
19 with the toy or article.

20 “(C) Whether the toy or article is com-
21 monly recognized by consumers as being in-
22 tended for use by a child under 60 months of
23 age.

24 “(D) The Age Determination Guideline
25 issued by the Consumer Product Safety Com-

1 mission in September 2002 and any subsequent
2 version of such Guideline.

3 “(2) INDEPENDENT THIRD PARTY.—The term
4 ‘independent third party’, with respect to a testing
5 entity, means an independent testing entity that is
6 physically separate from any manufacturer or pri-
7 vate labeler whose product will be tested by such en-
8 tity, and is not owned, managed, controlled, or di-
9 rected by such manufacturer or private labeler.”.

10 (d) LABEL AND CERTIFICATION.—Not later than 180
11 days after the date of the enactment of this Act, the Con-
12 sumer Product Safety Commission shall prescribe a rule
13 in accordance with subsection (c) of section 14 of the Con-
14 sumer Product Safety Act (15 U.S.C. 2063) for children’s
15 products described in subsection (d)(1) of such section, as
16 added by subsection (c) of this section.

17 **SEC. 4. PROHIBITION ON IMPORTS OF CHILDREN’S PROD-**
18 **UCTS WITHOUT THIRD-PARTY TESTING CER-**
19 **TIFICATION.**

20 Section 17(a) of the Consumer Product Safety Act
21 (15 U.S.C. 2066) is amended—

22 (1) in paragraph (4), by striking “or” at the
23 end;

24 (2) in paragraph (5), by striking the period at
25 the end and inserting a semicolon and “or”; and

1 (3) by adding at the end the following:

2 “(6) is a children’s product, as that term is de-
3 fined in section 14(d), that is not accompanied by a
4 certificate from a third-party verification entity re-
5 quired by section 14(a)(2).”.

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