

111TH CONGRESS  
1ST SESSION

# H. R. 3533

To amend the Consumer Product Safety Act to clarify and ensure the effective implementation of certain children's product safety provisions added by the Consumer Product Safety Improvement Act of 2008.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2009

Mr. BURGESS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Consumer Product Safety Act to clarify and ensure the effective implementation of certain children's product safety provisions added by the Consumer Product Safety Improvement Act of 2008.

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. MANDATORY SAFETY MARK FOR ALL TOYS AND**  
4                               **DURABLE INFANT AND TODDLER PRODUCTS.**

5       Section 14(d)(2)(A) of the Consumer Product Safety  
6       Act (15 U.S.C. 2603) is amended by inserting after “or  
7       private labeler may” the following: “, and by which a man-

1 manufacturer or private labeler of a toy or durable nursery  
2 product shall.”.

3 **SEC. 2. REQUIREMENTS OF SAFETY CERTIFICATION AND**  
4 **MARK PROGRAMS FOR TOYS AND DURABLE**  
5 **INFANT AND TODDLER PRODUCTS.**

6 Section 14(d)(2) of the Consumer Product Safety Act  
7 (15 U.S.C. 2603) is amended by adding at the end the  
8 following new subparagraph:

9 “(C) in addition to the protocols and  
10 standards for testing referred to in subpara-  
11 graph (B), require that the certification labeling  
12 (mark) requirements for toys, as defined by  
13 ASTM International Standard F963–08 or its  
14 successor, and durable infant and toddler prod-  
15 ucts, as defined by section 104(f) of the Con-  
16 sumer Product Safety Improvement Act of  
17 2008, referred to in subparagraph (A) must be  
18 based upon, at minimum—

19 “(i) comprehensive product safety de-  
20 sign analysis, conducted by qualified pro-  
21 fessionals who are not employed by the  
22 manufacturer or private labeler;

23 “(ii) appropriate testing frequency, in-  
24 cluding pre-production (prototype) testing,  
25 and production (batch) testing of sufficient

1 sample size but in any case not less fre-  
2 quent than every 500,000 final product  
3 units;

4 “(iii) selection of random samples for  
5 testing by an independent, third party con-  
6 formity assessment body; and

7 “(iv) adequate market testing of prod-  
8 ucts for sale to consumers, including ran-  
9 dom selection of products by an inde-  
10 pendent, third party conformity assessment  
11 body.”.

12 **SEC. 3. ELIMINATION OF GENERAL CONFORMITY CERTIFI-**  
13 **CATION REQUIREMENTS.**

14 Section 14 of the Consumer Product Safety Act (15  
15 U.S.C. 2603) is amended by striking subsection (a)(1) in  
16 its entirety.

17 **SEC. 4. DELAY OF EFFECTIVE DATE FOR TRACKING LABEL**  
18 **REQUIREMENTS.**

19 Section 14(a)(5) of the Consumer Product Safety Act  
20 (15 U.S.C. 2603) is amended by striking “1 year” and  
21 inserting “2 years”.

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