



Breaking News...

H.R. 2715 Brings Relief to the Children's Resale Industry

At lightning speed, on August 1, 2011, the House and then the Senate passed the Enhancing CPSC Authority and Discretion Act, H.R. 2715—legislation which reforms portions of the CPSIA. The bill was signed into law by President Obama on August 12, 2011.

The bi-partisan measure—sponsored by Rep. Mary Bono Mack, R-CA—was introduced and passed by the House with a vote of 421-2, then promptly passed by Unanimous Consent in the Senate later the same day. With all the media concentration on the debt ceiling bill, H.R. 2715 has received virtually no media coverage.

The twenty-nine page bill has provisions to exclude used children's products from the lead limit. The section that applies to our industry can be found on Pages 8 & 9 of H.R. 2715. Please read it very carefully and note the exclusions: children's metal jewelry and any children's product which the donating party or the seller has actual knowledge of the product being in violation of the lead limits. Also, note the bill's definition of 'used children's product.' Of course, there are no exclusions for any recalled products and although phthalates remain retroactive, there is an exclusion for inaccessible parts, similar to the exclusion for inaccessible parts containing lead. The Consumer Product Safety Commission (CPSC) is also given the authority to exclude further children's products or product categories in the future. So, implementation by the CPSC will be key!

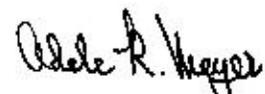
NARTS has been fighting diligently for CPSIA reforms for more than two years, speaking on the behalf of children's resale to everyone in Washington who would listen and even more vehemently to those who turned a deaf ear. Responding to the media frenzy, we communicated with countless, truly countless, numbers of reporters eager to publicize and support our cause... bringing awareness and understanding to the general public. Our campaign to "Help Save Children's Resale" took on a life of its own... receiving unprecedented support not only from resalers across the country, but from consumers who embraced an end to the unintentional consequences brought about by the CPSIA. The persistent, hard work and determination of all involved was time consuming and at times seemed fruitless. Yet we continued to strive for relief from lead limits on apparel and other products that are inherently lead free. Resale became an industry undivided toward this goal. This bill marks the first changes to the CPSIA since it was passed in 2008 and is a victory for the children's resale industry!

At the request of the legislative aides of the new bill's sponsors, we reviewed the Discussion Draft in March, making many suggestions and seeking changes. We were awaiting the markup hearing of this draft when, much to everyone's surprise, the bill just sailed through the House and Senate with virtually no warning—having been published only a few hours before the vote. It was passed by a floor/voice vote with no debate. We did not get some of the major changes we wanted; such as, lowering the age from 12 years (which was in the Discussion Draft) and an exclusion for our industry in cleaner language avoiding room for interpretation, confusion or debate. However, the Act does make the new 100ppm lead limit, which goes into effect on August 14, 2011, prospective. EXACTLY what we had asked for when they enacted this for 300ppm and 600 ppm. It also created relief to bicycles and ATVs from lead limits and testing, granted limited relief to small batch manufacturers and excluded printed books from the lead limit.

This is certainly an improvement on the unintended consequences of the CPSIA to our industry. We only wish H.R. 2715 had been introduced much sooner... before so much damage and loss was incurred by the children's resale industry... before NFP resale stores spent countless dollars disposing of donated children's merchandise they were not allowed to sell... before inherently lead free products were pulled from shelves without just cause... before so many children's products were sent to already overflowing landfills... before needless money was spent on testing for lead... before children's resale shops were closed or forced to convert to selling merchandise unfamiliar to them while consumers were deprived of economic alternatives to clothing their children... and that was just the tip of the iceberg!

What does this mean for the children's resale industry? The lead limits established in CPSIA no longer apply to used children's products with the exceptions of the exclusions in the bill. We can stop needless testing. We will not have to worry about the "lead police" coming into our stores to inspect inventory and impose penalties.

NARTS has been at the forefront in the battle to transform the CPSIA into a safety law that protects our children while respecting the resale entrepreneurs of this country. After supporting almost a dozen bills before this one—none of which were introduced—it is a relief and victory to see some "common sense" applied to the CPSIA. We are gratified that our industry's strength and perseverance have contributed to H.R. 2715 which includes measured steps to address some of the issues raised by our industry.



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[Read H.R. 2715](#)