

News from NARTS

National Association of Resale & Thrift Shops

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No Relief or Security for the Children's Resale Industry

St. Clair Shores, MI—The Consumer Product Safety Commission (CPSC) granted a one year stay of testing and certification requirements for certain products. These requirements are part of the Consumer Product Safety Improvement Act (CPSIA). “Since resellers have never been required to test or certify products—something we have always fully understood—this stay offers no relief or security for the children’s resale industry,” said Adele Meyer, NARTS Executive Director. The Commission also emphasized that resellers cannot sell items if they do not meet the new standards and remain legally responsible if they sell products in violation of the new lead limit, facing civil and/or criminal penalties. So, the confusion over the law and its effects remains.

In a press release, CPSC stated, “The stay of enforcement on testing and certification does not address thrift and second hand stores and small retailers because they are not required to test and certify products under the CPSIA. The products they sell, including those in inventory on February 10, 2009, must not contain more than 600 ppm lead in any accessible part. The Commission is aware that it is difficult to know whether a product meets the lead standard without testing and has issued guidance for these companies that can be found on our web site.”

The resale industry continues to receive the same mixed message—they do not have to test, however, they must comply. This message defies common sense. It is not just “difficult” to know the lead content without testing—it is impossible! Where is the assurance that if resale stores follow the CPSC’s “guidelines” yet unknowingly sell a product which exceeds the lead limit, that civil and/or criminal penalties will NOT be enforced against them? They should not have to expose themselves to that kind of liability.

“We realize the CPSC faces a daunting task in implementing the Act,” states Meyer, “however the resale industry needs definitive and concrete rulings that reflect the reality of our marketplace.” Stores want to be able to operate within the law. The subtle signals being sent—messages of this being an “unintended consequence” of the Act, that resellers should just be careful of what they sell and talk that enforcement agencies will not target resale shops—gives them no protection from liability. Congress and the CPSC need to take immediate action so the children’s resale industry can have some semblance of certainty again.

Resale professionals are frustrated and frightened with their businesses and livelihoods at risk. They have a responsibility to employees who depend on their jobs during a time of high unemployment. Thrift stores are concerned about the loss of revenues to charitable works they support who already are having a difficult time meeting their needs.

Consumers are confused as they try to sell or donate children's goods and find some stores are no longer accepting them during this time of uncertainty. Parents are worried about how they will clothe their children when the industry they depend upon during these dire economic times is affected. The public in general is confused with conflicting media coverage. Some reporters who may have scanned, rather than read and analyzed, recent CPSC releases wrote articles with misleading headlines or statements; such as, "Resale, thrift shops safe from new lead law" or "The Act originally covered thrift and consignment stores, but they are now exempt." There is a big difference between being exempt from testing and being exempt from abiding by the law!

The National Association of Resale & Thrift Shops (NARTS) has always been a strong advocate for product safety. Our members diligently check for recalls and unsafe products, making sure they are removed from the stream of commerce. Without this filter, we fear recalled products will end up in the hands of the very people the CPSIA is trying to protect. NARTS wants to work together with Congress and the CPSC toward our common goal of keeping children safe.

The resale industry needs a realistic solution that will not trap them between a choice of going out of business or being in violation of the law. No one should be faced with that decision.

The National Association of Resale & Thrift Shops (NARTS), the world's largest resale trade association, is dedicated to continuing education within the resale industry. The Association serves thrift, resale, and consignment shops of all types by providing educational and professional development for future owners and current store owners/managers. NARTS is committed to product safety, educating both consumers and store operators on how to identify previously recalled or banned products and any products that do not meet current safety standards. Please visit the NARTS Website at: www.narts.org for more information.