



February 6, 2009

Dear Valued Customer,

The Consumer Product Safety Commission (CPSC), has granted a one-year stay of enforcement for testing and certification of certain children's products and toys subject to the Consumer Product Safety Improvement Act of 2008 (CPSIA). The press release and statements by the CPSC's acting chairman and commissioners can be found at <http://cpsc.gov/cpscpub/prerel/prhtml09/09115.html>. The CPSC's full notice can be found at <http://cpsc.gov/library/foia/foia09/brief/stayenforce.pdf>. It is important to understand exactly what the stay does and does not do, as it concerns children's books:

- The stay postpones the requirement for printers to test and certify their products against the new lead standards. The new implementation deadline is February 10, 2010. Please refer to Printing Industries of America's FAQ for more information on the lead standards.
- The stay provides additional time for the Printing Industries of America to submit further information and test data to support the permanent request for exemption.
- The stay does not postpone the requirement for children's products to meet the lead standards. This means that printers will not be able to legally manufacture or distribute children's products and/or toys and retailers will not be able to legally sell children's products unless they comply with the following limits:
 - The current regulatory limits for lead are 600 parts per million dropping to 300 parts per million on August 14, 2009. These limits also apply to products in inventory, i.e., products manufactured before February 10, 2009.

In summary, the stay provides a measure of relief but is far from a permanent solution. The Printing Industries of America, of which we are a member, does however support the CPSC in its recognition that the previous testing and certification deadlines were untenable and required postponement in order to better define the testing and certification protocols, responsibilities, etc. and give the commission time to consider a permanent exemption for the printing industry.

On February 5, 2009 the CPSC issued an enforcement policy for the lead limits scheduled to take effect February 10, 2009. The enforcement policy identifies ordinary books printed after 1985 as a class of products that contain lead below 300 ppm which will not be targeted for enforcement of the new lead standard unless manufacturers knowingly violate the CPSIA's lead limits.



Here is an excerpt from the CPSC's press release on the enforcement policy:

"Manufacturers, importers, distributors, and retailers should also be aware that CPSC will:

- *Not impose penalties against anyone for making, importing, distributing, or selling*
 - *A children's product to the extent that it is made of certain natural materials, such as wood, cotton, wool, or certain metals and alloys which the Commission has recognized rarely, if ever, contain lead;*
 - *An ordinary children's book printed after 1985; or*
 - *Dyed or undyed textiles (not including leather, vinyl or PVC) and non-metallic thread and trim used in children's apparel and other fabric products, such as baby blankets.*

(The Commission generally will not prosecute someone for making, selling or distributing items in these categories even if it turns out that such an item actually contains more than 600 ppm lead.) Sellers will not be immune from prosecution if CPSC's Office of Compliance finds that someone had actual knowledge that one of these children's products contained more than 600 ppm lead or continued to make, import, distribute or sell such a product after being put on notice. Agency staff will seek recalls of violative children's products or other corrective actions, where appropriate."

What does this enforcement guide mean for printers?

While the enforcement policy does not permanently exempt books from the CPSIA it does limit the scope of manufacturers and children's books that could be subject to prosecution for unknowingly manufacturing or distributing a children's book that contains more than 600 ppm lead on and after February 10, 2009. The enforcement policy provides assurance to printers that they will not be prosecuted by the CPSC for children's books containing lead above 600 ppm unless the printer knowingly violated the lead limit. For example, a printer knowingly distributing a book that has been documented to contain 700 ppm lead would be subject to prosecution from the CPSC.

This enforcement policy applies only to books printed after 1985 and does not apply to other paper-based printed materials. The Printing Industries of America continues to advocate and seek guidance and an exemption for other paper-based printed materials from the CPSIA.

To follow in the spirit of these latest instructions from the CPSC, Media Lithographics will, while not required to, issue a General Conformity Certificate as it pertains to the lead content limits of the CPSIA of 2008, using reasonable testing methods on components. This statement will be posted on our Web site, Medialitho.com.

As always, we are grateful for the opportunity to serve you.

Sincerely,

Richard Chandler
President
Media Lithographics, Inc.