



CPSIA

Frequently Asked Questions

Introduction

Below are FAQs taken from the current version of the CPSC website and the Promotional Products Association International website. Our goal is to provide information specific to our products that will help simplify questions of applicability with regard to current statutes and regulations as they pertain to promotional products.

It is our intention and policy to conduct our business in compliance with all state and federal laws. To the best of our knowledge, this FAQ document provides our understanding of the new laws and how they apply to our products. We have not obtained legal counsel and can therefore only provide our good faith interpretations of the new laws. If you require more specific information and guidance, we urge you to contact your attorney or the CPSC for assistance.

What is the new consumer products safety law?

CPSIA (Consumer Products Safety Improvement Act) was signed into law on August 14, 2008 as Public Law 110-314. This new law expands current CPSC authority and creates new responsibilities for those who make, distribute and sell consumer products. This law also creates new standards for Children's Products.

What is the jurisdiction of the CPSC and what rules, bans, standards and regulations do we need to be concerned with?

There are 6 areas that the CPSC regulates:

1. The Consumer Products Safety Act
2. The Federal Hazardous Substance Act
3. The Flammability Fabrics Act
4. The Poison Prevention Packaging Act
5. Pool and Spa Safety Act
6. Refrigerator Safety Act

All have been revised by the new CPSIA law.

What products does the CPSC law affect?

We have grouped our product line into 3 categories in order to develop procedures to comply with the new CPSC law:

- Products intended for Adults that do not fall under any CPSC rulings
- Products intended for adults that do fall under CPSC rulings
- Products intended for Children 12 & under

Does Gemline have any product that will be affected by this new law?

Most of our catalog product is intended for adult use only and would not be affected by the new law. The nature of our current product line does not fall under any of the six jurisdictions of the CPSC. Examples of these products include backpacks, padfolios, portfolios and duffel bags.



General Conformity Certificate

What is a General Conformity Certificate?

A General Conformity Certificate (GCC) is a self-certification required by the Consumer Product Safety Improvement Act (CPSIA). The new law requires a manufacturer or importer of product to certify that the product meets or is in conformance with applicable federal consumer product safety laws. The GCC for a particular product may need to cover multiple rules, bans, standards or regulations.

When does a GCC need to be issued?

A GCC must be issued for any product manufactured as of November 12, 2008 that is subject to an existing rule, ban, standard or regulation. A GCC is also required upon the effective date of any new rule, ban, standard or regulation.

Is the General Conformity Certificate requirement limited to children's products?

No. All products subject to a consumer product safety rule must be certified after November 12, 2008.

Does Gemline have any products currently that require the GCC as of November 12, 2008?

Yes, Gemline currently offers child compliant items for all major product areas. The total SKU count is over 200 kid-friendly items.

Does Gemline provide GCCs for any of their products?

Gemline currently provides GCCs for children's items upon request from a customer, however, these forms are not required by law until 2/10/2011.

Who must issue the certificate?

Under the Commission's rule for products manufactured overseas, the certificate must be issued by the importer. For products manufactured inside the United States, the certificate must be issued by the U.S. manufacturer. Neither a foreign manufacturer nor a private labeler is required to issue a certificate, and this information does not need to be identified on the certificate issued by the importer or domestic manufacturer.

Is Gemline required to supply these certificates to distributors?

Yes, we are required to "furnish" these certificates. The commission rule states that we are to provide reasonable means to our distributors to access these certificates.

How will Gemline furnish the GCC to our distributors?

For GlobalSolutions direct overseas orders that require a GCC, a certificate will be sent along with the shipping paperwork.

For any products shipping from our Lawrence facility, all required GCCs will be kept on file and can be forwarded to the distributor upon request. These forms are also available for download on Gemline's website.

On what does the certification have to be based?

The general conformity certification must be based on product testing under a reasonable testing program for the specific rule, ban, standard or regulation that the product is subject to.



Definition of Children's Product

What is the definition of a Children's Product and how will the age cutoffs be determined?

A "**children's product**" means a consumer product **designed or intended** primarily for children 12 years of age or younger. In determining whether a consumer product is primarily intended for a child 12 years of age or younger, the following factors will be considered:

- A statement by the manufacturer about the intended use of the product, including a label on the product if such statement is reasonable.
- Whether the product is represented in its packaging, display, promotion or advertising as appropriate for use by children 12 years of age or younger.
- Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger.

What is the definition of a Child Care Article?

A "**Child Care Article**" is a Consumer Product **designed or intended** by the manufacturer to facilitate sleep or the feeding of children under the age of 3 years, or to help such children with sucking or teething.

What is the definition of a Children's Toy?

A "**Children's Toy**" is a Consumer Product **designed or intended** by the manufacturer for a child 12 years or younger for use by the child when the child plays

If an adult product is given to an adult and then handed off to a child, is it considered a children's product?

No. The definition for "Children's product" overrules this exception. A cinchpack decorated with the "IBM" logo that is given to a child to use is different than a cinchpack that is decorated with the "Nickelodeon" logo.

Requirements and Testing of Children's Products

LEAD:

What are the new lead standards that Children's products will need to meet?

For Lead in Substrate (material):

- 300ppm for lead in substrate became effective for children's products on 8/14/09
- The standard will apply for all components in a children's product
- Before this date, the standard was lead limit in substrate of 600 ppm, as of 2/10/09

For Lead in Surface Coatings:

- 90ppm for lead in surface coatings became effective for children's products on 8/14/09.
- Any Children's product that has a painted surface coating would need 3rd party testing for that component only starting for new production after 8/14/09.



Do our Screen printing inks fall under the new standards for lead in paint?

No. According to the 16 CFR 1303 standard that is referred to in the new CPSIA law, "Printing Inks" are not considered paints or similar surface coatings purposes and are exempt from 16 CFR 1303. Since Screen printing inks are exempt, we are not required to provide a GCC for lead in paint and do not need to meet the 90ppm lead limit. However, Gemline has worked closely with our ink suppliers to acquire testing reports and GCC's for all the ink systems used on Gemline products and are in compliance with the lead in surface coating standards.

Does packaging have to comply with the lead requirements?

CPSIA defines children's products as those products intended primarily for use by children 12 and under. Packaging is generally not intended *for use* by children, given that most packaging is discarded and is not used or played with as a children's product.

PHthalATES:

What group of products does the Phthalates prohibition apply to?

Three phthalates, DEHP, DBP and BBP, have been permanently prohibited by Congress in "**children's toys**" or "**childcare articles**." Three additional phthalates, DINP, DIDP, and DnOP, have been prohibited pending further study and review by a group of outside experts and the Commission.

Does the Phthalate ban affect any other products?

No; the ban affects only the two categories of children's products noted above.

What about existing inventories with phthalate content; can they be sold?

The General Counsel of the CPSC has rendered an opinion that unlike lead content items, items that contained phthalates may be sold after that date. The ban is on the manufacturing of the items as of February 10, 2009.

Does Gemline have any products that would have the Phthalate prohibition apply to?

Yes, the Sand and Surf Fun Kit (#3918) was introduced in January 2010.

We cannot express an opinion regarding the applicability of these specifications with respect to our custom product division, Global Solutions.

ASTM F963-07

What is ASTM F963-07?

This is a US Standard Consumer Safety specification for **TOY Safety**. It relates to possible hazards that may not be recognized readily by the public and may be encountered in the normal use for which a **toy** is intended or after reasonably foreseeable abuse (abuse or use here?) use probably sounds better here. The specification covers requirements and contains test methods for **toys** intended for use by children under 14 years of age. Different age limits for various requirements will be found in this specification. These limits reflect the nature of the hazards and expected mental or physical ability, or both, of a child to cope with the hazards.

Does Gemline have any products that will need to conform to ASTM F963-07?

Yes, the Sand and Surf Fun Kit (#3918) was introduced in January 2010.



FLAMMABILITY:

Do Gemline products need to meet the Solid Flammability regulations of the FHSA (Federal Hazardous Substance Act)?

No. It is not required that Gemline test for flammability or provide GCC's for general purpose items since they are not clothing or intended to be used or placed by a heat source. However, as part of a reasonable testing program, all Gemline products have been randomly tested and meet Solid Flammability regulations of 16 CFR 1500.44, except for products made from non-woven material.

What about Flammability in Clothing?

Gemline offers apron products, which have all been tested and pass for flammability against protocol: FLAMMABILITY OF CLOTHING TEXTILES 16 CFR PART 1610:2008