

The Etsy CPSIA Action Kit

SECTION 1: THE CPSIA

1. What is the CPSIA and what are the consequences for the independent maker and vintage seller?

After a spate of imported children's products were found to contain lead, the United States Congress quickly drafted and passed the CPSIA, or the Consumer Product Safety Improvement Act (CPSIA) in August 2008. This law is slated to go into implementation on February 10, 2009.

Among other things, the CPSIA bans lead and phthalates in children's products, mandates third party testing and certification, and requires manufacturers of all goods for children under the age of 12 to permanently label each item with a date and batch number.

Under the very important auspices of child safety, the CPSIA may have grave unintended consequences: fewer choices for families who are looking for handcrafted alternatives. Many Etsy artists and craftspeople have expressed fears that they won't be able stay in business due to the burdensome cost of testing and certification pursuant to the proposed legislation.

So what does this mean? Walter Olson of Forbes and overlawyered.com puts it succinctly:

“As of Feb. 10, it will become unlawful to make or sell anything intended for use by children under 12 without a program to test the goods for lead — even if no items of their kind have ever been found to pose a lead risk, even if you make and sell only a few inexpensive items a year, even if you've sourced their materials from the most conscientious local suppliers and even if they're items toddlers seldom convey into their mouths, such as dartboards or bicycle tires.

In August, relatively lenient self-checks will give way to a much costlier mandate for ‘third-party’ lab testing. That will mean testing every lot of goods — typically each style/size combination — at a cost of perhaps hundreds of dollars per lot for simple items, and potentially much more than that for items with multiple colors, components or materials.

Because there is at present no green light for once-for-all component testing, the same bit of elastic or fabric trim will have to be tested again and again as part of each lot.”

The full article is here: http://www.forbes.com/2009/01/22/cpsia-waxman-cpsc-oped-cx_wo_0122olson.html/

SECTION 2: THE US GOVERNMENT

What can I do? Who can I contact?

Below you will find those who need to hear from you on this important issue. It is crucial that you reach out to the CPSC, your elected representatives, and the key members of The Committee On Energy and Commerce.

1. Contact The Committee on Energy and Commerce

The Committee On Energy and Commerce is the congressional committee that sponsored the CPSIA, and they are the ones who can call a hearing to delay, amend, or repeal the CPSIA.

Please urge them to hold a hearing on the CPSIA before February 10th. This is the first step to getting the legislation delayed, amended, or repealed.

Snail Mail:

The Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Telephone: (202) 225-2927
Web: <http://energycommerce.house.gov/>

The ranking members of the Committee are:

The Hon. Henry A. Waxman- District 30 Los Angeles
<http://www.visi.com/juan/congress/cgi-bin/newmemberbio.cgi?lang=&member=CA30&site=ctc>

The Hon. Bobby Rush Illinois District 1
<http://www.visi.com/juan/congress/cgi-bin/newmemberbio.cgi?lang=&member=IL01&site=ctc>

The Hon. Joe Barton Texas District 6
<http://www.visi.com/juan/congress/cgi-bin/newmemberbio.cgi?lang=&member=TX06&site=ctc>

The Hon. Ed Whitfield District 1 Kentucky
<http://www.visi.com/juan/congress/cgi-bin/newmemberbio.cgi?lang=&member=KY01&site=ctc>

We encourage all of you to urge your friends and family who are constituents of these men to let them know that they want the CPSIA delayed, amended, or repealed.

Sample Letter to The Energy and Commerce Committee

Dear Congressmen [Waxman, Whitfield, Rush, Barton],

The economic crisis in our country is already devastating millions in this country. That is why it concerns me that under the CPSIA, even more small business owners will be driven out of business, deepening the crisis. The premise of self-reliance and entrepreneurship on which this country was founded is in jeopardy.

Under the very important auspices of child safety, the CPSIA may have grave unintended consequences: fewer choices for families who are looking for handcrafted and secondhand alternatives. Many artists, vintage sellers, and craftspeople have expressed fears that they won't be able stay in business due to the burdensome cost of testing and certification pursuant to the proposed legislation.

I urge you, please, hold a hearing before February 10th, to delay implementation of the CPSIA. It is essential that you amend this well-intentioned law in order to protect this thriving and crucial part of the American economy. Failure to do so will unnecessarily devastate countless people, many of your constituents among them.

It is time to do what you meant to do with the CPSIA, and truly protect your fellow Americans and their children.

Sincerely,
[Your Name]

2. Contact Your Elected Representatives

Regardless of whether your Congressperson or Senator is on the Commerce and Energy Committee, they need to hear from you! Your vote is very important to them, and they need to know that you do not support them as long as they support the CPSIA in its current incarnation.

a. Find Your Congressperson:

<https://writerrep.house.gov/writerrep/welcome.shtml>

b. Find Your Senator:

http://www.senate.gov/general/contact_information/senators_cfm.cfm

a. Sample Letter to Your Congressperson or Senator

Dear [your congress person or senator],

The economic crisis in our country is already devastating millions in this country. That is why it concerns me that under the CPSIA, even more small business owners will be driven out of business, deepening the crisis. The premise of self-reliance and entrepreneurship on which this country was founded is in jeopardy.

Under the very important auspices of child safety, the CPSIA may have grave unintended consequences: fewer choices for families who are looking for handcrafted and secondhand alternatives. Many artists, vintage sellers, and craftspeople have expressed fears that they won't be able stay in business due to the burdensome cost of testing and certification pursuant to the proposed legislation.

As your constituent I ask you to please urge Congressman Waxman to hold a hearing before February 10th, to delay implementation of the CPSIA. It is essential that The Energy and Commerce Committee amend this well-intentioned law in order to protect this thriving and crucial part of the American economy.

Failure to do so will unnecessarily devastate countless people, many of your constituents, like me, among them.

It is time to do what the Committee meant to do with the CPSIA, and truly protect our fellow Americans and their children.

Sincerely,
[Your Name]

c. Contact The President:

<http://www.whitehouse.gov/contact/>

The White House contact form only allows for up to 500 characters. Short version below.

b. To Use on White House Contact Form:

The economic crisis in our country is already devastating millions in this country. Under the CPSIA, even more small business owners will be driven out of business. Mandatory 3rd party lead testing and certification is cost prohibitive for small Ma and Pa businesses. The premise of self-reliance and entrepreneurship

on which this country was founded is in jeopardy. I urge you to delay, amend, or repeal the CPSIA. Please truly protect your fellow Americans and their children. Thanks.

3. Contact The CPSC

<http://www.cpsc.gov/about/cpsia/cpsia.html>

The Consumer Product Safety Commission is in charge of implementation and enforcement of the CPSIA.

- You can sign up for CPSC email updates here:

<https://www.cpsc.gov/about/cpsia/cpsialist.aspx>

- Keep informed on updates here:

<https://www.cpsc.gov/about/cpsia/cpsia.html#whatsnew/>

CPSC Public Commenting

Until January 30th, 2009 the CPSC is taking public comments on Section 102 of the CPSIA.

Specifically, they wish to get your input in the eight following areas:

1. How the risk of introducing non-compliant product into the marketplace would be affected by permitting third-party testing of the component parts of a consumer product versus third-party testing of the finished consumer product.
2. The conditions and or circumstances, if any, that should be considered in allowing third-party testing of component parts.
3. The conditions, if any, under which supplier third-party testing of raw materials or components should be acceptable.
4. Assuming all component parts are compliant, what manufacturing processes and/or environmental conditions might introduce factors that would increase the risk of allowing non-compliant consumer products into the marketplace.
5. Whether and how the use and control of subcontractors would be affected by allowing the third-party testing of component parts.
6. What changes in inventory control methods, if any, should be required if third-party testing of component parts were permitted. Address receipt, storage and quality control of incoming materials, management and control of work-in-

process, non-conforming material control, control of rework, inventory rotation, and overall identification and control of materials.

7. How a manufacturer would manage lot-to-lot variation of component parts, in a third-party testing of component parts regime, to ensure finished consumer products are compliant.

8. Whether consideration of third-party testing of component parts should be given for any particular industry groups or particular component parts and materials. Explain what it is about these industries, component parts, and/or materials that make them uniquely suited to this approach.

Submit comments via email or fax

Email: Sec102ComponentPartsTesting@cpsc.gov , Fax: (301) 504-0127

4. Sign These Petitions

<http://www.gopetition.com/petitions/reform-cpsia-hr4040.html>

<http://www.ipetitions.com/petition/RepealCPSIA/>

SECTION 3: HELPFUL INFORMATION AND WEBSITES

1. The Handmade Toy Alliance

<http://www.handmadetoyalliance.org/>

The most comprehensive source for information and action is the website of the Handmade Toy Alliance.

- Sign up for their newsletter: <http://handmadetoyalliance.list-manage.com/subscribe?u=bd70bf1c36024ddff3d1ec62&id=d08647cc2d>
- Join their Google Group: <http://groups.google.com/group/handmade-toys?hl=en&pli=1>

2. Reform CPSIA

<http://reformcpsia.org/>

An Organization of Retailers & Consumers Focused on Reforming the CPSIA

2. Fashion Incubator

<http://www.fashion-incubator.com/blog/>

Kathleen Fasanella has been doing a wonderful job of explaining the CPSIA in straightforward and clear ways. Highly recommended.

3. CPSIA Central

<http://cpsia-central.ning.com/>

4. Buy Handmade

<http://blog.buyhandmade.org/>

The handmade consortium is keeping this blog up to date with CPSIA news and press.

5. National Bankruptcy Day

<http://nationalbankruptcyday.com/>

6. Smart Mama Blog

http://www.thesmartmama.com/bg/index.php?option=com_frontpage&Itemid=1

SECTION 4: THE MEDIA

1. Reaching Out

Besides contacting your elected officials, the best thing you can do to help is to get the word out there.

- Blog about the CPSIA.
- Tell your friends, family, and customers.
- Reach out to members of the media.

Some tips on reaching the media

- Start first with any personal press contacts you may have. If they are not able to write about the CPSIA they might be able to direct you to the person who can.
- Be prepared: Have a “one sheet” that explains what the CPSIA and what it could mean for small businesses. Let them know how it will impact your business. Put a human face on the story. Feel free to use any section of this document.
- It is helpful for journalists to see what else has been written on the subject. Include relevant press articles from below. The ones from Forbes are rather good.

2. Recent Articles on the CPSIA

A few of the most informative pieces are listed below. For a complete list of articles on the CPSIA please visit:

<http://www.handmadetoyalliance.org/press-coverage>

1. Forbes:

Scrap The Consumer Product Safety Improvement Act

Part I:

http://www.forbes.com/2009/01/16/cpsia-safety-toys-oped-cx_wo_0116olson.html

Part II:

[http://www.forbes.com/2009/01/22/cpsia-waxman-cpsc-oped-cx wo 0122olson.html/](http://www.forbes.com/2009/01/22/cpsia-waxman-cpsc-oped-cx_wo_0122olson.html/)

2. Bloomberg:

Mattel, Wal-Mart Test Toys as Small Firms Struggle

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a9wCNjPn4TJ4>

3. Business Week:

Misinformation and the CPSIA

http://www.businessweek.com/smallbiz/running_small_business/archives/2009/01/misinformation.html/

3. CNN:

New Law could wipe out handcrafted toy makers

http://money.cnn.com/2009/01/14/smallbusiness/toy_law_threatens_small_companies.smb/?postversion=2009011509

SECTION 5: WEB BUTTONS AND SOCIAL MEDIA

Read Business Week's Using Social Tools to fight the CPSIA:

http://www.businessweek.com/smallbiz/running_small_business/archives/2009/01/consumer_produc.html

1. Facebook:

- Handmade Toy Alliance:

<http://www.facebook.com/pages/Handmade-Toy-Alliance/43825506737>

- Buy Handmade:

<http://www.facebook.com/profile.php?id=675407276&ref=ts>

- Join these CPSIA groups:

<http://www.facebook.com/profile.php?id=522901764&ref=profile#/s.php?ref=search&init=q&q=CPSIA&sid=4c0fc0d3c4a8aadc66a12539446992c3>

2. Flickr:

The CPSIA Endangered Children's Products and Toys

<http://www.flickr.com/groups/986590@N23/pool/>

2. Twitter:

Keep up to date with what people are saying about the CPSIA. If you have your own Twitter account, be sure to tweet about the CPSIA frequently

<http://search.twitter.com/search?q=CPSIA>

3. Google Alerts:

Sign up for Google alerts on the CPSIA. Every time the CPSIA gets mentioned by the media you will receive an alert. Be sure to send a link to the article to the congressperson in the geographic area where the article ran.

<http://www.google.com/alerts>

4. International Blog In, Wednesday, January 28th, 2009:

A group of Etsy sellers is calling for an international day of blogging on the CPSIA.

Learn more here:

http://www.etsy.com/forums_thread.php?thread_id=6013238

and

<http://ecochildsplay.com/2009/01/26/the-crafters-are-organizing-and-they-are-furious-cpsia-backlash/>

5. Buttons and Badges:



