



Distributed on:

JAN 22 2009

City Manager's Office
Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

SUBJECT: Children's Books and the
Consumer Product Safety
Improvement Act – Library
Impact

FROM: Jane Light
Betsy Shotwell.

DATE: January 20, 2009

Approved

Christine J. Shipley

Date

1/21/09

INFORMATION

In August 2008, the 110th Congress passed the Consumer Product Safety Improvement Act (CPSIA) to protect children from exposure to lead and phthalate. The General Counsel of the Consumer Product Safety Commission has interpreted this law to include children's books, as well as toys, and sent an opinion to the Association of American Publishers informing them that all books designed or intended for children under the age of 12 need to be tested. The opinion was retroactive, covering all books currently on library shelves.

The publishing community supplied the Commission with evidentiary support, which can be viewed at www.rrd.com/cpsia, that books and other non-book paper-based printed materials should not be subject to the lead, phthalate, and applicable ASTM standards that are referenced in the CPSIA because they do not present any of the health or safety risks to children that the law intended to address. The General Counsel rejected the publishers' request to be excluded.

If the CPSIA is applied to books and paper-based materials, public, school, and museum libraries will have to either remove all their books or ban all children under 12 from visiting their facilities beginning on February 10, 2009.

The American Library Association (ALA) has been in discussion with attorneys, other associations, and the sponsors of the original bill. Its analysis is that neither the law nor the legislative history indicates any Congressional intention to include books in the law.

ALA is taking measures to ensure that CPSIA will not affect libraries, and has sent a letter to all Congressional offices. We are monitoring the situation closely and will inform you if there are actions that the Council may want to consider taking.

Jane Light
Jane Light
Director, Library Department

Betsy Shotwell
Betsy Shotwell
Director, Intergovernmental Relations

For questions, please contact Jane Light, Library Director, at 408-808-2150.