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## Garage sales covered under new product safety laws

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The Kansas City Star

*Selling any used cribs or playpens at your upcoming garage sale? Children's clothes with drawstrings or zippers? Pre-1985 books? Rubber duckies or pool floaties?*

*Better check them twice.*

Just like megasize toy manufacturers and stores that sell products from China, the notoriously broad and confusing federal Consumer Product Safety Improvement Act applies to you and your front yard.

Anyone selling products, even used ones, that have been recalled or banned by the act is in violation. The act covers everything from toys with lead paint to cribs that might strangle babies.

"Ignorance of the law is not an excuse," warns a 27-page Consumer Product Safety Commission resellers' handbook, released this month. "But more importantly ... you do not want to sell products that have the potential to harm anyone, especially a child."

Besides people holding yard sales, the law applies to thrift or consignment stores, charities, flea markets and people who sell on auction Web sites, the handbook says.

Unlike manufacturers, resellers aren't required to test used products for lead and phthalates.

However, they are supposed to educate themselves about safety standards and, somehow, ensure none of their products violates them.

The safety commission will not patrol garage sales, commission spokesman Scott Wolfson said. But store proprietors who knowingly or repeatedly violate the law may be fined.

All sellers — and shoppers — should learn about the rules, Wolfson said.

"You could be passing on a danger to an unknowing family," he said. "We do a great job at CPSC of getting dangerous products off of store shelves. Our challenge has always been getting those same dangerous products out of people's homes."

The commission studied thrift stores nationwide in 1999 and found that 69 percent were selling products that had been recalled, banned or failed to meet safety standards, according to the handbook.

After millions of lead-tainted toys from China were recalled in 2007, Congress enacted the sweeping and complicated Consumer Product Safety Improvement Act in August 2008. It took effect in February.

The new handbook, available at [www.cpsc.gov](http://www.cpsc.gov), summarizes the law for everyday people who sell used products.

It includes resources and guidelines for identifying risky products, plus horror stories — some with illustrations — of what has and could happen to children because of certain items:

- Drawstrings on hoods have caught on playground equipment and bus doors, causing children to be strangled or dragged and killed.
- Magnetic toy parts, if swallowed, have attracted one another inside children's intestines, perforating them.
- Children have been hanged when their bodies, but not their heads, slipped between rails of top bunk beds.
- Others have suffocated when foam pellet stuffing from bean bag chairs clogged their mouths and noses.

Throughout Mission's recent citywide garage sale, piles of used children's clothes, playpens and bassinets, dolls and toys ranging from elaborate sets to cereal-box prizes were on sale — cheap.

Some sellers were mothers who said they policed their own products for their own children's safety, but they either hadn't heard of the new act or didn't know it applied to them.

Karen Laughton's wares included a bassinet and a large Fisher-Price toy once used by her children, now 4 and 7. Laughton said she'd heard of similar products being recalled but that when she checked the list she learned hers were different models or years.

Otherwise, putting them out "wouldn't feel right," she said. "I would feel terrible if a kid got hurt because I sold something that I shouldn't have."

Stephanie Matchett was selling used toys and clothes her 1-year-old daughter and 4-year-old son had outgrown. None of the clothes had neck drawstrings. Matchett said she assumed the pajamas were nonflammable because they were new not long ago.

Matchett said she has recall Web sites bookmarked on her computer but admits, "It changes so often...it's so hard to keep up with everything."

Stores that sell used products also are having a hard time keeping up.

As the safety act's Feb. 10 compliance date loomed, frustrated manufacturers and retailers — including book publishers, toothbrush makers and bicycle suppliers — lobbied to have their products excluded from the act, or to be granted stays of enforcement until they could figure out how to comply.

Some succeeded. Others, including the resale industry, did not.

Adele Meyer, executive director of the National Association of Resale and Thrift Shops, said member stores are now doing the best they can to follow the law.

"It's just the way it was written, it's almost impossible to abide by this law," Meyer said.

Some stores, to avoid any risk, quit accepting children's products altogether, she said. Some that sold only children's products have "reinvented themselves" by adding adult clothing or furniture to make up for lost inventory.

Stores have always checked recall lists, Meyer said, but some now call manufacturers directly to find out, for example, if a certain product contains phthalates.

Meyer said the safety commission doesn't have the manpower to police the law among retailers, much less garage sale operators.

Merriam resident Meredith Mullen perused a table full of baby clothes at a recent sale in Mission.

Mullen, who was shopping for gifts for her nieces, said buyers should take responsibility, too: "If you purchase something at a garage sale, you should probably check it out when you get home."

### **Some things you shouldn't sell**

- Any recalled product, for children or adults. Cribs, playpens, bunk beds, baby walkers and board books are among commonly recalled products.
- Toys, other children's products or furniture with paint containing more than the legal limit of lead. Potential culprits include inexpensive children's metal jewelry and clothes with metal decorations or closures.
- Toys or child-care articles containing more than the legal limit of phthalates. Balls, bath and pool toys, dolls, bibs and teethers are examples of risky items.
- Books with metal spiral bindings or designed primarily for play, like plastic bath books, which may contain lead or phthalates.

### **Some things you can sell**

- Items made entirely of wood, without paint or hardware.
- Clothes, blankets and other items made entirely of yarn or textiles such as cotton, wool and nylon. Thread, elastic and closures must be non-metallic.
- Traditional books printed after 1985.
- Vintage children's books and other collectibles not primarily intended for children.

The new CPSC handbook for product resellers can be downloaded free at [www.cpsc.gov](http://www.cpsc.gov).

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