



New Federal Restrictions on Selling Children's Books Attention Local AAUW Book Sale Volunteers

Background

In response to media stories about lead and other toxins in children's toys, Congress adopted the "Consumer Product Safety Improvement Act" in 2008. The law seeks to lower the levels of dangerous toxins, such as lead, in products intended for children 12 years of age or younger. The Consumer Product Safety Commission (CPSC), which regulates most consumer goods, was put in charge of enforcing this law. The CPSC announced that almost all products for children ages 12 or younger were covered by this law, **including books**. Under this interpretation, books are subject to the same testing standards as children's toys and clothing.

The CPSC originally proposed that libraries and booksellers could not provide **any** books to children ages 12 and under unless the seller provided third-party certification that the books' ink or binding did not contain an unacceptable amount of lead-based ink. The CPSC made this rule despite the fact that publishers have tested the components of books and found that lead levels in children's books were far below the law's thresholds. Additionally, the Centers for Disease Control and Prevention have determined that there is little risk to children from lead in ordinary books. In response, several groups—including AAUW and the American Library Association—convinced the CPSC to somewhat modify its rules (see below).

What You Need to Know

There are two questions that AAUW book sale volunteers need to ask about donated books before making the decision to resell them:

- 1) *Who is the target audience of the book?* This information is usually noted on the front or back cover of children's books. If the book is intended for ages 13 and older, there is no restriction on sales. If the book is intended for ages 12 and younger, you must check the publication date (see #2 below).
- 2) *When was the book published?* This information is usually noted toward the beginning of the book on the publication page, although this placement can vary among books. Books published in 1986 and after have been determined to be safe. However, the CPSC has ruled that children's books (for ages 12 and younger) published in 1985 and before are unsafe, due to some publishers using lead-based inks in books published before this time.

Under the new federal rules, there are no restrictions on reselling any children's books published after 1986, or any children's books meant for those ages 13 and older. Your AAUW state or branch affiliate may continue to collect and sell these books just as you always have.

Under the new federal rules, ***every children's book published before 1986 and intended for readers ages 12 and younger must be certified by CPSC's lab to ensure that lead-based ink does not exceed acceptable levels.*** AAUW state and branch affiliates must do this testing before you may resell these particular children's books. This testing process could prove costly, so each branch will have to make its own decision as to whether testing such books is worth the cost and in their book sale budget.

At a minimum, AAUW recommends that if a branch is aware that a pre-1986 book contains lead, it must remove that book from the book sale. Additionally, if branches confirm the presence of lead-based ink in any children's books, they should let AAUW staff know so that we might share that information with other branches. ***Branches may simply decide not to sell any children's books published before 1986, and simply recycle those that have been donated. In the event a book does not have a publication date and the branch cannot afford testing, the most prudent course would be to not offer the book for sale.***

AAUW is lobbying Congress to pass legislation to end this restriction on children's books which have been repeatedly proven safe. This bill, H.R. 272, was introduced in January 2011 and would exempt books from the CPSC's new lead standards. Introduced by Rep. Jeff Fortenberry (R-NE), it has the support of both AAUW and the American Library Association. We will keep you posted on our progress in moving the legislation, and will look to you to provide your voice for its passage.

A Note on Collectors' Editions

The question of collectors' editions is not directly answered in the new safety regulations. Collectors' editions or antique books are typically bought for their value as collectors' items. Thus, it seems reasonable that a collector's edition would not be intended for audiences ages 12 and younger—the target age group of the regulations. ***AAUW affiliates must ensure that pre-1986 children's books that are also collectors' items are sold only to adults.*** Branches also should consider checking the pre-1986 children's books during the sorting process, in an effort to identify their value before recycling them.

What You Can Do

- Send a letter to Congress (see sample letter below).
- Have book sale beneficiaries, such as scholarship winners, write letters to Congress.
- Have prior book club donors and those on the branch's mailing list contact Congress.
- Contact scottb@aauw.org with books that your branch suspects contain lead-based ink.

Questions

Contact Beth Scott, AAUW's regulatory affairs manager, at 202-728-7617 or scottb@aauw.org

Sample Letter to Congress

If you can, personalize your letter with stories about your branch's successful book sales, the many students and civic causes the branch has funded, and the importance of making affordable books available in your community. You can mail your letter, or go to your representative's web site and send your message via their contact system.

Date XXXX

The Honorable Jane Doe
U.S House of Representatives
Washington, DC 20515

Dear Rep. Doe:

As your constituent, I join with the American Association of University Women (AAUW) in strongly urging you to support and cosponsor H.R. 272. The bill was introduced by Rep. Jeff Fortenberry, and would end the unnecessary restrictions on children's book sales imposed by the Consumer Product Safety Improvement Act of 2008. While this new law has a noble goal to improve the safety of children's toys, the CPSC has broadly interpreted the statute to include ordinary children's books. Testing has shown that finished ordinary books and their component materials contain levels of lead far below the law's requirements, which means that Congress could not have intended to include such books under the new restrictions.

Because of this unintended consequence, Rep. Fortenberry has introduced a measure which would exempt books from the CPSC's restrictions. Under the new federal law, every children's book published before 1986 intended for readers ages 12 and younger, must be certified by CPSC's lab that they contain acceptable levels of lead paint before it can be sold or lent in a library. This process is both costly and time-consuming, and would impose a tremendous burden on charitable book sellers like the many AAUW branches nationwide, who hold secondhand book sales to benefit their communities.

For decades, many of AAUW's 1,000 branches have sold millions of new and used books to raise hundreds of thousands of dollars for college scholarships, civic grants, community outreach programs, and local education and library projects. The new restrictions on children's books would impose unnecessary burdens on these branches, which are unable to pay for expensive testing for each and every book donated to them. These branches would either have to put in many more volunteer hours reviewing thousands of books for publication dates and target audiences, or decide to not accept or sell children's books at all. Either decision would hurt the community by eroding the branch's ability to fund scholarships and grants, as well as put affordable books into the hands of children.

The Fortenberry bill would end this unnecessary restriction, and I urge you to support and cosponsor this legislation. This bill protects our children's access to safe, educational reading materials and toys without compromising the original intent of the act. The measure will also allow charitable booksellers, such as AAUW's branches, to continue to raise critical funds that benefit their community. I look forward to your response on this critical issue.

Sincerely,

Your Name

Your Title (President/Book Sale Chair/Member)
Your AAUW Branch
City, State