To: Sales, Household Products
From: Legal Department, John Lavey
Date: November 18, 2008
Re: Compliance with General Conformity Certificate Requirements

On August 14, 2008 Congress passed the Consumer Product Safety Improvement Act of 2008 (the “CPSIA”). The CPSIA establishes a new set of safety requirements for consumer products, especially for toys and other children’s products. This new law requires manufacturers and importers of children’s products to meet requirements for lowered levels of lead and phthalates. These levels will be implemented in stages over a three-year period.

In addition, the CPSIA establishes new requirements for independent testing for lead and phthalates in children’s products, and will soon require manufacturers to provide certification that products subject to this new law have been tested and are in compliance. Energizer will be in compliance with the substantive requirements of meeting the lead and phthalate levels and with the certification requirements as well.

The certificate of general conformity with the Consumer Product Safety Act is the first such certification requirement. We are aware that you may have received inquiries from some of our retail customers regarding our efforts to comply with this requirement. This aspect of the CPSIA requires that for products manufactured on or after November 12, 2008, manufacturers (including importers) and private labelers of products certify that their products comply with all applicable Consumer Product Safety Act consumer product safety rules and similar rules, bans, standards and regulations under any law that is administered by the Consumer Product Safety Commission. The law requires that manufacturers and importers issue a certificate that accompanies the product and is furnished to distributors and retailers specifying each rule, ban, standard or regulation with which the product must comply. The certificate must state the date and place of manufacturer, the date and place of testing, and a contact information for the person who retains records of such testing.

The Consumer Product Safety Commission has recently stated that the requirement for providing this certificate can be met electronically, in terms of what “accompanies” a product and what must be “furnished” to distributors and retailers. Energizer Household Products will meet this certification requirement by making our certificates of general conformity available through a link which will appear on the Energizer website. The link will guide the user to those products subject to the requirement, and will provide access to a copy of the corresponding certificate. For the Household Products division, our Disney flashlights and premium items are subject to this certification requirement, however, our batteries are not subject to the requirement of a certificate of general conformity. The certificates will contain all information required by the Consumer Product Safety Commission. We will
be updating certificates with new testing information, and will archive previous certificates for retrieval if necessary.

We will continue to keep you updated with information regarding the new testing certification requirements and deadlines, and our continuing compliance with the CPSIA. In the meantime, if you have any questions, you may contact John Lavey at (314) 985-2154 or at john.lavey@energizer.com