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August 20, 2009

To Our Vendors:

RE: Requirements for our Vendors Mandated by the  
**Consumer Product Safety Improvement Act of 2008**

The Consumer Product Safety Improvement Act (the "New Law") was signed into law on August 14, 2008, setting new standards and testing requirements for various products and imposing a variety of new certification requirements affecting manufacturers, importers, and retailers. One of the Keys to the Kroger Customer 1<sup>st</sup> Strategy is to provide our customers with a shopping experience that makes them want to return. An integral part of this Key is to ensure that the products we sell meet their expectations for quality and safety.

As a valued vendor to The Kroger Co., its affiliates and subsidiaries (collectively, "Kroger"), you must meet the requirements of the New Law. The New Law applies to all products regulated by the Consumer Product Safety Commission ("CPSC") and, in particular, changes standards for products designed for children by limiting the use of lead, banning phthalates, and requiring third-party testing of those products. Attached to this letter is an overview of the new standards, their effective dates, and timelines for new required certifications and testing verifications. You should become familiar with these requirements which are described in more detail on the CPSC website at [www.cpsc.gov](http://www.cpsc.gov).

### **Product Certifications**

The New Law requires that manufacturers and importers certify that such products comply with all rules, bans, standards or regulations applicable to the product under any law enforced by the CPSC. The certification must be based on a test of each product or upon a reasonable testing program. These certificates are referred to as General Compliancy Certificates. Additionally, children's products must be tested for conformity by a laboratory that is accredited by the CPSC. Every certificate required by the New Law must accompany the applicable product or shipment of products covered by the same certificate and a copy of the certificate must be furnished to each distributor or retailer of the product. The CPSC is in the process of defining specific procedures and requirements for product certification.

While the CPSC has stayed enforcement of the certification requirement for adult products and certain provisions of the certification for children's products until February 10, 2010, Kroger expects its vendors to issue certificates attesting to their products' safety and adequate testing.

*Effective August 14, 2009, the CPSIA requires manufacturers to have a tracking label on any consumer product primarily intended for children twelve and younger. This tracking information must be supplied on both the retail packaging and in permanent form on the item itself. A summary of the law can be found at <http://cpsc.gov/about/cpsia/summaries/103brief.html> and additional information on Kroger requirements is available on our B2B website at [thekrogerco.com](http://thekrogerco.com).*

Kroger has established the following procedure with regard to General Compliancy Certificates. The certificates must be provided to Kroger via either (i) a website link that allows Kroger to view the required certificates for the shipment, or (ii) an email message sent to [cpsscertainment@kroger.com](mailto:cpsscertainment@kroger.com) within 24 hours of a request from Kroger that contains the vendor name and purchase order number in the subject line. Products that are delivered to Kroger without the required certificates will be deemed nonconforming goods and Kroger will not pay for these products.

### **Existing Inventory**

The New Law does not include a "grandfather" provision and its new product standards apply to any children's products previously provided by you to Kroger. Children's products are generally those packaged, displayed, promoted or advertised as appropriate for use by children 12 years of age or younger. Accordingly, our buyers and category managers for these products will be contacting you shortly to discuss the status of any products that you previously provided that are still in inventory.

Additional information and instructions can be found on Kroger's B2B link on our website at [thekrogerco.com](http://thekrogerco.com) and may be revised by Kroger. Please review the website on a regular basis for changes. If you have any questions after reviewing the website you may contact our CPSC compliance team at [Drew.Dubois@Kroger.com](mailto:Drew.Dubois@Kroger.com).

Sincerely,



Don Becker  
The Kroger Co.