

CPSC Reports to Congress on Recommended Changes to CPSIA

January 19, 2010

Late Friday the Consumer Product Safety Commission ("Commission" or "CPSC") sent to Congress a [report](#) with recommendations for improving the Consumer Product Safety Improvement Act ("CPSIA"):

- *Provide greater flexibility in granting exclusions from Section 101(a) of the CPSIA.* The CPSA has already tried to reduce any unduly burdensome effects of Section 101(a) where Congress may not have intended to include certain products within the scope of the lead content limits, but needs additional flexibility to grant exclusions for certain products, including youth ATVs and bicycles, sporting equipment, and ordinary books.
- *Exclude ordinary children's books and other children's paper-based printed materials.* Although the Commission has provided some relief for newer ordinary children's books, the staff has determined that some books printed before 1985 contain highly illustrated pages with lead content above the strict lead ban. Congress may not have intended for the CPSIA to cover those books.
- *Apply the 100 ppm Lead Content Limits Prospectively Only, Not Retroactively.* Based on the CPSC's experience implementing the lead content limits retroactively, market disruption may occur if the 100 ppm lead content limits are applied retroactively. The new tracking label requirements will help to ensure that products manufactured after the 100 ppm deadline becomes effective are compliant.
- *Address Concerns of Low-Volume Manufacturers.* The Commission will continue to consider the concerns of small manufacturers and crafters as it develops the mandatory rule on testing and certification. The Commission stated that it remains committed to working with Congress to explore other ways to reduce the burdens on those entities, but offered no specific recommendation to Congress.

Chairman Tenenbaum and Commissioners Nord, Adler, and Northup issued individual statements in connection with the report. The Commission prepared the report in response to a request from the House and Senate Appropriates Committees, the House Energy and Commerce Committee, and the Senate Commerce, Science, and Transportation Committee.