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(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To clarify the applicability of certain provisions in the Consumer Product  
Safety Improvement Act, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. BARTON of Texas (for himself, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. SESSIONS, Mr. WHITFIELD, Mrs. MYRICK, Mr. BLUNT, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. BARTLETT, Mr. PUTNAM, Mr. TERRY, Mr. STEARNS, Mr. PITTS, and Mr. THORNBERRY) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To clarify the applicability of certain provisions in the Consumer Product Safety Improvement Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Consumer Product  
5       Safety Solutions Act of 2009”.

1 **SEC. 2. PROSPECTIVE APPLICATION OF LEAD LIMITS AND**  
2 **THIRD PARTY TESTING REQUIREMENTS.**

3 (a) LEAD CONTENT.—Section 101 of the Consumer  
4 Product Safety Improvement Act of 2008 (15 U.S.C.  
5 1278a) is amended—

6 (1) by redesignating subsection (b) through (g)  
7 as subsections (c) through (h), respectively; and

8 (2) by inserting after subsection (a) the fol-  
9 lowing new subsection:

10 “(b) APPLICATION.—

11 “(1) 600 PARTS PER MILLION.—Subsection  
12 (a)(2)(A) shall apply beginning February 10, 2009,  
13 only to any children’s product that is manufactured  
14 after such date, and after February 9, 2010, to any  
15 children’s product regardless of the date of manufac-  
16 ture.

17 “(2) 300 PARTS PER MILLION.—Subsection  
18 (a)(2)(B) shall apply beginning 2 years after the  
19 date of enactment of this Act only to any children’s  
20 product that is manufactured after such date, and  
21 beginning 3 years after the date of enactment of this  
22 Act, to any children’s product regardless of the date  
23 of manufacture.”;

24 (3) in subsection (e)(2), by striking “subsection  
25 (b)” and inserting “subsection (c)”; and

1 (4) in subsection (g), by striking “or (b)” and  
2 inserting “or (c)”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsections (a) shall be treated as having taken effect on  
5 August 15, 2008.

6 **SEC. 3. PROSPECTIVE APPLICATION OF PHTHALATES PRO-**  
7 **HIBITION.**

8 (a) APPLICATION OF PHTHALATES PROHIBITION.—  
9 Section 108 of the Consumer Product Safety Improvement  
10 Act of 2008 (15 U.S.C. 1257c) is amended—

11 (1) by redesignated subsections (c) through (e)  
12 as subsection (d) through (f), respectively; and

13 (2) by inserting after subsection (b) the fol-  
14 lowing:

15 “(c) APPLICATION.—Subsections (a) and (b)(1) and  
16 any rule promulgated under subsection (b)(3) shall apply  
17 beginning February 10, 2009, only to any children’s prod-  
18 uct that is manufactured after such date, and after Feb-  
19 ruary 9, 2010, to any children’s product regardless of the  
20 date of manufacture.”.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 subsections (a) shall be treated as having taken effect on  
23 August 15, 2008.

1 **SEC. 4. CLARIFICATION OF TESTING METHODOLOGIES.**

2 (a) RULEMAKING.—Not later than 180 days after the  
3 date of enactment of this Act, the Consumer Product  
4 Safety Commission shall promulgate a rule setting forth  
5 the testing methodology or methodologies which the Com-  
6 mission determines shall be used for purposes of deter-  
7 mining compliance with sections 101(a) and 108 of the  
8 Consumer Product Safety Improvement Act of 2008 (15  
9 U.S.C. 1278a(a); 2057c)).

10 (b) EFFECTIVE DATE FOR CONFORMITY CERTIFI-  
11 CATION.—Section 14(a)(1) of the Consumer Product Safe-  
12 ty Act (15 U.S.C. 2063(a)(1)) is amended by striking  
13 “Except as provided” and inserting “Beginning 90 days  
14 after the issuance of a rule required by section 4(a) of  
15 the Consumer Product Safety Solutions Act of 2009 ex-  
16 cept as provided”.

17 (c) TEMPORARY RULE OF COMPLIANCE.—Beginning  
18 February 10, 2009 and continuing until a rule is promul-  
19 gated under subsection (a), any children’s product that is  
20 tested for conformity with the requirements of section  
21 101(a) and section 108 of the Consumer Product Safety  
22 Improvement Act of 2008 (15 U.S.C. 1278a(a); 2057c)  
23 and certified pursuant to section 14(a)(1) of the Con-  
24 sumer Product Safety Act (15 U.S.C. 2063(a)(1)) shall  
25 be considered to be in compliance with such section if such  
26 children’s product was tested in good faith and in accord-

1   ance with a reasonable testing methodology and the prod-  
2   uct was certified based on the results of such testing.

3   **SEC. 5. EXCLUSION OF CERTAIN MATERIALS FROM LEAD**  
4                   **CONTENT LIMIT.**

5           Section 101(c)(1) of the Consumer Product Safety  
6   Improvement Act of 2008 (15 U.S.C. 1278a(c)(1)) (as re-  
7   designated by section 1) is amended—

8                   (1) in the matter preceding subparagraph (A),  
9           by striking “material will neither—” and inserting  
10          “material—”

11                  (2) in subparagraph (A)—

12                          (A) by striking “result in the absorption of  
13                  any lead into the human body” and inserting  
14                  “will not result in the absorption of lead into  
15                  the human body in excess of the amounts set  
16                  forth under subsection (a)(2)”;

17                          (B) by inserting “of the age for which the  
18                  product is intended” after “child”; and

19                          (C) by striking “nor” and inserting “or”;  
20                  and

21                  (3) in subparagraph (B), by striking “have any  
22          other” and inserting “will not have any”.

1   **SEC. 6. WAIVER OF THIRD PARTY TESTING REQUIREMENT**  
2                   **FOR CERTAIN COMPONENT PARTS.**

3           Section 14(g) of the Consumer Product Safety Act  
4   (15 U.S.C. 2063(g)) is amended by adding at the end the  
5   following:

6           “(5) SPECIAL RULE FOR LEAD CONTENT AND  
7   PHTHALATE CONTENT TESTING AND CERTIFI-  
8   CATION.—Subsection (a) shall not require the manu-  
9   facturer or private labeler of a children’s product to  
10   test such product for, or certify it with respect to,  
11   lead content or phthalate content, as applicable, if—

12           “(A) each component of the product that is  
13   required to be tested for compliance with sec-  
14   tions 101(a) and 108 of the Consumer Product  
15   Safety Improvement Act of 2008 (15 U.S.C.  
16   1278a(a); 2057c) has been tested for lead con-  
17   tent or phthalate content, as applicable, by the  
18   manufacturer or private labeler of the compo-  
19   nent; and

20           “(B) the manufacturer or private labeler of  
21   each such component certifies that the compo-  
22   nent does not contain more lead than the limit  
23   established by subsection (a)(2) and (f) of sec-  
24   tion 101 of the Consumer Product Safety Im-  
25   provement Act of 2008 (15 U.S.C. 1278a(a)(2)  
26   and (f)) or the applicable phthalate limit in ef-

1           fect under section 108 of such Act, as applica-  
2           ble.”.

3 **SEC. 7. EXEMPTIONS FROM TRACKING LABEL REQUIRE-**  
4 **MENTS.**

5           Section 14(a)(5) of the Consumer Product Safety Act  
6 (15 U.S.C. 2063(a)(5)) is amended—

7           (1) by striking “Effective” and inserting “(A)  
8       IN GENERAL—Effective”;

9           (2) by adding at the end the following new sub-  
10       paragraph:

11           “(B) COMMISSION EXEMPTIVE AUTHOR-  
12       ITY.—The Commission may, by rule, exempt or  
13       modify any of the requirements of this section  
14       for any product or product category, if the  
15       Commission determines such requirement to be  
16       unduly burdensome or cost prohibitive in rela-  
17       tionship to the potential risk presented by such  
18       product or product category, or not practical  
19       due to the intended use of such product or  
20       product category.”.

21 **SEC. 8. GENERAL APPLICATION AND EXEMPTIVE AUTHOR-**  
22 **ITY.**

23           Section 3 of the Consumer Product Safety Improve-  
24       ment Act of 2008 (15 U.S.C. 2051 note) is amended—

1           (1) by striking “The” and inserting “(a) IN  
2       GENERAL.—The”; and

3           (2) by adding at the end the following:

4       “(b) **AUTHORITY TO EXTEND OR DELAY EFFECTIVE**  
5 **DATES.**—The Commission may extend the application of  
6 the effective date of any provision of this Act or the  
7 amendments made by this Act with respect to any par-  
8 ticular manufacturer, distributor, or retailer or class of  
9 manufacturers, distributors, or retailers if the Commission  
10 determines that a delay would better promote public safety  
11 and that a later effective date is in the public interest and  
12 publishes the reason for such a determination.

13       “(c) **EXEMPTIVE AUTHORITY.**—The Commission  
14 may exempt a particular manufacturer, distributor, or re-  
15 tailer or class of manufacturers, distributors, or retailers  
16 from any provision of this Act or the amendments made  
17 by this Act if the Commission determines that a delay  
18 would better promote public safety and that such exemp-  
19 tion is in the public interest and publishes the reason for  
20 such determination.”.

21 **SEC. 9. COMPLIANCE GUIDANCE FOR SMALL BUSINESSES.**

22       (a) **IN GENERAL.**—Not later than 180 days after the  
23 date of enactment of this Act, the Consumer Product  
24 Safety Commission shall develop and make available on  
25 the Commission’s Internet website a compliance guide to



1 assist small businesses in complying with the requirements  
2 of the Consumer Product Safety Act (15 U.S.C. 2051 et  
3 seq.) and other Acts enforced by the Commission.

4 (b) CONTENTS.—The guide—

5 (1) shall be designed to assist small businesses  
6 to determine—

7 (A) whether the Consumer Product Safety  
8 Act (or any other Act enforced by the Commis-  
9 sion) applies to their business activities;

10 (B) whether they are considered distribu-  
11 tors, manufacturers, private labelers, or retail-  
12 ers under such Act or Acts; and

13 (C) which rules, standards, regulations, or  
14 statutory requirements apply to their business  
15 activities;

16 (2) shall provide guidance on how to comply  
17 with any such applicable rule, standard, regulation,  
18 or requirement, including—

19 (A) what actions they should take to en-  
20 sure that they meet the requirements; and

21 (B) how to determine whether they have  
22 met the requirements; and

23 (3) may contain such additional information as  
24 the Commission considers appropriate, including

- 1 telephone, e-mail, and Internet contacts for compli-
- 2 ance support and information.