

Congress of the United States
House of Representatives

March 25, 2009

**Become an Original Cosponsor of the
Consumer Product Safety Solutions Act**

Dear Energy & Commerce Colleagues:

Each one of us has heard innumerable stories from our constituents about how the “toy bill” of last Congress, the Consumer Product Safety Improvement Act of 2008 (CPSIA), has wreaked havoc on their livelihoods with unintended consequences. We write to you today to invite you to join us as an original co-sponsor in support of the Consumer Product Safety Solutions Act, a bill to clarify the standards for children’s toys, apparel, and other goods meant for kids; adjust deadlines to reflect marketplace realities; and give the Consumer Product Safety Commission (CPSC) the flexibility it needs to protect children from real harm while effectively regulating the market.

Since the CPSIA became law, the CPSC postponed enforcement of the law’s testing and certification standards but the requirement to meet the lead standard remains in full force. That leaves everyone from libraries to mom-&-pop home businesses on the hook, since the only way to know that their products meet the standard is to test them.

We believe it is just as important to get to work now as it was two years ago, when the full force of an unforeseen consequence was about to land in the laps of millions of artisans, booksellers and others without the funds to afford expensive testing. *This bill does not reverse any of the agreements we made in the last Congress. Rather, it builds in a little more time for compliance and a little more flexibility; flexibility that is urgently needed to untie the hands of the Commission to respond to the concerns of many small businesses and other industries.* In brief, this legislation will:

- Makes lead and phthalate provisions prospective – only products made after a date certain must be manufactured to standards, and bifurcates when the lead provisions apply to manufacturers and retailers. Retailers may “sell-through” inventory until 1 year after both dates above.
- Creates a temporary compliance scheme for lead content testing which permits manufacturers to use any reasonable testing methodology and mandates CPSC promulgate lead content testing procedures in 6 months.
- Creates regulatory flexibility in exemption authority and inserts age consideration in exemption standard.
- Creates broader exemption authority with higher standard for those products that cannot meet the “regular” lead exemption standard when an exemption would better preserve child and public safety (e.g., children are less likely to suffer lead exposure from youth motocross, snowmobiles, and 4-wheel ATVs than they are to suffer serious harm from using the same vehicles made for adults).
- Permits component part testing for both lead and phthalates.
- Creates regulatory flexibility in the labeling provisions.

This legislation would ensure that the children products industry isn’t trapped in a “don’t ask, don’t sell” scenario while moving forward with the original purpose of the bill: to protect kids from lead and phthalates. For more information or to become an original cosponsor this needed legislation, please have your staff contact Michael Weems (Congressman Barton) at 5-2002 or Chris Herndon (Congressman Radanovich) at 5-4540.

Respectfully,

/s/
Joe Barton
Ranking Member
Energy and Commerce Committee

/s/
George Radanovich
Ranking Member
Subcommittee on Commerce, Trade
and Consumer Protections