



## U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

### Record of Commission Action Commissioners Voting by Ballot\*

Commissioners Voting:   Acting Chairman Nancy A. Nord  
                                  Commissioner Thomas H. Moore

### ITEM:

Commission Statement of Interim Enforcement Policy for Children's Metal Jewelry  
Containing Lead  
(Briefing package dated January 30, 2008, OS No. 5451)

### DECISION:

A decision has not been reached and therefore no action will be taken on this matter. The Commission voted 1-1 on the Interim Enforcement Policy for Children's Metal Jewelry containing Lead. Acting Chairman Nord voted to direct the General Counsel GC to issue the *Federal Register* ("FR") notice to coordinate review and analysis on comments and issue a final FR notice with a Commission Statement of Interim Enforcement Policy for Children's Metal Jewelry unless a Commissioner objects to such final FR notice not less than 5 days after being provided the final notice for review. Commissioner Moore voted to direct the General Counsel not to proceed.

Acting Chairman Nord and Commissioner Moore issued the attached statements with their votes.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson". The signature is written in a cursive, flowing style.

Todd A. Stevenson  
Secretary

\* Ballot vote due February 1, 2008



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4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

NANCY A. NORD  
ACTING CHAIRMAN

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STATEMENT OF THE HONORABLE NANCY A. NORD,  
ACTING CHAIRMAN  
U.S. CONSUMER PRODUCT SAFETY COMMISSION  
INTERIM ENFORCEMENT POLICY  
FOR CHILDREN'S METAL JEWELRY CONTAINING LEAD

February 1, 2008

Today, I am voting to direct the general counsel to issue for comments a Federal Register notice to enhance and strengthen the existing enforcement policy concerning children's metal jewelry containing lead. Because we will shortly be without a quorum, I am also voting to direct the staff to review relevant comments, brief the commissioners and, if appropriate, proceed to publish a final statement of enforcement policy in this matter.

The effect of this change will be to require more rigorous testing to determine if children's jewelry containing lead concentrations of more than 0.06 percent by weight is a banned hazardous substance. Under the new testing methods being proposed, the threshold for finding that an item of jewelry is a banned hazardous substance and that correction action is appropriate will be lowered. This result is consistent with the Commission's longstanding advice to manufacturers to limit or eliminate the use of lead in products designed for children. It is also consistent to the agency's commitment to removing lead from children's environment, whenever possible.

The proposed enforcement policy, if finalized, will further enhance our ability to protect children. Because this enforcement policy has broad policy implications, it is appropriate that the Commission take this action.

**STATEMENT OF THE HONORABLE THOMAS H. MOORE  
ON THE STATEMENT OF INTERIM ENFORCEMENT POLICY  
FOR CHILDREN'S METAL JEWELRY CONTAINING LEAD**

**February 1, 2008**

**The Commission is in a rulemaking proceeding dealing with lead in children's jewelry and it is my position that we should not be issuing policy statements that appear to prejudge any aspect of that rulemaking. As the proposed Federal Register notice does not give the rationale as to why the change in testing and accessibility level is being made, I am not sure what seeking comments on the policy will achieve, other than giving manufacturers and importers a period of time to adjust prior to the testing change taking effect.**

**The current interim enforcement policy was issued by Compliance in 2005 and any changes to it should also come from the Office of Compliance, which can proceed to issue it without delay.**