



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

BALLOT VOTE SHEET

DATE: FEB 5 2009

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Patricia Semple, Executive Director *PS*
Cheryl A. Falvey, General Counsel *CAF*

FROM: Lowell F. Martin, Attorney *M*

SUBJECT: Draft Statement of Commission Enforcement Policy on Section 101 Lead Limits

Ballot Vote Due: FEB 6, 2009

The Director of the Office of Compliance and Field Operations has prepared for Commission consideration the attached draft *Statement of Commission Enforcement Policy on Section 101 Lead Limits* in view of the fact that the first requirement on the total lead content of children's products -- 600 parts per million -- mandated by paragraph 101(a)(2) of the Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, 122 Stat. 3016, becomes effective on February 10, 2009.

Please indicate your vote on the following options.

- I. Adopt the enforcement policy as drafted.

Nancy Ward
(Signature)

2-5-09
(Date)

- II. Adopt the draft enforcement policy with changes. (Please specify.)

(Signature)

(Date)

CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

Note: This document has not been
reviewed or accepted by the Commission.
Initials *RL* Date *2/5/09*

CPSC 6(b)(1) CLEARED for PUBLIC

NO MEMS/PRVTLBLS OR
PRODUCTS IDENTIFIED *J*

EXCEPTED BY: PETITION
RULEMAKING ADMIN. PRCDG

WITH PORTIONS REMOVED:

III. Do not adopt the draft enforcement policy.

(Signature)

(Date)

Attachment: Draft *Statement of Commission Enforcement Policy on Section 101 Lead Limits*



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STATEMENT OF ACTING CHAIRMAN NANCY NORD
ON THE DRAFT STATEMENT OF COMMISSION ENFORCEMENT POLICY ON SECTION 101 LEAD
LIMITS OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008
February 6, 2009

The Commission is taking a number of actions to address the lead requirements that go into effect on February 10, 2009.

Today we issued an interim final rule exempting certain electronic products from the lead provisions of the CPSIA. Electronics was the one area that Congress identified for special exemption attention. An interim final rule is necessary at this time because our options to craft a rule after public comment and thoughtful consideration are limited by the CPSIA after February 10. This is because CPSIA does not allow us to stay the applicability of the lead ban to electronics while we finish our normal rulemaking process. The agency staff feels confident that this exemption rule provides the right balance between safety and consumer choice. Therefore, I am voting for this rule in spite of the unusual procedure used to finalize it. This is not a procedure that I anticipate the agency will use in the future, except under the most demanding circumstances.

We are also issuing a statement of policy that staff has been developing for the past several weeks that lays out the agency's approach to enforcing the lead provisions with respect to certain products including books and textiles. I hope that this statement of enforcement policy will answer questions about how we will approach these issues generally and thereby help reduce confusion in the marketplace. I also hope the state attorneys general will follow our lead and adopt similar enforcement policies.