



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

STATEMENT OF ACTING CHAIRMAN NANCY NORD
ON THE EXCLUSION REQUEST FROM THE BICYCLE PRODUCTS SUPPLIERS ASSOCIATION
May 12, 2009

Today the Commission is voting to deny the petition for an exclusion from the lead provisions of the Consumer Product Safety Improvements Act, this time with respect to children's bicycles and related products. However, because both commissioners recognize the problems of applying the law to these categories of products, we are directing staff to develop an enforcement stay for approximately two years, until April 30, 2011.

We are compelled to deny the petition because the language of the statute does not give us the flexibility to do otherwise, even though our staff does not believe that lead exposure from using bicycles and related products presents a risk that they would recommend the Commission regulate. The risk assessment methods traditionally used by the Commission in evaluating exposure to lead are no longer available to us under the CPSIA.

Nevertheless, we also recognize, as we did when presented with a similar petition filed by the All Terrain Vehicle industry, that safety requires the presence of some lead in the metal used in the product to insure structural integrity. I am also mindful of the staff's findings that the contact children may have with the parts of the products that contain lead is not extensive and would not present a risk as we have traditionally understood the term—that is, would not increase blood lead levels in any measurable way. Presented with the dilemma of inflexibility in the law vs the need for regulatory action that recognizes safety and good sense considerations, we are opting to stay enforcement.

This course of action is becoming all too frequent for the CPSC. It is needed to avoid market disruptions and to protect consumers. However, it is not the optimal way to implement a statute.