



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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STATEMENT OF COMMISSIONER NANCY NORD
ON LIFTING THE STAY OF ENFORCEMENT ON
TESTING AND CERTIFICATION MANDATED IN THE CPSIA
December 17, 2009

Today the Commission is taking very significant action to further implement those provisions of the CPSIA dealing with testing and certification. In the agreed-to Federal Register Notice (see CPSC website), we are setting out a schedule for lifting the stay of enforcement we adopted in February, 2009. This action impacts a number of different products in a number of different ways. However, the action that will be of most interest across industry lines is **our decision to extend for one additional year, until February 10, 2011, the stay on testing and certification to the lead content standards.**

The stay was needed because the deadlines set out in the CPSIA were wildly unrealistic and their enforcement would have resulted in even more chaos in the marketplace than we have already seen over the past year without increasing safety. Since the stay of enforcement did not negate the need to comply with the underlying requirements of the law, it provided relief to regulated industry without impacting consumer safety.

The stay was adopted so that the Agency would have the time to issue guidance and rules addressing what products must be tested, when testing is required and how it is to be conducted. Even though agency staff has been working diligently, the issues presented are extraordinarily complex since the statute basically requires a reordering of the manufacturing processes for a vast number of industries. As a result, and in spite of our best efforts, many of those foundational rules are still under development. They must be finalized and given a chance to be absorbed by impacted industries before we lift the stay with respect to lead content testing.

Over the next year we must define what is a children's product since that will determine what products are subject to independent third party testing. Component testing offers the potential for reducing the cost and burden of the third party testing requirements while still addressing our concerns for safety. Therefore we must put those rules in place and assess whether component testing actually works to relieve the significant cost burdens the law places on small manufacturers and crafters. Finally, as Chairman Tenenbaum recognized at our meeting yesterday, we must adopt the "15 month" testing rule and allow adequate time for industry to implement it and that this action is a prerequisite for lifting the stay on lead content. I agree with the bipartisan majority on this.

The agency will need to work aggressively to complete this regulatory schedule within the next year. I stand ready to assist as our staff of seasoned (but severely overworked) professionals steps up to this challenge. I call on industry and other impacted stakeholders to help us accomplish this task and actively participate in the comment process.

Last but not least, it is important to note that our action extending the stay for lead content comports to the Congressional direction recently given us to minimize the burdens imposed on small businesses especially with respect to the enforcement of the lead provisions of the CPSIA. The entire commission is directed to come forward with suggested changes to make the CPSIA work better. Keeping the stay in place is in keeping with Congressional direction, and is keeping further unnecessary chaos from implementation of the CPSIA.