



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

STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE FEDERAL REGISTER NOTICE OF COMMISSION ACTION ON THE STAY OF
ENFORCEMENT OF TESTING AND CERTIFICATION REQUIREMENTS

December 17, 2009

I voted to extend the stay on testing and certification for a number of consumer products and to lift the stay on many others. Our staff has done yeoman's work in going through all of our many regulations, standards and bans to determine how the testing and certification requirements will affect the numerous products regulated by our agency. While I would have preferred a shorter extension of the stay on lead content, we cannot be certain how long it will take for a secondary market in lead-compliant components to develop and I do want to give the small manufacturers, who often buy their supplies in small amounts at retail outlets rather than through bulk purchases from wholesale distributors, sufficient time to find sources of lead-compliant materials. A one year extension, which is what many small businesses have requested, will provide them with that time.

I am not concerned about there being no final testing and certification rule (the so-called "15 month rule") in place prior to the lifting of the stay. A guidance document reflecting Commission thinking on testing and certification requirements was made public nearly two months ago. A revised version of that document, which will take into account the actions the Commission has just taken on component part testing for lead paint and lead content, and the revised stay of enforcement, will be released shortly. I would be surprised if the final rule on testing and certification differed dramatically from what the public has already seen. Most large and medium-sized manufacturers already have testing protocols in place that will meet many, if not all, aspects of the rule the Commission will ultimately issue, because both must be based on sound and safe business practices. For smaller manufacturers, the enforcement policy on component testing will relieve them of much of the testing burden once the stay is lifted in February of 2011. I believe the actions the Commission has taken reflect the common sense approach that the Congress has been urging us to apply to the statute as we attempt to balance our mission of protecting consumers with the need to allow industry time to adjust to the new, safer marketplace that Congress has mandated.