



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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STATEMENT OF COMMISSIONER NANCY NORD
ON THE STAY OF ENFORCEMENT OF THE LEAD CONTENT LIMITS FOR BICYCLES
June 22, 2009

The Notice of Stay of Enforcement of the lead provisions of the Consumer Product Safety Improvement Act (CPSIA) with respect to children's bicycles is our latest effort to bring common sense to a law having unintended and adverse consequences on both consumers and product sellers. Although there is no evidence that riding bicycles presents a credible risk of lead poisoning, the inflexible nature of the CPSIA jeopardizes children's access to new and used bicycles.

From the standpoint of the consumer, enforcement of the law as written by the Congress would limit the availability and increase the costs of a product that is almost synonymous with childhood. But most importantly, because lead adds to the strength of the metal used and has other useful attributes, enforcement of the law could adversely impact the safety of children's bicycles, leading to more deaths and injuries. A stay of enforcement is our only option to protect children.

While the stay of enforcement will allow children's bicycles to continue to be sold over the next two years, the stay also contemplates that manufacturers develop plans to reengineer their products to remove the lead from the metal used in children's bicycles. In other words, we are requiring that manufacturers use scarce resources in challenging economic times to attempt to address a risk that children just do not encounter.

It is very troubling that the commission has had to resort to using stays of enforcement to avoid the unexpected, and, in some cases, the dangerous consequences that would result from enforcement of the CPSIA. Such a result does not increase consumer confidence and creates uncertainty in the marketplace. There are those who would add that, at some point, regular use of stays opens the agency up to legal challenge for not enforcing the law.

I have characterized such stays of enforcement as 'time out' for Congress and for the agency, together, to take deliberate steps to amend this law. Clearly the agency needs more flexibility to address real safety issues and should not be required to use its limited resources to regulate products that do not present safety risks to consumers. I hope Congress and the agency will profit from this 'time out' to make the CPSIA truly effective for the consumer.