



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
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**CHAIRMAN INEZ M. TENENBAUM**

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM  
ON DETERMINATIONS REGARDING LEAD CONTENT LIMITS  
ON CERTAIN MATERIALS OR PRODUCTS**

August 18, 2009

Today's vote reaffirmed the fact that certain materials and children's products do not exceed the lead limits under section 101(a) of the Consumer Product Safety Improvement Act ("CPSIA"), and, therefore, are not subject to the lead limits in section 101(a) of the CPSIA or the testing requirements of section 102 of the CPSIA. Although today's rule is final, it is important to note that the Commission will continue to make similar determinations in the future based on its own scientific test data and the scientific test data provided by stakeholders seeking similar determinations for other materials or children's products. This is the first step of what will be an ongoing process, and I strongly encourage firms to present representative and relevant scientific test data to assist the Commission with making other determinations in the future.

Most of the comments received by the Commission asked that new materials be added to the determinations list, but many of these requests were not accompanied by specific data or information relevant to the lead content of the materials for which a determination was sought. The Commission has limited resources to make these types of determinations while also vigorously attempting to implement other provisions of the CPSIA and carry on the day to day business of the agency. Providing this type of scientific data, therefore, is extremely beneficial to the Commission in considering whether to make a determination that a certain material or product does not exceed the lead limits of section 101(a) of the CPSIA.

In the case of fabrics and dyes, numerous commenters provided hundreds of test reports and analyses that examined lead levels in various textile and apparel products. After reviewing and verifying this test data, the staff was able to determine that most textile products are manufactured using processes that do not introduce lead or result in an end product that would exceed the CPSIA's lead limits. Similarly, the staff was also able to determine that natural and manufactured fabrics are produced in controlled environments by processes that do not use lead or incorporate lead during their production. Further, the data provided to and verified by staff showed that this determination applied whether the textiles were dyed or undyed and, in most circumstances, regardless of whether the textile incorporated pigments. While this determination does not address every issue of every manufacturer using these kinds of materials, the Commission will take action on component testing in the future to clarify what is required of products made up of some component materials that have received a determination and other component materials that have not received a determination. In my mind, common sense dictates that only those components that cannot receive a determination would require testing.

Although the Commission could not make a determination concerning all ordinary books published after 1985, the staff assessed the scientific and industry data provided by commenters and made determinations concerning several components of children's books and the materials that comprise them. Based on these determinations, books printed with the modern four color system with a paper or cardboard cover and an inaccessible binding would not need testing unless they include other components that have not received a determination. The staff found that printing inks using the modern CMYK printing process and the paper used in books do not contain lead in excess of the CPSIA's lead limits. Also, the staff was able to determine that adhesives and binding materials used in children's books will normally be inaccessible and therefore fall within the inaccessibility exception to the lead limits. However, the staff was not able to determine that spot colors, inks not utilizing the CMYK process, foils, laminates, metal wire saddlestitch, spiral bindings, and certain after treatments would not violate the lead standard. Although every book component did not receive a determination at this time, further scientific test data and additional information about manufacturing processes may prove helpful in any future determinations concerning ordinary children's books. Also, I expect that Commission action with respect to component testing will provide relief for certain components of books that cannot receive a determination.

The Commission also recognizes that testing and certification of books published prior to 1985 is not required for libraries and resellers because they do not typically manufacture or import children's books. Because older children's books did not use the modern CMYK printing process and some have been found to contain lead, the Commission was unable to make a determination that older books or their components do not exceed the CPSIA's lead limits. The Commission continues to recognize that used children's books that are sold as collector's items to adults would not be considered to be "children's products" as defined by the CPSIA because as collector's items for adults such books would not be "designed or intended primarily for children 12 years of age or younger." Accordingly, these collector's item books may be sold to adults. With respect to older children's books that are lent out, the Commission intends to issue a separate statement of policy. It is my hope that this guidance will offer common sense solutions that alleviate undue burdens on those who lend older children's books.

I encourage our stakeholders to seek more lead determinations and provide sufficient scientific information to the staff in support of requested determinations. The current set of lead determinations will not be the last, and the Commission urges all those concerned to assist in identifying additional materials that do not exceed the CPSIA's lead limits that should be included in future determinations.