

Stevenson, Todd

From: Missy Milne [missyswanberg@yahoo.com]
Sent: Saturday, January 10, 2009 11:54 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I run a small sewing business. I create one of a kind outfits for children. The price range of my outfits is \$50 to \$100. This new law would require me to spend well over \$300 to have that one set tested. Clearly, this will cause a significant hardship for my small business.

My small income is what puts food on my table for my family of 5. Please consider putting fabrics, including printed/dyed fabrics, zippers, buttons, elastic, etc. on the list of itmes not needing testing.
Blessings!

Missy



Stevenson, Todd

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From: LOIS JARVIS [loisjarvis@usa.net]
Sent: Sunday, January 11, 2009 12:14 AM
To: Lead Determinations
Subject: Impact on Small Businesses

D. Impact on Small Businesses

Under the Regulatory Flexibility Act (RFA) , when an agency issues a proposed rule, it generally must prepare an initial regulatory flexibility analysis describing the impact the proposed rule is expected to have on small entities.

5 U.S.C. 603. The RFA does not require a regulatory flexibility analysis if the head of the agency certifies that the rule will not have a significant effect on a substantial number of small entities.

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The Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of relieving certain materials or products from the testing requirements of section 102 of the CPSIA if they were found to be inherently under the lead content limits prescribed. The number of small businesses that will be directly affected by the rule is unknown but could be considerable. However, it will not result in any increase in the costs of production for any firm. Its only effect on businesses, including small businesses, will be to reduce the costs that would have been associated with testing the materials under section 102 of the CPSIA. Based on the foregoing assessment, the Commission preliminarily finds that the proposed rule would not have a significant impact on a substantial number of small

TO THE COMMISSION'S DIRECTORATE FOR ECONOMIC ANALYSIS:

What about individual artist who make baby quilts or hand dye cotton onies for infants? These are the small entities that the CPSC will have a significant effect on. Many of these artisan support themselves by selling hand crafted items. The high cost of testing EACH item will pull a drab blanket of colorlessness into the lives of many children and force the artisan to find another way to support themselves that they will not enjoy as much as creating beautiful and colorful items for children.

Sincerely,

Lois Jarvis
Madison, WI

<http://www.loisjarvisquilts.com/>
<http://rust-tex.com/>

Stevenson, Todd

From: Robert Carriveau [robelt2@centurytel.net]
Sent: Sunday, January 11, 2009 8:06 AM
To: Lead Determinations
Subject: exempt products

How about non toxic acrylic paint that you get from craft stores or any paint from the U.S. as it contains no lead.
and wood from the lumber co. That has no lead in it so why should it be tested. Looks like you have a lot of work to do to refine HR4040. That will put a lot of crafters out of business and a loss of income to them and the state.
Robert Carriveau

Stevenson, Todd

From: Shawn Foy [shawnmu97@yahoo.com]
Sent: Sunday, January 11, 2009 9:57 AM
To: Lead Determinations
Subject: Section 101(a) Determinations
Attachments: MSDS.txt; Faultless Heavy Spray Starch.pdf

Here are some test results from 1 company that I and most ribbon buyers use.

Thank You
Shawn



www.Shawnmu97.Etsy.com

http://search.ebay.com/_W00QsassZshawnmu97Q0frppZ500QfsopZ100fsooZ100rdZ0

MATERIAL SAFETY DATA SHEET

1. MANUFACTURER / PRODUCT IDENTIFICATION

Product Identification

Product Name: Faultless® Heavy Spray Starch
Product Number: 20822, 20220, 20520, 20521, 20722,
20729, 20754, 20802, 20816, 20829,
20830, 20832, 20854, 20856, 20926,
27764, 28822, 28864, 28884, 29540



Company Identification

Faultless Starch / Bon Ami Co.
1025 W 8th Street
Kansas City, MO 64101 USA
1-816-842-1230 (For product information)
1-800-424-9300 or 1-703-527-3887 (For emergencies)

Reason For Issue...: Add CPSIA regulatory information
Approval Date.....: November 11, 2008
Supercedes Date....: November 11, 2008
MSDS Number.....: 20822
RTN Number.....: 00020822 (Official Copy)

NFPA Rating:

Health - 1, Flammability - 0, Reactivity - 1

2. HAZARDOUS INGREDIENTS

<u>Chemical Name</u>	<u>Amount</u>	<u>CAS Number</u>
BUTANE	Confidential	106-97-8
PROPANE	Confidential	74-98-6
ISOBUTANE	Confidential	75-28-5

EXPOSURE GUIDELINES:

BUTANE

OSHA PEL: 800 ppm

PROPANE

OSHA PEL: 1000 ppm

3. PHYSICAL / CHEMICAL CHARACTERISTICS

FORM: Aerosol
COLOR: Clear to hazy
ODOR: Pleasant
BOILING POINT: 212 F
SOLUBILITY IN WATER ...: 95% - 96%
SPECIFIC GRAVITY: 1.008 g/ml (Water = 1)
PH: ~6.5

4. FIRE AND EXPLOSION HAZARD DATA

FLAMMABLE PROPERTIES

COC Flash Point: N/A
Autoignition Temperature: N/A

FLAMMABLE LIMITS IN AIR

LEL: N/A
UEL: N/A

EXTINGUISHING MEDIA:

Water, carbon dioxide, foam or dry powder.

SPECIAL FIRE FIGHTING PROCEDURES:

Use procedures recommended when aerosols are present.

UNUSUAL FIRE AND EXPLOSION HAZARDS:

As with all aerosols, fire or excessive heat can cause containers to rupture.

5. REACTIVITY DATA

STABILITY:

Stable.

CONDITIONS TO AVOID:

Exposure to heat.

INCOMPATIBILITY (MATERIALS TO AVOID):

Oxygen and strong oxidizing materials.

HAZARDOUS DECOMPOSITION OR BYPRODUCTS:

If incinerated, carbon dioxide and carbon monoxide will be generated.

HAZARDOUS POLYMERIZATION:

Will not occur.

6. HEALTH HAZARD DATA

INHALATION RISKS AND SYMPTOMS OF EXPOSURE:

No hazard in normal industrial use.

SKIN / EYE CONTACT RISKS AND SYMPTOMS OF EXPOSURE:

Not a skin or eye irritant.

SKIN ABSORPTION RISKS AND SYMPTOMS OF EXPOSURE:

None known.

INGESTION RISKS AND SYMPTOMS OF EXPOSURE:

Not toxic according to Federal Hazardous Substance and Labeling Act.

HEALTH HAZARDS (ACUTE AND CHRONIC):

Not an eye, skin, or respiratory irritant, nor toxic by ingestion according to Federal Hazardous Substances & Labeling Act Regulations. No health hazards known after many years of constant exposure to production employees, laboratory personnel, and consumers.

CARCINOGENICITY INFORMATION:

Not listed by IARC or NTP as a carcinogen.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE:

None known.

EYE CONTACT FIRST AID:

Hold eyelids apart and flush eyes with plenty of water for at least 15 minutes.

INHALATION FIRST AID:

No specific treatment is necessary since this material is not likely to be hazardous by inhalation.

7. PRECAUTIONS FOR SAFE HANDLING AND USE

ACTIONS IF MATERIAL IS RELEASED OR SPILLED:

No special requirements.

WASTE DISPOSAL METHOD:

No special method required. Liquid can be flushed into sewer because no hazardous materials are contained in the liquid phase.

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE:

Contents under pressure. Do not expose to heat or store at temperatures above 120 Deg F (as required with all aerosols). Use reasonable care when using.

(section 7 continued)

OTHER PRECAUTIONS:

Avoid spraying into eyes and inhaling spray. Read and follow label CAUTIONS carefully.

8. CONTROL MEASURES

RESPIRATORY PROTECTION:

Not required.

VENTILATION:

All aerosol products should be used with adequate ventilation.

PROTECTIVE GLOVES:

Not required.

EYE PROTECTION:

Recommend approved safety glasses.

OTHER PROTECTIVE CLOTHING OR EQUIPMENT:

None required.

WORK / HYGIENIC PRACTICES:

Observe reasonable care, cleanliness, and caution.

9. TRANSPORTATION INFORMATION

PRODUCT LABEL.....: Faultless® Heavy Spray Starch
D.O.T. SHIPPING NAME...: Consumer Commodity
D.O.T. HAZARD CLASS....: ORM-D
UN NUMBER.....: N/A

10. REGULATORY INFORMATION

CHEMICAL INVENTORY INFORMATION:

This material or all of its components are listed on the Inventory of Existing Chemical Substances under the Toxic Substance Control Act (TSCA).

MISCELLANEOUS INFORMATION:

No toxic chemical(s) subject to the reporting requirements of section 313 Title III and of 40 CFR 372 are present. This product was evaluated by the Faultless Starch/Bon Ami Company and is certified to be in compliance with the provisions of the Consumer Product Safety Improvement Act Section 102(a)(1), as applicable. This product was manufactured at the location listed in Section 1 of this MSDS. The date of manufacture is stamped on the product container. No testing is required to certify compliance with the above-mentioned regulation.

11. DISCLAIMER

The information accumulated herein is believed to be accurate but is not warranted to be whether originating with the company or not. Recipients are advised to confirm in advance of need that the information is current, applicable and suitable to their circumstances.

END OF MSDS

Stevenson, Todd

From: PBandJ*Creations [tracye4ou@cox.net]
Sent: Sunday, January 11, 2009 10:59 AM
To: Lead Determinations
Subject: "Section 101 Determinations of Certain Materials or Products NPR
Attachments: PBJsiggy1.jpg; PBJsiggy3.jpg; PBJsiggy2.jpg

To whom it may concern,

I am writing in regards to the lead limit testing. I understand why this law was passed. I do think it was not well thought out at all.

I propose that materials do need to be tested and have certificates proving that it was done so. I feel that if I, as a consumer, buy these materials and then come home and make an outfit with it....I should be able to sell the outfit without having 3rd party testing done on each outfit. Only as long as I'm using materials that have already been tested.

Please consider amending this part of the law. It will greatly affect so many small businesses and hurt our economy even more.

Thanks so much for taking the time to read this!

Tracy Erger
PBandJ*Creations



Ebay



Blog



Website

Stevenson, Todd

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From: lorijoz@netzero.net
Sent: Sunday, January 11, 2009 10:59 AM
To: Lead Determinations
Subject: Section 101(a) Determinations

I would like to see childrens hair accessories (headbands, bows etc) as a whole exempt.

Ribbon
Appliques
fabric
thread
plastic headbands
etc.

Thanks, Lori Jozwiak

Stevenson, Todd

101

From: sue@ecoleeko.com
Sent: Sunday, January 11, 2009 11:20 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I would like to submit a list of natural materials to be added to the list for EXEMPTION-

Cotton(Organic or Regular)

Bamboo

Linen (Flax)

Silk

Wool

Hemp

Soy

Ingeo (Corn)

Kapok

ALL OF THE ABOVE IN FIBER, FABRIC, THREAD, YARN, FILLINGS OR BATTINGS, NOTIONS SUCH AS ZIPPERS, TWILL TAPE, TAGS, ETC. ALSO ANY BLENDS OF THE ABOVE.

Buckwheat Hulls

Dried Beans

Walnut Shells

Rice

Any type of Wood

ANY OTHER NATURAL FILLING MATERIALS.

Thank you.

Sue Lappan
Creator and Designer of Ecoleeko

Stevenson, Todd

From: Renee H Eggleston [candy_stick_lane@yahoo.com]
Sent: Sunday, January 11, 2009 12:00 PM
To: Lead Determinations
Subject: material exemption consideration

I think regular cotton and cotton blend fabrics that are sold in US fabric stores, especially franchises should be exempted. Hand made buttons or franchised sold buttons and snaps, zippers and thread. Children usually dont eat clothing that they have own, and as a mother of 3 I can say that I feel it is the responsibility of the parent to make sure their children don't put things in their mouth.

Renee Eggleston

Come check me out at my favorite spots!

- <http://www.candysticklane.etsy.com>
- <http://www.candysticklane.blogspot.com>
- <http://www.myspace.com/candysticklane>
- <http://myboutiquespace.com/candysticklane>

From: Jacquie barker [barkerebay@yahoo.com]
Sent: Sunday, January 11, 2009 1:33 PM
To: Lead Determinations
Subject: section 101 Determination of certain materials or products NPR

--- On Sun, 1/11/09, Jacquie barker <barkerebay@yahoo.com> wrote:

I am owner to a small handmade business, that produces hair accessories that can be for children and pacifier clips

they are made of 100% metal aluminum cover buttons and aluminum prong clips then wrapped in cotton or linen fabric, and polyester grossgrain ribbon.

Please exclude

aluminum cover buttons

aluminum prong clips

fabric: made of cotton, organic cotton, polyester, linen (from major craft stores) fabric with prints

thread/yarn: cotton, polyester

Ribbon: polyester and cotton

Elastic hair ties

Hot glue sticks (adhesives)

thank you for your consideration

Jacquie Barker

Stevenson, Todd

From: Cindy [cmyflowers@aol.com]
Sent: Sunday, January 11, 2009 1:55 PM
To: Lead Determinations
Subject: Section 101(a) Determinations.

To Whom it may concern,

I'm a mom trying to supplement our income and this law would devastate my ability to do so. Please add cotton, acrylic/acrylic blend and polyester/polyester blend yarn to the list. Buttons, thread, lace, ribbon of all types and makeups, fleece, cotton fabric, elastic, hot glue, plastic hair combs and clips, and beads.

Thank you
Cindy

Listen to 350+ music, sports, & news radio stations FREE while you browse. [Start Listening Now!](#)

Stevenson, Todd

From: Robin Beal [kaneohegirl2@gmail.com]
Sent: Sunday, January 11, 2009 2:20 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

I would like to see the following items exempted:

- **Crafting Ribbons** such as grosgrain, nylon, polyester
- **Fabric** such as cotton and lycra needed to make baby headbands
- **Ribbon hair accessories** in general.
- **REPURPOSED crafts**... those crafts that have been altered in some form.... for example Scrabble game tiles that have a image adhered with a already certified nontoxic glue/sealant
- **natural wood** products/toys/learning items that are finished in nontoxic paints/stains
- **The Earth Itself**
 - stone: any rock/mineral/crystal other than known lead ores should be exempt.
 - metals such as: Stainless Steel, Aluminum, Sterling Silver, Gold, Copper, Platinum, Palladium, Mercury, etc.
 - water, NaCl salt, CO, sugar, etc. ad infinitum – all these and many other chemical compounds are by their nature lead free below requirements.
- **Flora**
 - wood, bark, roots, leaves, reproductive structures (cones, seeds, fruit, flowers etc)
 - all natural fibers such as cotton & hemp
 - dried flowers & botanicals
 - food grade flora products such as: milled grain (flour), extracted oils, esters, seeds
 - other flora products: carnauba wax
- **Fauna**
 - all animal/fish/insect/microbe parts such as wool, feathers, hair, fur, whiskers, claws, horns, untanned skin, seashells
 - all animal/fish/insect/microbe products such as oils, milk, silk, shellac, bee wax, honey, alcohol
- **While not natural, other materials used as raw supplies by crafters are known to be lead free:**
 - glue
 - glass
 - glass even with metals in matrix; as even if ingested, these metals do not leech. Lead in glass crystal matrix should not be considered lead component in HR 4040.
 - synthetic fibers already approved for children such as polyester, nylon, lycra, elastic, velcro, etc.
 - printed cotton fabrics
 - flame retardant fabrics already approved for children
 - rubber bands
 - nails
 - wood stain & varnish
 - paraffin wax (a petroleum wax)
 - metal hair clips ALREADY tested to be within industry standards
 - artificial flowers

- **products that are for Children that the crafter is re-purposing.**

- scrabble tiles

- dominos

Thank you for your consideration of these items. Please do not destroy the small cottage industries that help make america stronger

Robin Beal

Voter, MOM of 3, Wife, Homemaker in these hard financial times, Crafter, Partime vendor at craft shows

1104 SW 19th St

Blue Springs, MO

64015

From: Melinda Tabacco [mtabacco11@yahoo.com]
Sent: Sunday, January 11, 2009 3:05 PM
To: Lead Determinations
Subject: new law

To whom it may concern,

I am a headband seller for boutiques around our country and in other countries including Australia and Canada. I would really appreciate if you could exempt nylons and ribbon from the things that need to be tested for lead. The Economy is in a bad state as it is and it will make it worse if you need everything craft related has to be tested. Us stay at home moms really work hard to stay at home. This is our source of income. We make headbands, bows, socks, clothes and sell to boutiques. This is how we are able to stay at home with our children. Please take in consideration exempting these items so we can continue to earn and income and stay at home with our children.

Thank you, Melinda Tabacco CA

Stevenson, Todd

From: Stephanie Mains [ablushingbride@yahoo.com]
Sent: Sunday, January 11, 2009 4:25 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I am a small business owner in danger of losing my business because the materials I use are to be tested for lead.

Please allow for an exemption of these materials which are inherently lead free.

Fabric (specifically cotton)

Ribbon

Leather

Thank you for hearing my plea.

Stephanie Mains

Stevenson, Todd

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From: Kalli Inman [kalli@inmanave.com]
Sent: Sunday, January 11, 2009 4:54 PM
To: Lead Determinations
Subject: Exemption Requests

To Whom It May Concern:

As a home based business owner and embroiderer who has thousands of dollars invested in both machines and inventory, I would like you to consider these things that seem most obvious to me.

1) Items or garments that are embellished or assembled of components that have passed testing standards should not be required to be retested.

(ie., when I purchase a baby garment, thread, ribbon and stabilizer, all of which have been tested and passed standards, and I assembled these items or use them in such a way as to embellish the garment for resale, there should be no requirement for additional testing.)

2) Hand crafted items that are made of domestically produced components, all of which must be produced in compliance with testing standards in the first place, should not be required to be subjected to additional testing, upon assembly.

I am conscientious in researching and purchasing the materials that I use. Many of my colleagues and associates entered into this business because of our concerns for the safety and well-being of our children. If you require the manufacturers to provide documentation, similar to MSDS that are already in use in other areas, and allow crafters and small businesses to use that as documentation of lead free and phthalates, we would all be assured of the safety of our products without onerous regulations and prohibitive testing that would regulate us into bankruptcy.

Kalli Inman

www.KalQuilts.biz Custom Embroidery

"Laugh as much as you breathe and love as long as you live."

Stevenson, Todd

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From: Francisbel Boutique [francisbelboutique@hotmail.com]
Sent: Sunday, January 11, 2009 8:35 PM
To: Lead Determinations
Subject: what should be EXEMPTED!

hi this email if your the peticion for said which item should be exempted.The exemption is very importa for many small business also for person how do all this by hobby and like to donate or giving for present..please help us..

Well all cain of fabrics,cotton,polyester,wood,cotton,dyed fabrics, thread,ribbons like silk,grosgrain,satin,plastic buttons,polyester thread for do embroidery..

please please please we need HELP!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Windows Live™ Hotmail®: Chat. Store. Share. Do more with mail. [See how it works.](#)

Stevenson, Todd

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From: Mary Lou Huelsman [marylou@myprincesspurses.com]
Sent: Sunday, January 11, 2009 9:57 PM
To: Lead Determinations
Subject: CPSC 4040

I understand we can write to you and tell you what we would like to see exempt from this new lead law. I sew girl purses and if the law stands as is, it will put me and thousands of other crafters out of business. I buy my material locally at a Joann's store and I use denim and cotton material, Occasionally I use satin. I also use iron on appliques on the pockets. I check and none of which are from overseas.

Please continue to look into this unfair law.

Thank you,

Mary Lou Huelsman
Princess Purses

Stevenson, Todd

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From: Heather Akers [hsakers@gmail.com]
Sent: Sunday, January 11, 2009 11:33 PM
To: Lead Determinations
Subject: Exempt list

ribbon
yarn
hot glue sticks
hand knit or crochet items
silk flowers
crochet headbands
wood scrabble tiles
silver chains
silver bails
e-6000 glue
silver buttons
kufi crochet hats
hair clip and accessories

Thank you,
Creative Kiddos

Stevenson, Todd

From: Kim, Hyun
Sent: Wednesday, January 14, 2009 3:52 PM
To: Stevenson, Todd
Subject: FW: Message from Email Form

Put under Sec101Determinations@cpsc.gov

Thanks.

From: emailform@cpsc.gov [mailto:emailform@cpsc.gov]
Sent: Monday, January 12, 2009 12:27 AM
To: Falvey, Cheryl
Subject: Message from Email Form

01/12/2009 00:26:25

Name = Jennifer van Vorst
Organization/Affiliation =
Daytime Phone = 303-388-6055
E-mail address = jvanvorst@turtleparktots.com

Message = Hi, I am a small business owner and a mother of two young boys. I applaud the congress and the CPSC for making an effort to keep our children safe and I wholly agree with the lowering of lead levels and the banning of phthalates. However, the CPSIA is seriously flawed and the exclusions that have come forth from the CPSC aren't making it any better. I manufacture baby accessories, baby blankets, bibs and changing pads. I use only the highest quality certified organic fabrics and some non-organic fabrics that I'm in the process of phasing out. The certified organic fabrics I use are printed/dyed to create beautiful designs and are thus, treated. Yet these fabrics are still organic and certified as such by the GOTS (Global Organic Textile Standards). To be GOTS certified the fabric must contain less than 1ppm lead and no phthalates or other chemicals. Yet, since it is "treated" this fabric is not included in the CPSC proposed exclusions. I will still be forced to spend \$30,000 or more to test my entire product line. This will force me out of business as I only made \$5500 last year total. I don't even know how to begin to comply with this law. In August I will be forced to test one item in every batch of product SKU I make. However, most of what I make is made to order. So even if I could afford to submit one item from each SKU I'm not sure if I would be compliant since I do not make in batches. In addition, the CPSC exclusion of resale items from testing without a similar exclusion for new items makes no sense. Although I do believe that affordable clothes must be available for families in need, thrift stores often sell toys as old as 30-40 years and made before lead was banned in the US and are not always good about removing recalled items from their shelves. I know this for a fact. I am an avid collector of Fisher Price toys made in the 1960's. All of the toys in my collection were purchased in the toy sections of local thrift stores. I do not allow my children to play with these items since I am not sure of their safety. Yet, my organic blankets are considered to pose a risk. It just doesn't make sense! It would make more sense to exclude most clothing and other fabric items (unless they have added elements like buttons and tassels which can contain lead). So a printed T-shirt would be excluded but in the case of shoes with tassels the tassels would have to be tested (not the entire shoe). This exclusion would help needy families and small business. Similarly, wood toys are often treated with vegetable dyes and bees wax. These elements are non-toxic yet they would not qualify for exclusion. Yet, now thrift stores are able to sell the untested Chinese made plastic toys without testing. Where is the sense in that? Doesn't that defeat the whole purpose of the CPSIA? If you feel strongly about the testing of non-toxic items such as wood toys and fabric items then please rethink the expensive and redundant third party component batch testing. There are other options for these non-toxic items such as random XRF testing, random third party testing or testing of particularly risky parts of children's items such as pearly buttons, zipper pulls and tassels. Since certain items such as snaps, zippers, tassels, buttons and the like are known to be risky, these items should be tested and certified by the manufacturer. Don't impugn the entire garment or product if just a portion of it is a known risk. Not all children's items are the same and they shouldn't be treated as such under the law. I urge you to repeal this law and start over. This law is almost impossible to comply with and extremely difficult to enforce. It doesn't make sense to go forward with it. It isn't making our children any safer! Thank you!
Jennifer van Vorst Turtle Park Tots

Stevenson, Todd

From: wildchildtiedyes [wildchildtiedyes@comcast.net]
Sent: Monday, January 12, 2009 11:58 AM
To: Lead Determinations
Subject: Determinations of Certain Materials or Products NPR

Dear Sir/Madam,

I am writing in response to your request for comments. I applaud the recent proposal to exempt natural materials that never contained lead in the first place, but what about synthetic fabrics like the Orlon that the grandmas use to knit baby booties & sweaters for the church fair? It's never contained lead either. Or people sewing handmade dresses with printed fabric, be it cotton or fleece? This doesn't count because it's a print, not unaltered. Is there in fact evidence that ANY fabrics contain lead (aside from the lead aprons at the dentist, that is..) This law was drafted for toys but it's going to devastate the handmade clothing business as well. If the fabric stores & dye makers are in compliance than we should be considered in compliance as well.

I am a craftswoman, a dyer of children's clothing, who will likely be out of business when this new rule takes effect despite the fact that I use only lead-free dyes on my cotton clothing--unless, that is, component testing is allowed. There is no way I and thousands upon thousands of others like me can possibly meet the ridiculously redundant testing requirements. The cotton is exempt, but what if it has snaps? Well, the snaps need to be certified lead-free. Great--nobody wants lead snaps on children's attire! But then my supplier must once again test the *finished* garment to insure that said snaps are still lead-free even though they have certification from the manufacturer that they are?! And then I dye it, with certified lead-free dyes, and must once again test the *same* garment?! How can you say this rule will have no adverse effect on small business?

Our choices will soon be limited to the mass-produced, sweatshop-made clothing & toys available at WalMart, Target, Old Navy, supplied by the very mega-manufacturers who are the very people who created these problems in the first place! Nobody wants lead in toys, but this law still needs significant amendment to protect a large sector of our population who will soon find ourselves unemployed in a poor economy & faced with limited choices for our children. How sad!

Thanks for your time & continued efforts.

Sincerely,
Joanne Levine

Jodi Levine, Wild Child Tie-Dyes
www.wildchildtiedyes.com
33 Amherst Road
Pelham MA 01002

Stevenson, Todd

From: Sarah Lee [sarah@sarahsilks.com]
Sent: Monday, January 12, 2009 12:06 PM
To: Lead Determinations
Subject: exempt silk
Attachments: Sky-Background.jpg

Please add silk to the natural materials exempt from the new toy safety laws.

Silk has never been found to contain lead or phthalates.

Thank you!

Sarah Lee

www.sarahsilks.com

www.playsilks.blogspot.com

With time and patience the mulberry leaf becomes a silk gown.

-Chinese proverb

From: rwmj3@cox.net
Sent: Monday, January 12, 2009 1:06 PM
To: Lead Determinations
Subject: Comments on lead law--materials/ Great idea
Attachments: image017.gif; image018.jpg; image019.jpg; image020.jpg; image021.jpg; image022.jpg; image023.jpg; image024.jpg; image025.jpg

I am a mother of three children, so I understand how important their safety and well-being is. I am also a baby clothing manufacturer. I understand the need for laws to protect our children, but never in my 40+ years have I ever heard of a case of a child getting lead poisoning from sewn clothing. We really need to understand if there is basis for this law pertaining to clothing.

Does the exemptions for natural substances include dyed materials?

You might find this interesting. (See bottom letter), This is from one of the largest, if not the largest --children's clothing manufacturer--they have dozens and dozens of styles per season for each line. Here is their letter below. This just further questions the need for lead testing in children's garments--since this is a huge manufacturer--whom I believe produces in China.

I am sure that you are aware that this law, unless amended, will put literally hundreds, of people out of business, myself included--due to the prohibitive cost of testing. After it is determined if there is actually a need to test sewn garments--if there is basis for it--I have the following suggestion:

The smaller manufacturers (say under 500k or 250k gross per annum) typically tend to use the same type of material, since their lines are smaller. For example, we primarily use dyed 100% cotton for our baby line. We occasionally use polyester tulle, or woven knits supplied by other suppliers, but typically our products, being almost all cotton, include the same chemicals in the dyes. So, it would seem acceptable, if it is determined that lead testing is necessary, to only do a small random sampling of product each season--say one or two dyed items. If they test within the specifications, the line should be considered compliant. Also, we use metal crotch snaps on our rompers--if we had these tested--I would assume that they would be compliant for all clothing we manufacturer--thus, eliminating the testing of each garment. This process, if indeed necessary, will save the business of the smaller manufacturer. It will ultimately save the consumer from huge increases in the price of children's clothing, while guaranteeing child safety.

In summation--this law will put many, many people out of business. It is very important to have regulations to protect our children--but if there is no basis for lead testing in sewn products, they should be exempt from the new law. Also, if there is basis, there should be consideration taken to manufacturers that are small, and/or use the same material repeatedly. It can be assumed if one dye lot is compliant, that all dye lots will be.

PLEASE--really look into the danger of lead in clothing for children. If there have been no issues--the only issue now will be ALL the hardworking people that will be out of work due to this law.

Below is the letter I was forwarded from this manufacturer mentioned above.

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le • top

rabbit moon

January 9, 2009

Dear Valued Customers, Friends and Partners in Business,



As many of you know there is a new law, primarily conceived to protect children, that has created a stringent set of guidelines relating to products used for children under age 12. The law is very complex, and untangling it and understanding it in layman's terms is daunting. The new legislation—the Consumer Product Safety Improvement Act or CPSIA—covers merchandise and products in many categories, not just children's products (it also covers things like refrigerators!). We have been working on understanding and complying with the parts of the new law that apply to us and how we make and handle our clothing.



I want to assure you that we have been aware of the intentions of this new legislation for probably at least a year. One of the requirements of the new law involves limits on the levels of lead in clothing—this mostly would be the paint that covers matching snaps or the hardware in a garment like zippers, metal buttons, etc. Last year Paul and I decided to be proactive and to start the tests that the law requires before it became necessary in order to give us peace of mind. We wanted to be sure we were already making clothing that was within these guidelines, and we tested a lot of our product for the "lead in surface coatings" and other metal hardware. All of our products were well below the guidelines issued by the government.



We want you to know that we are in compliance with the CPSIA. All of the product produced for the Spring 2009 season—the clothing we are currently shipping—was tested by certified laboratories approved by the CPSC. We have the General Conformity Certificates filed electronically, accessible online with the use of a login and password we will supply to all of our retail customers, and to consumers should they want to see these documents. I want you to know that we take the safety and well-being of children very seriously, and we are confident that all of our clothing—whether it is shipping now, or was shipped in previous seasons—is safe for children. For over 30 years we have endeavored to produce clothing for children that was cute, beautiful, and unique—but above all—was made with the highest standards of quality and safety.

There are aspects of the CPSIA that are still under discussion, mostly about merchandise that you or I might have in our inventories that was produced before the CPSIA and its requirements for certification documentation was enacted. Our clothing has not changed, nor have we changed our suppliers of notions, fabric, sewing factories or anything else that makes up our product. We are actively following up on all new information from the CPSC, and will strive to follow all the



rules and requirements of the law.

I sincerely hope that this information helps give you confidence in our products. We plan on continuing to make children's clothing that you feel good about selling. I know I feel comfortable dressing my grandchildren in le top, le top baby and rabbitmoon! Please know that we are here, and will gladly discuss, and will attempt to answer, any questions you might have about this new legislation. Remember, we place as much importance on our customer service as we do on our quality! We have not changed—we are the same family owned business we have always been, and we care about our relationships with you, our partners in business.

Most sincerely,

Chris Lun

Vice President/Owner

C.K. Enterprises



Thank you for your consideration.

Wendy Platt
Owner, Ruby RedShoes Baby, Inc.
949-510-3597

Stevenson, Todd

From: Holli Grubb [hgrubb@hairsprouts.com]
Sent: Monday, January 12, 2009 1:34 PM
To: Lead Determinations
Subject: Lists of items to EXEMPT
Attachments: 02.jpg; emailheader.jpg; imstp_animation_butterflies_en_020908.gif

Dear CPSC,

Like thousand of other Americans, I am a small business owner and work at home Mom who makes children's hair accessories and the new CPSC regulations as written will shut down my business because I do not bring in the income it test my products. Therefore I am asking that the following items be exempted:

**Craft and Floral Ribbon-such as grosgrain, nylon, polyester
(our ribbons have been tested by the manufacturer already and are lead free)**

Fabric such as cotton and lycra needed to make baby headbands.

Elastic cord

Hot Glue

Felt

Silk flowers

Thread

Poly/poly-blend, acrylic/acrylic-blend yarn

Ribbon hair accessories in general

Metal alligator clips

This business is very important to my family and me. Please know that there are thousands of crafters like me who could be put out of business unless there are revisions to your laws.

Holli Grubb
Hair Sprouts Bowtique
hgrubb@hairsprouts.com
<http://www.HairSprouts.com>



Stevenson, Todd

From: Louise Genowitz [lgenowitz@hotmail.com]
Sent: Tuesday, January 13, 2009 1:53 PM
To: Lead Determinations
Subject: section 101 (a) Determinations./

fabric, lace,trim,velcrove bought at fabric stores in USA. If fabric stores are selling apprale fabric then it should be tested before it is sold. I am a craft person making doll clothes. I earn about \$15,000. a year. I cannot afford to test each dress I make. Thank you. Louise Genowitz

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Stevenson, Todd

From: Claudia B. [claudia.bouchacourt@gmail.com]
Sent: Tuesday, January 13, 2009 3:14 PM
To: Lead Determinations
Subject: Exemption for Cotton Fabric, Plastic Buttons, Lace, and Ribbon

Hello,

I make doll clothing for Blythe dolls, which are a collectible doll for adults. None of my customers are children, but the law is written in a very hazy matter and I would like to know that cotton fabric, plastic buttons, lace, and ribbon that I purchase at Jo Anns and Hobby Lobby be exempt from this law. None of my materials are durable goods, and while my product is not intended for use by children...I would still feel better knowing that such simple materials that I purchase within the US be exempt.

To my knowledge, lead is not used in the production, dyeing or manufacture of cotton fabric, buttons, lace, or ribbon.

Thank you.

Sincerely,
Claudia Garcia-Bouchacourt

--

Le Petit Boutique
Handmade Blythe Clothing
3800 North Mesa Street
Suite A2 #219
El Paso, Texas 79902
United States
<http://lepetitboutique.etsy.com>

Stevenson, Todd

From: Baby Boss [baby_boss@charter.net]
Sent: Monday, January 12, 2009 9:49 PM
To: Lead Determinations
Cc: Hatlelid, Kristina
Subject: Section 101 Determinations of Certain Materials or Products NPR

Importance: High

To Whom It May Concern:

In response to the Consumer Product Safety Commission’s request for comments concerning “preliminary determinations on certain natural, untreated and unadulterated materials and metals that have not been found to exceed the lead content limits prescribed under section 101(a) of the CPSIA”, Baby Boss Designs hereby provides the following list of products which, by their nature, would not exceed the lead content limits and therefore should be excluded from the lead testing requirements imposed under the CPSIA.

Baby Boss Designs is a small, home-based business located in Granbury, TX that specializes in producing unique, high-quality handmade clothes, accessories and toys for infants and children. Our products are made from the highest-quality materials and with the utmost attention to detail. Safety is a paramount concern for us, and we take special care to not produce or provide for sale any product that we consider harmful or that we, or our children, would not use.

We at Baby Boss strongly encourage the CPSC to reconsider their strict interpretation of this unnecessarily broad and onerous law and make reasonable exclusions and allowances in the materials to which the lead and phthalate testing requirements apply.

Thank you.

Materials which, by their nature, would not exceed the lead content limits set forth by the CPSIA:

Dyed Polyester Thread

Dyed Embroidery Thread

Colored Grosgrain Ribbon (polyester)

Colored Nylon Ribbon

Dyed Cotton Fabric

Dyed Cotton Yarn

Dyed Cotton Flannel

Fleece (of the wool or synthetic varieties)

Muslin (100% cotton)

Interfacing (of the fusible or sew-in varieties)

Fusible iron-on webbing

Batting (of the cotton/polyester variety)

Stuffing (of the polyester, cotton or poly-cotton varieties)

Pillow Inserts (cotton exterior w/ polyester stuffing)

Colored Felt

Elastic (polyester/rubber blend)

Chenille

Minky (polyester microfiber fabric)

Bias Tape (cotton/polyester blend)

Artificial Flowers (plastic & silk)

Thermoplastic Adhesive (aka "Hot Glue")

Hook-and-Loop Fasteners (nylon/polyester blend)

Metal Clips

Plastic Buttons (various sizes and colors)

Hard Plastic "Wipe" cases

Dyed and Undyed Infant "Onesies" (100% cotton; Gerber or Carter brands)

Girl's "Tank" tops (100% cotton; Garanimals brand)

Long-Sleeved T-shirts (100% cotton; Garanimals brand)

Crayola brand crayons

Woven brand and size labels

Baby Boss

Gavin & Laura Smith

9625 Monticello Drive

Granbury, Texas 76049

www.babybossdesigns.com



Please consider the environment before printing this e-mail

Stevenson, Todd

From: Suzsh [suzsh@yahoo.com]
Sent: Tuesday, January 13, 2009 11:56 PM
To: Lead Exclusions
Subject: Section 101(b) Exclusions

EXCLUDE cotton printed fabric!

That quilt you snuggle underneath with your child, grandchild, spouse, significant other will become a thing of the past..thank you very much. Oh, but you can have a beautiful quilt from undyed, cotton fabric. Exclude cotton printed fabrics and keep THOUSANDS of people in business!

Stevenson, Todd

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From: robinriggs@ellajeant.com
Sent: Tuesday, January 13, 2009 9:18 PM
To: Lead Exclusions
Subject: Section 101b Exclusions

Thank you for asking for the input of small businesses who will be impacted by this new law. I am requesting that you exclude cotton printed fabric, polyester printed fabric, and cotton thread.

These products generally contain so little lead, if any, that they should not require testing. Excluding this group of products would save so many small businesses, like mine, from going out of business.

Thanks for your consideration.

Robin Riggs
Ella Jean Baby Gifts
www.ellajeangifts.etsy.com

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January 13, 2009

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Room 502
Bethesda, MD 20814

OFFICE OF THE SECRETARY
FACILITY INFORMATION
2009 JAN 22 P 12:50

I am writing to you today, to urge members of Congress and the CPSC, to make some common sense amendments to the CPSIA, that is scheduled to go into effect February 10, 2009.

While I believe the intent of the new law was good, as it is written, it is far too overreaching and will have a catastrophic effect on the U.S. economy, while doing very little to actually protect our children from lead contamination, and dangerous chemicals such as phthalates.

The CPSC made a small step forward on January 8, 2009, by issuing their ruling, that exempted thrift stores and consignment stores. The ruling cautioned they must be very careful in the items they do resell, but obviously, this clears the way for used clothing and shoes.

I would like to respectfully ask the CPSC, to work with Congress, and to go farther and make more common sense amendments. I believe that ALL fabric (100% cotton, 50/50 blends, 100% polyester, denim, flannel and fleece) should be excluded from the lead testing/GCC requirement. These fabrics, and the clothing/blankets made from these fabrics, are inherently lead free. Obviously, there are safeguards in place for fabrics intended for children's sleepwear. Those should remain, but all other fabrics should not be subject to the CPSIA.

In addition, I would like to ask that books, both paperback and hardback, should also be excluded. This would include fiction, non-fiction, educational and spiritual books, designed for children 12 and under. Also, any supplies that are educational or therapeutic in nature, and designed for/sold to schools, daycares and home school environments should be excluded. These would include products for the disabled as well.

Stuffed animals...if they are made from fake fur (which is usually a polyester blend) and stuffed with fiberfill, and have safety eyes attached (if intended for children 4 and under), and have no metal decoration on them, then these should also be excluded...Again, these would be made from either fabric or fabric type fibers, and do not inherently contain lead, or phthalates.

Along this same line, thread, both cotton and polyester, as well as commercial yarn, should also be excluded...again, these items do not contain lead.

Also, if a crafter or business uses a commercially sold paint, including fabric paint, they should not need to have their items tested again. It is my understanding these paints have been subject to safety requirements for years...and lead paint has been off the US market for years as well.

Unfinished wood, or wood painted with a commercially available non-toxic paint should be excluded. As long as the wooden item does not contain metal parts that could contain lead, and/or small parts that would be dangerous if they came off and were ingested by a child.

As for the testing requirements, these costs are astronomical, and should be capped...in addition, for low risk items, XRF testing should be allowed...but again, even with that, we must find a way to make it economical for the small business or home based crafter.

By making these exemptions, as a start, you would save thousands of businesses, who make children's clothing, baby blankets, quilts, books and crocheted or knitted items. These people, and their products would no longer fear being labeled a criminal if they knitted a pair of baby booties, or made a quilt. As it stands now, they would be breaking the law, if they do not have their item tested, create a GCC stating that it is below the 600 ppm limit for lead, and track said items with SKU and Batch numbers. Then in August, they would have to go through this again, and add the labeling requirement of the law...which is simply not even practical for many of these handmade items...does congress really intend to have a label sticking out of each sock? Yet, that is what the law stipulates must happen, beginning August 16, 2009...and at that point, 3rd party testing is also required, which is simply too cost prohibitive for small businesses, and handcrafters.

As you are probably aware, many businesses and industries are actually calling February 10, 2009, National Bankruptcy Day...this is because, the way the law is currently written, and if enforced, will cause thousands of small to medium sized businesses, to close up shop. It is simply too cost prohibitive to do the testing, certification and labeling that the new law requires. And since it includes EVERYTHING, even items that are inherently lead free, the impact on such a variety of businesses is huge. Also, since the General Counsel of the CPSC, Cheryl Falvey, issued a ruling in September 2008, making this law retroactive, it does further damage to the small business, in that all of their inventory that is legal on February 9th, becomes "banned hazardous substances" on February 10th, unless they've had it tested and have a GCC on file for EACH item, in EACH batch, to prove it isn't.

I have a small sideline crafts business...Mel's Country Crafts. I started my business in 1999 and have a website. In addition, I go to several craft shows a year, and I have a booth in the Made In Oklahoma Craft Mall year round. I started this business to supplement my income...I was planning to expand and grow my business in 2009, since I'm faced with losing my primary job through layoffs. I had purchased many supplies towards that end in November and December 2008, before I was aware of this law and it's overreaching implications. Now, if it stands, I cannot use any of the items I purchased, and will have to claim them as a loss. To let you know what I do, I make items out of fabric...generally 100% cotton. I make photo albums, and scrapbooks. Many of my fabrics are geared towards children. In addition, I just purchased an embroidery machine, so was expanding to t-shirts and other items...again, part of my business reach was going to be for children.

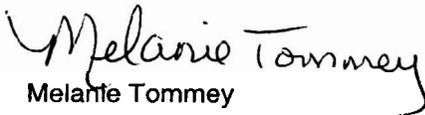
However, now I can't sell a 100% cotton t-shirt, that I've embroidered a design on, without first having it tested for lead. I was also going to sell teddy bears, that I purchased...and put little t-shirts or cheerleader outfits on them, in the child's school colors and mascot. Again, if I do this, I would have to submit that for testing. I planned to sell these bears for about \$15...but to pay for testing at a lab, would cost at least \$400, or more, since they would have to test each part of the bear and the outfit...obviously, this is not cost effective for me...so I have no choice, but to declare these items as a loss. I can't even resell them, because I don't have a GCC for them.

I realize that we need to keep our children safe...from harmful chemicals such as phthalates, and from lead contamination. However, in it's zeal to protect our children, Congress and the CPSC effectively put small businesses, and especially handcrafters...out of business. At a time, when we need MORE businesses in this country and more items made in the United States, this law will have the opposite effect. And whatever stimulus package Congress passes, will do little good, when all of these businesses go under. As for the ones remaining, you can also be certain, the testing costs will be passed onto the consumer, in higher prices...which will also have a crippling effect on the US economy.

I have already become very active in this fight and have contacted my Congressmen (Senator Inhofe, Senator Coburn and Rep. Sullivan from Oklahoma)...as well as sending out letters to friends and family, urging them to spread the word and take action. I've also written letters to the ranking members of the Energy and Commerce Committee, who oversees this.

Please take action quickly...thousands of businesses, and jobs are on the line. We are taking this law seriously and literally, as we must as citizens of the United States. Since there is a provision for funding and enforcement of this law, we have no other choice, unless we want to risk civil and criminal penalties. I do not, so will instead report all of these items as a loss on my tax return for 2009...I will not be the only business to do so.

Thank you!



Melanie Tommey

MCC Enterprises

aka...Mel's Country Crafts

www.melscountrycrafts.com

918-232-3392

1004 N Lincoln

Sand Springs, OK 74063

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Stevenson, Todd

From: Karen Blum Boateng [karen@littlegemsonline.com]
Sent: Tuesday, January 13, 2009 3:23 PM
To: Sec102 Component Parts Testing
Subject: Comments regarding CPSIA Component Parts testing
Attachments: ComponentTestingComments.doc

Dear Office of the Secretary,

Thank you for reviewing comments regarding component testing to remain compliant with the CPSIA regulations.

I look forward to reading about your decision soon.

Best Wishes,

Karen Blum Boateng
Little Gems
www.littlegemsonline.com
www.mamamiashowroom.com
www.yinia.com
ph: (925) 914- 2229

Comments regarding Mandatory Third-Party testing for certain Children's Products – CPSIA

First of all, I'd like to thank the commission for accepting our comments on how allowing for component testing would impact our products.

As the manufacturer of children's jewelry products, my answers will focus specifically on my product line.

- How the risk of introducing non-compliant products into the marketplace would be affected by permitting third-party testing of the component parts of a consumer product versus third-party testing of the finished consumer product.
 - **I run a small business, hand-crafting each product, and sending them directly to the customers or retailers upon completion of the product. As a small business, I am able to keep tight control over all inventory as well as finished products. Each piece is hand-made at the time the order is placed, and then shipped out. There is no risk that one of my products would be non-compliant product entering the marketplace.**

- The conditions and or circumstances, if any, that should be considered in allowing third-party testing of component parts.
 - **Most of the materials I use in making children's jewelry has been excluded from the mandatory testing: Sterling Silver, Ruby, Emerald, Sapphire, Pearl, semi-precious gemstones**
 - **However, the materials that haven't been excluded from mandatory testing are the beading wire and the dyed cotton cord.**
 - **I use the same beading wire and same 4 colors of dyed cotton cording on all designs.**
 - **By requiring full product testing instead of component testing, you now nullify the gemstone and sterling silver exclusions. If I have to test each limited edition gemstone /sterling silver design with each wire and cord option, then I will have to close down my business... it will be too expensive to continue.**

- The conditions, if any, under which supplier third-party testing of raw materials or components should be acceptable.
 - **Supplier third-party testing should be acceptable if during the manufacturing process, the tested materials remain unaltered in structure.**

- Assuming all component parts are compliant, what manufacturing processes and/or environmental conditions might introduce factors that would increase the risk of allowing non-compliant consumer products into the marketplace

- **The way in which I hand-craft out of my home office, each product ensures that each component that has been found to be compliant would continue to be compliant once completed as a finished product.**
- Whether and how the use and control of subcontractors would be affected by allowing the third-party testing of component parts.
 - **I do not hire sub-contractors, but if I did, I would supply the materials, thus ensuring the components are compliant.**
- What changes in inventory control methods, if any, should be required if third-party testing of component parts were permitted. Address receipt, storage and quality control of incoming materials, management and control of work-in-process, non-conforming material control, control of rework, inventory rotation, and overall identification and control of materials.
 - **Once tested, the materials will be stored in containers with date of testing. The volume of hand-crafted products is quite small, compared to a larger manufacturing facility. The next batch of supplies would be stored in a separate container until tested, then moved to the appropriate storage container with the date of test.**
- How a manufacturer would manage lot-to-lot variation of component parts, in a third-party testing of component parts regime, to ensure finished consumer products are compliant.
 - **My components that are required to be tested will be used over and over, with no variation. Once the batches are tested, they will not vary.**
- Whether consideration of third-party testing of component parts should be given for any particular industry groups or particular component parts and materials. Explain what it is about these industries, component parts, and/or materials that make them uniquely suited to this approach.
 - **It is clear that the way a small business making hand-crafted products operates is very different from how a large manufacturing operation works. Small businesses that hand-make each product are more suited to component testing in that they have less volume to keep track of. They also are reusing the same components in different designs, thus the redundancy of whole product testing is superfluous.**

Thank you for reviewing my comments. I hope that the CPSIA regulations will be further amended to allow for component testing, at least where it applies to small businesses of hand-crafted products.

Best Wishes,

Karen Boateng

ph: 925-914-2229

. www.littlegemsonline.com

Stevenson, Todd

From: DebAviary@aol.com
Sent: Tuesday, January 13, 2009 6:52 AM
To: Lead Determinations
Cc: DebAviary@aol.com
Subject: Section 101(a) Determinations

Hello.

These items need to be exempt because they've already been tested and the product is labeled. I make adult jewelry but someone out there might be making jewelry for kids and this product needs to be determined to be exempt from testing.

Pottery Glazes already labeled non-toxic or lead-free or are certified to be dinnerware safe.

And, from what I've been told by the company that I purchase glazes from, they are no longer carrying any glazes or can't even get any glazes that have lead in them.

Thank you.

Deborah Lundgren

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Stevenson, Todd

From: Allison Kelly [littlemissblooms@gmail.com]
Sent: Tuesday, January 13, 2009 11:31 AM
To: Lead Determinations
Subject: Exemptions

I run a very small fledgling boutique business that is just about to expand and this law will greatly impact my business. I use multiple colors of the same type of item to make my products (silk and polyester fabric and flower petals) along with satin ribbon and tulle sewn with a sewing machine onto 100% cotton diaper covers. I have already taken Swarovski crystals off of my items and no future items will have them. But PLEASE consider exempting silk, cotton, ribbon and tulle, as they do not contain lead and testing for lead in these items is a waste of time and money for this entire country. I currently have thousands of dollars of materials in stock for future orders and it will all have to be destroyed if this law is not changed to a more appropriate law.

Allison Kelly, M.D.
Owner/ Designer
Little Miss Blooms

Stevenson, Todd

From: sarahkron@hotmail.com on behalf of sarah kronland [sarah@mairzeydotes.com]
Sent: Tuesday, January 13, 2009 12:17 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Hello,

I have a question regarding the lead content of "natural" materials. I make baby blankets and bibs using 100% cotton material. However, I'm not sure if you consider it to be "natural" or not. The fabric I use is typical cotton printed fabric. If the material has a print on it (which is dyed by the manufacturer) is it still considered natural? I am not dyeing the fabrics -- just purchasing them from a fabric manufacturer. Also, will polyester be included in the list of "natural" products? Again, this is a fabric that does not contain lead or phthalates (no coating, etc.)

Any help in this matter would be wonderful.

Thanks,

Sarah Kronland
Mairzey Dotes
www.mairzeydotes.com
317.371.1505

Where blankets are created exclusively for baby.

Windows Live™: Keep your life in sync. [Check it out.](#)

Stevenson, Todd

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From: TOT Wearhouse [sales@totwearhouse.com]
Sent: Tuesday, January 13, 2009 5:19 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Dear Sir/Madam,

We would like a ruling on whether natural bamboo/ cotton is exempt from the new CPSIA ruling. Please let me know if you need any further information.

Thank you,

Hilary Lane
TOT Wearhouse
<http://www.totwearhouse.com>
(250 478-1737)

Stevenson, Todd

From: JOHN BRENDA LOVEJOY [lovejoy_x_two@q.com]
Sent: Tuesday, January 13, 2009 9:17 PM
To: Lead Determinations
Subject: Exemption request for material

Here is some information I have gathered with regards to leather. Leather appears to be non-toxic. Please consider putting it on your exemption list, or do further research to insure that you understand what is involved instead of requiring tests on something that may in fact be inherently non-toxic. I use suede leather for my baby shoes that I make to support myself and family.

Brenda Lovejoy
Lovejoy Fabrication

John

I think you are based in US?

I am not aware of any US tanner making chrome free leather for footwear and know of only a few globally that are making footwear chrome free leathers. Lead in pigment has been banned in Europe for many years but as the US has only just acted on this issue there is a small chance that leather coming out of Latin America or Asia contain lead in the pigment. A general overview of the lead law is attached.

There is a lot misunderstanding in the market place and deliberate mis-direction about chrome tanned leather. Chrome leathers are not toxic as they are tanned with chrome III mineral salts. Chrome is a naturally occurring mineral and is actually an essential element for human life as we need chrome in our bodies to metabolise sugars. Many people incorrectly believe that leather is tanned with chrome VI which it is not.

Adam Hughes
Commercial Director
BLC Leather Technology Centre Ltd
Kings Park Road
Moulton Park
Northampton NN3 6JD
United Kingdom
Direct: +44 (0)1604 679936
Switch: +44 (0)1604 679999
Fax: +44 (0)1604 679998
Email: adam@blcleathertech.com
Website: www.blcleathertech.com

Registered No 3514845 (England)

Stevenson, Todd

From: Lisa Rooney [crescentmoonschool@gmail.com]
Sent: Tuesday, January 13, 2009 9:26 PM
To: Lead Determinations
Subject: Lead testing exemptions

I am writing in regards to the **CPSIA** law for the safety testing of products produced for children under the age of 12. Although I do see a need to test products made with plastics, there are some products I feel should be exempt. My list is as follows:

Unique handmade items, such as one-of-a-kind dolls or painted wooden toys

acrylic paint used on the already exempt natural materials (the paint I buy is already labeled non-toxic).

materials commonly used in children's arts and craft projects, such as pipe-stem cleaners and glue

Non toxic inks

acid dye for cloth

Items that have already met EU testing standards

Thank you,

Lisa A. Rooney

Stevenson, Todd

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From: Kathy Anderson [bumpkinpatch@hotmail.com]
Sent: Wednesday, January 14, 2009 2:13 PM
To: Lead Determinations
Subject: List of Exemptions~

Yarn
Fabric
Thread
Buttons
Towels
Potholders
plastic hangers
Dolls and doll acc. (shoes, glasses, etc.)

Windows Live™ Hotmail®: Chat. Store. Share. Do more with mail. [See how it works.](#)

Stevenson, Todd

From: The Crowson Family [crowsnest5@surry.net]
Sent: Wednesday, January 14, 2009 2:42 PM
To: Lead Determinations
Subject: Section 101(a) determinations

I would like to submit that ribbon (polyester and nylon) do not contain lead nor if any were present could it leach into a child's system. I have received MSDS sheets from my ribbon suppliers and there is NO LEAD in the polyester ribbons. I also use polyester headbands and occasionally metal hair clips. By my suppliers MSDS sheets on the clips, there is no detected lead. I am still waiting for the MSDS on the fabric headbands, however I am sure we will get the same results

I use these polyester ribbons and headbands / or clips to make hair bows for little girls. This provides food for my family. I am a stay at home mom to 4 children. If this law is not amended to help people (cottage industries) like myself, we will be out of work. Please exclude ribbons and headbands from your testing requirements.
Thank you for your consideration!

Stevenson, Todd

From: Marsha Vifquain [marsha@edco.net]
Sent: Wednesday, January 14, 2009 2:56 PM
To: Stevenson, Todd
Cc: Riley Stoops; Chuck Stoops
Subject: [Possibly Spam]: CPSIA and HR4040 - and our small business

Importance: Low

Dear Mr, Stevenson,

Our 54 year old, small family business is under great stress due to the new regulations about to be implemented February 10, 2009. While we applaud and support measures to establish safe standards, especially for children (we are parents/grand parents, too), we understand that the lead in crystal stones is not transferable/absorbable. The inclusion of crystal stones in children's items in the coming regulation presents most difficult situation for us and the rapid timing threatens the future of our company. This regulation renders our existing inventories useless. We can't afford the loss, especially in this uncertain economy. We will not have anywhere to liquidate these items.

We respectfully request that the issue of lead in crystal or CZ gemstones be reconsidered and either exempted from the regulation - OR - that the timing of the regulation regarding crystal gemstone component of children's jewelry be postponed for 9-12 months to allow current inventories to be reduced and to allow time for development and testing of replacement product. We are actively working on new products and gemstones components to be lead free or almost lead free in an effort to meet the proposed 100PPM or less standard of the future. However, for the immediate we have large inventories of children's products with lead free metals/finishes but crystal stones (previously exempted under Cal Prop). These products will not meet the new standards because of the stones. There must be very many importers and retailers in this industry dealing with this situation. Many will not be able to survive this regulation as it now stands.

Other huge hardships for our small company posed by the coming regulations are:

- 1) Not allowing very similar products with like components from the same manufacturing company to be linked - this creates unbelievable expense for us.
- 2) Extreme Expense - Testing for each production run will drive costs so high on much of the products that we will not be able to maintain our broad product line. We will need to maintain less selection, order less frequently but heavier orders to reduce testing costs. And, we understand if one year passes and we still have some of the same production run in our inventory to sell, it must be tested again in order to comply. Double expense on inexpensive goods. This will eliminate a lot of business for us.

So, in summary, we hope there can soon be some reconsideration on the CPSIA and HR4040 both in timing and the scope of the requirements. Please advise. Thank you.

Kind Regards,

Marsha Stoops Vifquain

Marsha S. Vifquain

Vice-President

Edco, Inc.

E-mail: marsha@edco.net

1-310-326-9950

Stevenson, Todd

From: Jaminda Springer NB [Jaminda@NatoBello.com]
Sent: Wednesday, January 14, 2009 9:48 PM
To: Lead Determinations
Subject: Natural Material Exemptions to the CPSIA

Thank you for making exemptions to the CPSIA for natural materials. Sadly, though, these exemptions will not prevent the end of my business. I am a small manufacturer of baby carriers that are made from printed cotton fabric and dyed silk. I ask that you consider making printed/dyed natural fiber fabric exempt. The inks and dyes used on natural fiber textiles have little risk of adding lead to the fabric, and no risk of adding enough to exceed the CPSIA lowest limit. And, furthermore, wouldn't it be a sad world if children's product manufacturers remained in business but made toys, baby carriers, etc, out of only natural, raw fabrics. Without color, our products would be uninteresting and unattractive. The beauty of my fabrics is more that half of my business. The pattern, color and variety of my carriers is the life of my sales.

Please consider further changes to the CPSIA to exempt natural fiber fabric that has been printed and dyed. The proposal should clarify that the lead limit finding for natural textiles remains intact even if the natural textiles are processed through the addition of chemicals, including pigments, dyes, bleaches, or other substances provided those chemicals either do not contain lead or do not introduce lead to the product above the CPSIA limits. For example, dyed fabric should also be exempted as long as no lead has been added. *The scientific information indicates that none of the chemicals used in producing textiles contain lead or lead at levels that would cause the material to exceed the CPSIA lowest limit.*

In our home, most of my children's toys are made of natural materials. Also, I have many business friends who produce children's products from natural materials. For these reasons, please also consider the following exemptions:

Natural Materials Regulated as Foodstuffs by the FDA:

The following materials should also be exempted from testing because they are also foods regulated by the FDA. These materials include vegetable and nut oils, grain flours, medicinal-grade mineral oil, table salt, flax seed, FDA-approved food coloring, cream of tartar, dried beans, dried corn, essential plant oils, herbs, witch hazel, millet, and FDA-approved food preservatives. All of the above items are used to manufacture children's items, especially dolls and children's modeling dough.

Materials Which are Regulated as Art Materials and Meet ASTM D-4236 Standards

Because art materials are already regulated by the CPSC, those which have already been tested to meet ASTM D-4236 standards should not require additional testing when used in the fabrication of toys and children's products.

Natural Materials which are not otherwise regulated but are known to not contain lead:

The proposed determination specifically identifies wood, wool, silk, hemp, linen, and cotton. We would like to add the following to this list of exempted materials: paper, cardboard, bark, rattan, beeswax, lavender, 100% pure tung oil (in its cured form), milk paint (in its cured form), flower petals, dried plants, shellac (in its cured form), bamboo, bamboo fiber, plant-based dyes, nut shells, hide glue, Candelilla wax, Carnauba wax, loofa, jute, kapok, moss, straw, and jojoba oil. All of these materials are derived directly from natural sources and are known by science to not contain lead.

Natural Materials which have been modified by the addition of other lead-free materials or lead-free chemicals

The proposal should clarify that the lead limit finding for natural textiles remains intact even if the natural textiles are processed through the addition of chemicals, including pigments, dyes, bleaches, or other substances

provided those chemicals either do not contain lead or do not introduce lead to the product above the CPSIA limits. For example, dyed fabric should also be exempted as long as no lead has been added. The scientific information indicates that none of the chemicals used in producing textiles contain lead or lead at levels that would cause the material to exceed the CPSIA lowest limit.

Reclaimed Textiles:

Several of our members remanufacture new products from reclaimed clothing such as T-shirts and sweaters. Because this activity makes use of materials that would have met existing standards at the time of their original manufacture and because these remanufactured items are by definition one of a kind, testing of these reclaimed textiles should not be required.

Very Truly Yours,
Jaminda Springer

Jaminda Springer

Nata Bello

Beautiful Baby Slings

For the Artful Mother

734-717-0401

www.natobello.com

Stevenson, Todd

From: The Crowson Family [crowsnest5@surry.net]
Sent: Wednesday, January 14, 2009 2:43 PM
To: Lead Exclusions
Subject: Section 101(b) Exclusions

I would like to submit that ribbon (polyester and nylon) do not contain lead nor if any were present could it leach into a child's system. I have received MSDS sheets from my ribbon suppliers and there is NO LEAD in the polyester ribbons. I also use polyester headbands and occasionally metal hair clips. By my suppliers MSDS sheets on the clips, there is no detected lead. I am still waiting for the MSDS on the fabric headbands, however I am sure we will get the same results

I use these polyester ribbons and headbands / or clips to make hair bows for little girls. This provides food for my family. I am a stay at home mom to 4 children. If this law is not amended to help people (cottage industries) like myself, we will be out of work. Please exclude ribbons and headbands from your testing requirements.
Thank you for your consideration!

Stevenson, Todd

From: Paula Mair [Paula_sews@comcast.net]
Sent: Wednesday, January 14, 2009 9:59 AM
To: CPSC-OS
Subject: Section 101 Request for Exclusion of a Material or Product

My exclusion request is that testing be done as items used to manufacture items for children at the place of the manufacture of the raw materials. If this is done then it won't affect the mom and pop shops, the home crafter, the charities, but will still keep our children safe.

Thank you.
Paula Mair

Stevenson, Todd

From: Sheri [cheri@babergroup.com]
Sent: Wednesday, January 14, 2009 4:11 PM
To: Lead Exclusions
Subject: Section 101 (b) exclusions

Dear Sirs:

I am a retired school nurse. I invested thousands of dollars into purchasing embroidery machines, sergers, sewing machines, various fabrics and threads to start up my home business. I work out of my home and sell mainly on eBay and Etsy.

I live simply and work out of my home now. This new law will put me completely out of business. What will I do?

I make childrens clothes, backpacks, diaper bags, bibs, baby quilts, etc. I mostly monogram on premade items with lovely designs and personalize their names. The children love their things! The parents are so excited to receive a custom item for their child.

I purchase backpacks, monogram a really cute design and name on it and only charge about \$29.00 total! My profit is only about \$10-15.00 each. So, you see, I am not getting rich on this. I make a little extra money - that is all. This bill will take all of that away from me and my initial investment will bankrupt me.

Please, please exclude the following:

1. Fabrics - cotton and cotton battings (for quilts and backpacks)
2. Rayon, cotton and poly threads (I need poly and rayon threads for my embroidery machine)
3. Zippers?
4. Ribbons
5. Purchased Diapers
6. I purchase cotton, quilted backpacks wholesale and then monogram them.
7. Bibs

Anything on earth that you can do to help will be so appreciated.

I just can't start over again. I don't have the income.

I spent my life taking care of children. I worked as a school nurse. Why on earth would I want to harm them now?

Please help.

Thank you,
Sherry E. Baber
7704 Lampworth Terrace
Richmond, VA 23231

8047951555

Stevenson, Todd

From: Hip Girl Boutique [sales@hipgirlclips.com]
Sent: Wednesday, January 14, 2009 12:55 AM
To: Lead Determinations
Subject: Need to exempt polyester, nylon, cotton ribbon,thread from CPSIA
Attachments: daisy.pdf; pk-wht-polka-dot-pinwheel.pdf; striped_ribbon.pdf; thread.pdf

Dear CPSC,

We applaud the intentions of the act, but urgently need to address its application to craft ribbon and thread.

We did some tests at one of the CPSC accredited testing laboratories. Please see attached test results. Lead content of ribbons, silk flower fabric, polyester thread is far less than the limit.

We would like to see polyester, nylon, cotton ribbon and thread to be exempt from CPSIA.

Thank you.

Michelle Fei

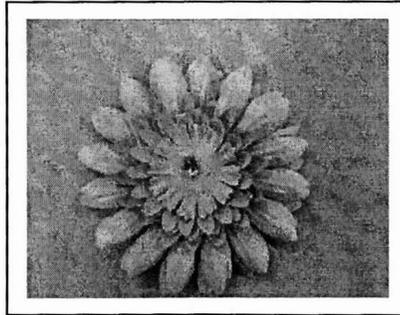
Report No. 0812-1044

Issued Date : 2009 January 8

Page 1 of 2

Applicant 申请人: Hip girl boutique
302E Fox Hill Dr. Buffalo Grove IL 60089

Sample Description	Artificial flowers (pink)
样品描述	人造花 (粉红色)
Age Grade	3 and up years
年龄范围	3 岁以上
Country of Destination 目的地	: U.S. A 美国
Received Date	2009 January 5
收样日期	2009 年 1 月 5 日
Test Period	2009 January 5 - 2009 January 8
测试时间	2009 年 1 月 5 日 至 2009 年 1 月 8 日

**TESTING SUMMARY**

TESTS REQUESTED BY THE APPLICANT 申请测试项目

RESULT 结果

Lead content in accordance with under the Consumer Product Safety
Improvement Act (CPSIA) #101 美国消费品安全改进法案 101 号-含铅量

Pass 合格

----- FOR DETAILS, PLEASE REFER TO THE ATTACHED PAGE(S) -----

SIGNED FOR AND ON BEHALF OF:

DONGGUAN RELIANCE TECHNICAL SERVICES LIMITED

Christine Chong

Laboratory Manager

RESULTS 结果 :

- I Lead content in accordance with under the Consumer Product Safety Improvement Act (CPSIA)
 #101 美国消费品安全改进法案 101 号-含铅量)
 Test Method 测试方法: The sample was digested by strong acid and analyzed by Inductively Coupled Plasma Spectrometry (ICP-OES)

Test item 测试项目	Samples 样品			Maximum permissible limit* 最大允许值
	1	2	3	
Lead content (mg/kg) 铅含量	<25	<25	<25	300

Note 1 : < denotes less than (<代表小于)

Note 2 : Sample 1 样品 1 = Pink transparent plastic with silver back(rhinestone).
 粉红色透明塑料水钻带银色底色。 .

Sample 2 样品 2 = Pink fabric of artificial flower.
 粉红色布料 (人造花)。

Sample 3 样品 3 = Glue on the bottom of rhinestone.
 水钻背面的胶水。

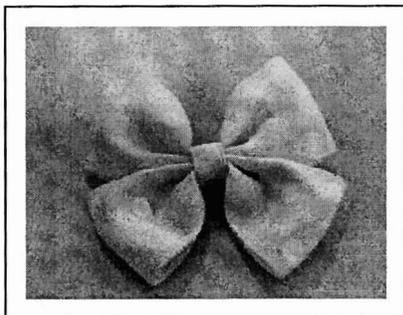
** Conclusion is based on the 0.03 % limit requirement, effective 14 August, 2009. The requirements for lead in substrate in children's products is summarised below

Scope	Requirement	Effective date
Lead in substrate other than paint / similar surface coating material	$\leq 0.06 \%$	10 February 2009
	$\leq 0.03 \%$	14 August 2009
	$\leq 0.01\%$	14 August 2011

 End of Report

Applicant 申请人: Hip girl boutique
302E Fox Hill Dr. Buffalo Grove IL 60089

Sample Description : Printed grosgrain ribbon hair bow attached on metal alligator clip.
样品描述 粉红色蝴蝶结发夹
Age Grade : 3 and up years
年龄范围 3 岁以上
Country of Destination 目的地 : U.S. A 美国
Received Date : 2009 January 5
收样日期 2009 年 1 月 5 日
Test Period : 2009 January 5 - 2009 January 8
测试时间 2009 年 1 月 5 日 至 2009 年 1 月 8 日

**TESTING SUMMARY**

TESTS REQUESTED BY THE APPLICANT 申请测试项目

RESULT 结果

Lead content in accordance with under the Consumer Product Safety
Improvement Act (CPSIA) #101 美国消费品安全改进法案 101 号-含铅量Pass 合格

----- FOR DETAILS, PLEASE REFER TO THE ATTACHED PAGE(S) -----

SIGNED FOR AND ON BEHALF OF:

DONGGUAN RELIANCE TECHNICAL SERVICES LIMITED



Christine Chong
Laboratory Manager

RESULTS 结果 :

- i Lead content in accordance with under the Consumer Product Safety Improvement Act (CPSIA)
 (#101 美国消费品安全改进法案 101 号-含铅量)
 Test Method 测试方法: The sample was digested by strong acid and analyzed by Inductively Coupled Plasma Spectrometry(ICP-OES)

<u>Test item</u> 测试项目	<u>Samples 样品</u>			<u>Maximum permissible limit**</u> 最大允许值
	1	2	3	
Lead content (mg/kg) 铅含量	<25	26	30	300

<u>Test item</u> 测试项目	<u>Samples 样品</u>				<u>Maximum permissible limit**</u> 最大允许值
	4	5	6	7	
Lead content (mg/kg) 铅含量	<25	<25	<25	<25	300

<u>Test item</u> 测试项目	<u>Samples 样品</u>	<u>Maximum permissible limit*</u> 最大允许值
	8	
Lead content (mg/kg) 铅含量	<25	90

Note 1 : < denotes less than (<代表小于)

Note 2 : **Sample 1 样品 1 = Silver metal of alligator clips 尖嘴夹的银色金属.**

Sample 2 样品 2 = Silver stud of alligator clips 尖嘴夹的银色钉.

Sample 3 样品 3 = Silver spring of alligator clips 尖嘴夹的银色弹簧.

Sample 4 样品 4 = Solid color grosgrain ribbon (pink) 罗纹带 (粉红色).

Sample 5 样品 5 = Printed ribbon (Pink) . 印刷罗纹带 (粉红色).

Sample 6 样品 6 = Glue on the back of pink bow 粉红蝴蝶结后的胶水.

**Sample 7 样品 7 = White thread of printed grosgrain ribbon hair bow attached on metal alligator clip.
 粉红色蝴蝶结上的白色线.**

Sample 8 样品 8 = White coating of printed ribbon 印刷罗纹带(粉红色)的白色涂层.

* Conclusion is based on the 0.009 % limit requirement, effective 14 August, 2009. The current permissible limit is no more than 0.06 %

** Conclusion is based on the 0.03 % limit requirement, effective 14 August, 2009. The requirements for lead in substrate in children's products is summarised below

Scope	Requirement	Effective date
Lead in substrate other than paint / similar surface coating material	≤ 0.06 %	10 February 2009
	≤ 0.03 %	14 August 2009
	≤ 0.01%	14 August 2011

Applicant 申请人: Hip girl boutique
302E Fox Hill Dr. Buffalo Grove IL 60089

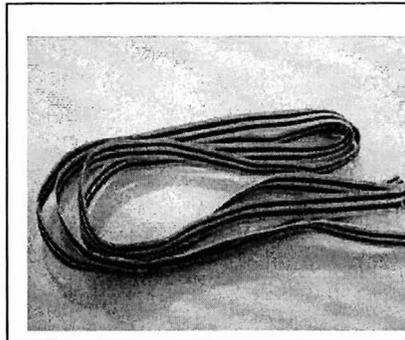
Sample Description : Stripe grosgrain ribbon(orange/black)
样品描述 条纹带(橙/黑)

Age Grade : 3 and up years
年龄范围 3 岁以上

Country of Destination 目的地 : U.S. A 美国

Received Date : 2009 January 5
收样日期 2009 年 1 月 5 日

Test Period : 2009 January 5 - 2009 January 8
测试时间 2009 年 1 月 5 日 至 2009 年 1 月 8 日

**TESTING SUMMARY**

TESTS REQUESTED BY THE APPLICANT 申请测试项目

RESULT 结果

Lead content in accordance with under the Consumer Product Safety
Improvement Act (CPSIA) #101 美国消费品安全改进法案 101 号-含铅量Pass 合格

----- FOR DETAILS, PLEASE REFER TO THE ATTACHED PAGE(S) -----

SIGNED FOR AND ON BEHALF OF:

DONGGUAN RELIANCE TECHNICAL SERVICES LIMITED



Christine Chong

Laboratory Manager

RESULTS 结果 :

- I Lead content in accordance with under the Consumer Product Safety Improvement Act (CPSIA)
 #101 美国消费品安全改进法案 101 号-含铅量)
 Test Method 测试方法: The sample was digested by strong acid and analyzed by Inductively Coupled
 Plasma Spectrometry(ICP-OES)

<u>Test item</u> 测试项目	<u>Samples</u> 样品	<u>Maximum permissible limit*</u> 最大允许值
Lead content (mg/kg) 铅含量	1 <25	300

Note 1 : < denotes less than (<代表小于)

Note 2 : Sample 1 样品 1 = Orange with black fabric of Stripe grosgrain ribbon.
 橙色/黑色条纹带。

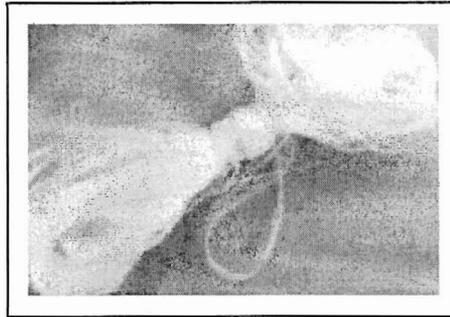
** Conclusion is based on the 0.03 % limit requirement, effective 14 August, 2009. The requirements for lead in substrate in children's products is summarised below

Scope	Requirement	Effective date
Lead in substrate other than paint / similar surface coating material	≤ 0.06 %	10 February 2009
	≤ 0.03 %	14 August 2009
	≤ 0.01%	14 August 2011

 End of Report

Applicant 申请人: Hip girl boutique
302E Fox Hill Dr. Buffalo Grove IL 60089

Sample Description	Thread (white)
样品描述	线(白色)
Age Grade	3 and up years
年龄范围	3 岁以上
Country of Destination 目的地	: U.S. A 美国
Received Date	: 2009 January 5
收样日期	2009 年 1 月 5 日
Test Period	: 2009 January 5 - 2009 January 8
测试时间	2009 年 1 月 5 日 至 2009 年 1 月 8 日



TESTING SUMMARY

TESTS REQUESTED BY THE APPLICANT 申请测试项目	RESULT 结果
Lead content in accordance with under the Consumer Product Safety Improvement Act (CPSIA) #101 美国消费品安全改进法案 101 号-含铅量	<u>Pass 合格</u>

----- FOR DETAILS, PLEASE REFER TO THE ATTACHED PAGE(S) -----

SIGNED FOR AND ON BEHALF OF:

DONGGUAN RELIANCE TECHNICAL SERVICES LIMITED



Christine Chong
Laboratory Manager

RESULTS 结果 :

- I Lead content in accordance with under the Consumer Product Safety Improvement Act (CPSIA)
 #101 美国消费品安全改进法案 101 号-含铅量)
 Test Method 测试方法: The sample was digested by strong acid and analyzed by Inductively Coupled Plasma Spectrometry(ICP-OES)

<u>Test item</u> 测试项目	<u>Samples</u> 样品	<u>Maximum permissible limit*</u> 最大允许值
	1	
Lead content (mg/kg) 铅含量	<25	300

Note 1 : < denotes less than (<代表小于)

Note 2 : Sample 1 样品 1 = White thread 白色线.

** Conclusion is based on the 0.03 % limit requirement, effective 14 August, 2009. The requirements for lead in substrate in children's products is summarised below

Scope	Requirement	Effective date
Lead in substrate other than paint / similar surface coating material	≤ 0.06 %	10 February 2009
	≤ 0.03 %	14 August 2009
	≤ 0.01%	14 August 2011

 End of Report



138 *detam*

Craft Yarn Council Of America

January 15, 2009

The Honorable Chairman Nancy Nord
The Consumer Product Safety Commission
4330 East West Highway
Room 724
4330 East West Highway
Bethesda, MD 20814

The Honorable Commissioner Moore
The Consumer Product Safety Commission
4330 East West Highway
Room 722
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Nord and Commissioner Moore:

On behalf of the Craft Yarn Council of America (CYCA), the national trade association of the hand-knitting yarn industry, I am writing to you in regard to the Consumer Product Safety Improvement Act to urge the Commission to exempt our products.

While we fully support all government efforts to safeguard consumers and reduce their exposure to lead or other materials that could affect their health, we believe, based on scientific evidence, that yarns should be exempt from CPSIA.

CYCA has spent a lot of time on the CPSIA issue. We have spoken with our lawyers, spoken with test labs (Bureau Veritas and STR), and spoken with other trade associations, including the American Apparel & Footwear Association (AAFA), National Association of Manufacturers, Retail Industry Leaders Association, Craft & Hobby Association, and The National NeedleArts Association. The common thread in all these conversations is that there is a great deal of confusion on interpretation of the legislation, and exactly what has to be tested, how often, and what records need to be maintained.

First, the Act identifies a very broad range of products, but this list does not specifically include our type of craft products. In particular it does not identify

consumer yarn products such as those sold by us to chain stores such as Walmart, Jo Ann's, Michaels and Hobby Lobby. It does, however, state that any product that could be used by children must be tested. Since yarn is made of fiber, which is knitted or crocheted into finished items, some of which are baby blankets, sweaters, etc., it appears that yarn must be tested.

We have verified through almost all of our raw material suppliers that their products, and ours, do not exceed the minimum standards for each restricted material (all suppliers are Oeko-Tex certified). The testing and certification system of the Oeko-Tex® Standard 100 satisfies the many and varied requirements consumers make of modern textile products and at the same time takes into account the complex production conditions in the textile industry: global organization, a strong tendency towards the international division of labor, different mentalities with respect to the use of potentially harmful substances.

We are very confident that our products do not pose any health concerns to any children ages 12 or below. We believe that certification of compliance from our vendors should satisfy all requirements and that proof of actual physical testing is not necessary.

What makes our petition particularly urgent is that many retailers are requiring manufacturers to comply with the lead substrate requirement weeks in advance of the statutory deadline of February 16, 2009, which could result in tremendous businesses losses in what is already considered tenuous economic times. Further, if hand-knitting yarns are covered under CPSIA, testing would take months to execute because of the backlog at testing agencies, and the costs incurred by our manufacturers would additionally negatively impact their sales.

Action is urgently needed on a comprehensive rule on all aspects of the lead limits to provide clarity and minimize disruption to markets in a fashion that fully meets our shared product safety objectives.

Respectfully submitted,

Craft Yarn Council of America
Caron International
Coats & Clark
Lion Brand Yarn Co.
Spinrite, Inc.
TMA Yarn

cc: Joe Martyak - Chief of Staff for Acting Chairman
Cheri Falvey - General Counsel
Gib Mullan - Head of Compliance
Mary Toro - Office of Compliance
Patricia Adair - Engineering Sciences

Stevenson, Todd

From: Taxewald@aol.com
Sent: Thursday, January 15, 2009 12:26 AM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

Please do not put me out of BUSINESS. I make one of a kind personalized sweat suits for children. The sweats are purchased through kiddy kats and rabbit skins. I then embroider what ever the parent would like on them. I do not have the income to test these products and as far as I know lead has NEVER been in any of these products. AGAIN PLEASE DON'T PUT ME OUT OF BUSINESS. Thanks you Christine Ewald

Inauguration '09: Get complete coverage from the nation's capital.

Stevenson, Todd

From: Lori [lori@misterjudy.com]
Sent: Thursday, January 15, 2009 1:37 PM
To: Lead Determinations
Cc: Wendy Zerza
Subject: CPSIA Exclusions

To Whom It May Concern:

My sister and I own a small line of children's clothing and accessories.

Mister Judy

All items are made of fabric and are manufactured in the USA.

As very small business owners (we are the only employees of Mister Judy), we would like to see fabric whether printed, dyed, or used naturally excluded from the CPSIA mandatory testing. Fabric does not typically have lead contamination. We would also like to see thread and narrow trims (such as elastics, ribbon, etc) excluded as well. These items like fabric do not typically contain lead.

If the exclusion could be made more broad to include wearing apparel that has not been embellished with metal findings, that would also help many small apparel manufacturers such as ourselves.

Please consider our request for exclusion.

Sincerely,

Lori

Lori Wahl
Mister Judy, LLC
Partner/Owner
phone- 503.236.2816
email- lori@misterjudy.com
www.misterjudy.com

Stevenson, Todd

From: Diana Havar [dhawkeyette@yahoo.com]
Sent: Thursday, January 15, 2009 4:10 PM
To: Lead Determinations
Subject: Exclusions needed in Consumer Product Improvement Act (CPSIA)

Many products traditionally do not include lead and should be listed as exclusions to this Act.

These include:

Ribbons such as grossgrain, satin, nylon, etc.

Fabrics such as cotton, flannel, fleece, etc.

Yarn used in crocheted and knitted items

Stevenson, Todd

From: Carol Roberts [cr@bjwe.com]
Sent: Thursday, January 15, 2009 11:03 PM
To: Lead Determinations
Subject: Modifications to HR4040

This law was put into affect because of big businesses like Mattel. There was no thought or effort but into the bill for the small crafters, one-of-a-kind items, items known not to have lead, or manufacturers that were already compliant with the EU requirements (which does 6 instead of 3).

Suggested Modifications to HR 4040

1. Proof of 100% of component compliance should be enough for hand-made products.
2. Automatic assumption of component compliance for natural, normally lead-free components, such as wood, glue, nails, wood stain, wood varnish & lacquer, glass, stone, all fibers such as cotton & hemp, all untreated animal products such as wool, silk, & untanned leather, synthetic fibers already approved for children such as polyester, etc. This automatic compliance assumption should extend to any other materials known by science to not contain lead.
3. Allow compliance certification to be passed with the sale of a product.
A supplier's third party certification should moot your own testing of an unmodified product as happens with flammability certification.
4. Existing stock should not have to be immediately wasted, there should be some accommodation for existing stock. As it stands, almost all stocked children's products in any store or warehouse anywhere will need to be destroyed!!!
5. Adjustments for Small Business:
 - a. Limits of production under which certification is not required.
This could include reduced certification requirements without removal of the liability, similar to how FDA mandated food labeling works.
 - b. Removal of the concept of 'lots' as they can not be applied to hand-made items. If only ONE of an item is made, that unit itself would be destroyed by the proposed required testing. This law must specifically address and allow for the legal hand-made production of one-of-a-kind toys without expensive testing.
6. Automatic assumption of component compliance for natural, normally lead-free components, such as:
 - a. The Earth Itself
 - stone: any rock/mineral/crystal other than known lead ores should be exempt.
 - metals such as: Stainless Steel, Aluminum, Sterling Silver, Gold
 - water, NaCl salt, CO, sugar, etc. ad infinitum " all these and many other chemical compounds are by their nature lead free below requirements.
 - b. Flora
 - wood, bark, roots, leaves, reproductive structures (cones, seeds, fruit, flowers etc)
 - all natural fibers such as cotton & hemp
 - dried flowers & botanicals
 - human food-grade flora products such as: milled grain (flour), extracted oils, esters, seeds, vegetable dyes
 - other flora products: carnauba wax, dyes
 - c. Fauna
 - all animal/fish/insect/microbe parts such as wool, feathers, hair, fur, whiskers, claws, horns, untanned skin, seashells, bones
 - all animal/fish/insect/microbe products such as oils, milk, silk, shellac, bee wax, honey, alcohol, pearls
7. While not natural, the following are used by crafters are known to be lead free:
 - glue , glass

synthetic fibers already approved for children such as polyester, etc.

all cloth, ribbon, thread, etc. that is already sold in stores as approved for home garment fabrication.

rubber bands

nails

wood stain & varnish

paraffin wax (a petroleum wax)

Please consider the above change to the new law.

Carol Garrett

Stevenson, Todd

From: Camille Workman [camille@framehuggers.com]
Sent: Thursday, January 15, 2009 11:05 PM
To: Lead Determinations
Subject: RE: New Lead testing law

To whom it may concern

I am a small business owner whom makes cloth eye occluders (patches) for eye glasses. Many children wear my product. It is made with fleece, Velcro and thread. I do not understand if it is the responsibility of the manufactures who make and distribute their fabric, Velcro and thread to determine if there is any lead in their products? I didn't understand if this was for children's "toys" only or if this new law included clothing/ cloth accessories etc... Please can you clarify for me as it would seem that the fabric manufactures should have to do the testing of all fabrics etc...and not every small business whom sews children cloth items; to again individually test everything. Since fabric is sold to everyone in which moms could make clothing for their own child...shouldn't the fabric I purchase from the same retailer already have tested for this on all the fabrics they sell? I know many business owner whom make everything from baby burp rags to cloth diapers etc.. whom sell on EBay & thousands of others who are wondering the same thing. This needs to be clarified better or more clearly as there are thousands of small online business entrepreneurs who are worried and confused as well. I would have to stop making my product and file for bankruptcy if I have to check every piece of fabric I use. I would lose my home and have to find a new job at the worst possible time to find a job...during this horrible economy. I would also have to let go my staff and they too would lose their security. That and thousands of children whom are helped from going blind in one eye by using my product would be greatly affected and I would have thousands of extremely sad and frantic parents wondering what to do. Please help.

Camille Workman
Owner/Designer/Seamstress
www.framehuggers.com
208-860-7237 or toll free 877-327-7225 M-F 9-5pm (PST)



Richard W O'Brien
Director,
Office of Int'l Programs and Intergovernmental Affairs,
US Consumer Product Safety Commission,
4330 East West Highway,
Bethesda, MD 20814,
USA.

16 January 2009

Dear Mr. O'Brien,

**The US Consumer Product Safety Improvement
Act of 2008 (CPSIA)**

It was indeed our pleasure meeting you at the working lunch organized by the Director-General of Trade and Industry of the HKSAR Government to discuss the newly-introduced CPSIA, during your recent visit to Hong Kong. The meeting had enabled us to have frank and useful exchanges about the implementation of the CPSIA and its impacts on Hong Kong's textiles and clothing industry.

2. On behalf of the Textile Council of Hong Kong, I would like to submit our views and comments on the enforcement of standards for children's garments under the CPSIA. The Textile Council of Hong Kong comprises 10 major trade associations and is a non-profit making industrial organization. It represents the entire Hong Kong textile industry whose business activities range from spinning, weaving, knitting, dyeing and finishing, garment making and manufacture of textiles goods. In addition to Hong Kong, our members have production facilities in Mainland China and other S-E Asian countries.

3. The Textile Council of Hong Kong fully supports the Consumer Product Safety Commission's efforts to enhance children's safety, in particular to reduce their exposure to lead or other material which might affect their health. Section 102(a)(2) of the CPSIA imposes testing requirements to support certificates of compliance for all children's products;

and in S102 of the FAQs it is stated that all products must be tested by an accredited laboratory by specified dates and in addition such tests must be for finished products and not component parts. We are extremely concerned that the third party testing and certification requirement on final product will impose tremendous and unnecessary burden on garment manufacturers and unless there are viable solutions to overcome the difficulties, our manufacturers will substantially reduce their export of children's garments to the US.

4. The Council would like to explain that unlike toys, electronics, and furniture, a garment manufacturer only makes use of yarns, fabrics and sewing threads as raw materials and during the production processes other clothing accessories such as buttons, zippers, buckles, and tracking/care labels etc are either attached or sewn onto the garments. The existing practice is that our manufactures will ask the producers of these raw materials and clothing accessories to provide testing certificates to ascertain that these products have satisfied internationally accepted safety and quality standards. If in doubt, our manufacturers will undertake either in-house or third-party testing to verify that these products are safe. Special care and attention have already been given to certain types of buttons and zippers as they might contain very low levels of lead or lead paint. Once product standards have been verified, a manufacturer will use these materials to product thousands and thousands of SKUs (stock-keeping units) of, say, T-shirts, belonging to the same purchase order. In each SKU, it is very common to have many different styles and sizes of the same product. The need to have so many SKUs for shipments is at the request of importers and retailers.

5. With the widespread adoption of technologically advanced planning software and supply-chain management systems, most US importers have already introduced the so-called "zero inventory" system with goods to be delivered to the stores "just-in-time" for sales. Under such an inventory control method, the SKU for each export consignment can be as small as 50-100 dozens.

6. If third-party testing of finished product is mandatory, a single purchase order per importer for, say, 10,000 dozen pairs of children's woven

cotton trousers but divided into 100 SKUs for shipments will mandate at least 100 third party finished product testing and certification. In an actual case provided by one of our manufacturers, a pair of children's woven denim casual trousers has 15 different types of component parts, mainly buttons of different sizes, buckles, tacks, eyelets, rivets, snaps, zippers, belts and labels. Including the denim fabrics, 16 laboratory testings are needed for each shipment under section 102 of the CPSIA. Therefore the total no of tests for this particular order will be 1600 (16 x 100 SKU). It might even be more if different styles and sizes require more tests to be conducted. Details of the costs involved are as following :-

(a)	FOB Value for the order : (US\$6 x 12 x 10,000)	US\$720,000
(b)	Finished product testing per SKU (US\$64 x 16)	US\$ 1,024
(c)	Total lab testing fee (US\$1024 x 100 SKU)	US\$102,400
(d)	Total lab testing fee as % FOB value (US\$102,400 ÷ US\$720,000)	14%

You will probably appreciate that the cost of testing is very high : at 14% of the value of the goods. Even if the importers are willing to pay for the additional cost, which no doubt will be passed onto the consumers, we believe it is totally a waste of laboratory time and resources to conduct multiple testing of the same raw materials and components.

7. Unless the problem of multiple testing as mentioned in paragraph 6 above can be resolved, our manufacturers are of the view that their exports of children's garments to the US will be drastically reduced in the next 12 months. A lot of our members have already cancelled their existing orders and new orders will definitely not accepted. The Council is of the view that the Commission should consider allowing the supplier third-part testing

of raw materials and components instead of testing of finished products. It will not compromise the objective of the new law to safeguard children's product safety.

8. Apart from third-party testing of components in lieu of finished product, the Textile Council of Hong Kong would like the Commission to consider the following :-

- (a) The Commission has the authority, under section 101(b)(1), to exclude specific products or materials if it is determined that lead in such a product or material will not result in the absorption of any lead into the body. Based on prior material testing and in-depth knowledge of the production methods, we are fully convinced that natural fibres like cotton and silk and man-made fibres like polyester do not contain lead. We urge the Commission to obtain and to examine test data and data on physical and chemical properties of various basic and common materials, and to work out an exemption list for lead test;
- (b) The law has stipulated that all children's products manufactured after November 12, 2008 will be subject to bans as well as standards under the CPSIA and the Consumer Product Safety Act (CPSA). From S 101 of FAQs, it seems that products manufactured before that date will not be allowed to be put on sale in the stores on or after December 22, 2008. In view of the extremely low risks of lead in children's garment, the Textile Council of Hong Kong asks the Commission to provide a grace period of 12 months in order to allow retailers to replenish their existing stocks. When the EU imposed new testing requirements for Azo-Dyes, there was a 2-year grace period for stock disposal. EU's REACH has also allowed the trade more time for adjustment.
- (c) **Education to importers.** We are surprised that quite a lot of medium and small importers in the US are still not aware of the new CPSIA requirements. This is rather unsatisfactory because when goods have arrived in the US but cannot be put on sale due of lack of testing certificates, there will be arguments between the exporter and the



importer as who should be responsible. To avoid disputes and shipments being held up, importers should have full knowledge of the new requirements and to understand what are their responsibilities.

9. We sincerely hope that the Commission will take into consideration of our views and comments. If you would like to obtain additional information or require clarifications, we shall be very happy to provide.

Yours sincerely,

Willy Lin SBS JP
Vice Chairman
Textile Council of Hong Kong

Stevenson, Todd

From: lariha53 [lariha53@bellsouth.net]
Sent: Friday, January 16, 2009 8:00 PM
To: Lead Determinations
Subject: HR4040 2008 Consumer Prod. Safety Improvement Act

have been crafting for more than 25 years. I hand make many differnet items for adults as well as children. I also had make childrens clothing. I am totally against this legislation as I might as well sell my sewing machine and stop wasting my time. I have alot of repeat customers, so what do I tell them. Do I tell them that our government has made it impossible for the small vendor to make anything for their use. Since I do not make my own fabrics, and I buy local as much as possible, I would hope that fabrics made in the United States would be required to use natural blends of fabrics and safe dyes to make prints on fabrics. I know by requiring them to be able to certify each bolt of fabrics would be costly and the price would be passed down to the consumer, why not push them to use natural fabrics and stop importing from over seas countries that don't care how we may be affected by their cheap products. I would hope the government will take a hard look at this when there is an economic crunch as this will not only hurt the craft vendors, but think about people who buy at garage sales, thrift stores, and consignment shops. Sincerely, Valerie Hall

Stevenson, Todd

From: Rae Glispin [kidzcomfort@yahoo.com]
Sent: Saturday, January 17, 2009 9:25 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

My name is Rae Lynn Glispin and I am the owner and operator of RAPN, Incorporated, dba Kidz Comfort, since September 2007. I am a Mom who invented a new product called Bed Bumpers for Big Kids. I have an online retail store www.kidzcomfort.com that offers parents these bumpers along with coordinating bedding items, bedtime story books, lullaby music CDs and Kidz Heat & Cool Packs.

The materials that I use for my bedding products are as follows:
100% Cotton fabric (with children's prints on them)
100% Polyester Upholstery material (with no added chemicals)
100% Natural Cherry Pits

There is no possibility of lead or phylates being contained in the products that I use. This new lead requirement for testing will surely put me out of business. I am a small business and cannot afford the cost of testing each fabric, box of upholstery material and bag of cherry pits that I use. I started the business to help protect children from bumps and bruises while they sleep. It would be devastating if I had to shut my business down because of this added cost.

Please continue to add to the list of exclusions under Section 101 for the sake of thousands of other Mom owned businesses.

Sincerely,
Rae Lynn Glispin

Please visit us at: <http://www.kidzcomfort.com>

Rae Lynn Glispin, President

Kidz Comfort, Unique Bedding for Children including our exclusive Bed Bumper for Big Kids!

<http://www.kidzcomfort.com>

kidzcomfort@yahoo.com

Stevenson, Todd

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From: mindy harris [mindyharris@yahoo.com]
Sent: Sunday, January 18, 2009 1:05 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To the office of the Secretary of the Consumer Product Safety Commission,

I wholesale goods imported from other companies to the children's industry and have since 1997. We manufacture a line of special occasion jewelry in 14 KT gold with pearls and sterling silver with pearls. We have never sold base metal.

My primary goal is to state that our products cannot alloy with lead since we work only with class 1 metals. Our company will be economically impacted and we are doing the right thing for child safety.

The costs to test one of our bracelets with bureauveritas, a government approved lab. is \$900, with over 200 items in our selection at this time we are looking at an expense that would create make it impossible for us to have a marketing budget to go out and sell the tested goods.

The Commissions Directorate for Economic Analysis found that the proposed rule would not have a significant impact on a substantial number of small entities.

This fact is incorrect. The children's industry trade shows offer 600-2000 small business at each venue around the country. These are professionals who run small business not Mom's at home. See ENK International Children's Club, Kids Show in Las Vegas, The Bubble Show in NYC, the LA Market Shows, The Atlanta Market shows are some examples.

The next item I want to address is the lack of oversight over the labs with regard to the fee structures being permitted. For example [www.bureauveritas](http://www.bureauveritas.com) a government approved lab charges \$150 per component and ESS Labs charges \$35-\$45 per component. What small business today can afford to spend \$900 per item to test a product which is by its chemical nature is impossible to be made of lead.

Please finalize the exclusion of class 1 metals from testing to ensure that you do not but more people in this country out of work.

Our company has been proud to sell non base metal jewelry for years and now we may be put out of business because of a chinese manufacturer and a firewalled laboratory test that your agency will not be able to oversee for the next several years to come.

Allow us to stay in business. Allow the legitimate jewelry industry in the United States to survive. Please view my website for an idea of what products we market. www.mindyharris.com.

Mindy Harris
<http://www.mindyharris.com>
888-567-BABY (2229)
fax-561-394-9713

Stevenson, Todd

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From: Sue Swan-Zoedak [zoedak@sbcglobal.net]
Sent: Monday, January 19, 2009 12:46 PM
To: Lead Determinations
Subject: Section 101 (a)

I am a Mom to 5 children and a Grandma to 9 grandchildren. With that said, I know the importance of protecting our children. However, I will not be able to continue to play with my grandkids if I can no longer afford my doctor visits & my medications for my ailments. Grandma Sue's Funshine Company was created to supplement my husband's social security. Our products are geared toward children. The materials we use are polyfiberfil; fleece and flannel fabric; thread; latex free stretch cord & glass beads. We make and sell pillow and blanket sets as well as children's jewelry. At special times of the year we make cotton purses with maribou feather handles.

I am asking that these materials be exempt from the list of materials that need to be tested by 3rd party testing. If not exempted, I will be forced to close the business and no longer be able to pay my medical expenses. I am begging you exempt the items listed above.

Sincerely,

Sue Zoedak
Grandma Sue's Funshine Company
248-650-2422
448 Timberlea Drive
Rochester Hills, MI 48309

From: AirbrushGypsy@aol.com
Sent: Monday, January 19, 2009 5:07 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

Hello,

I have an entertainment company. Right now we apply airbrush body art. We use water-based Duratad ink which has FDA approved ingredients, is organic, and hypoallergenic. We apply the body art with stencils.

We had planned on expanding our business to include airbrush face painting, temporary body crystals and glitter tattoos, stuffed balloons and teaching several workshops including balloon sculptures, tie dye t-shirts, plaster-casting and concrete stepping stones.

The airbrush face painting would be basically the same as the body art but using water-based makeup.

The *Swarovski* temporary body crystals are self-adhesive. Completely safe, non-allergenic, and harmless to the skin.

The glitter tattoos use cosmetic glitter, a glue that is safe on skin and stencils.

Stuffed balloon and the balloon sculptures would include Qualatex balloons and whatever is stuffed in the balloon. I know I would need to make sure the stuffed item would need to be certified but does the stuffed balloon need to be certified? What about if the customer provides the item to be stuffed? We not only teach people how to make balloon sculptures but we also entertain by making each person one while they watch.

Tie dye t-shirts include t-shirts and dye. We teach people how to make a tie dye shirt.

Plaster-casting includes plaster and molds. We teach how to mix the plaster and pour it into molds. Then unmold, clean, dry and in some cases provide paint and brushes so the treasure can be finished. Each person keeps the poured plaster piece and the mold is not included.

Concrete stepping stones includes cement and molds. We teach how to mix the plaster and pour it into molds. Then decorate, unmold, clean and cure.

I am wondering if according to the new CPSIA law if my products need to be certified?

Thank you for your time and help!

Joe Williams



January 20, 2008

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, Maryland, 20814
Sec101Determinations@cpsc.gov
Fax: 301-504-0127

Re: Section 101 Determinations of Certain Materials or Products NPR.

The Real Diaper Industry Association, comprised of 66 cloth diapering retailers, manufacturers, small manufacturers, diaper services and information resources, would like to respectfully respond to your call for comments on exempting certain fabrics from the CPSIA's lead testing requirements.

There are, rather undeniably, a large number of components and materials which are inherently free of lead and phthalates. The absence of these are scientifically documented and laboratory verified. To not allow exemptions of these materials seems an unnecessary burden and an unintended consequence of the CPSIA's true intent – which is to protect children from dangerous chemicals and products.

We graciously embrace the mention of natural fibers such as cotton, silk, wool, hemp, flax and linen as being inherently free from lead and therefore exempt from mandatory third party testing. However, we feel this list is incomplete and would like to suggest the following additional materials which are known to science to be free from lead and which are highly unlikely to become contaminated with lead during the manufacturing process.

- 1) Natural Fibers which are altered with the addition of other lead free materials/chemicals. We ask that dyed fabric be exempt as long as no lead has been added during the dyeing process. This is easily verifiable with the documented use of lead free pigments, dyes, bleaches and other such substances which do not contain lead. The addition of lead free materials to other lead free materials will not result in an increased lead content.
- 2) Synthetic Fibers We request that the exemptions for natural fibers be expanded to also include synthetics. Just as lead is not present in natural fibers, it is also absent from synthetic fibers including (but not limited to) polyester, nylon, acrylic, rayon, and spandex. We are aware of supporting evidence which has been submitted to confirm the reasoning behind exempting synthetics, natural fibers and blends thereof.
- 3) Reclaimed Textiles. The remanufacture of new products from reclaimed clothing (sweaters, T-shirts) does not introduce new lead content. Materials used will have already met requirements at time of original manufacturing and the remanufactured items are, by definition, one of a kind and should not be subject to repeated testing.

- 4) Other Natural Fibers which are not known to contain lead. Natural rubber latex, bamboo, bamboo fiber, and plant based dyes are all known and/or tested to be lead free and should not be required to undergo additional and redundant testing.

As an industry association, we support legislative efforts at consumer safety. And we, as retailers, manufacturers, diaper services and information resources, look forward to the opportunity to continue providing safe products for children. The above recommended additions to natural fiber exemptions do nothing to endanger the smallest of consumers yet do everything to afford an opportunity at continued growth for many small American businesses.

Respectfully,

The Real Diaper Industry Association

A Baby Connection - Retailer
Alyahs Alternatives - Retailer
All Together Diaper, Co. - Manufacturer
An Ultimate Diaper Detail Plus – Diaper Service
Angel Bunz/Green Diaper Store - Retailer
Austin Baby - Retailer
Austin Diaper Service – Diaper Service
Babies Bottoms and More - Retailer
Baby Cotton Bottoms - Retailer
Baby's Abode - Retailer
Best Loved Baby – Retailer
Better For Babies, Inc. - Manufacturer
Bumkins - Manufacturer
Bummis Inc. - Manufacturer
Buzzie Bee Diapers – Diaper Service
Cloth Diaper Mom - Manufacture
Cotton Babies/bumGenius - Manufacturer
Cozy Baby Boutique - Retailer
Cutie Tooties - Retailer
Denver Diaper Co - Retailer
Diaper Lab - Retailer
Diaper Shops.com/Kelly's Closet Inc. - Retailer
Diaper Deb – Small Manufacturer
Dr. Freckle and Mrs. Hyde – Small Manufacturer
DryBees and Whamies -Manufacturer
Full Circle Baby - Retailer
Fuzbaby and Firefly Diapers – Small Manufacturer
Go Green Sustainable Industries, LLC – Small Manufacturer
Happy Heinys - Manufacturer
ITC Services LLC, dba BabyKicks - Manufacturer
Itty Bitty Baby Bunz - Retailer
Jardine Diapers - Retailer
Jillian's Drawers - Retailer
Keen Bambino - Retailer
Kissaluvs - Manufacturer
Knickernappies - Manufacturer
Little Jumping Beans, LLC - Retailer

Little Padded Seats - Retailer
Modern Mommy Gear - Retailer
Mothering Magazine – Associate Member
Natural Baby Source - Retailer
Nicki's Diapers - Retailer
Nutty Bums LLC - Retailer
Over The Moon Diapers, Inc. - Information Service
Papaya Patch - Retailer
Parenting By Nature - Retailer
Peapods, Inc. - Retailer
Pinstripes and Polka Dots - Retailer
Poppy Pants - Manufacturer
P'tits Dessous - Manufacturer
Rainbow Stitches – Small Manufacturer
Real Diaper Association – Associate Member
Sheepish Grins - Manufacturer
Simple Wonders - Retailer
Snappi Baby - Manufacturer
Snuggle Hugs / Nine Acres - Retailer
Soft and Cozy Baby - Retailer
Soft Cloth Bunz - Retailer
Sweet Infant - Retailer
The Little Seedling - Retailer
Thirsties, Inc - Manufacturer
Tidbit – Small Manufacturer
Tiny Tots Diaper Service and Baby Boutique – Diaper Service
Tot Warehouse - Manufacturer
Wee Bunz, Inc. - Retailer
Wildflower Diapers - Retailer
Z. Bear Diapers - Retailer

Stevenson, Todd

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From: Missprincesstutu@aol.com
Sent: Tuesday, January 20, 2009 7:19 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To Whom It May Concern,

My name is April Todd and I am a manufacturer of tutus. I am very confused as to which products are excluded or included in the CPSIA law to be effected February 10, 2009.

These are the 2 materials that I use to create my handmade tutus:

1. Tulle made with 100% USA Nylon. This tulle is created and tested by manufacturers here in the USA. (www.edley.com)
2. Elastic : Made with 84% Polyester and 16% Rubber

I am a very small business. I have done research and found several places to have my tutu tested, but it will be very expensive for me. Can you please clarify if my product is exempted under Section 101.

Thank you very much for your time,

April Todd
Designer and Mom
www.littlemissprincesstutu.com



Custom hand made tutus for the little princess in your life!

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Stevenson, Todd

From: Julie S [userhc2001@gmail.com]
Sent: Tuesday, January 20, 2009 9:43 PM
To: Lead Determinations
Subject: Materials to exempt from Lead Testing hand crafted items

I occasionally sell a quilt on line to make ends meet for grocery money or holidays. this law makes it hard to donate hand made items to charity , as I purchase my cotton printed fabrics from retailers at retail cost, and they do not provide any information to the common customer in General (Joann's Craft Warehouse, Save on Crafts and others as well as independent resellers on the internet.) I also make gift card holders from printed cotton fabric and occasionally crochet an item and many I make for gift giving This law will make it difficult to even give a hand crafted gift to someone or donate that to a charity for auction or giving to someone for a gift, or sell an item I made that I am not using anymore. There are many items that this law that are really "not" intended for 12 and under but can be deemed as that. I use no moving parts on any of my items and no zippers or dangly things.

Exempt printed cotton fabric sold from Pre 2007 *as retailers right now are NOT helping people wanting information about fabric they SOLD retail OR allowable 3rd party kits available to the public to test a portion of a fabric at a reasonable price.

A pet quilt might be one fabric and another printed fabric on back with polyester or cotton batting and cotton thread.
 Polyester threads
 cotton threads
 Acrylic yarn in any color
 elastic
 velcro
 Rayon thread
 felt

Any help you may give or a direct link to help for these things thank you

To test each and every item I may sell occasionally or donate will cost alot of money if each component has to be tested.
 some typical items crafters use too
 Acrylic paint has no toxics in it it also can be used. Wood sticks, craft glue, no sew glue, no sew hem, stabilizer.

This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized.

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Susan J. Moore
617 Fieldstone Circle West
Chelsea, MI 48118
(734) 433-0881

OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION

Jan. 21, 2009

2009 JAN 29 A 8:03

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda MD 20814

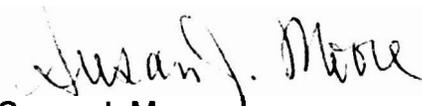
I make toy teddy bears for children for sale at craft shows. I don't sell many or make a lot of money but I enjoy this hobby, interaction at craft shows and the smiles on children's faces when they hug one of my bears.

In view of the new Consumer Product Safety Improvement Act enacted by Congress due to take effect Feb. 10, 2009 restricting lead-based and certain chemicals in products for children 12 and under, I am concerned that I will be unable to meet the testing and labeling standards and be forced to give up my hobby.

I can not possibly afford to have each teddy bear tested and certified. I already label the bears as made in Chelsea, MI.

As a grandmother of 10, I am concerned about child safety. So far I've purchased U.S. made acrylic and cotton fabric and polyester polyfill. But I am still unsure of how I can meet the new standards.

Please consider clarifying the regulations and/or altering them to accommodate handcrafters such as myself. My recent internet search shows that you have already relieved the anxiety regarding resale of children's clothing.


Susan J. Moore
Moore Teddy Bears
617 Fieldstone Circle W
Chelsea, MI 48118

Cc: Senators Carl Levin & Debbie Stabenaw
Rep. Mark Schauer

January 21, 2009

Ms. Nancy A. Nord
Acting Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Mr. Thomas Hill Moore
Commissioner
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Consumer Product Safety Improvement Act of 2008 (CPSIA)

Dear Chairwoman Nord and Commissioner Moore:

My wife and I own a small business - *Rachel's Ribbons* - which my wife created 19 years ago in the basement of our home. This business (named in honor of our daughter, Rachel) began as a concept, a craft, and a vision, which my wife then transformed into a business that has subsequently grown through our hard work, dedication, and sacrifice to the point of now employing over 25 people. Based in suburban Nashville, TN, our business specializes in the hand-assembly of hair-bows and hair accessories; now serving approximately 300 resale stores throughout the United States. We created this small business "from scratch", and throughout the many years of its growth, we have asked for nothing in return from the federal government in the way of governmental assistance, grants, or small business loans. My wife and I have funded the working capital ourselves, have managed the payroll ourselves, have marketed the business ourselves, and have willingly met the many obligations of operating a family-owned business, while contributing to the success and continued employment of our staff. Today, we are faced with having to ask for your help in keeping our business alive.

As the new Consumer Product Safety and Improvement Act (CPSIA) is currently written, and with its effective date of February 10, 2009, *Rachel's Ribbons* will be forced to go out of business. While vague and difficult to interpret, the CPSIA law implies that we will be forced to inspect/certify each of the thousands of hair-bows that we assemble every day and submit each hair-bow to an external testing service.....in order to certify that each hair-bow contains less than 600 parts per million (ppm) of total lead. Despite the fact that our fabric and clips come from American manufacturers, the fact that we do not import any material from overseas, and the fact that we are exclusively in the "assembly business" of pre-made product originating from America, we believe the CPSIA will require us to submit each of our hair-bows to an outside certification entity. With thousands of hair-bows assembled each day, at wholesale costs averaging less than \$1.00 per bow, the costs of certifying each bow will force us to close. Additionally, even if we could afford to incur the costs of this certification process, we will not be able to pass along these added costs to our clients. In short, our clients will stop buying our product due to the higher costs and we will close our business as a result.

Given the CPSIA's rapidly approaching implementation date of February 10, I am imploring your intervention into this law. Specifically, I am asking that an exemption be made under the law for small businesses like ours that are simply in the business of assembling American-made and distributed material. Without this exemption, our clients have informed us that the new law will prevent them from purchasing our product.

Page 2, January 21, 2009
Letter to Commissioners Nord and Moore

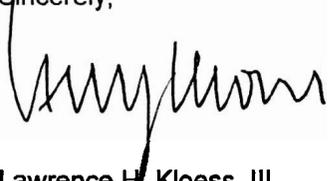
During these challenging economic times, when our federal government is encouraging job creation, job growth, and an entrepreneurial spirit, it seems both ironic and tragic that this same government – through legislation like the CPSIA – is forcing small businesses to close. This seems all the more tragic when these small businesses, at least the one we've created and nurtured for years, have historically asked for nothing from our federal government; beyond an opportunity to succeed.

Please help us.

I can be reached through the following contacts:

Email: kloess3@aol.com
Phone: 615-579-7717 or 615-397-2601
Address: 917 Jones Parkway, Brentwood, TN 37027

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence H. Kloess, III". The signature is fluid and cursive, with a prominent initial "L" and a long, sweeping underline.

Lawrence H. Kloess, III

CC: Congresswoman Marsha Blackburn, Tennessee
Congressman Bart Gordon, Tennessee
Congressman Jim Cooper, Tennessee
Senator Lamar Alexander, Tennessee
Senator Bob Corker, Tennessee

Stevenson, Todd

From: Rachel Shaw [rachelkshaw@gmail.com]
Sent: Wednesday, January 21, 2009 3:27 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Other natural fibers include:

Bamboo

Rayon (note: this is a semi-natural fiber, but I believe it meets the requirements)

Yak

Angora

Mohair

Llama

Alpaca

Bison

Camel

Guanaco

Cashmere

Kapok

Ramie

Sisal

Kenaf

Hemp

Jute

Agave

Untreated Rattan and wicker

Soy (lots of fabrics are made of soy now)

Banana leaves

Straw

Coir (coconut fiber)

Horse hair

Other Materials:

Tencel - undyed

Nylon? (pretty sure) - undyed

Bone

Thank you so much for considering this amendment to the law, and keeping us in business!

Stevenson, Todd

From: Tammy [tammyt1957@aol.com]
Sent: Wednesday, January 21, 2009 3:11 PM
To: Lead Determinations
Subject: Section 101(a) Determinations."

I am a craft vendor making baby items & cloth dolls. I buy my supplies from local stores. If I understand correctly this bill will force me to test each of my items after I make them. Which will force me out of business ASAP. My list of material includes:

- Fabric
- Thread
- Batting
- Fiberfill
- Craft paint
- Hot glue
- Yarn
- Wood

I hope you will reconsider and exempt the products crafter's need in order to produce their product. I can be reached if need at 865-216-8055 Tammy Teall Sew Biz & Crafts.

Thank you

FREE Animations for your email - by IncrediMail!

Click Here!

Stevenson, Todd

From: Anja Wray [sweettreatceramics@yahoo.com]
Sent: Wednesday, January 21, 2009 7:57 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

My name is Anja Wray. I am a stay at home who paints children's special occasion plates and pottery items. All of my glazes are certified lead free by Duncan Ceramics. I also use low fire white clay. Please change the law to allow domestic crafters to continue to produce their products. The CPSIA law will close my small business that allows me to stay at home with my 3 small children.

Anja Wray
8235 Stafford Mill Rd.
Oak Ridge, NC 27310
(336) 643-0397
www.sweettreatceramics.com

Stevenson, Todd

From: Shelly Meintzer [lil-ladybugs@mi-connection.com]
Sent: Wednesday, January 21, 2009 8:57 PM
To: Lead Determinations
Subject: Lead Testing Rules and Regulations

Hello. I am a small manufacturer of baby accessories and I make my products here in the US, with fabrics that are made here in the US - only 100% cotton materials. Do I need to have these products tested or is the fabric manufacturer responsible for testing my materials? It seems silly that I should have to test their products (the fabric) and that they are not held accountable for the safety of such products.

I understand the concern and I am glad that someone is actually doing something to ensure that children's products are being manufactured safely, but I don't understand why my products should be any cause for alarm. I stuck with US manufacturing for a reason.

Thanks for your time.

Shelly Meintzer

Patsy Semple
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

January 22, 2009

Dear Ms. Semple,

The Consumer Product Safety Improvement Act (CPSIA), effective Feb. 10, 2009, is much needed and well intentioned, yet flawed. I request that the law be amended.

I suggest that **like organic food, have an optional lead-free tested symbol** on products outlined by the CPSIA. **Let the consumers decide** if they would like to buy a product that has been tested.

I am a homemaker who loves, loves to sew. I sell my handmade children's clothing on a small scale to help cover the costs of the fabric. My clothing comprised of just fabric and elastic must be tested for lead? The testing is very expensive, and fabric is unlikely to contain lead. It feels like a world gone mad.

Protect children AND small businesses. PLEASE take action to amend the CPSIA. Thank you for your consideration.



Laura Mellberg
162 Ash Street
Denver, CO 80220
303-333-0780

Return

160.

Dear Commissioner Nord,

I am writing to you to request that you seriously consider Congressman Waxman's recommendations in his letter dated January 16th regarding the CPSIA. In his letter, he indicates that the CPSC can make exemptions and clarify the requirements of the law in a way that is not only plain common sense, but also will not have a drastic, disastrous impact on small businesses producing children's products which are unlikely to contain lead in the first place. Here is what I have gleaned from his letter:

1. Allow component testing - this is VERY important as without this ability, it will be very hard for small businesses to develop products, and hence grow, if they have to have a product developed and produced in order to test it/be able to sell it.
2. Review the 3rd party testing requirements for small businesses which right now are outlandish.
3. Clear certain materials that are known to not contain lead levels above the lead limit from 3rd party testing, perhaps only requiring xrf laser testing for those materials, which is much less costly and where 3rd party testing isn't even needed. Some examples of those materials are: dyed/undyed textiles and paper products.

Please allow me to lay this out for you in regards to my own business which provides a livelihood for not only myself and my partner, but through which i spread money through the economy by placing orders in US based manufacturing/printing, as well as hiring assistants:

1. It will cost me over \$120,000 to test my entire inventory through 3rd party testing. I have less than \$20,000 currently in my bank account. I simply do not have the cash on hand to spend on something like that, even if 3rd party inspection companies, both in the US and overseas, would return my calls, which they won't.
2. I cannot afford to test new products. Period. Hence, I am now in a situation where all I can do is try to reduce my inventory. I have already told 2 US based organic textile/manufacturing sources that I will not be able to order with them/use them as an ongoing supplier as a result of the CPSIA. They are both outraged about this law and I'm sure there are many more who will be outraged when they find out about the impact of this law on their businesses, which provide safe products.

Commissioner Nord, it is clearly within your power, to bring some common sense to the APPLICATION of this law, which is the CPSC's mandate with regards to the CPSIA. Any inability on the part of the CPSC to do so would be interpreted as an irrational inflexibility that would destroy the livelihoods of thousands of people in our economy.

Thank you for your consideration. I am hopeful that you will do the right thing in regards to this law.

Sincerely,

Laura Mameesh
kukunest
Oakland, California

161

Salem Public Library

Salem Public Library
821 E. State St.
Salem, OH 44460

Phone: 330-332-0042
Fax: 330-332-4488
Email: cherylk@salem.lib.oh.us

Fax Transmittal Form

To : General Counsel Falvey

From

Name:
Organization Name/Dept:
CC:
Phone number:
Fax number: (301) 504-0124

Cheryl E. Kelly

Phone: 330-332-0042
Fax: 330-332-4488
Email: cherylk@salem.lib.oh.us

- Urgent
- For Review
- Please Comment
- Please Reply

Date sent: January 23, 2009
Time sent:
Number of pages including cover page: 2

Message:

Please count the attached letter as a voice opposed to the testing of library books for lead content. Thank you.

Cheryl Kelly

JAN 26 REC'D OGC



SALEM PUBLIC LIBRARY

Bradley K. Stephens

DIRECTOR

E-mail: brads@salem.lib.oh.us

821 East State Street • Salem, Ohio 44460-2298

(330) 332-0042 • FAX: (330) 332-4488

www.salemohio.com/library

General Counsel Falvey
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

FAX (301) 504-0124

Dear General Counsel Falvey:

I have been informed that the Consumer Product Safety Improvement Act of 2008 has been interpreted to include books as a product that must be tested for lead. While I can understand the need to protect children from toxic materials, publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, all book recalls in the last two decades have been because of toys attached to the books that posed a choking hazard, not that the books themselves contained dangerous levels of lead.

Making these testing regulations retroactive would require both school and public libraries to take drastic steps to come into compliance. They would either they would have to ban children from their libraries or pull every book intended for children under the age of 12 from their bookshelves at the time children are fostering a lifelong love of learning and reading. It seems counterproductive to have government programs such as No Child Left Behind yet not offer children an accessible method of improving reading and research skills.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,

Cheryl E. Kelly

Children's Librarian

Stevenson, Todd

162

From: Margolies, Philip
Sent: Friday, January 23, 2009 7:18 AM
To: Stevenson, Todd
Subject: FW: EVEN WITH PROPOSED AMENDMENTS, CPSIA LAW STILL THREATENS USED BOOKSELLERS, ARTISTS AND HOMEBASED BUSINESS

-----Original Message-----

From: rose kos [mailto:roksyworld@yahoo.com]
Sent: Friday, January 23, 2009 12:26 AM
To: roksyworld@yahoo.com
Subject: EVEN WITH PROPOSED AMENDMENTS, CPSIA LAW STILL THREATENS USED BOOKSELLERS, ARTISTS AND HOMEBASED BUSINESS

This email is in protest of the CSPIA law to go into effect Feb 10 and YES we are aware of the proposed changes claiming used books and vintage dealers will no longer have to conduct \$100 lead-tests on kiddie books that don't sell for more than \$12, and yes we are also aware that if a vintage book is labeled a "collectible" then lawmakers say it's ok -- despite the conflicting "foreseeable clause" saying if a child MAY POSSIBLY use the collectible book in the future then the reseller MAY BE PUNISHED.
Please change this law TOTALLY to protect and prevent used book dealers (as well as crafters, artists, etc) from going out of business. This blog link has an easy-to-read and understand posting that says what ALL the entrepreneurs are thinking and saying so please read the top post at:
<http://www.bohemianflophouse.blogspot.com/>

Thank you for your cooperation and we all look forward to change.

163

6571 Loud Dr.
Oscoda, MI 48750
January 24, 2009

General Counsel Cheryl Falvey
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear General Counsel Falvey:

Subject: Application of the Consumer Product Improvement Act

I find it difficult to believe that Congress intended to have the recently passed Consumer Product Safety Improvement Act apply to hand made craft items for children in particular knit items without out buttons or other attachments.

It is my understanding that eventually every batch of yarn or every run of clothing will have to be tested to ensure compliance with the law. Does it make sense to extend this testing and in many cases retesting to all materials including the inventories of crafters and resale shops?

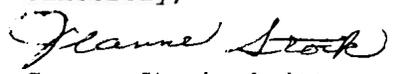
For example, in the national and local knitting community, we have volunteers knitting for:

- premature babies (hats),
- children involved in accidents (teddy bears)
- orphans at home and around the world (sweaters, hats, mittens, socks, etc.)
- abused women's shelters (again hats, mittens, sweaters, in single sizes)

Although thrift stores and crafters aren't obliged to test the items they sell or give away, they are exposed to liability and fines if any of their goods are found to test above the (very low) threshold levels being phased in. Many will be faced with the option of sending inventory to a landfill and/or going out of business. In these times of economic crises yarn shops in particular will be very adversely affected and crafters who count on sales will go out of business because of our "quick to sue" culture.

I urge you to review this situation and support action which will provide a better balance between the very low risk of lead and phthalate poisoning associated with short term contact with handmade knit items and similar materials with the costs associated with the literal enforcement of this law. Rigid enforcement would also largely negate the benefits to be derived from free access of children to benefits of being given items they could otherwise not afford.

Sincerely,


Jeanne Stock, knitter

164

6042 Lone Star Lane
Riverbank, CA 95367

January 25, 2009

Nancy Nord, Acting Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Regarding: Existing Children's Library Books

Dear Commissioner Nord:

Please exempt books that are currently in libraries and school libraries from the Product Safety Act of 2008 requirement for testing for lead.

Enforcement would place an unbearable requirement on Libraries and Schools. It is unnecessary since publishers have already tested for lead and the requirement resulted from toys that are sometimes sold with books. Any such toys would not be distributed by libraries.

This would be disastrous for children's reading programs and would do a great deal of harm.

Very truly yours,

The image shows two handwritten signatures in black ink. The signature on the left is 'David L. Tucker' and the signature on the right is 'Linda S. Lagace'. Both signatures are written in a cursive, flowing style.

David L. Tucker and Linda S. Lagace

Stevenson, Todd

165

From: Ivy Tomosawa [Ivy@mysweetiebean.com]
Sent: Sunday, January 25, 2009 3:21 AM
To: Lead Determinations
Subject: [Possibly Spam]: Section 101 Determinations of Certain Materials or Products NPR

Importance: Low

To Whom It May Concern:

I am a micro-business owner of custom made baby, toddler, and children's clothing. I am very concerned by the broad definition and requirements of the CPSIA. I think that the exclusion of unprocessed natural materials is a much-needed step in the right direction. However, there is much room for improvement in regard to textiles, threads, and elastics.

I have had all of my clothing testing using the XRF scanner technology. ALL of my clothing passed under the 2011 standards.

My clothing is primarily made from:

1. Nylon tulle in 40 colors
2. Satin ribbon in 40 colors
3. Cotton fabric – printed and dyed
4. Polyester / Cotton blend fabric – printed and dyed
5. Nylon organza in 20 colors
6. Dyed cotton threads
7. Dyed polyester threads
8. Interfacing for stabilization of button holes, collars, cuffs
9. Elastic – used in waistbands
10. Zippers; plastic and plain metal, no coatings – used in jackets, skirts, pants
11. Buttons – colored plastic, nylon, acrylic no coatings
12. Metal snaps
13. French barrettes, snap clips, alligator clips

TEXTILES – I would respectfully submit that the CPSC and Congress recognize that natural AND synthetic textiles, whether colored or dyed DO NOT POSE A LEAD HAZARD AND SHOULD BE GRANTED EXEMPTION. In natural materials such as cotton, silk, wool, hemp, flax, or linen; or of synthetic materials such as polyester and nylon; providing that the coloring comes from pigment or dyes there is no measurable lead hazard.

ELASTIC – poses no measurable lead hazard, and should be exempted.

ZIPPERS, BUTTONS, SNAPS – All tested well below the 300ppm lead requirements. These should be exempted as well, OR clothing manufacturers should be allowed to use the testing results of the product manufacturer rather than being required to test redundantly. It should be the responsibility of the component manufacturer to ensure their product meets safety standards for lead and phthalates, NOT the end user. (i.e. the clothing manufacturer)

FRENCH BARRETTES, SNAP CLIPS, ALLIGATOR CLIPS – All tested with NO measurable lead hazard and should be granted an exemption OR the onus for testing should fall directly on the manufacturer of the hair findings, NOT the end user. (i.e. the bow maker)

Please, please, please consider these materials for exemptions. Many thousands of men and women that run small businesses from their homes making clothing and hair accessories will be put out of business if these broad generalizations of the lead requirements are enforced. This will have a snowball effect on other businesses when the makers of clothing and hair accessories go out of business. Namely, the following businesses will lose out on revenue when THOUSANDS of clothing and hair accessory makers are forced out of business by the CPSIA:

1. pattern makers
2. sewing contractors
3. embroidery companies

4. fabric cutters
5. retail children's clothing boutiques
6. retail customers (consumers)
7. fabric suppliers
8. children's clothing sales representatives
9. sewing machine manufacturers
10. children's clothing trade magazines
11. children's clothing trade shows
12. web site designers
13. graphic artists printers (posters, stationery, signs, etc.)
14. in-house staff (secretary, bookkeeper, seamstress)
15. sample makers
16. advertising companies
17. public relations firms
18. hangtag suppliers
19. garment care tag suppliers
20. elastic manufacturers
21. button manufacturer
22. metal snap manufacturers
23. thread manufacturers
24. zipper manufacturers
25. silk screen companies
26. bias tape manufacturers
27. paper packaging companies
28. trade show display companies
29. freight companies
30. import/export agencies
31. federal and state tax agencies
32. federal and state licensing agencies
33.and hundreds of others

Again, to restate my position and concern: natural and synthetic textiles, elastics, zippers, snaps, buttons, hair findings – do not pose a measurable lead hazard and should be excluded from the CPSIA requirements. To date, there have be NO RECALLS BY THE CPSC for lead in textiles!!!

Thank you for your time and attention to this matter.

Sincerely,
Ivy Tomosawa
My Sweetie Bean
ivy@mysweetiebean.com
909-335-9669

166

January 25, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814

Re: Sect. 101 Determinations of Certain Materials or Products NPR: Application to ordinary books

The Bunker Hill Public Library District joins with the American Library Association founded in 1876 and the oldest, largest and most influential library association in the world. We, are one of the boasted 66,000 members, including libraries, librarians and trustees.

We have approximately 6,000, Children's books and loan out 2,500 books each year.

We are a very small library and Children's books are in most sections of our library. This would force Bunker Hill's Librarian to keep all children 12 and under out of the library. Being on a small limited budget we do not have the funds to test all our books.

We are very concerned that the Commission's implementation of the Consumer Product Safety Act of 2008 (CPSIA) will prevent libraries from providing children with access to books and other print materials. We urge the Commission to:

- (1) Reconsider and issue a new rule or other guidance that the new lead limits do not apply to library books and related materials: and
- (2) Determine by a new rule that ordinary books do not inherently contain lead or contain below the CPSIA lead limits

We believe this determination to be consistent with the language and intent of the CPSIA.

It is common knowledge that all laws that are passed today, grandfather in all products and other restrictions imposed on citizens in the United States at the time of passage.

At a time in the United States when every Government operated Library has no money in our budgets to do what you are mandating the Libraries to do. So you would then be a partner in putting several million kids out of our libraries and out on the street. I doubt you would want to be a part of that.

In Service of the public,

Trustees of Bunker Hill Public Library District
Robert F. Johnessee
Robert F, Johnessee, President
P.O. Box P
Bunker Hill, IL 62014

2009 FEB - 3 A 10: 31
OFFICE OF THE SECRETAR
FEDERAL OF INFORMATION

Comments from P.R. China on USA Notification G/TBT/N/USA/449

Children's Products Containing Lead; Proposed Determinations Regarding Lead Content
Limits on Certain Materials or Products

Dear Sir or Madam,

We appreciate the opportunity to submit comments from the P. R. China on the notified regulation proposed by Consumer Product Safety Commission (CPSC), the United States.

Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to tbt@aqsic.gov.cn.

Thank you very much in advance for Consumer Product Safety Commission (CPSC) taking into account comments from the P. R. China. Your formal reply will be very much appreciated.

Best regards,

WANG Nini
Director General
China WTO/TBT National Notification & Enquiry Center
No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing
Post Code: 100088
Tel: 86-10-82262420/2418
Fax: 86-10-82262448
E-mail: tbt@aqsic.gov.cn

Comments from P.R. China on USA Notification

G/TBT/N/USA/449

Children's Products Containing Lead; Proposed Determinations Regarding Lead Content Limits on Certain Materials or Products

The government of China appreciates the efforts that U.S. authorities have made for children health, and thanks U.S. authorities for fulfilling WTO Transparency Obligations so that WTO Members have the opportunity to make comments on Notification G/TBT/N/USA/449. Comments from P. R. China are hereby submitted as the following:

China suggests U.S. authorities(CPSC) adding following exemptions in paragraph (c) of “1. The authority for part 1500 is amended to read as follows”, “Conclusion” of the notified Regulation:

7) Natural plant products (such as bamboo, grass, vines, etc.)

China suggests U.S. authorities(CPSC) adding following section in “1. The authority for part 1500 is amended to read as follows” of “Conclusion” of the notified Regulation: (e) Processed natural substances.

(e) Substances that have never been treated or adulterated with the addition of lead-containing materials or chemicals such as pigments, dyes, coatings, finishes or any other substances, such as paper, paper board, crystal, etc.

Comments in Chinese are as below:

中国政府非常赞赏美方在儿童健康方面所做出的努力，感谢美方履行WTO 透明度义务，给予WTO成员评议G/TBT/N/USA/449号通报的机会。经认真研究，中国愿就美国G/TBT/N/USA/449号通报提出如下评议意见，请贵方予以考虑。

中方建议美方在本通报“结论”中“1、第1500部分权利引证修订如下”的（c）中增加以下豁免：

7) 天然植物制品（如竹，草、藤等）

中方建议美方在本通报“结论”中“1、第1500部分权利引证修订如下”增加（e）部分：经处理的天然物质。

（e）未经过添加含铅颜料、染料、涂层、清漆或其他物质等材料或化学品的处理或掺杂的物质：如纸张、纸板、水晶等。

WORLD TRADE ORGANIZATION

G/TBT/N/USA/449
26 January 2009

(09-0354)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Member to Agreement notifying: <u>UNITED STATES</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: Consumer Product Safety Commission (CPSC) (462) Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading, ICS numbers may be provided in addition, where applicable): Children's products (HS: 9503) (ICS: 97.200)
5.	Title, number of pages and language(s) of the notified document: Children's Products Containing Lead; Proposed Determinations Regarding Lead Content Limits on Certain Materials or Products (3 pages, in English)
6.	Description of content: On 14 August 2008, Congress enacted the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314, 122 Stat. 3016. This notice of proposed rulemaking (NPR) initiates a proceeding under section 3 of the CPSIA authorizing the Commission to issue regulations, as necessary, to implement the CPSIA. In this document, the Commission solicits written comments concerning preliminary determinations on certain natural, untreated and unadulterated materials and metals that have not been found to exceed the lead content limits prescribed under section 101(a) of the CPSIA.
7.	Objective and rationale, including the nature of urgent problems where applicable: Protection of human health
8.	Relevant documents: 74 Federal Register (FR) 2433 15 January 2009; Title 16 Code of Federal Regulations (CFR) Part 1500. Will appear in the Federal Register when adopted.
9.	Proposed date of adoption: Proposed date of entry into force: } To be determined
10.	Final date for comments: 17 February 2009

- 11. Text available from: National enquiry point [X], or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:**

Internet URLs:

<http://edocket.access.gpo.gov/2009/E9-714.htm>

<http://edocket.access.gpo.gov/2009/pdf/E9-714.pdf>

Stevenson, Todd

From: wtotbt [tbt@aqsiq.gov.cn]
Sent: Monday, March 23, 2009 11:21 PM
To: ncsci@nist.gov; anne.meininger@nist.gov; CPSC-OS
Cc: wtonoti@mofcom.gov.cn; wucong@mofcom.gov.cn; guoxueyan9999@gmail.com;
xuj@aqsiq.gov.cn; qiny@aqsiq.gov.cn; wanglzh@aqsiq.gov.cn; cuilu@aqsiq.gov.cn;
pengdy@aqsiq.gov.cn
Subject: Comments on G/TBT/N/USA/449
Attachments: usa449英文表格.doc; Comments_on_USA449.doc
Importance: High

Dear Sir or Madam,

We appreciate the opportunity to submit comments from the P. R. China on the notified regulation proposed by Consumer Product Safety Commission (CPSC), the United States.

Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to tbt@aqsiq.gov.cn.

Thank you very much in advance for Consumer Product Safety Commission (CPSC) taking into account comments from the P. R. China. Your formal reply will be very much appreciated.

Best regards,

WANG Nini

Director General

China WTO/TBT National Notification & Enquiry Center

No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing

Post Code: 100088

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China WTO/TBT National Notification & Enquiry Center

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FAX

TO : WTO TBT U.S. Inquiry Point National Center for Standards and Certification Information National Institute of Standards and Technology 100 Bureau Drive, MS-2160 Gaithersburg, MD 20899-2160	Fax: 301-926-1559 Tel: 301-975-4040 or 301-975-2921 E-mail: ncsci@nist.gov or anne.meininger@nist.gov
TO : The Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, USA	Fax: +(301) 504-7923 +(301) 504-0127 Tel: +(301) 504-7254 E-mail: cpsc-os@cpsc.gov
Date: March 24, 2009	Number of pages: 2+1
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From: China WTO/TBT National Notification & Enquiry Center, Standard and Regulation Researching Center, AQSIQ, P.R.China.	Tel: 86-10-82260618 Fax: 86-10-82262448 E-mail: tbt@aqsq.gov.cn
Subject: Comments from P.R. China on USA Notification G/TBT/N/USA/449 Children's Products Containing Lead; Proposed Determinations Regarding Lead Content Limits on Certain Materials or Products	

Wakelyn
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Lead and Textiles: Notes for CPSC Public Hearing 1/22/09 [revised]

Phillip Wakelyn, PhD, Wakelyn Associates, LLC

I am Dr Phillip Wakelyn, representing the National Cotton Council. Cotton and cotton blended fabrics are used in apparel and other textiles, some of which are intended for use by children. Dr Robert Barker, American Fiber Manufacturers Association (AFMA) and Dr Tucker Helmes, Ecological and Toxicological Association of Dye and Organic Pigment Manufacturers (ETAD) were not able to be here today but have given me some comments (see attached notes from Barker and Helmes). Hardy Poole of the National Textile Association (NTA) wasn't able to be here today either because of a prior out of town commitment but he too has been involved in this presentation. So I am here to presents their comments as well as my own on textile fibers and the processes used to convert fibers to finished textiles.

[FIBERS]

- Natural fibers: e.g., cotton, silk, wool, hemp, flax (linen), etc.

[CPSC recognizes that natural fibers do not contain Pb and has proposed exempting them from the lead testing requirements. 74 FR 2435, column one; 1/15/2009]

- Manufactured Cellulosic fibers such as rayon, acetate and lyocell are manufactured from purified wood pulp without the use of any lead-containing materials/chemicals.

- Synthetic fibers such as polyester, nylon, acrylic, olefin and others are made of polymers synthesized from purified petrochemicals that do not contain lead in any form. [These simple petrochemicals are polymerized in chemical processes that are tightly controlled to prevent contamination by foreign materials, such as lead, which would adversely affect the polymerization. In order to be useful for a fiber the polymer has to be of a high molecular weight and contamination can halt the polymerization reaction. For information on the chemistry of textile fibers see: *Handbook of Fiber Chemistry* (3rd Edition, revised and expanded). Series: International Fiber Science and Technology, M. Lewin, Ed., CRC Press (Taylor & Francis Group), 2007.

- Cotton and polyester fibers account for about 85 % of all textile fiber used and account for most of the fiber used in children's apparel.

[YARN FORMATION]

Textile fibers are processed into yarns (or threads) in a textile mill.

- Natural fibers contain natural oils and waxes [all organic compounds of C that do not contain metals].

- Manufactured fibers are treated with lubricants and other processing aids after extrusion; but these are oils, waxes, antistats and other chemicals [all organic compounds of C that do not contain lead].

- The natural and synthetic processing aids provide lubrication and static control in yarn formation and fabric formation, are usually present on fibers in very low amounts (i.e., about 0.1 – 0.2 % OWF [on the weight of the fiber]).

[FABRIC FORMATION: woven, knitted, non-woven]

Yarns are processed into woven or knitted fabrics in a textile mill.

- Natural (starch) and synthetic (polyvinyl alcohol) sizes and organic chemical lubricants are use to produce woven fabrics [all organic compounds of C that do not contain metals].

- Oils are used to lubricate yarns to form knitted fabrics [all organic compounds of C that do not contain metals].
- Various organic compounds of C that do not contain Pb are used in the various processes to form non-woven fabrics. Non-wovens are not usually used for apparel but can be used in other products.

[PREPARATION, DYEING & FINISHING]

Once in fabric form, natural and manufactured fibers may be subject to preparation, dyeing and finishing processes in textile operations.

- Preparation involves scouring [organic surfactant compounds and inorganic compounds (sodium hydroxide)] and sometimes bleaching [many fabrics, particularly synthetics do not need to be bleached; bleaching involves using inorganic chlorine and peroxide compounds] the fabric. Preparation removes oils and essentially all other non-fibers chemicals that could affect coloration. Any size is removed also. None of the chemicals used contain Pb.
- The coloration processes [normally used on fabric or yarn] are well characterized and do not involve lead or lead-based dyes or other Pb based chemicals [chemicals including simple salts (NaCl, NaHSO₄, etc. can be used in some dyeing processes)] but not heavy metals such as Pb. Disperse dyes (for polyester, acetate) and Reactive dyes (for cotton, other cellulose), which are organic azo chemicals, accounts for ~ 70% of total dyes consumption. No chemicals intentionally containing Pb are intended to be used for coloration of apparel textiles. There can be trace metals as contamination with the dye formulation but they would not be part of the dye molecule that colors the fabric. The maximum amount of dye used in heavy shades is 5-6% OWF [most shades would be about 0.25 to 2.0 % dye OWF], so even if the coloration chemical formulation contained some Pb, the Pb content in the textile would be very much less than the CPSC lowest Pb limit.

Some manufactured fibers are producer colored fibers, produced by adding dye or pigment to the polymer prior to forming the fiber. They are used in carpets, automotive fabrics, drapes and similar applications where fastness requirements are more extreme than apparel. As described by Audie McDearis, Coats and Clark, at the Jan 22, 2009 CPSC hearing, some acrylic fibers used for handknitting yarns are producer dyed with cationic dyes in the fiber spinning solution.

Metal complex dyes: Complexed metals which are intentional constituents of metal complex dyes are not regarded as metal impurities. Pb is not used in the manufacture of metal complex dyes. Only Cu and Cr and – to a lesser extent – Ni and Co are essential components of metal complex dyes. The premetallized dyes are suitable for dyeing polyamides like nylon. [See the notes from Tucker Helmes]

Mordant dyes: Chemical compounds that fix a dye in or on a substance by combining with the dye to form an insoluble compound; many natural dyes, which are rarely used today, are applied using mordants – the main colorant can be bound to a material for which it otherwise has little or no affinity by the addition of a mordant, a chemical that combines with the dye and the fiber. As the principal modern mordants are dichromates and chromium complexes, mordant dye usually means “chrome dye”. Other metals used are aluminium, chromium, tin and iron. Most mordant dyes yield different colors with different mordants. Mordant dyes can be used with wool, wool blends, silk, cotton, and certain modified-cellulose fibers. [See E.R Trotman, *Dyeing and Chemical Technology of Textile Fibers*, 6th edition, John Wiley, New York, 1984; this is a main textbooks that has been used at universities for over 50 years.]

Columbia Encyclopedia: mordant > “(môr'dənt), substance used in dyeing to fix certain dyes (mordant dyes) in cloth. The chemical compounds used as mordants are either acidic or basic. Acid mordants (e.g., tannic acid) are employed with basic dyes; basic mordants (e.g., alum,

chrome alum, and certain salts of aluminum, chromium, copper, iron, potassium, and tin) are employed with acid dyes. Cloth to be dyed may be treated first with the mordant and then with the dye, or the mordant and dye may be applied together.”

Dr Browning presented information at the Jan 22, 2009 hearing of her attempts to use Pb compounds as a mordant. Her results (even when high levels of Pb were used showed very little dye was picked up by the sock fabric) demonstrated why Pb compounds are not used in commercial processes for mordant dyeing and are only of historical interest.

- Finishing treatments include durable press (for cotton), soil release, water repellents, stain-resistance, flame retardancy, softeners, etc. These are various organic compounds of C that do not contain Pb.

SUMMARY

In summary textile fibers do not contain Pb or cause exposure to Pb that would exceed CPSC Pb limits.

Textiles made using these fibers do not contain Pb or cause exposure to Pb that would exceed CPSC limits.

Companies that supply textile chemicals to textile manufacturers are required to supply material safety data sheets (MSDSs) and other paperwork along with their products and could add, if necessary, additional information on lead levels below 100 ppm to the current information already required and supplied. If a chemical based on information from the supplier did inadvertently contain lead in an amount that could cause the textile product to exceed the lowest CPSC Pb limits, that chemical could be avoided and would not be used for children’s products.

CPSC should recognize as acceptable scientific evidence for lack of Pb in a textile materials, information provided by the supplier of the chemicals used in processing fibers into finished textiles. CPSC should recognize that textile materials are inherently lead-free and exempt them from lead testing requirements.

Stevenson, Todd

From: Falvey, Cheryl
Sent: Monday, January 26, 2009 12:57 PM
To: Hatlelid, Kristina; Stevenson, Todd
Subject: FW: Pb in Textiles
Attachments: 09cpsc Pb textile 1-22 revised 1-23.doc

Kris for your review -- Todd this should go in the document for the natural materials rulemaking

-----Original Message-----

From: Phil Wakelyn [mailto:PWAKELYN@cotton.org]
Sent: Monday, January 26, 2009 12:09 PM
To: Falvey, Cheryl
Cc: slamar@apparelandfootwear.org
Subject: Pb in Textiles

Cheryl Falvey, General Council US CPSC

At the 22 Jan public hearing you indicated that you had further questions for me. You also indicated that we could revise out statements. Attached are my revised notes. I have included some references and explain a few things in more detail. Polymer chemistry of macromolecules like textile fibers is complex. So is the chemistry of dyes and dyeing. I have tried to give you some more details without getting too arcane and have given you some references. I will be happy to provide any further information.

Would you please forward this to any other CPSC personnel that should receive this.

Thank you for the opportunity to provide information on this very important issue.

Regards

Phillip Wakelyn, PhD



ROPE & GRAY LLP
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700 12TH STREET, NW, SUITE 900
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January 26, 2009

Nathan A. Brown
202-508-4763
202-383-9368 fax
Nathan.Brown@ropesgray.com

BY E-MAIL

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, MD 20814

Re: Section 101 Determinations of Certain Materials or Products NPR: Application to Ordinary Books

To Whom It May Concern:

The American Library Association submits these comments in response to the Notice of Proposed Rulemaking issued by the Consumer Product Safety Commission (Commission) on January 15, 2009, *Children's Products Containing Lead; Proposed Determinations Regarding Lead Content Limits on Certain Materials or Products*, 74 Fed. Reg. 2433.

The American Library Association was founded in 1876 and is the oldest, largest, and most influential library association in the world. We have 66,000 members, including libraries, librarians, library trustees, publishers, and other interested people from each state in the country. We serve public, state, school, and academic libraries, plus special libraries for people working in government, commerce, industry, the arts, and the armed services, and for people in hospitals, prisons, and other institutions.

We are extremely concerned that the Commission's implementation of the Consumer Product Safety Improvement Act of 2008 (CPSIA) will prevent libraries from providing children with access to books and other print materials. We urge the Commission to:

- (1) Issue a rule or other guidance confirming that the new lead limits do not apply to library books and related materials; and
- (2) Determine by rule that ordinary books do not inherently contain lead or contain lead below the CPSIA lead limits.

We believe each of these determinations is consistent with the language and intent of the CPSIA.

I. The New Lead Limits in the CPSIA Should Not Be Applied to Library Books

The 110th Congress passed the CPSIA to protect children 12 years of age or younger from exposure to lead and certain phthalates, following widespread reports about the dangers of children's toys coming into the United States from China and other countries. The CPSIA applies lead limits to certain "children's products" effective February 10, 2009—barely two weeks from today. Although Congress raised no concern about lead in *books*, the Commission has interpreted the law to include children's books. According to a letter sent by the Commission to the Association of American Publishers (AAP) dated December 23, 2008, the Commission intends to apply the new lead standards to all books designed or intended for children aged 12 or younger. Furthermore, the Commission has indicated that it intends to apply these standards retroactively—to books already on shelves or in inventories.

Even if the CPSIA did technically apply to books, we believe it does not apply to library books and other print materials, and certainly not to books already on library shelves. The CPSIA applies to "children's products," which Section 235 defines as a "consumer product designed or intended primarily for children 12 years of age or younger" (amending 15 U.S.C. § 2052). In turn, the Consumer Product Safety Act, which the CPSIA amends, defines a "consumer product" as a product "produced or distributed" either (1) "for sale to a consumer ..." or (2) "for the personal use, consumption or enjoyment of a consumer" 15 U.S.C. § 2052(1). Furthermore, the terms "distributor" and "to distribute in commerce" are defined with reference to sale or delivery of a product. *Id.* § 1502(5) & (11).

A library's books are neither "produced" nor "distributed" by the library within the statute's meaning. The books may have originally been sold or otherwise "distributed" to the library, but once in the library for viewing and borrowing by patrons, they are neither produced nor distributed. In other words, the library is not producing or distributing these books within the meaning of the statute, any more than a man is producing or distributing a lawnmower when he loans it to his neighbor. Application of the CPSIA standards to children's books already on library shelves before February 10th therefore amounts to a retroactive application of the new standards. Retroactive application of a law is disfavored unless specifically contemplated by Congress, and the CPSIA reflects no such intent.¹

At this point, however, the Commission has not acknowledged any exemption for libraries. Under the Commission's stated interpretation, the nation's libraries would be required to test each children's book in their inventories by February 10, 2009—an impossible task. As a result, as of February 10th the American Library Association's members will have to consider barring children from accessing children's books and other print materials. We are confident that Congress did not intend that result, and that it is not mandated by the CPSIA.

¹ See, e.g., *Bowen v. Georgetown University Hosp.*, 488 U.S. 204 (1988); *Lee v. Reno*, 15 F.Supp.2d 26 (D. D.C. 1998).

II. The Commission Should Make a Regulatory Determination that Ordinary Books Do Not Contain Lead Above the CPSIA Standards.

We recognize that the Commission faces significant challenges in implementing the CPSIA. While we disagree with the Commission’s interpretation of the law as to books generally and library books specifically, the Commission has ample rulemaking authority under the CPSIA to mitigate the resulting damage that its interpretation would otherwise produce. Under these circumstances, the Commission is empowered by the CPSIA to make a regulatory determination that ordinary books inherently do not contain lead, or contain lead at levels under the statutory limits, such that these products would not be required to undergo individual testing prior to being made available to children. Accordingly, the American Library Association urges the Commission to add ordinary books to its list of determinations, consistent with sound scientific data and rational policy.

The publishing community has supplied the Commission with comprehensive evidentiary support (which can be viewed at <http://www.rrd.com/wwwCPSIA/home.asp>) that books and other paper-based printed materials need not be subject to the lead, phthalate, and other standards that are referenced in CPSIA because they do not present any of the health or safety risks to children that the law aims to address. Moreover, AAP and other representatives of the book publishing industry participated in an open meeting with the Commission on January 22, 2009, elaborating on this data and answering questions from the Commission.

The American Library Association fully supports and endorses these submissions, which clearly demonstrate that ordinary children’s books inherently fall below the statutory lead limits. These submissions satisfy the “best-available” evidence standard in Section 101 of the CPSIA. As the Commission recognizes, those products or materials that receive such a determination “must still meet the statutory lead level requirements in actual fact.” 74 Fed. Reg. at 2433. Moreover, the Commission has indicated that it will test products in the marketplace to confirm the continuing validity of such determinations. Particularly given these safeguards, providing a determination for children’s books is in keeping with the intent and language of the CPSIA, and will ensure that the resources of the publishing industry and the Commission are appropriately focused on other products that are more likely to contain lead at levels that may harm children.

Without such a determination, there will be dire consequences for libraries and their young patrons beginning February 10th. On behalf of America’s libraries, the American Library Association therefore urges you to add ordinary books to your rule as products that inherently do not contain lead in excess of the statutory limits.

* * * *

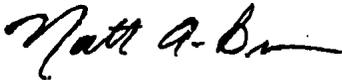
ROPES & GRAY LLP

- 4 -

January 26, 2009

Thank you for your urgent attention to this matter. We would be happy to provide additional input if requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nathan A. Brown

cc: Emily Sheketoff, American Library Association

Stevenson, Todd

From: Brown, Nathan A. [Nathan.Brown@ropesgray.com]
Sent: Monday, January 26, 2009 4:02 PM
To: Lead Determinations
Cc: Emily Sheketoff; Jessica McGilvray; Jenni Terry
Subject: Section 101 Determinations of Certain Materials or Product NPR
Attachments: 1980_001.pdf

To whom it may concern:

Please find attached comments on behalf of the American Library Association.

Sincerely,

Nathan Brown

<<1980_001.pdf>>

Nathan A. Brown

ROPES & GRAY LLP

T 202-508-4763 | M 240-601-6851 | F 202-383-9368

One Metro Center, 700 12th Street, NW, Suite 900

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Stevenson, Todd

From: mindy harris [mindyharris@yahoo.com]
Sent: Monday, January 26, 2009 12:37 PM
To: Lead Determinations
Subject: Guidelines for determining whether a consumer product is intended for a child
Attachments: Target jewelry for kids.jpg; Target warning tag.jpg; Target jewelry kid themes.jpg; Target tag.jpg

Dear Commission,

As a wholesaler and manufacturer of children's jewelry since 1997 I was concerned that the metrics defined in CPSC Part 1500 are already being circumvented by merchants.

I would like to recommend that the committee add the definitions of children's jewelry to include those products including earrings produced in sizes 2.5-4.0 mm width with post that are shorter typically from 7-8mm. in length not 9mm. as with adult posts. Chain for children is typically sold in shorter length, such as the commonly produced 14 inch versus the starting size for adults of 16 inches. We believe that theme is another key component not addressed in the law.

Bracelets measuring sizes from sizes 4.5 - 6.5 inches(larger children go up to size 6.5 inches) are for children. A standard one year old is wearing a 4.5- 5.0 bracelet. A 12 year old would wear a 6.5 to 7.0 inch bracelet and crosses over into adult sizing in some cases. At this point, packaging and marketing become determining factors. Rings sizes 1-4 are children's sizes. This information is considered standard in the jewelry trade. Any product produced on memory wire should be measured for the smaller length as this can along be a choking hazard, danger due to sharp objects and contain lead in the crystals, painted beads or charms attached.

The problem we see already is Target corporation placing painted brightly colored or boxed products on display with a label which says NOT FOR CHILDREN UNDER 14. The current language would exclude this product. They used colors not common for kids products for their package.

The product contains 12 pairs of 3mm. earrings and a pendant for \$14.99 designed in universally themed styles such as butterfly, ladybug, heart or birthstone. These are sizes too small for an adult and are clearly not adult themes. I have attached images of this product for your review.

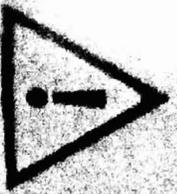
A company named ... is changing their marketing by creating a 13 and beyond program although they market their line at the Children's industry trade shows to children's boutiques and major department stores and now on line.

With more defined metrics relating to sizes common in the industry or themes common to children we can avoid allowing large marketers to continue to sell products that may contain lead.

Mindy Harris
<http://www.mindyharris.com>
888-567-BABY (2229)
fax-561-394-9713



Handwritten text on a small card in the upper left corner, possibly identifying the jewelry or the owner.



Warning: Not

intended for children

age 14 and under



STYLE

DEPT215 CL03

MADE IN CHINA

ITEM1243



Stevenson, Todd

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From: Marilyn Chalais [mchalais@earthlink.net]
Sent: Monday, January 26, 2009 6:28 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

The Federal Register of January 15th, pgs 2433-34 asks for comments on the Commission's preliminary determinations on listed natural materials. My comment is specifically about wood which you propose to exempt in its unadulterated form only. Wood inherently has no lead content, and if rubbed with a natural oil, it still wouldn't have lead, and if painted with watercolors, it still wouldn't have lead. A little common sense should be used to allow for finishing wood with natural materials. Or, if need be, testing only of finish materials before they are applied to a wood product.

Thank you for your consideration.
Marilyn Chalais
310-899-4400

Stevenson, Todd

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From: heavenlyhueswool@comcast.net
Sent: Monday, January 26, 2009 10:35 PM
To: Lead Determinations
Subject: Section 101(1) Determinations

To Whom It May Concern:

I have a small home-based business using plant-based dyes to color wool/rayon felt and wool yarn. A good portion of my product is used in by children in schools or their teachers and parents and is sold in some naturally-focus craft and toy stores. I am confident that there is no lead in any part of the manufacturing of my product and would like to confirm my responsibilities to you and my customers.

Based on what I have read, it seems that I should get a statement in writing from my raw materials suppliers to confirm if lead is used in any part of their process - making the wool into felt/yarn and add to that information about the plant-dyes and mordants I use and forward these to you to show that my products do not contain any lead. Is this an accurate understanding or do I also need to add samples of my finished product to this and send them for testing to get this confirmation?

Kind Regards,

Julie O'Connor
Heavenly Hues Wool Studio

Stevenson, Todd

173

From: stace [spacewurx@gmail.com]
Sent: Tuesday, January 27, 2009 6:09 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To Whom It May Concern,

I work with strictly textiles to crate one of a kind plush animals for babys, children, and adults. I have taken time to write to each of my suppliers who all certify that their products are 100% lead free.

I feel that forced testing, just because my product may be a child's toy, is over regulation, and unneeded. It's costly, and redundant. It takes away from my efforts to create safe toys for children that don't have metals or plastics. I've striven for a couple years to build my business to the point where I am ready to hire a couple employees and really get to the next step, but this law is creating an unneeded overhead into my industry.

I've put my blood, sweat and tears into this business, and I have hundreds of satisfied customers worldwide.

I've never sold an unsafe toy. Or had a single complaint.

Please consider the redundancy of textile testing, and it's effects on many micro-business plush makers countrywide.

I respect the intent of this law and making manufacturers liable for their products. But I feel that some materials don't require testing, and should be exempt from that part of the law.

-stacey kitchen

Stevenson, Todd

From: Bev & Gary Dye [gramps@dye2.myrf.net]
Sent: Tuesday, January 27, 2009 3:07 PM
To: Lead Determinations
Subject: lead testing on baby things

Please help have the law reconsidered for the lead testing on baby things.

I make baby quilts and consign them to a shop that sells baby things. I feel the fabric that I purchase from a reputable retailer should have already been tested for lead before purchasing it for my project. This law would make it impossible for us as citizens to be able to help with the finances in our homes.

What will this do to the places that sell second hand clothing to the people that are not able to afford new items. Our lawmakers should think about things more thoroughly before making a blanket law that is going to hurt a lot of innocent people.

Please help get this law changed
A Concerned citizen,
Beverly

Stevenson, Todd

175

From: judyahope@comcast.net
Sent: Tuesday, January 27, 2009 2:53 PM
To: Lead Determinations
Subject: "Section 101 (a) Determinations"

I know people that this will affect and I don't think that it should apply to the home crafter that uses fabric of 100% cotton and Hobbes 80% cotton/20% polyester batting. Please reconsider this option!

Stevenson, Todd

From: Tracey Dowker [tracey@hollandhospital.org]
Sent: Tuesday, January 27, 2009 2:39 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

I know people that this law will affect and I would personally like to have the following items exempted: 100% cotton fabric, 100% cotton thread and Hobbes 80% cotton/20% polyester batting from this law.

Thank you!

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Stevenson, Todd

177

From: albie51@charter.net
Sent: Tuesday, January 27, 2009 1:18 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

PLEASE HELP!!!!

I am a new small business crafter making machine quilted quilts, wall hangings, table runners, etc. This list includes BABY AND YOUTH QUILTS!!!! I created this business in 2008 because my husband is unemployed and I have been downsized and we are out of money. I am currently working 12 - 15 hours per week, but it is not enough to pay even a small portion of our bills! The new law on lead and children's items will undoubtedly hurt my business since I sell as many or more baby/youth quilts as anything else AND MOST OF MY QUILTS ARE "ONE OF A KIND", so I can't subject it to a test, because I wouldn't have the item after it is destroyed during the testing process, nor do I have the money to pay for testing.

I am requesting the material, batting and thread that I use be exempted from this law. For my baby/youth quilts, I USE ONLY:

100% cotton fabric
100% cotton thread
80% cotton/20% polyester batting from Hobbes

I have spoken to Hobbes and had an MSDS sheet faxed to me which says that the batting is made up of cotton, polyester and PVA (poly vinyl acetate). THERE IS NO LEAD IN ANY OF MY PRODUCTS.

Please help us small crafters as quickly as humanly possible.

Thank you,

Donna Albertson
donnasquiltcreations@charter.net
donnasquiltcreations.etsy.com
C: 269-751-7590
H: 269-264-1128

From: Allyson van Ginneken [greenthumb_ally@hotmail.com]
Sent: Wednesday, January 28, 2009 8:19 PM
To: Lead Determinations
Subject: Amendments needed now

To whom it may concern,

The poorly thought out SPCIA law pertaining to children's products for under age 12 years, desperately needs to be clarified & amended thoroughly before all handmade products become extinct. This law isn't about safety for the nation's children. Anyone with half a brain can see that this is total reactionary & retaliatory against those large manufacturers who were allowed to export their products into the USA without being properly screened. Now the SPSIA wants to make everyone pay the price for their own lack of regulations. Not only does this law have no clear meaning, it lumps everyone & anyone who makes and sells handcrafted children's items in with the multi-national multi billion dollar large manufacturers. You can't compare the small home business or craftspeople's carefully made products with the large manufacturers of billions of items. For countless years, everyday folks have been handmaking children's products with non hazardous components & now you have taken it upon yourself to declare these items unsuitable for children.

There are far more hazardous chemicals & pollutants in the air we all breathe & things we encounter in everyday life, than will ever be found in children's products. This is such a farce. You have air pollution, smog, etc that are far more hazardous to one's health & what the hell are you doing about that? What about lead pipes that carry drinking water to households, what about all these everyday hazards? Concentrate on something that makes sense instead of the trivial things that are far safer than you are making them out to be. Just because some children's products may be unsafe, does not mean that everything in this world that may be of interest to children under 12 years, is a health hazard.

Agreed, there does need to be a certain general standard but a universal standard that applies to all countries within all countries, not just the USA saying that the rest of the world is to be dictated by what the USA "thinks" is right. The USA IS NOT always right!. Lord knows the rest of the world already knows that. When products are already safe & already are known to contain no hazardous substances, or health & safety hazards, there is no need to force useless, unnecessary testing on already safe products just to prove what is already known.

Natural wood products finished with paints that are already known to be safe- water base acrylic paints for example, have no need to be retested. If water base acrylic paints & clear finishes, wood glues have no known hazardous ingredients, no lead or any such hazardous ingredients what purpose is there to have such products tested...except maybe for someone in the USA to make money from the unnecessary testing.

Exemptions should be in place for such materials as water base paints, water base clear finishes, wood glues. The SPSIA needs to rethink this whole testing crap because that is exactly what it is- CRAP. The SPSIA came up with this ridiculous piece of legislation to retaliate against some imported products that did pose health hazards, but this is not the way to solve the problem. You don't make up a law that implies anyone & everyone who makes a product for children under age 12 years has to have it tested to make sure it is safe, when the majority of these products already comply with safety standards. You can't make a blanket law & expect it to solve all the problems.

Take a small home business that makes & sells handmade wood toys for example. Made from a safe natural product, wood toys have been around for centuries. Take that natural wood toy & put a safe water base paint on it such as water base acrylic paint, already known to be lead free, non toxic, no hazardous chemicals, etc & NOW the CPSIA declares this is a hazardous item that can't be sold unless the maker puts the item through ridiculous unnecessary testing to prove it is safe. To show how ridiculous this testing is...take that same idea of a handmade wood toy, made from a natural source - wood- & instead of finishing it with paint, the maker finishes it with vegetable oil. This toy now has had a finish applied to it, but according to SPSIA this item must be tested...for what ????? It was coated with VEGETABLE OIL!!!! But according to this law, because this item is a children's product that has a finish applied to it, you are declaring this item unsafe unless it is tested to prove it is safe.... NOW THAT'S STUPID!!

On top of all this stupidity is the fact that you will be sending billions of safe children's products to the landfill because there is no way the small home business or craftspeople can afford to test everything. PLUS all the commercially made children's products already in the market place that you are forcing to have tested or they can't be sold will also end up in landfills. What were you thinking, or maybe the question should be "were you even thinking at all?" Clearly anyone with half a brain can see how ridiculous this law is. The CPSIA has clearly demonstrated its lack of brains when it drafted this ridiculous piece of legislation. This law cannot serve any logical purpose the way it is currently written.

Stevenson, Todd

179

From: Weir Crafts [info@weircrafts.com]
Sent: Wednesday, January 28, 2009 3:36 PM
To: Hatlelid, Kristina
Cc: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I am a small business owner in Michigan.

We sell natural fiber products for crafters, including for cloth dolls (fabric, wool, and yarn).

Many of our customers, who have cottage industries, are now worrying if they will be able to continue their livelihood after Feb 10. We are also concerned for our business.

We buy wool , much of it from small and local farms, who will be unable to test their products. I understand you are considering an exception for certification for natural fiber products. If you do, thank you.

However, much of our wool and cotton is also dyed. I am worried that this would necessitate the certification process for these products. It is not hard to find out what chemicals are used in the dyeing process.

As you consider exempting natural fiber goods, please consider looking at also looking at the categories of dyeng mordants and chemicals and exempting as many of them on the list as are lead free.

Perhaps you could just publish a list of approved dye chemicals or brands. This would save untold manufacturers a lot of trouble.

That way, as long as the dyes are from those lists, we will not have to certify fabrics, but can be assured that they are safe and will meet the guidelines.

thank you,
Susan Weir
Weir Crafts
734-668-6992

Stevenson, Todd

180

From: Ellie Peck [knowloveserve@gmail.com]
Sent: Wednesday, January 28, 2009 2:25 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Regarding testing requirements for fabrics on the new law: God help us all if this comes to pass! Shame on lawmakers for not being more careful in their wording. This is the perfect way to shut out the "American Dream" for the thousands and thousands of people who own and operate small businesses who strive to give QUALITY products (like diapers, baby carriers, blankets, clothing etc.) to the American public. It is indeed THESE small businesses that make America great, unique and valuing the freedom of individuals to pursue their dreams. These are the kinds of products our government should be supportive of... even subsidizing if you want to get down to it! Such small businesses will be forced to shut down because of these new laws and we will all be forced to be cheap, mainstream garbage that comes off the manufacturing presses. Goodbye farmer's markets... goodbye American Dream.

Please reconsider.

--

Pax et Bonum,
Ellie Peck
1680 NE 8th Ave
Oak Harbor, WA 98277

Stevenson, Todd

From: Kathy Anderson [bumpkinpatch@hotmail.com]
Sent: Wednesday, January 28, 2009 11:32 AM
To: Lead Determinations
Subject: exempt materials

yarn
material sold for dressmaking
quilt batting
sewing thread

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

Stevenson, Todd

182

From: cleasach@gmail.com on behalf of Ann Marie Rodgerson [amrodgerson@gmail.com]
Sent: Wednesday, January 28, 2009 7:58 AM
To: Lead Determinations
Subject: Exempting fabric

I am writing to lobby for the exemption of fabric from the new CPSIA regulations. The only fabrics ever found to have lead were screen printed. Regular dyed fabrics have not been a problem and do not use lead in their creation. Should testing be deemed necessary, component testing certifications from the cloth manufacturers should be sufficient. If the cloth didn't have lead when it left the manufacturer, it isn't going to magically have lead after being sewn into a product for a child.

I am concerned that the CPSIA regulations have been poorly thought out and the CPSC in trying to enforce them as written are going to eliminate choices for parents. Right now parents preferring to avoid mass produced plastic toys from China have many wonderful options for handmade toys and clothing from excellent American artisans. With these regulations, everyone will be forced to buy Chinese plastic junk because only the large manufacturers will be able to afford these testing requirements. An exemption for cloth, wood, and handmade items should be included to save American small businesses AND to give American parents the choices they deserve for their children.

Thank you.

Ann Marie Rodgerson

Stevenson, Todd

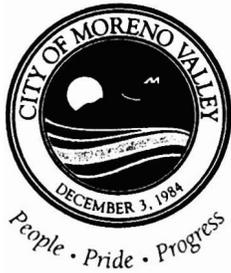
From: joyce deutsch [turtlerejoicing@yahoo.com]
Sent: Wednesday, January 28, 2009 2:02 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To whom it may concern,

As a mother of two young children, I am concerned about the affects of this law on handmade toys and children's products. I would like to still be able to purchase items for my children that have some different colors and patterns to them.

Please add dyed fabrics and organic dyed or natural fabrics to other natural fibers that would not exceed the lead limit. Thank you.

Sincerely,
Joyce Deutsch



184
Office of the Mayor

CPSC/
FREI
SECRETARY
FORMATION
2009 FEB -3 A 10:39
January 28, 2009

City Hall
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Phone: 951 . 413 . 3008
Fax: 951 . 413 . 3760
www.moreno-valley.ca.us

Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Subject: Oppose Application of the Consumer Product Safety Improvement Act of 2008 to Library Books

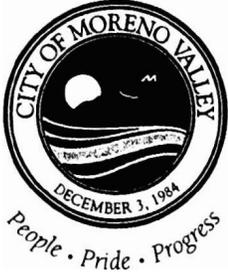
Dear Senator Feinstein:

The City of Moreno Valley respectfully requests your assistance in opposing a recent interpretation by the U.S. Consumer Product Safety Commission that would have lasting ramifications to our children and our community.

The Consumer Product Safety Improvement Act of 2008 (CPSIA) has been interpreted by the Consumer Product Safety Commission (CPSC) to include books as a product that must be tested for lead. While it is understandable that the CPSC must protect children from toxic materials, book publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, the American Library Association reports that all book recalls in the last two decades have been due to toys attached to the books that posed a choking hazard, not the books themselves.

In making these regulations retroactive, which we understand is the intent of the CPSC, both school and public libraries would be required to take drastic steps to come into compliance. Libraries would be required to ban children from their facilities or pull every book intended for children under the age of 12 from their bookshelves. For the City of Moreno Valley Public Library, this would affect approximately 40,000 books, which represents 36% of our current collection.

We understand that the CPSC should be making a decision on this issue as early as the first week in February. In order to allow children and families to continue to access critical library materials, we ask you to assist school and public libraries by urging the Commission to exempt libraries from the new lead limits included in the CPSIA.



Office of the Mayor

City Hall
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Phone: 951 . 413 . 3008
Fax: 951 . 413 . 3760
www.moreno-valley.ca.us

RECEIVED
FREEDOM INFORMATION
2009 FEB - 3 6 39
January 28, 2009

Honorable Mary Bono Mack
104 Cannon House Office Building
Washington, DC 20515

Subject: Oppose Application of the Consumer Product Safety Improvement Act of 2008 to Library Books

Dear Congresswoman Bono Mack:

The City of Moreno Valley respectfully requests your assistance in opposing a recent interpretation by the U.S. Consumer Product Safety Commission that would have lasting ramifications to our children and our community.

The Consumer Product Safety Improvement Act of 2008 (CPSIA) has been interpreted by the Consumer Product Safety Commission (CPSC) to include books as a product that must be tested for lead. While it is understandable that the CPSC must protect children from toxic materials, book publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, the American Library Association reports that all book recalls in the last two decades have been due to toys attached to the books that posed a choking hazard, not the books themselves.

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We understand that the CPSC should be making a decision on this issue as early as the first week in February. In order to allow children and families to continue to access critical library materials, we ask you to assist school and public libraries by urging the Commission to exempt libraries from the new lead limits included in the CPSIA.

Honorable Mary Bono Mack

**Oppose Application of the Consumer Product Safety Improvement Act of 2008 to
Library Books**

January 28, 2009

Thank you for your continued support of libraries and the youth of our community.

Sincerely, 

Richard A. Stewart
Mayor

c: Members of the City Council Robert G. Gutierrez, City Manager
Betsy M. Adams, Assistant City Manager Rick Hartmann, Deputy City Manager
Becky Guillen, Library Services Division Manager

Nancy A. Nord, Acting Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

ROBERT E. REED
88838 Tallasse Highway
Tallasse, Alabama 36078

185.

January 29, 2009

General Counsel Falvey
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Via facsimile: (301) 504-0124

Dear General Counsel Falvey:

I serve on the Board of Directors for the Tallasse (Alabama) Community Library.

It has come to my attention that the Consumer Product Safety Improvement Act of 2008 has been interpreted to include books as a product that must be tested for lead. While I can understand the need to protect children from toxic materials, publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, all book recalls in the last two decades have been because of toys attached to the books that posed a choking hazard, not the books themselves.

Making these testing regulations retroactive would require both school and public libraries to take drastic steps to come into compliance. They would either have to ban children from their libraries or pull every book intended for children under the age of 12 from their bookshelves at the time children are fostering a lifelong love of learning and reading.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials. To do otherwise would be a case of throwing out the baby with the bath water.

Sincerely,



Robert E. Reed

Cf: **President Barack Obama**
Senator Richard Shelby
Senator Jeff Sessions
Governor Bob Reilly

186

General Counsel Falvey
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

FAX (301) 504-0124

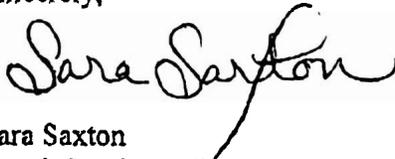
Dear General Counsel Falvey:

It has come to my attention that the Consumer Product Safety Improvement Act of 2008 has been interpreted to include books as a product that must be tested for lead. While I can understand the need to protect children from toxic materials, publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, all book recalls in the last two decades have been because of toys attached to the books that posed a choking hazard, not the books themselves.

Making these testing regulations retroactive would require both school and public libraries to take drastic steps to come into compliance. They would either they would have to ban children from their libraries or pull every book intended for children under the age of 12 from their bookshelves. Such an action would be tantamount to disaster. Every moment that a child could be falling love with books is critical; without libraries fostering this love reading scores across the country will plummet.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,



Sara Saxton
Youth Services Librarian
Tuzzy Consortium Library
Barrow, AK

REC'D OGC



187

BUCKHAM MEMORIAL LIBRARY

January 23, 2009

General Counsel Falvey
 U.S. Consumer Product Safety Commission
 4330 East West Highway
 Bethesda, MD 20814

FAX (301) 504-0124

Dear General Counsel Falvey:

It has come to my attention that the Consumer Product Safety Improvement Act of 2008 has been interpreted to include books as a product that must be tested for lead. While I can understand the need to protect children from toxic materials, publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Additionally, all book recalls in the last two decades have been because of toys attached to the books that posed a choking hazard, not the books themselves.

Making these testing regulations retroactive would require both school and public libraries to take drastic steps to come into compliance. Our own library would have to ban children or pull every book (between 40,000 and 50,000 items) intended for children under the age of 12 from our bookshelves at the time children are fostering a lifelong love of learning and reading.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,

Delane R. James

Library Director

JAN 23 2009 RECD, DGC

Cc: President Barack Obama; Senator Amy Klobuchar; Congressman John Kline



188

January 24, 2009

General Counsel Falvey
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

FAX (301) 504-0124

Dear General Counsel Falvey:

Recently I became aware that the Consumer Product Safety Improvement Act of 2008 has been interpreted to include books as a product that must be tested for lead. While I can understand the necessity of protecting children from toxic materials, publishers have already tested the book components and found that the lead levels are lower than the regulations require three years from now. Furthermore, all book recalls in the last twenty years have been because of toys attached to the books that posed a choking hazard, not the books themselves.

Making these testing regulations retroactive would require public libraries to take extreme steps to comply. We would either have to ban children from the library or pull every book intended for children under the age of 12 from our bookshelves which would GREATLY impede our abilities to foster the love of reading and learning.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,



Katie Gatten
Children's Librarian
Madison Branch
Mansfield/Richland County Public Library
Mansfield, Ohio

Karen C. Neville
P.O. Box 913
Berlin, Maryland 21811

January 28, 2009

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

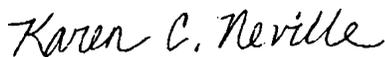
Dear General Counsel Falvey and Commissioner Moore:

As an advocate of early learning initiatives for young children, I believe a young child's interaction with books forms an important link in the learning process. While I understand the need to test the lead limits in materials used to produce certain children's products designed or intended primarily for children 12 years of age or younger, I am concerned that the Consumer Product Safety Improvement Act of 2008 (CPSIA) has been interpreted to include books as a product that must be tested for lead. CPSIA will have a detrimental economic and educational impact on schools, public libraries, college libraries, as well as child care providers, if testing regulations are applied retroactively. I remain hopeful that the Consumer Product Safety Commission will exempt all books currently owned by our nation's schools, child care facilities, public libraries and college library collections, which support early childhood /elementary education and library science majors, from the Consumer Product Safety Improvement Act of 2008 (CPSIA) so young children, their parents, caregivers, educators and librarians will continue to have access to books for young children.

Please continue your communication with publishers who have provided information to the Consumer Product Safety Commission regarding test results of book components. It is my understanding that publishing industry findings list the current lead levels of pigments used to print books as being much lower than the regulations required. Normal books, those without removable parts or toys, are not dangerous.

Please take action to ensure continued access to children's reading materials in our schools, child care centers, public libraries and college libraries. Thank you for your attention and consideration.

Sincerely,



Karen C. Neville

190

2411 Weston ave.
Schofield, WI 54476

1-28-2009

USCPSC
4330 East West Highway
Bethesda, MD 20814

Dear General Counsel Falvey:

It has come to my attention that the Consumer Product Safety Improvement Act of 2008 lead testing requirements include books as an item that must meet the criteria of the Act.

This will affect all children 12 years old and younger. If the requirements are made retroactive, the only option libraries will have is to remove the books from the shelves or ban anyone under 12 from the libraries. This does not make sense at a time when library programs for children are increasing in the number of children using the library. An example is the story book reading program at our local library. It has more than doubled in attendance in the last two years. After the reading is complete the children are encouraged to take home books to read. What will we do now ?

I understand that children's book publishers have tested their books and found that the lead levels are very low and meet the standards.

It makes sense to me that books should be exempted from the Act of 2008 by accepting the tests that have already been done. The other option is to accept the books that are now on library shelves as is.

Sincerely,

Meredith Kivi

191

Cape May County Library
4 Moore Road, DN2030
30 West Mechanic Street (street address)
Cape May Court House, NJ 08210

Deborah Poillon
Director

Ralph E. Bakley
Freeholder

Nancy Nord
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Ms. Nord,

Please exempt libraries from the Consumer Product Safety Improvement Act of 2008. I do understand the need to protect children from lead. Publishers have already tested the book components and found them to pose no threat.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,



Deborah Poillon
Library Director

192

January 29, 2009

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Attn: Nancy Ann Nord , chairman

RE: Consumer Product Safety Improvement Act (CPSIA)

2009 FEB -3 A 10:38
OFFICE OF THE SECRETARY
FEDERAL BUREAU OF INVESTIGATION

Dear Ms. Nord,

I am very concerned about the unintended consequences of CPSIA.

For over 10 years the service project of the Jax Woodworkers Club (Jacksonville, FL), has been to make simple wooden toys for needy children. In that time, we have donated over 20,000 toys! These toys are made out of wood provided by our members. They are donated to numerous Jacksonville agencies. These agencies report back to us each year and sing the praises of how our simple wooden toys brought joy into the lives of needy and abused children.

Unfortunately, as written, CPSIA will rob these toys from thousands of children. There is absolutely no way our members or our club could secure the certification required in H.R. 4040 [110th]: Consumer Product Safety Improvement Act of 2008.

Our organization strongly urges the CPSC to ensure that they implement the CPSIA according to congressional intent, and in a manner that does not unduly penalize small entities such as ours.

Sincerely,



Robert Carona
Membership Chairman, Jax Woodworkers Club
www.jaxwoodworkers.org
1-904-743-0028

cc: Senator Bill Nelson

January 29, 2009

Office of the Secretary, Consumer Product Safety Commission
Room 502, 4330 East West Highway
Bethesda, Maryland 20814

Subject: "Section 101(a) Determinations."

I am submitting this letter with back-up documentation as a request that the mineral oil we use to finish our wooden toys – Drakeol 19 USP pen#14130 be added to the list of materials that are known not to contain lead or other heavy metal toxins.

It is my understanding that Drakeol 19 Mineral Oil is an FDA approved food grade product. I am enclosing the Certificate of Analysis, which also contains contact information should you wish to learn more about it.

While I appreciate that you are planning to exempt wood from the list of items that require testing, please understand that most woodworkers do not sell wood without first protecting it with a finish. Thus the exemption of wood does not really solve our problems.

Please consider the finishes that are used in kitchen ware, salad bowls, cutting boards, etc. Obviously these are finished in food grade safe materials. Wood requires a finish to increase its lifespan, to bring out the beauty of the color and grain, and to keep it from getting dirty from fingerprints.

The only finish we use is Drakeol 19 Mineral Oil, so I can only speak to the safety of that. However, you really should exempt all natural food-grade wood finishes from the rules of the CPSIA.

I would also like you to know that our sales are down significantly for January of this year compared to January of 2008, in large part due to the overwhelming confusion experienced by us and all of our customers surrounding this new law and its unaffordable and often unreasonable demands. Our customers are simply afraid to order stock that they might not be able to sell!

I'm confident the agency will do the right thing and exempt mineral oil from the testing rules. The sooner the better, so we can salvage our business and the businesses of our retailers. I'd appreciate a response to this request.

Sincerely,
S. DeFazio
Susanna DeFazio, owner
Papa Don's Toys
87805 Walker Creek Road
Walton, OR 97490

cc: U.S. Representative Peter DeFazio
Kristina Hatlelid, Director for Health Sciences, CPSC
Calumet Penreco, LLC

2009 FEB -3 A 10:38
OFFICE OF THE SECRETARY
FEDERAL BUREAU OF INVESTIGATION



Calumet Penreco, LLC
 2780 Waterfront Pkwy. E. Dr. Suite 200
 Indianapolis, IN 46214
 Phone: 317-328-5660 Fax: 317-328-5668

302382



Certificate of Analysis

Sold To: UNIVAR USA, INC
P.O. Number: LA604780
Destination: CITY OF COMMERCE, CA 90040 USA
Carrier: A Customer Truck
Shipped From: Calumet Penreco - Dickinson, TX
Tanker Number: HGIU 635216 **Compart.**
Weight Ticket:
SEAL # 799810

Order # 973246
Date Ordered: 10/9/2008
Payment Terms: NET 45
Lot/Batch #: D8007#/D8007A
Date of Mfr.: 10/1/2008
Date Shipped: 12/1/2008 13:10 CST

Product Code	Product Description	Quantity
PEN1400-00-C	Drakeol® 19 MIN OIL USP pen#14130	220 GAL 4 B/W Drums

Test Description	Method	Min.	Max.	Results
Viscosity, CST @ 40C	D445	34.9	37.3	35.934
Viscosity, SUS @ 100F	D2161	180.0	190.0	184.85
Gravity, API, 60°F	D4052			32.31
Specific Gravity @ 25C	D4052	0.852	0.876	0.8595
Specific Gravity, 60/60F	D4052			0.8638
Flash Point, COC, F	D92			405
Color (Saybolt)	D156	+30		+30
Solid Paraffins	USP	PASS		Pass
Readily Carbonizable	USP	PASS		Pass
Acidity	USP	PASS		Pass
Odor	D1833	PASS		PASS
FDA 21 CFR 172.878		PASS		Pass
Limit of Polycyclic Aromatic Hydrocarbons	USP	PASS		Pass
Limit of Sulfur Compounds	USP	PASS		Pass
Infrared Absorption	USP	PASS		Pass

Notes:

Comments for Customer:

Analysis Certified By: Mike Mashburn **Laboratory Manager** Computer Generated Form
 Printed Name Title Lab Signature/Loader

194

Cape May County Library
4 Moore Road, DN2030
30 West Mechanic Street (street address)
Cape May Court House, NJ 08210

Deborah Poillon
Director

Ralph E. Bakley
Freeholder

Nancy Nord
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Ms. Nord,

Please exempt libraries from the Consumer Product Safety Improvement Act of 2008. I do understand the need to protect children from lead. Publishers have already tested the book components and found them to pose no threat.

In order to allow children and families to continue accessing critical library materials, please either exempt books from the Consumer Product Safety Improvement Act of 2008, accept the component tests that have already been done, or exempt all books currently in school and public libraries. This will ensure that our children continue to have access to safe and educational library materials.

Sincerely,



Angela Plagge
Assistant Library Director