



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

Memorandum

Date: **JUL 13 2009**

TO : The Commission

FROM : Todd A. Stevenson, Director,
Office of the Secretary

SUBJECT : **Children's Products Containing Lead; Proposed Determination Regarding Lead Content Limits on Certain Materials or Products; NPR:**
Published in the *Federal Register* January 15, 2009
Comments due by February 17, 2009

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
1	12/28/08	Joanne M. Arthur Proprietor	Happy-Girl-Lucky
2	1/03/09	The Handmade Toy Alliance	(144 toy stores)
3	no date	Pam Crowson Stay at home mom	crowsnest5@Surry.net
4	12/28/08	Pam Crowson	“ “
5	1/05/09	Laura E. Jones Executive Director	United States Association of Importers of Textiles and Apparel 1140 Connecticut Ave., NW Washington, DC 20036
6	1/08/09	Cynthia Jamin Owner/Designer	TwirlyGirl Girl's Clothing Company (USA)
7	1/09/09	Jennifer Goldston	pumpkinesque725@hotmail.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
8	1/09/09	Heidi Joppich	joppich.heidi@gmail.com
9	1/09/09	Sara Sacks	buster.sugar@yahoo.com
10	1/09/09	Carol Kroll	carolkroll@yahoo.com
11	1/09/09	Janie Gaffney	jsandkgaffney@hotmail.com
12	1/09/09	Cindy Jordan	CJ's Fine Designs
13	1/09/09	Michele Williams	www.DillyBopDesigns.com Fresh & Funky Loungewear For Little Ones!
14	1/09/09	Sharon Griffin	sgantiques@earthlink.net
15	1/09/09	Marilyn Ketner	MJKetner119@aol.com
16	1/09/09	Ann Whisler	www.creativeworksbyann.com
17	1/09/09	Hilda Scire	Pembroke, ME
18	1/09/09	Liz Fraijo	Sugarplum Creations
19	1/09/09	Laurie Williams	Crawler Covers & More
20	1/09/09	Lindsey Hignite	lhignite@nc.rr.com
21	1/09/09	Judy Elizabeth Reid	reidsranch@3riversdbs.net Box 6, Babb. MT 59411
22	1/09/09	Bridget Ann Parsell	Charbridge Knits & Gifts 6490 Chabot Rd. Lachine, MI 49753
23	1/09/09	Stefanie Rehbein	Hip Kids Tye Dye Madison, WI 53719
24	1/09/09	Suzi Lang	Starbright Baby Giraffes! www.starbrightbaby.etsy.com
25	1/09/09	Christine Harling	bluemoose@cableone.net
26	1/09/09	Laura Farrell	lefarrell@gmail.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
27	1/09/09	Stefanie Rehbein (additional clarification)	HipKids Tye Dye Madison, WI 53719
28	1/09/09	Brenda Lovejoy	PO Box 506 Wittmann, AZ 85361
29	1/09/09	Jesi Josten	www.HipViolet.Etsy.com
30	1/09/09	Brenda Lovejoy	PO Box 506 Wittmann, AZ 85361
31	1/09/09	Neeka Norbury	nnorbury@gmail.com
32	1/09/09	Sue Cogan	coganscreations@yahoo.com
33	1/09/09	Nicky O'Reilly	ncoreilly@comcast.net
34	1/09/09	Allyson	Timeless Puzzles sales@timelesspuzzles.com
35	1/09/09	Debbie Suess	Lillifee Boutique
36	1/09/09	Rachel Zylstra Owner	Hop Scotch Children's Store 962 Lake Dr. SE Grand Rapids, MI 49506
37	1/09/09	Susan Deady	Susie Dee's
38	1/09/09	Melissa Dunnaway	she-elf-1@hotmail.com
39	1/09/09	Shaylind Standing	www.constantdreamer.etsy.com
40	1/09/09	Elaine Bard	Elaine_Bard@umit.maine.edu
41	1/09/09	Kelly	kstuffings@comcast.net
42	1/09/09	Nick & Sandy	nicks42@frontiernet.net
43	1/09/09	Denise Handwerker	www.craftwerker.etsy.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
44	1/09/09	Tammara Alwaked	Garland, TX
45	1/09/09	William L. Martin III	Downs Rachin Martin PLLC
46	1/09/09	Jenn	jlsouth2@insightbb.com
47	1/09/09	Clint and Katie Nelson	cknelsen@iowatelecom.net
48	1/09/09	Allison Ruhman-Rood	icilechic@aol.com
49	1/09/09	Heather	heather.watling@verizon.net
50	1/09/09	Cheri Ita	krita@danvilletelco.net
51	1/09/09	Teresa S. Ruhman	t.ruhman@sbcglobal.net
52	1/09/09	Shelley Rae Ruhman	Alain Pinel Realtors 2 Theatre Square, Suite 215 Orinda, CA 94563
53	1//09/09	Darlene LeBrock	dml Brock@earthlink.net
54	1/09/09	Linda Kessler	lkcreation@yahoo.com
55	1/09/09	Amy Nance	www.barenecessities.etsy.com
56	1/09/09	Caroline Baird	palmtreessun@hotmail.com
57	1/10/09	Linda Kessler	lkcreation@yahoo.com
58	1/10/09	Candice Mangum	13180 Taylor Wells Rd. Chardon, OH 44024
59	1/10/09	Jennifer Young	youngjenn76@aim.com
60	1/10/09	Sarah B. Natividad	Curious Workmanship
61	1/10/09	Rose Jagt	prairieroses@gmail.com
62	1/10/09	Joyce Tipton	Winchester, KY
63	1/10/09	Heather Akers	creativekiddo@consolidated.net
64	1/10/09	Erin Oeser	erinoeser@yahoo.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
65	1/10/09	Beth Rippen	thwapped@thwapped.com
66	1/10/09	Michelle Gibas	eyeletsewing@sbcglobal.net
67	1/10/09	Melisa Parker	melisa@prettypiggysboutique.com
68	1/10/09	Jessica Bailey	Bow Maker and Stay at home Mom
69	1/10/09	Pamela J. Todd	3313 E. Rhorer Road Bloomington, IN 47401
70	1/10/09	May Nunes	Kids~Cottage~Boutique
71	1/10/09	Delena Wright	del_wri@yahoo.com
72	1/10/09	William B. Morris	3205 Cottonwood Ln Temple, TX 76502-1703
73	1/10/09	Tammy Nichols	625 SE Bugle Ct. Blue Springs, MO 64014
74	1/10/09	Carrie Bigbie	Dressin' Cutie cjv97@yahoo.com
75	1/10/09	Lee Williams	Puzzles N Things puzzlesnthings@att.net
76	1/10/09	June Ballou	garyballou@sbcglobal.net
77	1/10/09	Laura Singer	Lil' Munchkin Boutique
78	1/10/09	Patricia Henning	Stitchin' Tricia Embroidery Works
79	1/10/09	Sherryl Mascarinas	sherrylmascarinas@gmail.com
80	1/10/09	Shirley	even-if@earthlink.net
81	1/10/09	April Eaton	aprileaton04@yahoo.com
82	1/10/09	Shannon M. Brott	shannonmargetbrott@gmail.com
83	1/10/09	Jen Winckler	wincklers@thewincklers.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
84	1/10/09	Vicky	caseyhanrahan@sbcglobal.net
85	1/10/09	Betty Hilyer	betsysbows@earthlink.net
86	1/10/09	Valerie Oldemeyer	2115 W. 6 th St. Port Angeles, WA 98363
87	1/10/09	Marizel Muniz	marizelb@yahoo.com
88	1/10/09	Michelle Ware	Gracie Belle Bows
89	1/10/09	Bretta Gonzalez Owner	Grace Bowtique
90	1/10/09	Elizabeth Lopez	dlizious04@yahoo.com
91	1/10/09	Keri Buck	kerioke13@yahoo.com
92	1/10/09	Kristin Cranmer	Kristin@vloutextiles.com
93	1/10/09	Heather McDonald	jayandheather@yahoo.com
94	1/10/09	Candice Bannan	candicenicole19@yahoo.com
95	1/10/09	Missy Milne	missyswanberg@yahoo.com
96	1/11/09	Lois Jarvis	Madison, WI
97	1/11/09	Robert Carriveau	rovel2@centurytel.net
98	1/11/09	Shawn Foy	shawnmu97@yahoo.com
99	1/11/09	Tracy Erger	PBandJ*Creations
100	1/11/09	Lori Jozwiak	lorijoz@netzero.net
101	1/11/09	Sue Lappan Creator and Designer	Ecoleeko
102	1/11/09	Renee Eggleston	candy_stick_lane@yahoo.com
103	1/11/09	Jacque Barker	barkerebay@yahoo.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
104	1/11/09	Cindy	cmyflowers@aol.com
105	1/11/09	Robin Beal	1104 SW 19 th St. Blue Springs, MO 64015
106	1/11/09	Melinda Tabacco	mtabacco11@yahoo.com
107	1/11/09	Stephanie Mains	ablushingbride@yahoo.com
108	1/11/09	Kalli Inman	www.KalQuilts.biz Custom Embroidery
109	1/11/09	Francisbel Boutique	francisbelboutique@hotmail.com
110	1/11/09	Mary Lou Huelsman	Princess Purses
111	1/11/09	Heather Akers	Creative Kiddos
112	1/12/09	Jennifer van Vorst	Turtle Park Tots
113	1/12/09	Joanne Levine	Jodi Levine, Wild Child Tie-Dyes www.wildchildtiedyes.com 33 Amherst Road Pelham, MA 01002
114	1/12/09	Sarah Lee	sarah@sarahsilks.com
115	1/12/09	Wendy Platt Owner	Ruby RedShoes Baby, Inc.
116	1/12/09	Holli Grubb	Hair Sprouts Bowtique
117	1/13/09	Louise Genowitz	lgenowitz@hotmail.com
118	1/13/09	Claudia Garcia-Bouchacourt	Le Petit Boutique Handmade Blythe Clothing 3800 North Mesa Street Suite A2 #219 El Paso, TX 79902
119	1/12/09	Gavin & Laura Smith	Baby Boss 9625 Monticello Drive Granbury, TX 76049

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
120	1/13/09	Suzsh	suzsh@yahoo.com
121	1/13/09	Robin Riggs	Ella Jean Baby Gifts www.ellajeangifts.etsy.com
122	1/13/09	Melanie Tommey	MCC Enterprises Aka...Mel's Country Crafts www.melscountrycrafts.com 1004 N Lincoln Sand Springs, OK 74063
123	1/13/09	Karen Blum Boateng	Little Gems
124	1/13/09	Deborah Lundgren	DebAviary@aol.com
125	1/13/09	Allison Kelly, M.D. Owner/Designer	Little Miss Blooms
126	1/13/09	Sarah Kronland	Mairzey Dotes www.mairzeydotes.com
127	1/13/09	Hilary Lane	TOT Warehouse
128	1/13/09	Brenda Lovejoy	Lovejoy Fabrication
129	1/13/09	Lisa A. Rooney	crescentmoonschool@gmail.com
130	1/14/09	Kathy Anderson	bumpkinpatch@hotmail.com
131	1/14/09	The Crowson Family	crowsnest@surry.net
132	1/14/09	Marsha Stoops Vifquain Vice President	Edco, Inc.
133	1/14/09	Jaminda Springer	Nato Bello Beautiful Baby Slings For the Artful Mother
134 (same text as 131)	1/14/09	The Crowson Family	crowsnest5@surry.net
135	1/14/09	Paula Mair	Paula_sews@comcast.net

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
136	1/14/09	Sherry E. Baber	7704 Lampworth Terrace Richmond, VA 23231
137	1/14/09	Michelle Fei	Hip Girl Boutique
138	1/15/09	Craft Yarn Council of America Caron International Coats & Clark Lion Brand Yarn Co. Spinrite, Inc. TMA Yarn	
139	1/15/09	Christine Ewald	Taxewald@aol.com
140	1/15/09	Lori Wahl Partner/Owner	Mister Judy, LLC
141	1/15/09	Diana Havier	dhawkeyette@yahoo.com
142	1/15/09	Carol Garrett	cr@bjwe.com
143	1/15/09	Camille Workman Owner/Designer/Seamstress	Camille@framehuggers.com
144	1/16/09	Willy Lin SBS JP Vice Chairman	Textile Council of Hong Kong
145	1/16/09	Valerie Hall	lariha53@bellsouth.net
146	1/17/09	Rae Lynn Glispin	kidzcomfort@yahoo.com
147	1/18/09	Mindy Harris	mindyharris@yahoo.com
148	1/19/09	Sue Zoedak	zoedak@sbcglobal.net
149	1/19/09	Joe Williams	AirbrushGypsy@aol.com
150	1/20/09	The Real Diaper Industry Association	
151	1/20/09	April Todd Designer and Mom	www.littlemissprincesstutu.com
152	1/20/09	Julie S	userhc2001@gmail.com

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
153	1/21/09	Susan J. Moore	Moore Teddy Bears 617 Fieldstone Circle W Chelsea, MI 48118
154	1/21/09	Lawrence H. Kloess, III	917 Jones Parkway Brentwood, TN 37027
155	1/21/09	Rachel Shaw	rachelkshaw@gmail.com
156	1/21/09	Tammy	tammyt1957@aol.com
157	1/21/09	Anja Wray	8235 Stafford Mills Rd. Oak Ridge, NC 27310
158	1/21/09	Shelly Meintzer	lil-ladybugs@mi-connection.com
159	1/22/09	Laura Mellberg	162 Ash Street Denver, CO 80220
160	No Date	Laura Mameesh	Oakland, CA
161	1/23/09	Cheryl Kelly	821 East State Street Salem, Oh 44460-2298
162	1/23/09	Rose Kos	roksyworld@yahoo.com
163	1/24/09	Jeanne Stock Knitter	6571 Loud, Dr. Oscoda, MI 48750
164	1/25/09	David L. Tucker Linda S. Lagace	6042 Lone Star Lane Riverbank, CA 95367
165	1/25/09	Ivy Tomosawa	ivy@mysweetiebean.com
166	1/25/09	Robert F. Johnessee President	Bunker Hill Public Library PO Box P Bunker Hill, IL 62014
167	3/23/09	Wang Nini Director General	China WTO/TBY National Notification & Enquiry Ctr No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing
168	1/26/09	Phillip Wakelyn PhD	National Cotton Council

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
169	1/26/09	Nathan A. Brown On behalf of American Library Association	Ropes & Gray LLP One Metro Center 700 12 th Street, Ste 900 Washington, DC 20005-3948
170	1/26/09	Mindy Harris	mindyharris@yahoo.com
171	1/26/09	Marilyn Chalais	mchalais@earthlink.net
172	1/26/09	Julie O'Connor	Heavenly Hues Wool Studio
173	1/27/09	Stacey Kitchen	spacewurx@gmail.com
174	1/27/09	Beverly Dye	gramps@dye2.myrf.net
175	1/27/09	Judy	judyahope@comcast.net
176	1/27/09	Tracey Dowker	tracey@hollandhospital.org
177	1/27/09	Donna Albertson	donnasquiltcreations@charter.net
178	1/28/09	Allyson van Ginneken	greenthumb_ally@hotmail.com
179	1/28/09	Susan Weir	Weir Crafts
180	1/28/09	Ellie Peck	1680 NE 8 th Ave Oak Harbor, WA 98277
181	1/28/09	Kathy Anderson	bumpkinpatch@hotmail.com
182	1/28/09	Ann Marie Rodgerson	amrodgerson@gmail.com
183	1/28/09	Joyce Deutsch	turtlerejoicing@yahoo.com
184	1/28/09	Richard A. Stewart Mayor	City Hall 14177 Frederick Street PO Box 88005 Moreno Valley, CA 92552
185	1/29/09	Robert E. Reed Board of Directors	Tallassee (Alabama) Community Library 88838 Tallassee Highway Tallassee, AL 36078

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
186	1/23/09	Sara Saxton Youth Services Librarian	Tuzzy Consortium Library Barrow, AK
187	1/23/09	Delane R. James Library Director	Buckham Memorial Library 11 Division Street East Faribault, MN 55021
188	1/24/09	Katie Gatten Children's Librarian Madison Branch	Mansfield/Richland County Mansfield, OH
189	1/28/09	Karen C. Neville	P.O. Box 913 Berlin, MD 21811
190	1/28/09	Meredith Kivi	2411 Weston Avenue Schofield, WI 54476
191	1/30/09	Deborah Poillon Library Director	Cape May County Library 4 Moore Road, DN2030 30 West Mechanic Street Cape May Court House, NJ 08210
192	1/29/09	Robert Carona Membership Chairman	Jax Woodworkers Club
193	1/29/09	Susanna DeFazio Owner	Papa Don's Toys 87805 Walker Creek Road Walton, OR 97490
194	1/29/09	Angela Plagge Assistant Library Director	Cape May County Library 4 Moore Road, DN2030 30 West Mechanic Street Cape May Court House, NJ 08210
195	1/29/09	Alison Orr Young Adult Assistant Manager	Palos Verdes Library District 701 Silver Spur Rd. Rolling Hills Estates, CA 90274
196	1/29/09	Nancy Gold President	Tough Traveler 1012 State Street Schenectady, NY 12307

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
197	1/29/09	Sandrine Droumenq Lolligo Managing Partner	Lolligo LLC 39 Ely Brook Road East Hampton, NY 11937
198	1/29/09	Tina Hill	Kidzsack PO Box 492 West Newbury, MA 01985
199	1/29/09	Julie Rebboah President	Lightning Bug Learning Corp
200	1/29/09	Marion Scott Owner	Close2Me
201	1/30/09	Mary Campbell Director of R&D	Environments, Inc. 501 Carteret Street PO Box 1348 Beaufort, SC 29901-1348
202	1/30/09	Kathleen Geiger	messnerk001@hawaii.rr.com
203	1/30/09	Stephen Lamar Executive Vice President	American Apparel & Footwear Association 1601 N. Kent Street, 12 th FL Arlington, VA 22209
204	2/02/09	Barry Evans COO	Covenant Communications, Inc.
205	2/02/09	Alan Bell Managing Director	The Bell Group / Rio Grande
206	2/04/09	J. Michael Smith, Esq. President	HSLDA Advocates for Homeschooling Purcellville, VA 20134
207	2/06/09	Charlotte MacDonald	Wheee! Everyday Play Gear
208	2/09/09	Shan Aithal, Ph.D. Director of Technology	Stuller, Inc. 302 Rue Louis XIV Lafayette, LA 70508

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
209	2/11/09	Cullen L. Hacker Managing Director	The Enamelist Society PO Box 920220 Norcross, GA 30010
210	2/12/09	Allan Adler Vice President for Legal & Government Affairs	Association of American Publishers 50 F Street, NW Washington, DC 20001
211	2/12/09	Jim Schollaert Executive Director	Made in USA Strategies 2256 N. Upton St. Arlington, VA 22207
212	2/12/09	Cecelia L. Gardner President, CEO and General Counsel	Jewelers Vigilance Committee 25 West 45 th Street Suite 1406 New York, NY 10036
213	2/13/09	John L. Wittenborn Joseph J. Green Counsel to the Leather Industries of America	Kelley Drye & Warren LLP Washington Harbour, Ste 400 3050 K Street, NW Washington, DC 20007
214	2/13/09	Joseph J. Green Wayne D'Angelo Counsel to the Specialty Steel Industry of North America	Kelley Drye & Warren LLP Washington Harbour, Ste 400 3050 K Street, NW Washington, DC 20007
215	2/16/09	Laura E. Jones Executive Director Submitted by John B. Pellegrini Counsel for	United States Association of Importers of Textiles and Apparel 13 East 16 th Street, 6 th Floor New York, NY 10003
216	2/17/09	Tom Hutcheson Regulatory and Policy Manager	Organic Trade Association PO Box 547 Greenfield, MA 01302
217	2/18/09	Becky Maggard	Freelance Children's Clothing Design Monogram & Embroidery

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
218	2/17/09	Submitted by Ned Steiner esteiner@strtrade.com	The Hosiery Association Acme-McCrary Corporation Crescent Inc. Hanesbrands Inc. Kayser-Roth Corporation Knit-Rite Inc. Renfro Corporation
219	2/17/09	Andrew Hedden E.V.P. & General Counsel Francine Colaneri V.P. – Manufacturing and Supply Chain	Scholastic Inc. 557 Broadway New York, NY 10012
220	2/17/09	Greg Ionna President and CEO William Creager Executive VP / CFO	C.M. Paula Company 6049 Hi-Tek Court Mason, OH 45040
221	2/17/09	David T. Tayloe, Jr., MD, FAAP President Rachel Weintraub Director of Product Safety And Senior Counsel Don Mays Senior Director, Product Safety and Technical Public Policy Nancy Cowles Executive Director Diana Zuckerman, Ph.D. President Elizabeth Hitchcock Public Health Advocate	American Academy of Pediatrics Consumer Federation of America Consumers Union/ Consumer Reports Kids in Danger National Research Center for Women & Families U.S. Public Interest Research Group

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
222	2/17/09	Ryan Trainer Executive Vice President & General Counsel	International Sleep Products Association 501 Wythe Street Alexandria, VA 22314-1917
223	2/17/09	Sheila A. Millar On behalf of Fashion Jewelry Trade Association	Keller and Heckman LLP 1001 G Street, NW Suite 500 West Washington, DC 20001
224	2/17/09	Kevin M. Burke President & CEO	American Apparel & Footwear Association 1601 North Kent Street Suite 1200 Arlington, VA 22209
225	2/17/09	Steve Lamar Submitted on behalf of coalition of 30 trade associations	American Apparel & Footwear Association
226	2/17/09	Donald L. Mays Senior Director, Product Safety & Technical Public Policy	Consumers Union
		Janell Mayo Duncan Senior Counsel	Consumer Union
		Rachel Weintraub Director of Product Safety and Senior Counsel	Consumer Federation of America
		Nancy A. Cowles Executive Director	Kids in Danger
		Diana Zuckerman President	National Center for Women & Families
		David Arkush Director	Public Citizen's Congress Watch
		Ed Mierzwinski Federal Consumer Program Director	U.S. Public Interest Research Group

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
226 cont'd.	2/17/09	Elizabeth Hitchcock Public Health Advocate	U.S. Public Interest Research Group
227	2/17/09	Harrison M. Pollak Deputy Attorney General	Edmund G. Brown Jr. Attorney General State of California Department of Justice 1515 Clay Street, 20 th FL Oakland, CA 94612
228	2/17/09	John Bradfield Director Environmental Affairs	Composite Panel Association 19465 Deerfield Avenue Suite 306 Leesburg, VA 20176
229	2/17/09	Georgia C. Ravitz	Arent Fox LLP Washington, DC
		Scott A. Cohn	Arent Fox LLP New York, NY
230	2/17/09	Paul Noe Vice President, Public Policy	American Forest & Paper Association 1111 Nineteenth Street, NW Suite 800 Washington, DC 20036
231	2/17/09	Keith A. Jenkins Submitted on behalf Gildan Activewear	Sorini, Samet & Associates, LLC Ten G Street, NE, Suite 710 Washington, DC 20002
232	2/17/09	Ryan Trainer Executive Vice President & General Counsel	International Sleep Products Association 501 Wythe Street Alexandria, VA 22314-1917
233	2/18/09	Peter T. Mangione	Footwear Distributors and Retailers of America 1319 F Street, NW, Suite 700 Washington, DC 20004

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
234	2/20/09	Emily Sheketoff	American Library Association 1615 New Hampshire Avenue, NW Washington, DC 20009
235	1/12/09	Amber Widlake-Herring	adwidlakeherring@yahoo.com
236	1/12/09	Becky McMullen	mypewteriscewter@comcast.net
237	3/17/09	Amy Schulz	Happy Magpie LLC
238		form letters (5)	natural and other textile and apparel materials
239		form letters (7)	natural products
240		form letters (57)	book printers
241		form letters (85)	hair ribbon and bows, etc.
242		form letters (29)	ribbon, etc.
243		form letters (24)	Project Linus
244	2/25/09	Michael S. DeFranks Director of Engineering	Simmons Company

CONFIDENTIAL

December 28, 2008

Via USPS Priority Mail

Todd A. Stevenson
Director, Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Room 502
Bethesda, MD 20814

Re: Petition for Rulemaking under CPSIA Section 101

Dear Mr. Stevenson:

I am a small manufacturer of children's apparel located in Indiana. My business is a home-based business that I operate as a sole proprietor. I am also a mother, and I respect the intent of Congress when the Consumer Product Improvement Act (CPSIA) of 2008 was passed this summer.

I sincerely believe that we, as responsible business people, citizens, and parents have the responsibility to protect our children from risks that are significant and real. As a citizen and a parent, I applaud the intentions of our Congress in passing the CPSIA. However, as a small business owner who manufactures children's apparel in Indiana, I am gravely concerned about the broad and unintended negative consequences of this law and its effects on my industry and our economy while providing little additional protection for children.

On December 24, the Office of the General Council for the CPSC issued a Ballot Vote to the Secretary of the CPSC, Todd A. Stevenson, calling for approval by January 5, 2009 to publish in the Federal Register the proposed rulemaking:

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

This proposed rulemaking would exempt natural fibers including cotton, silk, wool, hemp, flax and linen from the lead testing requirement based on CPSC findings that they do not contain lead or contain lead at levels that do not exceed the CPSIA lead limits.

While proposing this exemption is a step in the right direction, it does not go far enough to prevent devastating impacts to small manufacturers of children's textile products, including wearing apparel. The proposed exemption as stated in the memo would specifically apply only to those natural fibers that are "untreated and unadulterated by the addition of materials or chemicals including pigments, dyes, coatings, finished or any other substance" or "undergone any processing that could result in lead content that exceeds the CPSIA lead limits."

This additional provision as it relates specifically to pigments and dyes provides no additional protection for children because, there is little evidence that dyes and pigments in textiles pose

any risk of lead exposure to children. By narrowly applying this exemption to only those materials which contain no pigmentation or dyes, the rulemaking will do little to relieve the testing burden for the majority of businesses affected by it. Almost all apparel products for children contain yarn, fabric, and thread that have been dyed.

The CPSC memo states that its decision to exclude materials to which dyes and pigments have been applied is based on the available scientific information and the staff's best professional judgment regarding the potential lead content of these materials. The CPSC cites the Agency for Toxic Substances and Diseases Registry (ASTDR) (2007) Toxicological Profile for Lead Update as a primary source of this information in this regard. However, while this document indicates that lead acetate has been used in some textile dyes, it does not specify at what levels, whether this substance is still used in textile manufacturing in the U.S. or abroad, or if lead residues are likely to be found in textiles after processing.

In fact, there is currently very little scientific research available to support the notion that lead in textiles presents a significant risk to children. On the contrary, in his presentation to the May 13, 2008 Consumer Product Safety Commission (CPSC) roundtable, *Understanding the Pending Legislation and the Use of Lead in Consumer Products*, Mr. Hardy Poole makes the argument that the lead content in textiles is actually very low. Mr. Poole, president of the National Textile Association, is considered a leading expert in the textile industry with than 30 years of experience including working with the CPSC on fabric flammability standards.

In his presentation, Mr. Poole indicated that the primary sources of lead in textiles are dyes, dyestuffs and pigments used in coloring fabrics. dyes produced by the major suppliers to the U.S. textile industry are already required to comply with the standards for trace metal impurities. These standards allow a maximum lead content of 100 ppm, well below the CPSC ultimate goal of 300 ppm. Mr. Poole added that these suppliers offer no lead complex dyes and that he knows of no operation in the United States using lead-based pigments in the dyes produced for the textile industry. Currently, there is no lead added to yarns or fabrics manufactured domestically. Regarding imported textiles, Mr. Poole indicated that the testing of imported fibers and fabrics reveal none or only trace levels of lead. There simply is no evidence to suggest that lead is a threat with respect to the dyeing and pigmentation of textiles.

In addition to the very low levels of lead in dyes, which are already regulated, Mr. Poole indicated that even if trace materials existed in the materials used to produce the textiles, very little would remain on finished fabrics because of the low application levels and their solubility in water, which would result in their removal through the washing that occurs during processing.

In addition to these facts, the CPSC's own records of product recalls would support a finding that textiles, regardless of whether or not they contain dyes or pigments, pose little risk with regard to lead. According to a review conducted by the Finger Lakes Regional Lead Poisoning Prevention Resource Center in Rochester NY of all recalls for lead content between 1994-2007 the CPSC has not issued a single product recall for lead found in the textiles incorporated into children's apparel. During this period, only five recalls involved apparel products, and the lead in these products was found in zippers, snaps, painted button and surface coatings, not in the textiles themselves, all of which are adequately regulated under the Section 101 of the CPSIA.

As a responsible business person, I am not opposed to testing any components of my products that might reasonably be assumed to contain lead, including items such as zippers with painted pulls, painted buttons, snaps, or any kind of surface materials that I apply to my products.

However, the majority of the materials I use – fabrics, elastics, threads, and lace – pose little to no risk for lead exposure.

It makes little sense to force manufacturers to test materials that are inherently lead-free just to prove that they, in fact, contain no lead. This is a guilty until proven innocent approach that imposes unnecessary testing that will provide no additional protection for children. The associated costs will be particularly difficult for small businesses like mine to absorb. In my case, it will be impossible. Because I manufacture my products in very small runs (6-12 units of any given design), having to test every fabric and thread I use in a given style will drive the cost of my products up well beyond what the market will bear or I will have to take a loss. Either way, my business cannot survive.

Unfortunately and for reasons not explained in the body of the law, Congress decided to exempt the CPSIA from the requirements of the Administrative Procedure Act and the Regulatory Flexibility Act, which would require the CPSC to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the lead content testing rule on small apparel manufacturing businesses. In so doing, Congress circumvented the public discourse necessary to accurately characterize the children's apparel manufacturing industry and thus correctly ascertain the CPSIA's impact on the small businesses that comprise the majority of it.

Businesses like mine have become an important part of our economy. To illustrate this point, I have excerpted the following statistics from the CPSIA petition currently posted on the Internet at <http://www.ipetitions.com/petition/economicimpactsofCPSIA/index.html>, which currently has my support and the support of more than 5,000 other businesses like mine as well as a good many of our customers:

... We urge the CPSC to exempt lead testing for those components and articles that are inherently lead-free and require testing for only those components that may contain lead. Based on U.S. Census data, the Cut and Sew Apparel Manufacturing industry, which includes most categories of small manufacturers of infant's and children's apparel, is comprised of more than 40,000 companies. Of these, almost 28,000, or 68%, are sole proprietors contributing a total of \$900 million to our nation's economy. Thus, while our businesses are small, they comprise well more than the majority of the apparel manufacturing businesses currently operating in this country.

In addition to small manufacturers who work with apparel industry contractors, consider the numerous home-based businesses that produce children's apparel and sell directly to the consumer. These businesses are best characterized as "micro-manufacturers" who commonly produce custom and one-of-a-kind garments or several styles but in very small quantities. For these businesses to test for lead in every component of each and every style at [an estimated] cost of \$180 per test would increase the costs to produce a garment astronomically, resulting in a price far exceeding what the market will bear.

This cost multiplies exponentially if we are now required to test fabrics and threads for lead, or if different dyes also trigger their own lead tests. Any small manufacturer that can survive these costs – and there aren't many that can – will have to pass them on to their customers. So, consumers end up on the losing end, too.

Every small manufacturer of children's apparel shares the goal of the CPSC – ensuring that only safe products are permitted to reach the consumer. We believe this is best achieved by implementing and enforcing the CPSIA in a manner that focuses on risks...

According to Census Bureau statistics, in Indiana alone, the cut and Sew Apparel Manufacturing sector employs almost 8,000 people, with many of us working out of our homes while struggling to support our families in this already difficult economy. Approximately 29% of these people (2,296) are self-employed as sole proprietors or working for micro-businesses with less than four employees. Companies with less than 20 employees provide jobs for 60% of all apparel manufacturing employees in Indiana. The exact number of these companies that manufacture children's products is unknown. However, given these statistics, the economic impact to small businesses in Indiana burdened with unnecessary testing requirements promises to be quite high. Many of us – myself included – will be forced to close our operations, losing everything we have invested in our businesses and any employment opportunities we provide.

Common sense and history tell us that textiles, whether colored or not, pose little to no risk of lead exposure to children. The following information, which is excerpted from a letter sent to the CPSC by the National Association of Manufacturers (NAM) on December 18, 2008 regarding a *Petition for Rulemaking under CPSIA Section 101* supports this:

“...The best available scientific evidence supports excluding fabrics, threads and elastics because they are known to contain no or very low amounts of lead and therefore meet the criteria for exemption under the provisions of § 101 (b)(1). The state of California in consultation with scientists and toxicologists agreed to exclude from regulation under The Safe Drinking Water and Toxic Enforcement Act of 1986 materials that have no or very low amounts of lead. Included in these materials were fabrics, threads and elastics...”

The NAM plan is available in its entirety at the following URL:
<http://www.toyassociation.org/AM/PDFs/Safety/CPSCPpetition1208.pdf>

I fully support the NAM plan, which along with the petition cited above, will give you a much fuller understanding of the many issues that businesses like mine now face.

I expect that given the important and time-sensitive nature of this issue, you will read them thoroughly. It is my hope that after giving the information presented appropriate consideration, you will recommend an exemption for fibers which have been treated with dyes or pigments. A broader exemption is appropriate given the available science and information and will not reduce in any way the intended result of the CPSIA to provide greater protections for our children from exposure to lead. It is my hope that the CPSC, with your guidance, will focus on the true intent of the CPSIA, which is to protect our children from risks that are real. The color in the clothing they wear is not one of them.

Sincerely,



Joanne M. Arthur, Proprietor
Happy-Girl-Lucky

JOANNE ARTHUR, PROPRIETOR
HAPPY-GIRL-LUCKY
3101 CLOVER DRIVE
PLAINFIELD, IN 46168

TODD A. STEVENSON
DIRECTOR, OFFICE OF THE SECRETARY
U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST-WEST HIGHWAY
ROOM 502
BETHESDA, MD 20814

URGENT - TIME SENSITIVE

2



January 3, 2009

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway,
Bethesda, Maryland, 20814
Sec102ComponentPartsTesting@cpsc.gov
fax: (301) 504-0127

Re: Consumer Product Safety Improvement Act: Proposed Determinations Regarding Lead Content in Certain Materials – Certain Materials that do not Exceed the Limits for Lead Content

Dear Mr. Stevenson:

On behalf of the Handmade Toy Alliance, an alliance now numbering 144 toy stores, toymakers and children's product manufacturers from across the country who want to preserve unique handmade toys, clothes, and children's goods in the USA, we respectfully submit the following comments regarding the proposed determinations exempting certain materials from lead content testing, dated December 23, 2008.

We agree with the proposed determinations that certain natural materials should be exempted from lead testing because they are known by science to not contain significant levels of lead. Specifically identified in the proposal are certain gemstones, pearls, wood, cotton, silk, wool, hemp, flax, linen, coral, amber, fur, and untreated leather. We also agree that these materials are unlikely to become contaminated by lead during the manufacturing process.

However, we are concerned that this proposed list is incomplete and provides no process for adding additional materials which are known to science to not contain lead. We therefore are suggesting the exemption of other natural materials commonly used to make children's products and toys. The following list is by no means exclusive and we encourage the CPSC to develop a simple and cost-effective mechanism by which manufacturers can apply for the exemption of other natural materials.

Part 1: 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.

Part 2: 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.

Part 3: 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, natural rubber latex, 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.

Part 4: 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.

Part 5: 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.

We wish to emphasize that our lists of materials and categories are by no means exclusive and that the CPSC should establish a process by which additional materials may be excluded.

As a group, we fully support all government efforts to safeguard consumers and reduce children's exposure to lead. We also acknowledge that our members have been setting and adhering to high safety standards in children's products for many years.

We do not believe that exemption of the above materials from lead testing will in any way endanger the public health. We do believe, however, that these exemptions will have a strong positive impact on manufacturers and substantially reduce the cost of compliance with the CPSIA, thereby protecting businesses and their employees.

Respectfully Submitted,

The Handmade Toy Alliance

A complete list of our member businesses follows:

A Child's Garden	Toy Retailer	Massachusetts
AHA(T)2 - All Harwood		
All the Time	Toymaker	Nebraska
All the Numbers		
Handmade	Children's Product Manufacturer	Massachusetts
American Toy LLC	Toymaker	Oregon
Baby Bean Vintage		
Daywear	Children's Product Manufacturer	Texas
Baby Leo Designs	Children's Product Manufacturer	California
Basket of Gifts	Toymaker	Maryland
Bazbies by Gigi	Toymaker	Utah
BEKA	http://bekainc.com	Toymaker
Birdsong Bows	Children's Product Manufacturer	
Blessed Baby Boutique	Toy Retailer	Maine
Blossom Toys	Toymaker	Massachusetts
Bright Penguin	Toy Retailer	Texas
Bruce Wolk	Journalist	
Busy Little Elf	Toymaker	Ohio
Camden Rose Toys	Toymaker	Michigan
Carseat Couture	Children's Product Manufacturer	Kansas
Cars From Papa	Toymaker	California
Chalais Associates	Toymaker's Rep	California
Challenge and Fun	Toy Importer	Massachusetts
Chasing Birdies	Toymaker	Texas
Chocolate Soup	Toy Retailer	New Jersey
Chubby Cheek Boutique	Children's Product Manufacturer	Wisconsin
Clementine NW	Toy Retailer	Oregon
Cool Mom Picks	Journalist / Blogger	
Craftsbury Kids	Toy Retailer	Vermont
Crafty Baby	Children's Product Manufacturer	Connecticut
Cubic Dissection	Toymaker	North Carolina
Cuckooboo	Toymaker	North Carolina

D and Me Toys	Toymaker	Montana
Dirty Peaches Clothing Co.	Children's Product Manufacturer	Florida
Down To Earth Trading Co.	Toy Retailer	Michigan
Dragon's Toy Box	Toy Retailer	Washington
Early Work Station	Toy Retailer	California
Earnest Efforts Toys	Toymaker	Oregon
Earthetarian	Toymaker	Connecticut
Easy to Love Toys	Toymaker	Pennsylvania
Ecoleeko	Toymaker	New York
Elevenish	Children's Product Manufacturer	California
Ellie Bellie Kids	Toymaker	
Erica Daley	Toymaker	Maryland
Fairy Finery	Toymaker	Minnesota
Firewood Toys	Toymaker	New Hampshire
For My Kids	Children's Product Manufacturer	Texas
Frill 'er Up Couture	Children's Product Manufacturer	Michigan
Fuzbaby	Toymaker	Utah
Girl Party Tutus	Children's Product Manufacturer	Michigan
Glückskäfer Kinderwelt	Toymaker	Germany
Greco Woodcrafting	Toymaker	New Jersey
Greenjeans	Toy Retailer	New York
Green Little Beans	Toymaker	Florida
Grimm's GmbH	http://www.grimms.eu	Toymaker
Happy Squash Toys	Toymaker	Ohio
Hasenpfeffer	Toymaker	Washington
hatched	Toy Retailer	Massachusetts
Hilltown Families	Journalist / Blogger	Massachusetts
Honeysuckle Dreams	Toymaker	Maryland
Hopscotch Childrens Store	Toy Retailer	Michigan
Hullabaloo Boutique	Children's Product Manufacturer	Pennsylvania
Imagination Box Company	Toymaker	Idaho
impish	Toy Retailer	Massachusetts
INQUISTIVEkid	Toy Retailer	Canada
inspired mama creations	Toymaker	Idaho
KangarooBoo	Toy Retailer	Iowa
Kidcessory Haven	Children's Product Manufacturer	Florida
Kooky Dolls / LolaBEE	Toymaker	Wyoming
Lily Bean	Toymaker	Michigan
Lindenwood Toys (Uncle Goose)	Toymaker	Michigan
Little Alouette	Toymaker	Ohio
Little Ants	Toy Retailer	Indiana
Little Sapling Toys	Toymaker	California
Living Playing	Toy Retailer	Massachusetts
Lundeby's Eco Baby	Toy Retailer	Oklahoma
Made by Ewc	Toymaker	New Jersey

Mamanista	Journalist / Blogger	
Mama Roots	Toymaker	Missouri
Mama's Little Monkeys	Toymaker	California
Mini Monster Baby		
Boutique	Toymaker	Virginia
Miscellaneous Oddiments	Toymaker	Maryland
More4Kids	Toy Retailer	Tennessee
Nato Bello	Children's Product Manufacturer	Michigan
Natural Pod	Toymaker	Canada
Nest Maternity and Baby	Toy Retailer	New Hampshire
New Hampshire Toy		
Factory	Toymaker	New Hampshire
Noble Dolls	Toymaker	Pennsylvania
North Star Toys	Toymaker	New Mexico
Nova Natural Toys	Toy Retailer	Vermont
Old School Acres	Toymaker	
Oliebollen	Toy Retailer	Michigan
Ozarkana	Toymaker	Missouri
Papa Don's Toys	Toymaker	Oregon
Pea Pie Baby	Toy Retailer	Florida
Peapods Natural Toys	Toy Retailer	Minnesota
Phil Barbato	Toymaker	Virginia
Piggy Roo Toys & Gifts	Toy Retailer	Colorado
Play Store Toys	Toy Retailer	California
Purcell Toys	Toymaker	Georgia
Quiet Hours Toys	Toy Retailer	Pennsylvania
Rebekah's Bowtique	Children's Product Manufacturer	North Carolina
Rosie Hippo	Toy Retailer	New York
Sakura Bloom	Children's Product Manufacturer	Massachusetts
Sarah's Silks	Toymaker	California
Sara's Toy Box	Journalist / Blogger	
Seasons Natural Toys	Toy Retailer	Florida
Shoparooni	Toy Retailer	Ohio
Silken Sky	Toymaker	Massachusetts
Silly Kitty	Toymaker	Wisconsin
Small Magazine	Journalist / Blogger	Texas
Sole Mate Toys	Toymaker	Louisiana
Specialty Toys Network	Toy Industry Group	Nationwide
stacyJean	Toymaker	California
Star Bright Baby	Toymaker	Pennsylvania
Starlight Arts	Toymaker	Montana
Sullivan Toy Company	Toymaker	Oklahoma
Sweet Pea's Loft	Toy Retailer	Minnesota
TAG Toys	Toymaker	California
Tedde	Toymaker	New York
The Baby Gardener	Children's Product Manufacturer	Alabama
The Little Seedling / Tree		
City Diapers	Toy Retailer	Michigan
The Lucky Pebble	Toymaker	Hawaii
The Mommy Spot	Journalist / Blogger	

The Pajama Squid	Toy Retailer	Maryland
These Are the Salad Years	Journalist / Blogger	
The Snuggle Herd	Toymaker	Texas
The Urban Thimble	Toymaker	Illinois
The Wee Loft	Toy Retailer	California
The Wooden Wagon	Toy Retailer	Massachusetts
Three Sisters Toys	Toy Retailer	Florida
Treehouse in the Glen	Toy Retailer	California
Tummba	Children's Product Manufacturer	Colorado
Turtle Park Tots	Children's Product Manufacturer	Colorado
Ugga Mugga	Journalist / Blogger	Wisconsin
Victoria Velting	Children's Product Manufacturer	Michigan
Wabi Sabi Wonders	Toymaker	Illinois
Walking Stick Toys	Toy Retailer	Montana
Wondermommy	Toymaker	Alabama
Wood Toy Shop	Toymaker	Oregon
Woolies	Toymaker	Arizona
World of Mirth	Toy Retailer	Virginia
World's Greatest Bath		
BoatsChildren's Product		
Manufacturer	Toymaker	Minnesota
XoXoa Baby	Children's Product Manufacturer	
Yo-Yo Joe's Toys and Fun	Toy Retailer	Deleware
Zadyball	Toymaker	Arizona
Zid Zid Kids	Toymaker	Massachusetts / Morrocco

TO: Todd Stevenson
Director, Office of the Secretary
US Consumer Product Safety Commission
4330 East-West Highway
Room 502
Bethesda, MD 20814

Dear Mr. Stevenson:

In reference to the attached 15-page document I would like to express my support for the exemptions stated by NAM. . There are thousands of cottage industries like myself this law is currently having a negative impact upon.

My product is hair bows. I am a stay at home mom of 4 who makes hair bows using polyester grosgrain, satin or organza ribbon. My bows are sewn by hand using nylon thread. I do this work with my hands one by one, with careful consideration going into each product. I then attach them to either fabric headbands or metal pinch clips. This work allows me to purchase groceries for my family. The only part I would think would need testing would be the metal clips the hair bows are attached to. I have contacted the American company who makes these clips and they are well below the 100 ppm allowed in 3 years.

Please consider fabrics and thread in your exemptions for section 101 (a) and (b). Also allow us to use the statements from the manufacturers concerning their lead testing. This alone would save so many small cottage industries. Many mothers rely on the income from the work of their hands to put food on the table.

Thank you for your consideration in this very important matter!

Blessings,

Pam Crowson

Pam Crowson

Stay at home mom

Crowsnest5@Surry.net



Here is an example of my work. I do not see how a hairbow headband could be considered a threat to public health? Please help the cottage industries survive.

NAM CPSC Coalition



December 18, 2008

Via Overnight Delivery

Todd A. Stevenson
Director, Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Room 502
Bethesda, MD 20814

Re: Petition for Rulemaking under CPSIA Section 101

Dear Mr. Stevenson:

On behalf of the Consumer Product Safety Commission Coalition of the National Association of Manufacturers (NAM CPSC Coalition), and the undersigned parties to this letter (hereinafter referred to collectively as the Petitioners), we respectfully urge the Consumer Product Safety Commission (CPSC or the Commission) to issue a comprehensive direct final rule on the requirements under § 101(b) of the Consumer Product Safety Improvement Act (CPSIA), including rules governing test methods, exemptions, and warning statements.¹ Action by the Commission is urgently needed in light of the upcoming February 10, 2009 deadline for new lead limits in substrates. Issuance of a final rule is particularly critical since the statute's deadlines do not mesh with other deadlines and requirements. In other words, the CPSIA specifies that a pending rulemaking will not delay implementation of the effective dates for such limits, but does not adequately provide for an orderly implementation of a comprehensive rule that clarifies lead test methods, acceptability of component testing, or standards to be applied for determining reasonable exclusions for inaccessible parts, accessible materials that do not present a health hazard, and electronic products and components.

The CPSIA was drafted with the intention of enhancing children's product safety. Many industries supported imposition of new requirements and expected they would be implemented in an orderly, comprehensive manner. In connection with the imposition of new lead content requirements it is necessary for the CPSC to define the scope of products subject to regulation,

¹ Pub. L. No. 110-314, 122 Stat. 3,016 (August 14, 2008).

what constitutes accessible component parts, how component testing can be relied upon, and which materials and components, including electrical components, should be excluded. In addition, US manufacturers need to be able to rely upon supplier certifications for component materials. Clearly developed regulations that address all of these issues before the February 10, 2009 deadline are necessary to enable effective compliance and enforcement. Without a well defined regulatory regime predicated on sound test standards and science-based exclusions that protect children, the threat to small business and their employees is significant. Congress did not reasonably intend such consequences from a chaotic implementation of the CPSIA.

Consequently, we request that the Commission issue a direct final rule with an immediate effective date so that the Commission and industry can focus attention on those products and materials that pose the greatest potential risk.² The Commission should simultaneously issue a Notice of Proposed Rulemaking (NPRM) to gather additional information in an orderly fashion and a direct final rule on the scope of preemption.

Executive Summary

Petitioners fully support all government efforts to safeguard consumers and reduce their exposure to lead or other materials that could affect their health and safety based on sound scientific principles. Our intent in submitting this petition is to work with the Commission to advance our shared goals of product safety and smart, effective regulation.

The CPSIA sets forth standards and timetables to reduce lead in paint and in substrate materials. As the Commission is well aware, there are less than 60 days for manufacturers to meet the first phase of the lead substrate limits prescribed under CPSIA § 101(a): 600 ppm effective February 10, 2009.³ Further complicating compliance efforts, the lead limits are intertwined with other obligations set forth in the CPSIA which themselves have not been fully defined. For example, the CPSIA imposes many obligations, including new requirements to

² Under Section 3 of the CPSIA, the Commission has authority to “issue regulations, as necessary, to implement this Act and the amendments made by this Act.” While §101(b)(1) includes a reference to a notice and hearing, Section 3 of the CPSIA, coupled with Section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553, excludes rules from the otherwise applicable notice and comment requirements of the APA when the agency for good cause finds that notice and comment are impracticable or contrary to the public interest. We believe that notice and comment in this situation are indeed impracticable and contrary to the public interest and ask the Commission to act on this Petition now in light of the short time frame in which broad bans go into effect.

³ Many retailers are issuing instructions to their manufacturers and suppliers requiring them to comply with the lead substrate (and other) requirements weeks and months ahead of the statutory deadlines. This further reduces the time available before the new limits effectively apply to their products, making an early promulgation by the Commission that particularly urgent.

issue certificates of conformity and certifications representing third party testing of children's products, under § 102 of the CPSIA.⁴ The CPSC staff has issued accreditation standards for testing of lead in paint, and just released a proposed test method for testing metal, including children's metal jewelry. However, standards for lead substrate testing of other materials or products will not be issued until late next year. The absence of guidance on testing methodologies for all products, scope of testing (including component and quality control testing) and exclusions now create real confusion and hardships to industry, particularly since the CPSC General Counsel has advised that the lead limits are retroactive, affecting all products on store shelves on February 10.

The CPSIA imposes a limit on lead in substrates of "any part" of a children's product, defined as a consumer product designed or intended primarily for children 12 and under. This means that unless otherwise exempted, the manufacturer of a children's cotton sweatshirt with a painted zipper, a drawstring, an appliqué and the mandatory care label would have to test the following components: the sweatshirt material (*i.e.*, the fabric and sewing thread), the zipper, the paint on the zipper, the drawstring, any appliqué on the sweatshirt, the plastic tip on the drawstring and the care label. A manufacturer of shoes would have to test the following components, if accessible: the soles, uppers, metal shanks or heels, grommets around shoelaces, and the laces and tips. A manufacturer of a child's upholstered chair might have to test the finish, the wood, plastic and/or metal substrate, the stuffing, innersprings, bolts and rivets, fabric and other components for lead. A manufacturer of a child's computer or educational aid would have to test the glass screen, screws or fasteners, the plastic housing, the circuitry, wiring, solder and other components, and the electrical cord and plug. A manufacturer of a silver-plated piggy bank would have to test the underlying metal and sterling silver plating material. A publisher of books, magazines, newspapers or other paper-based printed materials for children, such as flash cards, posters, bookmarks, worksheets, or menus, would have to test such components as the paper, cardboard, bindings, glues, laminates and inks, notwithstanding the specific exclusion for such printing under 16 CFR 1303, *et. seq.*

It is readily apparent from these examples that a great many of these materials, components or products are not likely to pose a risk of lead exposure in reasonably foreseeable use and abuse situations. If the CPSC does not act promptly to exclude materials and products that do not pose a genuine risk, hundreds of thousands of materials and products may be banned or will have to be tested for lead unnecessarily and at great expense, despite the fact that no laboratories are duly accredited to do lead substrate testing and no comprehensive screening methods have yet been approved by the CPSC staff for such testing. In addition, there are currently an inadequate number of accredited test laboratories to perform the testing under existing regulations and standards already being required.

The CPSC Health Science Division has already developed an extensive body of risk assessment data upon which to base exclusions from lead testing and from the lead standards

⁴ 73 Fed. Reg. 68328 (November 18, 2008).

now, and has the capacity to develop additional criteria as needed.⁵ Just as the CPSC staff has indicated that there is no need to test for lead paint when none is used on a children's products, and no need to test certain materials for flammability when they are known to meet the test criteria, the CPSC staff needs to provide direction on which materials do not need to be tested as part of a finished product. Therefore, it is critically important for the Commission to act now to exclude materials and products that do not pose a risk of lead exposure to children in accordance with the various mechanisms for exception provided in the statute. This will avoid unnecessary and costly testing that will deprive consumers of safe products without a health-based rationale, or impose extraordinary testing costs, at a fragile economic time.

The CPSIA established various procedures under which the Commission may recognize exceptions to the lead limits. In acting to recognize health and risk-based exceptions, we also ask the Commission to address the scope of testing, including, specifically, acceptability of component and raw material testing, so that proper testing can be done without unnecessary duplication or cost.

In addition, Congress explicitly established that the limits outlined in Section 101 preempted state law, with a narrow exception for state warning requirements in force prior to August, 2003. In issuing a final, comprehensive rule on lead, the Commission must also address the fact that non-identical state standards, including warning obligations, violate the Congressional scheme of federal preemption. We ask the Commission to exercise its authority as provided under §§ 3 and 101 of the CPSIA and the APA (5 U.S.C. 553) and grant this Petition by issuing an interim final rule and NPRM to provide guidance to the business community and testing laboratories on testing and exemptions, and a direct final rule on the scope of the lead requirements relative to state law.

I. Impact of Failure to Grant This Petition

Members of the NAM CPSC Coalition support the goals and objectives of the CPSIA. We believe that in establishing a framework of standards to reduce lead, Congress also recognized an important role for risk and exposure assessments in identifying exclusions from those limits. Section 101(b) authorizes the Commission to grant exemptions to the lead limits under several circumstances, and § 3 gives the Commission authority to issue regulations, as necessary, to implement this Act and the amendments made by this Act.

One major problem with the impending deadline to meet the lead limit is that the limit comes into force before the CPSC is expected to issue guidance on test methods for accredited laboratories to conduct lead tests or rule on exceptions. For example, new lead substrate limits take effect on February 10, yet the Act did not specify a deadline for the Commission to issue standards for accredited laboratories to conduct lead substrate tests except as to metal children's

⁵ See 16 C.F.R. §1500.230.

jewelry.⁶ While the Commission has advised that it plans to issue metal jewelry test standards soon, to go into effect next spring, for the vast array of substrate materials subject to lead testing, the Commission will not have defined an appropriate test method until well into 2009. The requirements for certificates of conformity, and ultimately for third-party testing of children's products, pose an additional challenge to affected manufacturers: laboratory capacity to test for lead content in the hundreds of thousands of different children's products that might be subject to lead limits is already strained. The problem is exacerbated further by the absence of clear guidance on circumstances in which composite and upstream input component testing is acceptable. Such guidelines need to be firmly established as part of a rule. The use of verified third party accredited testing (for which there is limited capacity given the extraordinarily broad range of products and materials subject to regulation) could require indiscriminate lead testing that takes an undue amount of scarce laboratory time, space and resources.

For example, a garment manufacturer may use fabrics like cotton and cotton thread with no or very low total lead to make thousands of SKUs of children's t-shirts. Absent an exemption, the garment producer may have to test each different SKU for lead – testing the identical material thousands of times. Or, a garment maker might purchase 100,000 zippers and use the zippers in a variety of children's apparel, perhaps involving 10,000 SKUs. Common sense tells us that it must be acceptable for garment manufacturer to rely upon the zipper manufacturer to certify compliance on all of its zippers, rather than to needlessly require the zipper and each other of the multiple components used in various garments to be tested 10,000 times because it is used in 10,000 different garments. Absent clear guidance to the contrary the statutory language could be interpreted to mandate 10,000 different tests. These are the types of practical problems that manufacturers, importers and retailers face and that have enormous cost implications at a time when we are faced with the deepest economic recession in decades. Testing costs, in turn, will be passed on to consumers.

Some companies report that lead testing costs have increased to an average range of \$300 – \$1,000 per product, depending on the number of components involved. Lead testing costs may run considerably higher for very complex items with many different colors and materials. Testing costs as a proportion of production costs are higher for smaller lots of products, so affect small and medium-sized businesses to an even greater degree. The result of a failure to grant relief will not just be the disappearance of some SKUs or product lines, but potentially the disappearance of entire companies whose products will be banned or who simply cannot support unnecessary test costs. Excluding from the requirements of §101 materials or components that are known to meet the lead standards or which do not pose a risk is crucial to maintaining safety, maximizing consumer choice and preserving the economic viability of American businesses.

As is apparent from these examples, the cumulative burden of testing for lead in each component is significant. Lead testing on common products which contain multiple components made of multiple different types of materials often reaches thousands of dollars and more.

⁶ The Commission proposed test methods for lead in metal, including children's jewelry, on December 4. See <http://www.cpsc.gov/ABOUT/Cpsia/CPSC-CH-E1001-08.pdf>.

Limiting the number of lead tests that must be conducted by excluding materials, components and products that do not pose a risk will avoid costly and unnecessary testing, and offers environmental benefits as well. Laboratory test methods for measuring total lead typically involve use of a strong acid, like hydrochloric acid or nitric acid, that dissolves most metals and other materials and, consequently, allow for the identification of lead present in the substance. While individual tests generally use small amounts of acid, given the thousands and thousands of products, materials and components that potentially must be tested unless excluded as part of the broader regulatory scheme of regulation, the cumulative total acid involved to test “any part” of a children’s product will be significant, adding to environmental waste disposal burdens. Overall health, safety and environmental protection objectives will not be advanced by unnecessarily testing for lead and creating additional hazardous wastes.

Adoption of common-sense, risk, health and safety-based exemptions, consistent with the Commission’s statutory authority, will protect the public while minimizing unnecessary economic impacts on business that lack any added safety benefit to consumers.

II. Exclusions Pursuant to § 101(b)(1)

The Commission has authority to exclude specific products or materials if it determines that lead in such product or material will neither result in the absorption of any lead into the body, taking into account normal and reasonably foreseeable use and abuse, nor have any other adverse impact on public health or safety.⁷ The CPSIA establishes limits on total lead that phase down over time, looking at total lead content as a benchmark. Congress nevertheless understood that children could be exposed to some lead through reasonably foreseeable handling, use and abuse, such as swallowing or mouthing, even where products meet the lowest limits established in the Act (90 ppm lead in paint and 100 ppm lead in substrate). Consequently, the intent of § 101(b)(1) is to offer a means for the Commission to grant health- and risk-based exceptions for products or materials whose use or misuse by children will not result in the likelihood that lead would be absorbed or that the child would face other health or safety risks. Congress did not and could not have meant that to satisfy the criteria the materials have zero lead or zero accessible lead under hypothetical test conditions since it concluded that it could not and should not seek to mandate zero total lead in paint or substrate materials. Rather, the grant of exceptions under §101(b)(1) and the Commission’s general authority under § 3 requires an evaluation of overall available scientific evidence about actual use and abuse scenarios to assess the risk of lead exposure by children, and overall health and safety considerations related to specific applications of lead-containing materials.

As discussed below, two categories of products or materials meet the criteria for exemption under the provisions of § 101(b)(1). One category includes materials that have no inherent or only trace amounts of accessible lead. A non-exhaustive list of such materials include fabrics, threads, wood, paper, printing inks, laminates, adhesives and binding materials

⁷ CPSIA § 101(b)(1).

used in books and other paper-based printed products, surgical steel, most gemstones and precious metals, among others. The second category includes materials where lead is not likely to be absorbed into the body based on reasonable and foreseeable use and abuse scenarios. This might include materials that require lead to impart strength or performance (like recycled steel or other metals), including where such product or material relates to a safety-critical aspect of the end product. Structural steel metals may be required for safety purposes, such as on bicycle tire rims and spokes. In addition corrosion resistant brass metal may be used on swing sets, in buckles, tire valves and latches to impart strength and a safety benefit under high stress use such as on strollers, high chairs, restraint seats, bicycle rims and valve stems. Similarly, materials subject to toxicological review (such as arts and crafts materials), where heavy metal content is already subject to restriction and review under existing laws and regulations should be granted safe harbor status for compliance purposes. This was already recognized by Congress when it excluded LHAMA compliant products from testing and certification requirements under the Act. (See Section 102). It would also include materials, like crystal, rhinestones, or glass beads used in apparel, accessories and jewelry, or glass or crystal used in electronics applications, where lead is physically bound such that it is not accessible under reasonably foreseeable use and abuse scenarios.

Test data and data on physical and chemistry properties of various materials can be useful in identifying materials that do not contain lead, which contain lead at very low levels, or which contain lead in a manner that is not accessible. In addition, tests have been developed to determine the amount of lead that can be extracted or migrate from various consumer products under various scenarios that mimic human contact and behaviors such as mouthing, sucking, ingestion, or hand to mouth contact. Human factors and behavioral considerations will help identify potential exposure routes during reasonably foreseeable use or abuse; when those are identified, appropriate test methods can be selected to assess the likelihood of exposure to lead in amounts that may create a health risk.

A. Best Available Scientific Evidence Supports Excluding Certain Products or Materials That Have No or Restricted Lead

Petitioners ask the Commission to determine that certain products or materials that have no lead or low lead will not result in lead absorption into the body or otherwise have any adverse impact on public health or safety within the meaning of § 101 (b)(1).



For the textiles, apparel and footwear sectors, fabrics, thread and other materials should be excluded because they are known to contain no or very low amounts of lead. Paper, printing inks, laminates, adhesives, bindings and cardboard used in books and other paper-based printed materials should also be excluded.⁸ In the jewelry sector, through a consensus process that

⁸ Materials used in packaging, such as paper, plastic resins or other materials, that meet Toxics in Packaging Clearinghouse (TCPH) limits on total heavy metals (lead, cadmium, mercury and hexavalent chromium) in packaging should also be excluded as combined heavy metal content is limited to 100 ppm.

included scientists, toxicologists, scientists and others, the state of California agreed to exclude from regulation under The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65) materials that have no or trace amounts of lead, like gems, precious metals, stainless steel, natural and cultured pearls, elastic and fabrics, and natural materials like amber, fur, feathers, etc. were exempt from lead limits based on scientific and other evidence that these materials did not contain lead or contained low levels of lead.² These common sense and technically-based exclusions should be adopted by the CPSC.

Products or materials known to have no or only very low levels of total lead should not have to be tested to demonstrate compliance with the lead limits in apparel, footwear, toys, publishing, jewelry or other children's products. Tests for total lead are destructive tests, requiring that the test material be dissolved in acid in order to conduct the test. The enormous expense involved in unnecessary testing, plus the associated cost of unnecessarily destroying some inherently valuable items like gemstones, precious metals, pearls and the like, are clearly not warranted because the materials do not pose a health risk to children.

B. Best Available Evidence Demonstrates that Leaded Materials Should be Exempt Where Lead Will Not Be Absorbed or Pose a Health Risk

Petitioners also believe that materials that contain lead may be exempted in specific applications where foreseeable use and abuse scenarios indicate that lead is not likely to be absorbed or public health and safety adversely affected by granting an exemption. This includes applications of metal alloys that contain lead in circumstances where incidental contact under reasonably foreseeable use and abuse scenarios will not result in the likely absorption of lead or any type of public health risk. In some of these applications lead is added intentionally and imparts strength or performance benefits that enhance safety in the end-use application. An example is the European Union's decision under Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) to exempt lead as an alloying element in steel containing up to 0.35% lead by weight.

Another category of products are made of metal alloys, such as brass, for which sufficient quantities of viable alternatives have been difficult or impossible to source. Petitioners urge the Commission to broadly interpret the meaning of "technologically feasible," taking into account that completely eliminating lead from such component parts would prevent a large swath of products from coming to market. Examples of such products include: ball tips on ballpoint

² See *People v. Burlington Coat Factory Warehouse Corporation, et al*, Case No. RG 04-162075 (Alameda Superior Court June 15, 2006). This agreement was subsequently enacted as legislation in California. See Cal. Health & Safety Code §§ 25214.1-.4. Given the deference that Congress accorded to the Proposition 65 scheme under Section 231 of the CPSIA, the Commission must adopt the exemptions recognized pursuant to Proposition 65 cases such as *Burlington*.

pens, certain parts of musical instruments made of brass, and electrical connectors (headphone/ear bud jacks of brass, antennae, USB connectors, electrical plugs, etc.).¹⁰

A third category of materials ripe for exclusion because lead is not in accessible, ingestible form includes glass and crystal (including rhinestones or cubic zirconium made of glass or crystal). Lead crystal, by definition, may include 24 – 35% lead, but lead is physically bound in the matrix of the crystal, and thus is not accessible to children in a manner that results in a health risk. Glass has the same properties. The chemistry and physical properties of lead crystal glass are well understood.¹¹ Like all glass products, lead crystal is composed primarily of silicon dioxide containing additives for various purposes. Silicon dioxide serves as the primary structural component of glass of all types; it forms an extensive and difficult to disrupt molecular network. Additives, such as lead or colorants, added to glass to create specific properties or effects are known as network modifiers. They are incorporated into, but do not disrupt the network of silicon dioxide. Removing any component of a glass product by extraction (leaching) or any other means is very difficult and does not occur to a significant degree under normal or even abnormal circumstances.¹² “Lead bound in crystal glass” is also exempt from the Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the RoHS Directive pursuant to Commission decision 2006/690/EC. Optical and other glass applications are similarly exempt pursuant to the RoHS Directive. These decisions recognize that the vastly different physical properties of glass and crystal as compared to other lead-containing materials make the lead inaccessible, and crystal, glass, rhinestones and cubic zirconium should be excluded in all children’s products, including jewelry, apparel and electronics applications.

III. Exclusions for Inaccessible Components

The CPSIA also provides that inaccessible component parts are exempt from the lead limits. Congress provided the Commission the authority to adopt a rule within one year addressing inaccessible component parts under § 101(b)(2)(B); in the interim, the determination of inaccessibility is to be made by individual companies pursuant to § 101(b)(2)(A) by assessing whether the product or part is accessible to a child through normal and reasonably foreseeable use and abuse. The CPSIA establishes one clear example of an inaccessible component part: a part which is not physically exposed by reason of a sealed covering or casing that can withstand appropriate use and abuse testing. Under section 101(b)(2), the lead limits prescribed under paragraph (a) of the section do not apply “to any component part of a children’s product that is

¹⁰ These are examples of products that would often not be considered children’s products as defined in the CPSIA because they are marketed for general use, and are not designed or intended primarily for children 12 and under. Nevertheless, depending on how a specific product may be sized, marketed or sold, that specific product may be considered a children’s product.

¹¹ *Glass and Science Technology* (1990). R. Uhlmann and N.J. Kriedl, Editors. Academic Press, New York.

¹² Ahmed, A.A., and Youssof, I.M. (1997). Interaction between lead crystal glass (24% PbO) and acetic acid. *Glass Sci. Technol.*, Vol. 70(6), pages 173-185.

not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission.” The Commission is required no later than August 14, 2009, to promulgate a rule providing guidance on what product components or classes of components would meet this criterion. We believe there is sufficient evidence for the Commission to immediately conclude that certain components of children’s products do not present hazards based on their inaccessibility to children when contained in the product, and thus, request that the Commission issue an interim final rule excluding them from the requirements under § 101(a). We respectfully ask for the following exclusions:

Any lead-containing material (including, but not limited to, circuit boards, solder, wiring, batteries and other components) contained behind a sealed covering or casing (paint, surface coatings and electroplating do not qualify);

- Materials such as innersprings, padding and similar materials used in items like mattresses and upholstered furniture;
- Any lead-containing products or materials (like rivets, bolts, fasteners, lid supports, and other items) that meet the CPSC’s use and abuse tests contained in Part 1500 or other appropriate standards to assure the integrity of the item under reasonably foreseeable use and abuse conditions.
- Materials such as mid soles, box toe stiffeners, shanks, interlinings, and fillers that comprise internal components for footwear.

The Commission should also provide exclusions where in reasonably foreseeable use and abuse scenarios a product or component is simply too large to be ingested, mouthing and hand-to-mouth contact does not pose a risk, certain components (like innersprings and cushioning in mattresses or upholstered furniture) are not likely to be exposed, or aging of products or components does not result in dust or debris that might expose a child to lead in harmful amounts. We encourage the Commission to consider real-life scenarios and to exclude from application of the requirements components that are inaccessible in reasonably foreseeable use and abuse situations based on human factors and behavioral analysis of real life scenarios.

IV. Electronics

Section 101(b)(4) authorizes the Commission to establish, by regulation, requirements to eliminate or minimize the potential for exposure to and accessibility of lead in electronic devices. As indicated in the discussions at the Commission’s November 6, 2008 meeting on lead, the issue of lead in electronics has been closely studied in the EU and it has been determined that lead cannot be feasibly eliminated from numerous items used in electronics products. Specifically, Paragraph 2 of European Decision 2005/747/EC found that:

Certain materials and components containing lead and cadmium should be exempt (or continue to be exempt) from the prohibition, since the use of these hazardous substances in those specific materials and components is still unavoidable [emphasis added].

The need for lead in electronics products continues to be reaffirmed. It is worth noting, for example, that the European Union provides several exemptions for the use of lead solder. The European Commission Decision 2005/747/EC, of 21 October 2005, exempts from the RoHS Directive “[l]ead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80 % and less than 85 % by weight.” As the RoHS Directive and its international analogues increasingly become the *de facto* global standards for reducing lead and other chemicals in electronic products and components, based on an assessment of the technical feasibility of eliminating or reducing lead in electronic products and components, we urge the Commission to rely at least initially on all of the RoHS determinations about exemptions or exclusions in adopting a final rule that excludes electronics products from the lead limits as part of this final rule to avoid confusion.

V. Testing

As noted above, industry is grappling with technical and practical questions about how and what to test for lead. In addition to granting exceptions, as outlined above, which are entirely consistent with public health objectives and the statutory framework, Petitioners urge the Commission to recognize reasonable component or raw material testing as the basis for certifications required under the CPSIA. Similarly, although the CPSC may limit itself to certain testing methodologies for regulatory enforcement purposes, it should expressly recognize alternate screening methodologies which are readily available and can be relied upon as the basis for screening goods or component parts thereof for the purposes of testing and certification. This concept was recognized and embraced by Congress when it adopted ASTM F-963, which incorporates soluble lead testing protocols for other heavy metals in paint or similar surface coatings on toys (*see* CPSIA Section 106) and directed the CPSC to review the feasibility of using X-Ray Fluorescence (XRF) technology or other alternate methods for measuring lead in paint and other surface coatings (*see* CPSIA Section 101 (f)(3)). In addition many accredited laboratories use alternate test methods such as EPA 3050 and 3051 for lead testing¹³ and for screening.

Industry understands the need for robust quality control to assure that components or raw materials meet required specifications and Petitioners have implemented quality control procedures to assure that they do. However, laboratory capacity is already strained. The supply chain must rely upon a basket of acceptable alternate test methods, and reasonable raw material and component manufacturer testing, as part of a comprehensive lead compliance verification process. Failing to address these issues will create enormous practical difficulties and financial burdens with no commensurate public safety benefit.

¹³ Versions of these EPA methods are required under some state laws for testing of jewelry components, and the Commission has recognized alternatives in the metal children’s product test guidance.

VI. Preemption

In enacting the CPSIA, Congress recognized that the proliferation of non-identical standards on lead would harm interstate commerce, and included a strong preemption clause in Section 101. Section 101(g) specifies that the lead standards are treated as a regulation under the Federal Hazardous Substances Act (FHSA), stating:

Any ban imposed by subsection (a) or rule promulgated under subsection (a) or (b) of this section, and section 1303.1 of title 16, Code of Federal Regulations (as modified pursuant to subsection (f)(1) or (2)), or any successor regulation, shall be considered a regulation of the Commission promulgated under or for the enforcement of section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

In turn, Section 18(a)(1)(B) of the FHSA provides, in pertinent part:

...if, under regulations of the Commission promulgated under or for the enforcement of section 2(q) a requirement is established to protect against a risk of illness or injury associated with a hazardous substance, no State or political subdivision of a State may establish or continue in effect a requirement applicable to such substance and designed to protect against the same risk of illness or injury unless such requirement is identical to the requirement established under such regulations.

Congress understood that the proliferation of non-identical standards on lead in consumer products was creating massive uncertainties that impeded interstate commerce and were not outweighed by public safety benefits in adopting this express preemption provision. It was keenly aware that the uniform federal scheme of regulation would be undermined by inconsistent standards and timeframes to reduce lead, changes in the scope of covered products by definitional changes, or a patchwork of state warning laws that effectively changed the substantive standard by imposing a warning obligation on products that meet federal safety standards.

Congress identified the hazardous substance to be regulated, namely, lead, in consumer products. It did so by addressing lead in two types of consumer products: lead in paint and painted products, and lead in substrate of children's products. As to the lead paint standard, HR 4040 modifies existing regulations which apply to the following consumer products: painted toys and children's products, painted furniture, and paint (sold as paint). For the lead substrate limits, Congress defined the types of consumer products covered, namely, products designed or intended *primarily* for children 12 and under, rejecting legislative proposals to apply these limits to any product in the home which might be foreseeably used by children. Congress defined the age of children for purposes of defining the category of consumer products covered by the lead substrate limits (consumer products designed or intended primarily for children 12 and younger), substantive standards and timelines, and exemption processes. It is equally clear that legislation purporting to impose warning labels on products that may contain lead at levels that are safe under the CPSIA or are otherwise exempt is preempted.

VII. Conclusion

Granting this Petition is in the public interest. As we have demonstrated, the exemptions proposed here are fully consistent with the requirements of the CPSIA and the Commission's authority. Clarity on testing obligations is required as well. Finally, the Commission must provide guidance on the scope of preemption as businesses may face non-identical schemes that will frustrate the goal of national uniformity and create confusion to consumers about safe products.

Best available scientific evidence demonstrates that lead only poses a health hazard to consumers when it is in an accessible, ingestible form. Best available scientific evidence establishes that many materials contain no lead or trace amounts of lead at levels well below the lowest thresholds established in the CPSIA and thus do not pose a risk and should be excluded from the lead limits. Best available scientific evidence establishes that lead in certain materials like glass and crystal (including rhinestones and CZ) is physically bound and thus not accessible under foreseeable use and abuse conditions and should be excluded from the lead limits in all applications. Best available scientific evidence also tells us that certain materials, components or products that contain lead in excess of the CPSIA limits do not pose a risk of absorption under realistic use and abuse scenarios, and often the lead-containing material provides safety and other benefits in the particular application.

Further, Congress recognized that inaccessible component parts do not pose a risk to children of exposure to accessible, ingestible lead and should be excluded. It also recognized that lead serves an important technical function in electronics products. Many components of electronics products would certainly qualify as inaccessible component parts. To the extent electronics components are not "inaccessible" as defined by the Commission, they should nevertheless be excluded from application of the lead restrictions because the lead in such products is unlikely to pose a risk of lead exposure and lead is needed to provide technical functionality in electronics products and components.

The timelines for the Commission to act on testing and exceptions are not synchronized with the February 10, 2009 deadline for lead. 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. Many industries and organizations have and will continue to submit additional technical data and information that supports specific exclusions based on the principles outlined in this petition.

Petitioners respectfully request that the Commission grant their petition.

Respectfully submitted,

American Apparel & Footwear Association
Association of American Publishers
Book Manufacturers Institute, Inc.

December 18, 2008

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Fashion Jewelry Trade Association
Juvenile Product Manufacturers Association
National Association of Manufacturers
National Association of Printing Ink Manufacturers
National Retail Federation
Retail Industry Leaders Association
Printing Industries of America
Specialty Graphic Imaging Association
Toy Industry Association

4



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

BALLOT VOTE SHEET

DATE: DEC 24 2008

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel ^{CAF}
Patricia Semple, Executive Director ^{PS}

FROM: Hyun S. Kim, Attorney, OGC

SUBJECT: Children's Products Containing Lead; Proposed Determinations Regarding Lead Content Limits on Certain Materials or Products; Notice of Proposed Rulemaking

Ballot Vote Due: JAN - 5 2009

Attached is a staff memorandum "Consumer Product Safety Improvement Act of 2008 (CPSIA): Certain Materials or Products that Do Not Exceed the Limits for Lead Content," that sets forth staff's recommendations for finding that certain naturally occurring materials and certain metals and their alloys inherently do not exceed the lead content limits prescribed under section 101(a) of the CPSIA. By separate (restricted) memorandum the Office of the General Counsel is providing a draft Federal Register notice of proposed rulemaking on determinations regarding lead content limits for certain materials or products.

Please indicate your vote on the following options.

I. Approve publication of the draft proposed rule in the *Federal Register* without change.

(Signature)

(Date)

II. Do not approve publication of the draft proposed rule in the *Federal Register*.

Pam Crowson
(Signature)

12-28-08
(Date)

III. Publish the draft proposed rule in the *Federal Register* with changes.
(Please specify.)

also include fabric, threads, wood,
paper, printing inks, laminates,
adhesives, binding materials used in
books, surgical steel, precious metals.

Pam Crowson
(Signature)

12-28-08
(Date)

I make hair bows out of polyester ribbons. It is a cottage industry. I do not see how ribbons can be a public threat. We need to provide an exclusion or allow cottage industries free testing to ensure their survival. Many families are fed on the work of their mother's

**Attachment: Staff Memorandum: Consumer Product Safety Improvement Act of 2008 (CPSIA):
Certain Materials or Products that Do Not Exceed the Limits for Lead Content**

hands. This law has reached too far.
Please view the NAM plan.



**UNITED STATES
ASSOCIATION OF
IMPORTERS OF
TEXTILES AND
APPAREL**

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January 5, 2009

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

The Honorable Thomas Moore
Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Proposed Determinations Regarding Natural Occurring Materials and Proposed Rulemaking

Dear Chairman Nord and Commissioner Moore:

On behalf of the members of the United States Association of Importers of Textiles and Apparel (USA-ITA), I am writing to urge you to recognize that finished natural and man-made fibers, yarns, threads, fabrics, garments and home furnishings inherently do not exceed the lead content limits prescribed under Section 101(a) of the Consumer Product Safety Improvement Act of 2008.

USA-ITA recognizes and fully appreciates that the Commission staff has proposed (on December 24, for a Commission vote on January 5) that you recognize that naturally occurring fibers do not contain lead, which is a step toward limiting the costs and burdens of complying with the new law without increasing the risks to the public, particularly to children. Further, we greatly appreciate that the Commission staff also has proposed a process for recognizing additional materials or products as not containing lead or containing only minimal amounts of lead below the mandated limits so that such products would not require testing. However, we believe that the initial proposed determination is far too narrow, and would immediately require the Commission to entertain an unnecessarily large number of requests for additional determinations relating to products made with man-made fibers and to recognize that treated, dyed, printed and finished fibers do not pose a threat of excessive lead content.

Please note that we assume that the reference to "fibers" in the proposed determination is meant to encompass products made from fibers, including yarn, thread, fabric, clothing, and home furnishings. It would be appropriate to incorporate such a clarification into the determination that the Commission issues. However, with that understanding, our member companies advise that the practical effect of issuing only a limited recognition that natural fibers do not pose a lead content threat would be minimal. This is because the universe of such natural, unfinished, products in the commercial world is very limited, if it exists at all. The reality is that virtually all fibers, natural or man-made, are ultimately treated, dyed and/or printed and finished with other substances. Yet there is no basis to assume that man-made fibers create a risk of lead content or that the normal treatments applied to fibers introduce lead into those fibers.

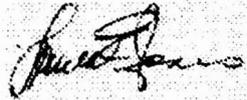
We appreciate this opportunity to present our recommendations to you and respectfully urge you to revise the proposed determinations to include both natural and man-made fibers regardless of whether they

Chairman Nancy Nord
Commissioner Thomas Moore
January 5, 2009
Page Two

are treated, dyed and/or printed, and finished. Further, we respectfully urge that the determination make clear that the reference to fiber includes products made from fiber, including yarn, thread, fabric, garments and home furnishings.

USA-ITA would welcome the opportunity to meet with you to discuss our recommendations.

Respectfully submitted,



Laura E. Jones
Executive Director

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FOUNDED 1866

FACSIMILE/TELECOPIER TRANSMISSION

From: **Name:** Brenda Jacobs
 Voice: 202 736 8149

To: **Name:**
 Company:
 Facsimile#: 301 504 0121
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 Subject:

Date: 1/5/2009 **Time:** 10:57:28 AM **No. Pages (Including Cover):** 3

Message:

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Stevenson, Todd

From: Dentel, Christopher
Sent: Thursday, January 08, 2009 10:00 AM
To: cynthiajamin@twirlygirlshop.com
Subject: FW: Message from Email Form

Ms. Jamin,

The Office of Inspector General has jurisdiction to investigate allegations of fraud, waste, or abuse committed by Government employees or contractors. It does not appear that your request falls within the jurisdiction of my office.

I have forwarded your query to the Office of the Secretary, they are responsible for responding to public inquiries and/or referring those inquiries to the appropriate office within the CPSC.

Sincerely,

Christopher W. Dentel
Inspector General

From: emailform@cpsc.gov [mailto:emailform@cpsc.gov]
Sent: Thursday, December 25, 2008 1:51 PM
To: Dentel, Christopher
Subject: Message from Email Form

12/25/2008 13:51:13

Name = Cynthia Jamin
Organization/Affiliation = TwirlyGirl - Girl's clothing company USA manufacturer - NEED HELP WITH AMENDING THE NEW LAW re: LEAD TESTING!
Daytime Phone = 888-572-7774 ext. 3
E-mail address = cynthiajamin@twirlygirlshop.com

Message = Dear Mr. Dentel, I just read in the Associated Press that the board is considering making changes to the new law and lead testing for certain toy makers. This is a step in the right direction. However, the CHILDREN'S APPAREL INDUSTRY must also be included in these exemptions and/or amendments. I design and manufacture my girl's line of clothing in Los Angeles. I also only purchase my materials in Los Angeles. There have been no cases reported to the CDC of lead poisoning through clothing. The way the law is written now would force me out of business. The whole concept of my line is based on changing my designs - testing every single different version from the same cache of prints would be redundant and cost prohibitive. See my website to understand what I'm talking about www.twirlygirlshop.com. I do not sell products that are harmful for children. TwirlyGirl was given the 2008 SCORE Success award - my business is growing steadily and we have a wonderful fan base (yes, we get fan mail!). Please see to it that my business and many others like me don't fail because the law simply forgot to support our needs. Thank you for your time and consideration.
Sincerely, Cynthia Jamin Owner/Designer TwirlyGirl

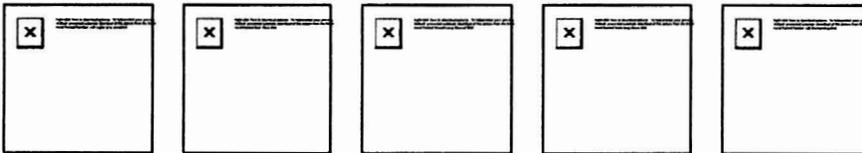
Stevenson, Todd

From: Jennifer Goldston [pumpkinesque725@hotmail.com]
Sent: Friday, January 09, 2009 2:09 PM
To: Lead Determinations
Subject: Items to make exempt

Deka paints, they are made in Europe and are lead and phalate free- www.fibrecrafts.com
Jiffy Shirts/Rabbit Skin shirts www.jiffyshirts.com
Gerber Onesies
Target Onesies
One of a kind art work

You can see my business link below- you are going to put me out of business unless you change these laws.
Jen

Check out my new and improved Children's Clothing Line!



LittlePods

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

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Stevenson, Todd

From: Heidi Joppich [joppich.heidi@gmail.com]
Sent: Friday, January 09, 2009 2:14 PM
To: Lead Determinations
Subject: Cpsia requirements...

I am interested in knowing if the products I use for my small business would be considered exempt under the upcoming new law.

I use mostly Felt Material and Poly- Fil stuffing. I have also used Muslin which is a linen material. Lastly I have polyester and flannel material I would like to know if I can continue to use. Thank you for your time. I am really trying to keep my business going as I just started in Nov.

Heidi Joppich

Stevenson, Todd

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From: Sara Sacks [buster.sugar@yahoo.com]
Sent: Friday, January 09, 2009 2:16 PM
To: Lead Determinations
Subject: "Section 101 Determinations of Certain Materials or Products NPR."

I am an independent small business owner, making items for children - primarily toys, but also knitted items.

Materials that should be exempt:

Wool yarn
Alpaca yarn
Llama yarn
Cotton fabric
Organic cotton fabric
Cotton Sherpa

Wood
Beeswax
Water based paints

eco-fill (made from corn)

Question: regarding commercial yarns that are commercially dyed - is this allowed? Or would the yarn need to be dyed with food-grade dyes? And what about fabrics? Is Organic cotton sherpa, undyed, allowed?

The law is very confusing, and I appreciate you taking the time to read my email.

Thank you.

Sara Sacks

Stevenson, Todd

From: carol kroll [carolkroll@yahoo.com]
Sent: Friday, January 09, 2009 2:17 PM
To: Lead Determinations
Subject: CPSIA...

I sometimes make and sell small hot/cold rice packs for children (but only as a hobby). I'm not running a large business, and having to test products before selling them for use with children would cost too much. I am wondering whether the CPSIA ruling will make it necessary for me to stop.

The packs contain brown, long-grained rice from the Whole Foods store. The packs are 100% cotton. There is also an outer covering (also 100% cotton), that can be removed like a pillow sham for washing. Would these need to be tested. I noticed that natural fabrics, such as cotton would probably exempt, but I need to be sure.

Also, many of my friends are wondering whether poly fiberfill (which they used for stuffing pillows) is safe or whether that will also have to be tested. If so, they will probably have to stop selling their pillows to children under the age of 12.

Finally, what about all the people who, because of economic hardship, need to buy used clothing from "thrift" stores, like St. Vincent de Paul? Will these stores now be forced to not sell baby or children's clothing? And what about people who have garage sales?

This is a worrisome issue for many people, and we all need answers. I'm hoping someone will take the time to answer my email.

Carol Kroll

Stevenson, Todd

From: Janie [jsandkgaffney@hotmail.com]
Sent: Friday, January 09, 2009 2:21 PM
To: Lead Determinations
Subject: Can you exempt these?

I make stuffed animals that are one of a kind,
using acrylic yarn and stuffing them with polyfil.
Can you consider exempting these?

Thanks, Janie Gaffney

Stevenson, Todd

From: Cindy Jordan [cjsfinedesigns@sbcglobal.net]
Sent: Friday, January 09, 2009 2:25 PM
To: Lead Determinations
Subject: RE: Section 101 Determinations of Certain Materials or Products NPR

Good Afternoon,

I own a small home business making baby clothes and accessories. I need to know if my merchandise is excluded from this law and I can continue to sell my merchandise after 2/10/09 without the expense of testing it.

I make bibs with cotton flannel (died), PUL (polyurethane laminated fabric), and metal snaps. I would be willing to switch to the polyacetal resin snaps if necessary.

I make sleep sacks with cotton fleece (died), plastic molded zippers, and metal snaps. Once again, I would be willing to switch to the resin snaps.

I make baby hats out of cotton fleece (died).

I make burp cloths out of cotton flannel (died).

I make cloth diapers with cotton flannel (died), PUL (polyurethane laminated fabric), and metal snaps or touch tab Velcro. I would be willing to switch to the polyacetal resin snaps if necessary.

I make shopping cart covers with cotton (died).

I also make ring slings with either cotton or silk (died) and steel rings.

I make baby boots out of cotton, linen or corduroy (died). I knit baby booties with acrylic yarn (died).

Please advice as to what measures I need to take to stay in business. Testing every single item I produce is not financially possible.

Cindy Jordan
CJ's Fine Designs
www.cjsfinedesigns.com
Cell: (860) 823-9504

Stevenson, Todd

From: Dilly Bop Designs [dillybopdesigns@comcast.net]
Sent: Friday, January 09, 2009 2:41 PM
To: Lead Determinations
Subject: Fw: "Section 101 Determinations of Certain Materials or Products NPR."

To The Powers That Be At The CPSC:

Thank you so much for the opportunity to speak out regarding the current HR 4040 as it now stands. The textiles that I personally use that are known to be inherently lead-free and should be excluded from lead testing are 100% cotton fabrics (dyed and/or printed) and 100% cotton t-shirts (also dyed), along with 100% polyester thread in various colors. None of my fabrics contain surface paints, nor do they have added embellishments or closures such as charms, zippers, buttons, etc. I cannot understand having to pay loads of money to "test" materials that are already known to be safe, and I am not sure that my small business could withstand that kind of financial hit. Please, please, pretty-please consider exempting these materials which have already been proven to be safe.

Sincerely,

Michele Williams
www.DillyBopDesigns.com
www.DillyBopDesigns.etsy.com
Fresh & Funky Loungewear for Little Ones!

Stevenson, Todd

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From: Sharon Griffin [sgantiques@earthlink.net]
Sent: Friday, January 09, 2009 2:47 PM
To: Lead Determinations
Subject: re: new "lead" law taking effect in Feb 2009

Acrylic yarns should be exempt. As should other colored materials and yarns used in the making of blankets, clothing etc. I use elastic hair bands covered with pretty colored acrylic yarn to make scrunchies that the kids and adults love. I make baby bottle cozies out of soft acrylic yarn for ease of cleaning for the parents, and to help little hands hold baby bottles and to keep the little hands from getting to hot or cold from the liquid in the baby bottles.

A friend uses acrylic yarn to make baby blankets for project linus. Another uses acrylic yarn, polyfill, and plastic buttons purchased new to make toys that are distributed to kids in cancer wards. Another makes caps from acrylic yarns to be distributed to kids in cancer wards.

Another uses plastic grocery bags, and used clothing to make rugs, some of which wind up on the floor of childrens rooms, or in a location where children walk on them.

As far as not affecting small business. If acrylic yarns, and natural yarns that have been dyed, plastic buttons, elastic hair bands, polyfill, and other craft type materials are required to be tested, you have just put several thousand people out of work. Is this really what you want to do in this economy.

And then lets talk about vintage toys. Yes they were originally made for children. But now they are purchased almost exclusively by adults. The closest most children will get to them is to see them on a shelf or behind glass. Are we to destroy these icons of Americana just because you people did not stop to think everything through.

I can tell you this. If I have to close my business down, I will be living on the street with my 83 year old diabetic father and 72 year old mother. Sharon Griffin
www.auntieshe.etsy.com
www.the-vintage-home.com
www.thesassycrafter.com
blog: auntieshe.wordpress.com

Stevenson, Todd

From: MJKetner119@aol.com
Sent: Friday, January 09, 2009 2:52 PM
To: Lead Determinations
Subject: Printed cotton fabric

Hi.....I'm writing because I found this link on Etsy.

I make doll clothes. I use mostly cotton quilting fabrics, elastic, polyester laces, velcro, ribbons, and once in awhile, plastic buttons for trim.

I need to know if I will still be within the law after Feb 10th, if I sell my doll clothes on Etsy, or any other venue.

Thank You.

Marilyn Ketner

New year...new news. Be the first to know what is making headlines.

Stevenson, Todd

From: GARY WHISLER [anneliz5@sbcglobal.net]
Sent: Friday, January 09, 2009 2:53 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR
Attachments: tnn_DisneyKM2.jpg; tnn_LoungePair.jpg; tnn_MouseBasic.jpg; tnn_ValentineScarlett9a.jpg

To CPSC,

Thank you for considering to exempt items for home crafters. I currently work at home making hair accessories and custom boutique clothing for children. I buy my supplies from online vendors or locally from Joann's Fabric. The items I use most are grosgrain ribbon, sewing thread, hair clips, fabric, buttons, elastic, appliques, ric rac and lace trim. Occasionally I use Resin centers which are purchased online. My usual suppliers are Joann's Fabric, The Ribbon Retreat, Ribbons and Bows Oh My, Ribbon Queen, and Bella Joy's ribbon, most of which are located online. I do purchase from another supplier on ebay - Oh My Gosh Goodies. Other supplies I use such as t-shirts for applique sets I purchase from our local Target or Kohl's store. I create these items for my own children, friends children, other family members and so that I may stay home with my children and bring in some money to help with normal living expenses. I have attached pictures of some of my most recent items.

Thank you for your time,

Ann Whisler - www.creativeworksbyann.com

Stevenson, Todd

From: Hilda Norris [h_norris@hotmail.com]
Sent: Friday, January 09, 2009 2:59 PM
To: Lead Determinations
Subject: Section 101 Determination of Certain Material or Products NPR

Hello. I am a stay-at-home mom of two fantastic kids. As a hobby I sew/sell baby items and was wondering how this pending law will affect me. Here is a list of materials that I use: Polartec fleece (polyester), cotton and polyester blend thread, polyester thread, cotton fabric with print, organic cotton/hemp fleece, organic cotton fleece, PUL film (for wetbags), elastic (for booties), wool (upcycled longies or booties made from a sweater from a thrift shop), etc. I can't afford the fees (\$300/item?) to have my materials tested. Since I am buying my material from department stores in the US won't they remove the fabric that has failed the lead test? Thus leaving me with lead-free fabric to purchase? What is the best plan of action? I appreciate your time and hope to hear from you soon.

Thank you.

Hilda Scire
Pembroke, Maine

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

Stevenson, Todd

From: Elizabeth Fraijo [sugarplumboutique@yahoo.com]
Sent: Friday, January 09, 2009 3:06 PM
To: Lead Determinations
Subject: Items that do not inherently contain lead

A few more items that I hope will be included under the exemptions of the new law, CPSIA Public Law 110-314 122 Stat. 3016

1. printed cotton fabrics
2. polyester minky/chenille fabrics
3. polyester-blend threads
4. Polyfil
5. Cotton batting
6. acrylic yarn
7. cotton yarn

Thank you,
Liz Fraijo



Liz
Sugarplum Creations
www.sugarplumdreams.etsy.com
www.sugarplumcreations.blogspot.com

Stevenson, Todd

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From: Laurie Williams [crawlercovers@gmail.com]
Sent: Friday, January 09, 2009 3:16 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

These are the items that I use to create my baby leg warmers:

85% cotton, 10% nylon and 5% spandex blend fabric or 70% acrylic, 25% nylon and 5% spandex blend fabric
100% polyester thread

This is what I use to create my hair clips:

100% polyester grosgrain ribbon
All Purpose Glue Sticks
Metal (Steel) 1 3/4" Hair Clips

Laurie
Crawler Covers & More
www.CrawlerCovers.com

Stevenson, Todd

From: Lindsey Hignite [lhignite@nc.rr.com]
Sent: Friday, January 09, 2009 3:29 PM
To: Lead Determinations
Subject: [Possibly Spam]: "Section 101 Determinations of Certain Materials or Products NPR."
Importance: Low

To whom it may concern,

As a mom I appreciate all your efforts to ensuring the safety of our children by decreasing the level of lead in toys and products. But as a small business owner, I feel that my materials are already safe and should not be subjected to this new lead testing. I would like to see materials that are generally considered safe to be exempt from this legislation such as 100% cotton that has been printed or dyed, polyfil, interfacing, thread and velcro.

Thanks you,
Lindsey Hignite

Stevenson, Todd

From: Judy E. Reid [reidsranch@3riversdbs.net]
Sent: Friday, January 09, 2009 3:30 PM
To: Lead Determinations
Subject: Section 101 Determination of Certain Materials or Products NPR

I design and create soft sculptured lambs made from the materials listed below, what if any, need to be tested for lead content:

1. Wool sherpa fabric backed with polyester
2. Polyester sherpa fabric backed with polyester
3. Wool felt
4. Polyester felt
5. Polyester fiber fill
6. Cotton thread
7. Plastic eyes with metal locking backs
8. Metal bells
9. Brass bells

I am a very small home-based business, if I need to do testing -- what kind of testing and where can I get it for a very reasonable price. Are there test kits available that would be considered "testing" for my items.

Thank you,

Judy Elizabeth Reid
reidsranch@3riversdbs.net
Box 6, Babb, MT 59411
(406) 732-5549

I need to know what I need to do so I can continue my business.

Stevenson, Todd

From: Bridget Ann Parsell [charbridgeco@gmail.com]
Sent: Friday, January 09, 2009 3:31 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR
Attachments: att5CE.gif; Fiesta Bkgrd.jpg

To Whom It May Concern:

As an owner of a small cottage industry that creates handknit and handsewn items for newborns to adults, I respectfully submit the following materials be considered for exemption of lead and phthalate testing. These materials have often been used for children with sensitivity issues and allergies, and by nature do not contain lead or phthalates.

- Acrylic yarn - dyed and natural, made in America
- cotton yarn - dyed and natural, made in America
- Wool yarn - dyed and natural, made in America
- felt
- Polyfil
- Cotton fill
- Embroidery floss
- Sewing thread
- Ribbon

All of my items are created one by one, with all embellishments handsewn on for safety and durability. The acrylic yarn is hypoallergenic, and machine washable. Clothing is not generally considered a durable product, therefore will be washed many, many times.

I also respectfully ask that handmade clothing and cloth toys be exempted from the testing as they are created from the same materials listed above.

Please, please take the concerns of all of the small businesses into consideration. Many of us began our businesses as an alternative to the mass produced items imported and have diligently created products that are safe, long lasting, and worthy of being passed down to others. Many of us are reliant solely on our businesses for our family's income, and are devastated that our own government will punish us and ban our products that have been made with the utmost care for children, not only in the US, but abroad.

Thank you very much for your consideration.

Sincerely,

Bridget Ann Parsell

CHARBRIDGE KNITS & GIFTS
6490 Chabot Rd.
Lachine, MI 49753
charbridgeco@gmail.com
www.baparsell.etsy.com
www.charbridgeknitsandgifts.com

Bridget Ann Parsell
CHARBRIDGE KNITS & GIFTS
6490 Chabot Rd.

Lachine, MI 49753
charbridgeco@gmail.com
www.baparsell.etsy.com
www.charbridgeknitsandgifts.com

Stevenson, Todd

From: Rehbein Stefanie [RehbeinStefanieL@JohnDeere.com]
Sent: Friday, January 09, 2009 3:32 PM
To: Lead Determinations
Subject: Section101 Determinations Of Certain Materials and Products NPR

Dear CSPC:

I am the owner of a small micro home business. I tye-dye childrens clothing. I am looking for exemption on the following items regarding testing for my small home business.

- 100% cotton items. Please clarify if the recent 1/6/2009 exemptions include items that are white? For example: white t-shirt, white baby onesie.
- Procien MX non-toxic dye.

Thank you for your consideration.

Stefanie Rehbein
Hip Kids Tye Dye
Madison Wi 53719

Stevenson, Todd

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From: Suzi Lang [starbrightbabe@gmail.com]
Sent: Friday, January 09, 2009 3:34 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Hello-

First off let me say that I really appreciate that you asked for feedback from small business owners. I am one and I will be greatly affected by CPSIA if it stands as written. In fact, I will be put out of business.

I make small giraffes for babies to love and chew on. I use 100% cotton fabric, eco-friendly fiberfill, and cotton/poly thread. None of these items are at a danger at all of containing lead. If they did, I wouldn't use them. I would appreciate you looking into exempting these items or if testing is required it be done at the manufacturing of the supply level. Especially for bolts of fabric. These are the same bolts of cotton fabric that are sold at any local fabric store.

Items I'd like to be considered exempt:

- 100% cotton quilters fabric
- Eco-Friendly Fiberfill
 - This item is manufactured by a company called Leggett & Platt in Depew, NY and is made of Ingeo fibers that are made from corn. It is 100% renewable and natural as well as hypoallergenic.
- Cotton/poly blend thread.

Again, thank you for asking for feedback, and I hope that there is some way this legislation can be changed so that the people who caused this problem by importing cheap and dangerous toys are looked after, and small businesses that are in business for the safety of children can continue to grow.

--

Suzi Lang
Starbright Baby Giraffes!
www.starbrightbaby.etsy.com

Stevenson, Todd

From: Christine Harling---Sugar & Spice [bluemoose@cableone.net]
Sent: Friday, January 09, 2009 4:04 PM
To: Lead Determinations
Subject: [Possibly Spam]: Section 101 Determinations of Certain Materials or Products NPR
Importance: Low

Materials not likely to contain lead:

Printed cotton fabric
Polyfil
acrylic yarn
cotton/poly blend thread

Thank you!
Christine Harling

From: kitkatkc@gmail.com on behalf of Laura Farrell [lfarrell@gmail.com]
Sent: Friday, January 09, 2009 4:07 PM
To: Lead Exclusions
Subject: section 101b exclusions

To whom it Concerns,

As a parent, the safety of my child's clothing, toys and furniture is very important to me. However, providing all-natural and hand-made items for my child is also important. I am extremely concerned that the new CPSC regulations on lead limits, while an excellent and well-needed step to insure that all imported and large scale production toys, etc, are lead-free, will put in jeopardy the majority of small scale and work at home individuals who create wonderful items for children. I believe that in order to sustain the small businesses who sell products for children, there are several considerations that need to be included in this new law.

First, items made with all natural components should be excluded. Though I know that there is already a proposal in place to exclude from testing certain natural products, I believe that it needs to be widened. Wood, cotton and wool are foremost on my mind here. There are many products now on the market that use organically grown and dyed fibers, as well as natural wood. I would hate to lose these products.

Second, there needs to be more protection for the small businesses and cottage industries put into place. An exclusion for individuals or businesses who are located within the United States and produce less than a certain number of goods per year would be a great step.

The Handmade Toy Alliance has put together and submitted some excellent recommendations which should be considered by the CPSIA.

Please don't forget the class of children's goods that have earned and kept the public's trust: Toys, clothes, and accessories made in the US, Canada, and Europe. These products, especially those made by small businesses, will no longer be available if exemptions to this law are not put in to place. The result, unless the law is modified, is that handmade children's products will no longer be legal in the US.

Sincerely,
Laura Farrell

--

Stevenson, Todd

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From: Rehbein Stefanie [RehbeinStefanieL@JohnDeere.com]
Sent: Friday, January 09, 2009 4:09 PM
To: Lead Determinations
Subject: FW: Section101 Determinations Of Certain Materials and Products NPR

I would like to provide additional clarification and request for information regarding the lead requirements for small businesses and artisans.

The dye I use is Jacquard Brand, manufactured by Ruppert, Gibbon and Spider, Inc in Healdsburg, CA. I have contacted them and the lead content is 50ppm which according to the representative I have talk with is so low it does not require listing on a MSDS sheet. If the small artisan can obtain documentation from the manufacturer of the dye prior to my process of adding water, please allow this component testing to be sufficient. Their dye is currently marketed to children in "dye your own" tye dye kits. I use the same dye in my products.

Additionally – clarification on natural fibers is required. Most textiles are not plucked straight from the cotton plant of shorn right from the sheep. The majority of consumers presume a white cotton t-shirt from Target to be a natural product. Please advise.

Respectfully –

Stefanie Rehbein
Hip Kids Tye Dye
Madison, WI
www.hipkidstydydy.com

From: Rehbein Stefanie
Sent: Friday, January 09, 2009 2:32 PM
To: 'Sec101Determinations@cpsc.gov'
Subject: Section101 Determinations Of Certain Materials and Products NPR

Dear CSPC:

I am the owner of a small micro home business. I tye-dye childrens clothing. I am looking for exemption on the following items regarding testing for my small home business.

- 100% cotton items. Please clarify if the recent 1/6/2009 exemptions include items that are white? For example: white t-shirt, white baby onesie.
- Procien MX non-toxic dye.

Thank you for your consideration.

Stefanie Rehbein
Hip Kids Tye Dye
Madison Wi 53719

Stevenson, Todd

From: JOHN BRENDA LOVEJOY [lovejoy_x_two@q.com]
Sent: Friday, January 09, 2009 4:19 PM
To: Lead Determinations
Subject: Sec 101 Determinations of Certain Materials or Products NPR

Hello,

I make leather baby shoes and am a very small, at home business. There needs an exemption for certain types of leather. Perhaps the leather that is not processed with chromium. The leather supplier that I get my leather from told me that their leather is lead free. Their name is The Hide House and their phone number is 1.888.443.3468. I use the garment leather, deerskin and vegetable tanned leathers. I also use a glue that says it is non-toxic and is a new product. It is called Simple-Fix. Their phone number is 1-866-232-4681. This glue should be on your exempt list as well. I think there needs to be an exemption for Velcro as well as certain fabrics and threads. If we, the in home, crafters that have small businesses have to test over and over it will put us out of business. We depend upon our business to support ourselves as I am disabled and not able to do many types of work. This is something that keeps the government from paying my bills and gives me dignity. We need some desperate relief with regard to this new law you have passed.

Thank you very much for your attention to this matter.

Brenda Lovejoy
PO Box 506
Wittmann, Arizona 85361
(623)388-2563

Stevenson, Todd

29

From: jesi josten [jesijosten@yahoo.com]
Sent: Friday, January 09, 2009 4:22 PM
To: Lead Determinations
Subject: Exemption Request for CPSIA Lead/Phthalates Testing

Hello!

I started my own small business this summer making baby bibs, and appliqued onesies and t-shirts for kids. It has grown to become quite successful in the area and I have been excited to see where it goes from here.

However, as I'm sure you're now aware, the new lead/phthalates testing laws will put me out of business because everything I make is one-of-a-kind and I can't afford to spend over \$2,000 per \$14-\$16 item to test.

I am writing to ask that you exempt these materials from the testing rules so I can continue growing my small business!

- printed cotton fabric
- polar fleece
- polyester thread
- printed cotton flannel
- cotton terry cloth
- Polyacetal Resin Snaps
- plastic buttons

This would ensure that I could stay in business, keep helping to stimulate the LOCAL economy, and save handmade!

Thank you for your time!

Jesi Josten
www.HipViolet.Etsy.com

Stevenson, Todd

From: JOHN BRENDA LOVEJOY [lovejoy_x_two@q.com]
Sent: Friday, January 09, 2009 4:31 PM
To: Lead Determinations
Subject: Sec 101 Determinations of Certain Materials or Products NPR

Hello,

I believe that shoelaces should be on the exempt list for the CPSIA rulings. The laces I use is Hickory Brands and they have said their laces are lead free. Their phone number is: 1-800-438-5777. Polyester and Nylon thread should be added to the exempt list. My supplier is National thread 1-847-520-2344. Thank you for your consideration.

Brenda Lovejoy
PO Box 506
Wittmann, Arizona 85361
623-388-2563

Stevenson, Todd

From: neeka norbury [nnorbury@gmail.com]
Sent: Friday, January 09, 2009 4:31 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Dear CPSC,

I am very happy to see that you are looking for further comments on this law. I feel that the following materials would not exceed the lead content limits and therefore should be added to the list of products exempt from testing.

- 1. Non toxic paint and stains (used on wood)
- 2. Food Coloring (the stain I personally use for my wooden toys).
- 3. Non toxic varnishes such as Shellac

That something would have to be tested again after the manufacturer (of food coloring or non toxic paints and varnishes) has been approved by the government to call their product non toxic and/or EDIBLE is just too ridiculous.

As it currently stands, this law will bankrupt my small business. I work out of my home and make quality wooden toys and use food coloring and shellac. Both of which are labeled as non toxic and one of which is edible. I have about fifty products that I sell and some of them have five or more components. To test each component of each toy, would not be financially feasible.

As a parent whose child tested positive for elevated lead levels, I DO understand the concern of parents across America and I understand the reason this law was put into effect. This is why I began making toys. It started out as a way to keep my son safe and grew into a business. But a law that is so overreaching and that has no consideration for smaller businesses is damaging. It would be a shame for many of the smaller toy companies to go out of business because of this. I do hope that this law is amended.

Thank you.

Neeka Norbury

Stevenson, Todd

From: Sue Cogan [coganscreations@yahoo.com]
Sent: Friday, January 09, 2009 4:37 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I use the following in creating the children's hand-crafted items that I sell. Please add these to the list of items that has been requested:

- acrylic yarn, from manufacturers in the US - in various colors and thicknesses
- cotton yarns, from manufacturers in the US and Canada - in various colors and thicknesses
- Polyester Fiberfill/Stuffing - manufactured in the US
- Plastic sewing buttons
- Cotton and Polyester Embroidery thread - manufactured in the US and EU
- Commercially available fabrics - purchased at fabric stores in the US
- Ribbons, lace and various trims purchased at US fabric stores
- Beads purchased at fabric and craft stores in the US
- Polyester sewing thread
- Plastic Needlepoint Canvas
- Polyester Felt purchased at sewing and craft stores in the US
- Cotton Aida Cross-Stitch Fabric
- Polyester Quilt Batting
- Cardboard - Recycled from packing boxes
- Wooden craft sticks - untreated

Stevenson, Todd

From: Nicola O'Reilly [ncoreilly@comcast.net]
Sent: Friday, January 09, 2009 4:49 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Hello

Please find below my list of materials that I use to make hand made toys and childrens items, which I believe are safe and should be excluded in this law:

acrylic yarn
cotton yarn
bamboo yarn
polyester fiberfil
polyester sewing thread
plastic buttons
unpainted wooden buttons,
gross grain ribbon
metal/ plastic suspender clips
cotton material
fleece material

Sincerely
Nicky O'Reilly

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Friday, January 09, 2009 4:58 PM
To: Lead Determinations
Subject: CPSIA

To Whom It May Conern,

As a Canadian small home business that makes & sells children's products with a huge customer base in the USA, I am very concerned at the approach to the new legislation about children's products. I agree there needs to be some sort of universal standard for safety for children's items, but a government legislating what people can/cannot buy is going to the point of ridiculous. Is this what your society has become?? A place where the blame is put on everyone & anyone regardless of how stringent their own products comply to safety standards?

Where are today's parent's responsibilities when it comes to products & items? Parents have to take some responsibty too for what their children do with an item/product.

Why is it that everyone & anyone who makes a product/item for children is a target for this law? A reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people.

As a small home business that makes children's products that conform to Canadian safety standards, it is an extreme measure to require my prdoucts to under go unnecessary testing. The products are wood, made from an untreated wood product, painted with an acrylic water base paint (NO lead) , contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re- examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness.

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Friday, January 09, 2009 5:19 PM
To: Lead Determinations
Subject: Exemptions

To Whom It May Concern,

Maybe if I send this message 10,000 times some one will actually read it & acknowledge the fact that the proposed law was a poorly thought out one with no consideration given to the consequences of its implimation.

As a Canadian small home business that makes & sells children's products with a huge customer base in the USA, I am very concerned at the approach to the new legislation about children's products. I agree there needs to be some sort of universal standard for safety for children's items, but a government legislating what people can/cannot buy is going to the point of ridiculous. Is this what your society has become?? A place where the blame is put anywhere but where it should be. Where are today's parents' responsibilities when it comes to products & items that are used by their children??

Parents have to take some responsibty too for what their children do with an item/product. Society has become a place to throw blame anywhere- anywhere but on one's self. Society seems to be teaching people not to take responsibility for our children's actions but blame someone else...it's always easier to put the blame on someone else.

Why is it that everyone & anyone who makes a product/item for children is a target for this law? Why is it that everyone is being punished for something that was the result of poorly enforced standards to begin with? This law is a reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people.

As a small home business that makes children's products that conform to Canadian safety standards, it is an extreme measure to require my prdoucts to undego unnecessary testing. The products are wood, made from an untreated wood product, painted with an acrylic water base paint (NO lead) , contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re- examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness.

Exemptions should be put into place for such materials as acrylic water base paints, non toxic wood glues such as ELMERS Wood glue, water base acrylic clear finishes that have no lead

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Sunday, January 11, 2009 3:11 PM
To: Lead Determinations
Subject: CPSIA Needs amendments or scrap it all together

To Whom It May Concern,

Maybe if I send this message 10,000 times some one will actually read it & acknowledge it. The fact that the proposed law was a poorly thought out one with no consideration given to the consequences of its implications is reason enough to have it thrown out.

As a Canadian small home business that makes & sells children's products with a huge customer base in the USA, I am very concerned at the approach to the new legislation about children's products. I agree there needs to be some sort of universal standard for safety for children's items, but a government legislating what people can/cannot buy is going to the point of ridiculous. Is this what your society has become?? A place where the blame is put anywhere but where it should be. item/product. Society has become a place to throw blame anywhere- anywhere but where it should be.. Society seems to be teaching people not to take responsibility for our children's actions but blame someone else...it's always easier to put the blame on someone else.

Why is it that everyone & anyone who makes a product/item for children is a target for this law? Why is it that everyone is being punished for something that was the result of poorly enforced standards to begin with? This law is a reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people.

As a small home business that makes children's products that conform to Canadian safety standards, it is an extreme measure to require my products to undergo unnecessary testing. The products are wood, made from an untreated wood product, painted with an acrylic water base paint (NO lead) , contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re- examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness. It has been said many times & we'll keep saying, this law has nothing to do with safety but everything to do with retaliation against everyone who makes children's products, simply because the makers of some imported products that did make & sell children's products that pose some health & safety risks. This is a retaliation against anyone & everyone...why?? because it's the American way to deal with any kind of problem. The USA can not see their way to take responsibility for their own lack of import standards so now not only is the US government punishing outsiders, but also its own people.

Exemptions should be put into place for such materials as acrylic water base paints, non toxic wood glues , water base acrylic clear finishes that have no lead

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Monday, January 12, 2009 8:38 PM
To: Lead Determinations
Subject: SPSIA - amendments/exclusions required

To Whom It May Concern,

Maybe if I send this message 10,000 times some one will actually read it & acknowledge it. The fact that the new proposed children's product safety law was a poorly thought out one with no consideration given to the consequences of its implications is reason enough to have it thrown out.

This law isn't about safety for the nation's children. This law is reactionary & about retaliation. Why is it that everyone & anyone who makes a product/item for children is a target for this law? Why is it that everyone is being punished for something that was the result of poorly enforced standards to begin with? This law is a reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people. As a Canadian small home business that makes children's products that are sold online to the world, products that conform to Canadian safety standards, it is an extreme measure to require my products to undergo unnecessary testing. The products are wood, made from untreated wood, painted with an acrylic water base paint (NO lead), contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re-examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness. It has been said many times & we'll keep saying, this law has nothing to do with safety but everything to do with retaliation against everyone who makes children's products, simply because the makers of some imported products that did make & sell children's products that pose some health & safety risks. This is a retaliation against anyone & everyone...why?? because it's the American way to deal with any kind of problem. The USA can not see their way to take responsibility for their own lack of import standards so now not only is the US government punishing outsiders, but also its own people.

Exemptions should be put into place for such materials as acrylic water base paints which contain no lead & pose no health hazards, non toxic wood glues that contain no lead & pose no health hazards, water base acrylic clear finishes which contain no lead & pose no health hazards.

The SPSIA needs to think before implementing such laws when it concerns more than just the USA. The USA may think its kingshit but right now it's smelling pretty foul.

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Tuesday, January 13, 2009 10:24 PM
To: Lead Determinations
Subject: SPSIA-AMENDMENTS/EXCLUSIONS

To Whom It May Concern,

Maybe if I send this message 10,000 times some one will actually read it & acknowledge it. The fact that the new proposed children's product safety law was a poorly thought out one with no consideration given to the consequences of its implications is reason enough to call it the most bungled piece of legislation in 2008 for the Bush Gov't .

This law isn't about safety for the nation's children. This law is reactionary & is about retaliation . Why is it that everyone & anyone who makes a product/item for children is a target for this law? Why is it that everyone is being punished for something that was the result of poorly enforced standards to begin with? This law is a reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people. As a Canadian small home business that makes children's products that are sold online to the world, products that conform to Canadian safety standards, it is an extreme measure to require my products to undergo unnecessary testing. The products are made from wood, then painted with an acrylic water base paint (NO lead) , contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re- examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness. It has been said many times & we'll keep saying it, this law has nothing to do with safety but everything to do with retaliation against everyone who makes children's products, simply because big manufactureres of some imported products made & sold products that did pose some health & safety risks. This is a retaliation against anyone & everyone...why?? because it's the American way to deal with any kind of problem. The USA can not see their way to take responsibility for their own lack of import standards so now not only is the US government punishing outsiders, but also its own people. Big manufactureres that make & sell millions of products vs a small home business that makes a few hundred products a year ...how is that justified?

Exemptions should be put into place for such materials as acrylic water base paints which contain no lead & pose no health hazards, non toxic wood glues that contain no lead & pose no health hazards , water base acrylic clear finishes which contain no lead & pose no health hazards.

The SPSIA needs to think before implementing such laws when it encompasses more than just the big manufacturers , more than just those who live in the USA. But then I guess sometimes we all forget, the USA thinks it is the world & that there is no one else but the USA. The self centered arrogant idiots that call themselves a government for the people . And you call yourselves a democracy? This SPSIA law is typical of the actions of a tyrant..a government that wants absolute power over the people by telling them what they can & cannot make, sell, purchase. What goes next..freedom of speech?!!!

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Wednesday, January 14, 2009 3:15 PM
To: Lead Determinations
Subject: SPSIA -Amendments/Exclusions

To Whom It May Concern,

Maybe if I send this message 10,000 times some one will actually read it & acknowledge it. The fact that the new proposed children's product safety law was a poorly thought out one with no consideration given to the consequences of its implications is reason enough to call it the most bungled piece of legislation in 2008 for the Bush Gov't .

This law isn't about safety for the nation's children. This law is reactionary & is about retaliation . Why is it that everyone & anyone who makes a product/item for children is a target for this law? Why is it that everyone is being punished for something that was the result of poorly enforced standards to begin with? This law is a reactionary law which has gone to the extreme. Consumers have rights too..or is it the policy of the American gov't to take away all freedoms of the people. As a Canadian small home business that makes children's products that are sold online to the world, products that conform to Canadian safety standards, it is an extreme measure to require my products to undergo unnecessary testing. The products are made from wood, then painted with an acrylic water base paint (NO lead) , contain no hazardous materials, yet your proposed law is going to make it illegal for me to sell the items to consumers in the USA. The products are safe for children in Canada & the rest of the world but you are saying they will not be safe for children in the USA unless they are tested & proven to be safe despite the fact they already pose no health hazard. Makes no sense & neither does your proposed law the way it is written.

This law needs to be thoroughly re- examined, re-written because if not your government will be wholly responsible for the devastating economic downfall that will be the result of this silliness. It has been said many times & we'll keep saying it, this law has nothing to do with safety but everything to do with retaliation against everyone who makes children's products, simply because big manufactureres of some imported products made & sold products that did pose some health & safety risks. This is a retaliation against anyone & everyone...why?? because it's the American way to deal with any kind of problem. The USA can not see their way to take responsibility for their own lack of import standards so now not only is the US government punishing outsiders, but also its own people. Big manufactureres that make & sell millions of products vs a small home business that makes a few hundred products a year ...how is that justified?

Exemptions should be put into place for such materials as acrylic water base paints which contain no lead & pose no health hazards, non toxic wood glues that contain no lead & pose no health hazards , water base acrylic clear finishes which contain no lead & pose no health hazards.

The SPSIA needs to think before implementing such laws when it encompasses more than just the big manufacturers , more than just those who live in the USA. But then I guess sometimes we all forget, the USA thinks it is the world & that there is no one else but the USA. The self centered arrogant idiots that call themselves a government for the people . And you call yourselves a democracy? This SPSIA law is typical of the actions of a tyrant..a government that wants absolute power over the people by telling them what they can & cannot make, sell, purchase. What goes next..freedom of speech?!!!

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Monday, January 19, 2009 3:09 PM
To: Lead Determinations
Subject: SPSIA -AMENDMENTS/EXCLUSIONS

To whom it may concern,

Maybe if I send this message 10,000 times, someone will actually read it & acknowledge it. I have no intention of letting up on this since this law is so extremely ridiculous but it is so typical of the US gov't. Can't fix a simple problem so just take it out of proportion, blame it on everyone else, & make everyone pay the price. Since this law has no intelligent thought process to it, it should be tossed into the dump like so many other ridiculous ideas that seem to come across from the US gov't. Such issues as are now confronting the SPSIA could have been dealt with more appropriately if the proper actions had been taken a long time ago. 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 get 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. Consumers have rights too, to choose what they want or don't want to buy for their children. What gives you the right to say what is safe & not safe? you are not God. You are not perfect. No one is perfect. Yet you are in the process of taking away the people's right to choose, their right to make their own choices. I agree 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. When products are already safe & already are known to contain no hazardous substances, or health & safety hazards, there is no reason to expect a small business or home business or anyone who makes children's products for resale to have said products tested to prove they are safe just because the SPSIA says it wants total control of everything that consumers have access to in the marketplace. Consumers have rights too, although it would seem the SPSIA wants to take away those freedoms too. Natural wood products finished with paints that are already known to be safe 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 & USA gov't are like tyrants, not a democracy. This SPSIA law is typical of a tyrant...a gov't agency that wants absolute power over the people by telling them what they can & cannot make, sell, purchase. Not only will these actions destroy the small business sector but the economy of the USA which already suffers, will be an absolute mess as a result of the SPSIA & its actions if this law is allowed to proceed as is. Hail to the USA Gov't & the SPSIA for its destruction of the American people's freedom of choice.

Allyson

Stevenson, Todd

From: Timeless Puzzles [sales@timelesspuzzles.com]
Sent: Tuesday, January 27, 2009 10:19 PM
To: Lead Determinations
Subject: Amendments

To whom it may concern,

Maybe if I send this message 10,000 times, someone will actually read it & acknowledge it. I have no intention of letting up on this since this law is so extremely ridiculous but it is so typical of the US gov't. Can't fix a simple problem so just take it out of proportion, blame it on everyone else, & make everyone pay the price. Since this law has no intelligent thought process to it, it should be tossed into the dump like so many other ridiculous ideas that seem to come across from the US gov't. Such issues as are now confronting the SPSIA could have been dealt with more appropriately if the proper actions had been taken a long time ago. 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 get 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 as to who is to what, this law is so broad that it is impossible for many to comply with what this law states. How can this gov't agency dictate not only to its own people but to the rest of the world what is safe or not safe to sell to children under 12 years of age?. I can understand the process of safety controls on products that are already known to contain hazardous ingredients, but this new law is going far beyond reasonable. 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 can be classed as of interest to children under 12 years of age, is a health hazard. Get real, get a brain.

Amendments to this law are desperately needed NOW!

I agree 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. The USA is just too arrogant & self righteous to admit it. 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.

Allyson

Stevenson, Todd

From: debbie suess [debbiesuess@gmail.com]
Sent: Friday, January 09, 2009 4:16 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I believe the following items should be exempt from the required testing:

100% cotton fabric woven with non metallic threads poly/cotton blend fabric poly/cotton blend sewing thread elastic used for waist bands etc in children's clothing polyester grosgrain and satin ribbon plastic buttons polyester and cotton batting/fiberfill

Thank you for your consideration.

Sincerely,
Debbie Suess
Lillifee Boutique

Stevenson, Todd

From: Hop Scotch Children's Store [hopscotch@tds.net]
Sent: Friday, January 09, 2009 5:06 PM
To: Lead Determinations
Subject: CPSIA natural material exemption suggestions
Attachments: HTACommentsonNaturalMaterials.pdf

The following is a list of natural materials that should be considered for exemption from testing—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.

Other materials to consider are dyed natural fabrics and foodstuffs.

For more information, please read the attached letter written by the Handmade Toy Alliance, of which we are members.

Thanks for your consideration.

Rachel Zylstra, Owner

Hop Scotch Children's Store
962 Lake Dr. SE
Grand Rapids, MI 49506
616-233-4008
www.hopscotchstore.com
info@hopscotchstore.com

Stevenson, Todd

From: sue3515@comcast.net
Sent: Friday, January 09, 2009 5:35 PM
To: Lead Determinations
Subject: exemptions from lead testing

i would like to submit the following items for lead testing exemptions:
the following fabrics: fleece, corduroy, flannel & cotton (that have been dyed)
rayon, cotton & polyester thread, all colors
velcro
Gildan Children's T-shirt blanks (all colors), Rabbit Skins Baby Bib blanks (all colors of trim, Sweatshirts(all colors), Gerber onesies and cloth diapers
acrylic yarn, all colors
zippers
ribbon, grosgrain, satin, organza
elastic
quilt batting
lace, both cotton and polyester
Washcloths & Towels, all colors
Life of the party glycerin soap and Life of the party soap dyes
Wrights bias tape, ric rac all colors
silk flowers
thank you for considering these products, i would like to be able to continue on with my small business.
susan deady
Susie Dee's

Stevenson, Todd

From: V. Dunnaway [she-elf-1@hotmail.com]
Sent: Friday, January 09, 2009 5:52 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

Greetings,

I am writing to you to present a list of materials that I believe meet or exceed your requirements for safety.

I ask that all of these materials or products be relieve and exempt from the testing requirements.

Wool Stuffing
Cotton String
Cotton Knit fabric
Cotton Stockinette
Millet
Essential Oils
Embroidery and Sewing Thread
Natural Dyes and Paints
Koolaid powder for Dying silk and wool
Elastic
Woven Cotton Fabrics
Cotton Knit Fabrics
Poly Resin Snaps
Wooden and Plastic buttons
Metal Eyelets
Interfacing (Iron-on, etc...)
Ribbons
Cording
Cotton Lace
Glass Beads
Yarns
Pencils and Crayons for coloring detail on crafted items

Thank you so much for your consideration of this list. I feel very strongly that America's crafters and artisans are not the ones that this law needs to apply to. They have earned the public's trust, and it is not their items that are the real problem.

Sincerely,

Melissa Dunnaway

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

Stevenson, Todd

From: Shaylind Standing [shaylindstanding@gmail.com]
Sent: Friday, January 09, 2009 6:08 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I think that fine art should be exempt entirely. I have no control over where people put art regardless of the subject matter.

Four exemption requests:

- Epson Pigment Ink
- Epson Velvet Paper (Cotton Rag)
- Golden Acrylic Paint (the ones without warnings, so no Cadmium, etc)
- Faber-Castell artist's pen

I make museum quality fine art prints on Epson Velvet Fine Art Paper (cotton rag) using Epson's Pigment Inks which comply with the current laws (according to the MSDS).

Also, the art isn't meant to be handled or it will be destroyed.

I do not market primarily to children, but I know some of my prints end up in children's rooms. If I have to get the art tested, I'm not even sure if one test of the cotton and inks is sufficient, or will I have to retest every time I replace an ink cartridge? I currently use 8 inks and the testing will run me over \$600 (more than I make most months).

My original pieces are made with all non-toxic acrylics (I only buy the ones I can touch safely) and India ink pens.

The art is sealed before it is shipped and again is not meant to be handled.

Thank you very much for your time and attention!

Shaylind Standing

<http://www.constantdreamer.etsy.com>

Stevenson, Todd

From: Elaine Bard [Elaine_Bard@umit.maine.edu]
Sent: Friday, January 09, 2009 6:14 PM
To: Lead Determinations
Subject: materials I use

Please consider for exemption:

Wool Felt -- made from wool and acrylic material, made and purchased in the USA Grommets
Ribbon Thread Wool

Thank you

You can find my etsy store @: www.bittercherryemporium.etsy.com

"The hardest part about saying goodbye, is having to do it again every single day."

"Each individual woman's body demands to be accepted on its own terms." -Gloria Steinem

Immature love says, 'I love you because I need you.' Mature love says, 'I need you because I love you -- -Erich Fromm.

If Winning Isn't Everything, Why Do They Keep Score?-- Vince Lombardi

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Stevenson, Todd

From: Kelly [kstuffings@comcast.net]
Sent: Friday, January 09, 2009 6:47 PM
To: Lead Determinations
Subject: HR4040 Exemptions

Children's clothing, any thing used to make children's clothing that can be purchased in the US.

Fabric, ribbon, trims, etc.

Anything that is deemed safe to purchase in a united states store fabric, should be safe to use.

Stevenson, Todd

From: Nick & Sandy [nicks42@frontiernet.net]
Sent: Friday, January 09, 2009 6:54 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR
Attachments: "AVG certification"

Please consider for exemption:

Yarn - all fibers and colors

Thread - all fibers and colors

More importantly! Please consider component testing

i.e.: if I buy tested children's socks from Wal-Mart (Target, Kmart) and apply tested cotton crochet thread to the socks to make a ruffle on the socks. PLEASE do not make me test the pair of socks again.

if the Church ladies buy tested fabric and quilt batting and put them together in a quilt, PLEASE do not make them test the quilt again.

Thank you.

Stevenson, Todd

From: Denise Handwerker [d.handwerker@sbcglobal.net]
Sent: Friday, January 09, 2009 7:07 PM
To: Lead Determinations
Subject: "Section 101 Determinations of Certain Materials or Products NPR."

I use wool sweaters from the salvation army, so they are second-hand. I wash them, cut them up and sew them into wearable objects, mostly for adults, but some could be used by children.

Is this allowed? Do I have to test?

Denise
www.craftwerker.etsy.com
www.feltwerker.etsy.com

Stevenson, Todd

From: Tammara~Boutique Boosi/Little Hand [boutiqueboosi@verizon.net]
Sent: Friday, January 09, 2009 7:12 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR."

Hello,

I'm am writing to let you know of the impact that this new law would have on my businesses (plural), income, family and future and printed fabric from my local shops cannot be used. I'm asking you to exempt printed fabrics. (cotton)

I own 4 businesses online, each involve making and selling custom childrens clothing. I purchase fabric from any general fabric store online or locally. For example: Hancock fabric or Joanns fabric. I do NOT buy licensed childrens fabrics as that is not what my customers want, wear or even like! You can't imagine that the only clothes children 12 and under wear DORA or SPONGEBOB? I buy all kinds of fabrics from these local stores assuming they are safe for wear. I do not feel nor believe nor have they ever been shown to be of any cause for concern. Also zippers and the sort should be tested safe before EVER being put on the market, NOT after the fact.

I would imagine if the amount of any lead found in the paint/ ink/ dye on fabrics were dangerous, they would not be sold or worn by anyone.

There are literally over 2000 childrens clothing designers ON EBAY ALONE! ALL of them will be affected by this law. On etsy, There are nearly 600+ and growing childrens clothing designers. This is their job, this is what they do for a living, this is their tons of fabric inventory. This is how they pay their bills and feed their families. I work fulltime at home, I have 2 children, my husband is unemployed. I will be 100% out of business ZERO family income if this fabric becomes illegal to use for anyone or require testing.

I think it is outrageous to imagine that this law will not affect small business! It MOSTLY affects small business! With the economy what it is and so many people out of work, they turn to being resourceful, working from home, making things, selling online, creating.

I buy fabric, I make clothes, I sell them. If I cannot buy fabric because it's outlawed, and I have no money even for health insurance, how am I expected to sell clothing which is what I do? Can I sell a kids for \$700 jacket because the testing cost me \$600?

Our kids will continue to be safe just buying regular printed fabrics, I do NOT feel they pose any danger, no more now than they ever have. I don't think children eat their clothing and ingest anything & certainly not anyone over 2 or 3 years old when it comes to fabric.

I feel that this law will significantly affect small business more than anything else, put millions of WAHM & dads out of work that day period. Get on ANY forum or blog & see

how many people are panicing at how they will support their families. Please reconsider, this will have huge negative impact on the economy. We care about our children but need to be reasonable.

Sincerely,

Tammara Alwaked

Garland, TX

MY SHOPS

www.littlehanddesign.etsy.com

www.boutiqueboosi.etsy.com

www.dollymolly.etsy.com

www.boutiqueboosi.com

Stevenson, Todd

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From: Trey Martin [TMartin@drm.com]
Sent: Friday, January 09, 2009 7:54 PM
To: Stevenson, Todd
Cc: Will Dodge
Subject: Regulation / exemption of wool products under CPSIA and Flammable Fabric Act

Todd,

Kathleen Reilly from your Public Affairs office gave me your name and email address for a question I have about the application of CPSIA and other CPSC regulations to the organic wool industry.

We represent a client who purchases, arranges for the processing of, and distributes organic wool. While our client does have some retail business, they primarily provide wool to downstream manufacturers who use the wool to produce a variety of products. It is our understanding that wool is exempted from the certification process under the CPSIA and from the testing requirements under the flammable fabrics act--unless something else is added to the wool that would so require.

Nonetheless, we would like to provide a certification to downstream customers which makes reference to our filing a guaranty with CPSC stating that our product complies with all CPSC regs. To whom should we submit the initial guaranty at CPSC, and will we receive a confirmation or identifier number upon doing so?

Thanks very much,
Trey

William L. Martin III
Downs Rachlin Martin PLLC
802-846-8608 (direct)

Stevenson, Todd

From: Jenn [jlsouth2@insightbb.com]
Sent: Friday, January 09, 2009 8:48 PM
To: Lead Determinations
Subject: Exemptions for new law...

Wool Yarn

100% cotton, bamboo/cotton blends, hemp
fabrics made from 100% polyester namely fleeces, knits, and microfiber

One-of-a-kind Items

printed cotton fabric

polar fleece

poly thread

cotton terry cloth

chenille

cotton flannel prints

polyresin plastic snaps

Stevenson, Todd

From: Clint and Katie Nelsen [cknelsen@iowatelecom.net]
Sent: Friday, January 09, 2009 8:57 PM
To: Lead Determinations
Subject: Exemptions

I believe the following items should be exempt from testing:

- printed cotton fabric
- polar fleece
- poly thread
- cotton terry cloth
- chenille
- cotton flannel prints
- poly-resin plastic snaps
- wool items as long as the dye has been tested by the manufacturer
- one of a kind items

Stevenson, Todd

From: iciclechic@aol.com
Sent: Friday, January 09, 2009 9:25 PM
To: Lead Determinations
Subject: Exemptions

Dear CPSC,

I am writing to ask that you exempt certain supplies from the current lead-testing rule that goes into effect on February 10th. These items have been known to be lead-free and many have already been certified through the manufacturer.

- organic cotton
- organic hemp
- 100% cotton fabric (solid & prints)
- 100% cotton flannel (solid & prints)
- bamboo/cotton blends
- chenille
- 100% polyester fabrics (fleeces, knits & microfiber)
- polyresin snaps
- polyester thread
- polyfil
- dyed wool

Thank you for your time and for your consideration in helping keep small businesses in business!

Sincerely,
Allison Ruhman-Rood

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

Stevenson, Todd

From: heather.watling@verizon.net
Sent: Friday, January 09, 2009 9:50 PM
To: Lead Determinations
Subject: new law

I make hair clips and bows. I use ribbon and padded appliques and hairclips. The hair clips are single or double prong clips purchased from Sally's beauty shop. I also use plastic headbands and weave ribbon on them.
Thanks, Heather

www.love2sparkle.com
www.love2sparkle.etsy.com

Stevenson, Todd

From: Cheri [krita@danvilletelco.net]
Sent: Friday, January 09, 2009 10:17 PM
To: Lead Determinations
Subject: "Section 101 Determinations of Certain Materials or Products NPR."

I make hand made baby and doll clothing. I use 100% cotton crochet thread in many colors. I also use natural wool yarn in various colors along with acrylic yarn in various colors. I also use crochet thread made of polyester and acrylic. I use silk satin ribbons for embellishments along with satin rose embellishments. I also use embroidery thread and buttons for finish work. Occasionally I use zippers and elastic for my items.

I also make things from cotton materials with sewing thread and buttons and some of the items listed above.

I purchase my materials from local stores such as Walmart, Hobby Lobby and Joann's. Occasionally I purchase things over the internet such as the acrylic baby yarns but they are from sites within the United States.

I would not think there would be any lead contained in any of the items I purchase and use for my items.

Most of my items are aimed at vintage doll collectors and doll collectors that purchase doll valued at over \$150.00. It is very seldom that my items are purchase for use on a baby or child.

I hope that these things will be exempt from the list of items not allowed. I am just a small business person trying to get established. With the economy the way it is I need to help supplement our income.

Thank you and I look forward to receiving information back from you soon.

Cheri Ita

<http://craftsbycheri.blogspot.com/>

Please take a look at my auctions. Thanks

craftsbycheri: http://search.ebay.com/_W0QQfgtpZ1QQfrppZ25QQsassZcraftsbycheri

Visit my store at etsy: http://www.etsy.com/shop.php?user_id=88090

Stevenson, Todd

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From: Teresa Ruhman [t.ruhman@sbcglobal.net]
Sent: Friday, January 09, 2009 9:56 PM
To: Lead Determinations

Dear CPSC,

I am writing to ask that you exempt certain supplies from the current lead-testing rule that goes into effect on February 10th. These items have been known to be lead-free and many have already been certified through the manufacturer.

- organic cotton
- organic hemp
- 100% cotton fabric (solid & prints)
- 100% cotton flannel (solid & prints)
- bamboo/cotton blends
- 0A• chenille
- 100% polyester fabrics (fleeces, knits & microfiber)
- polyresin snaps
- polyester thread
- polyfil
- dyed wool

Thank you for your time and for your consideration in helping keep small businesses in business!

Sincerely,

Teresa S Ruhman

Stevenson, Todd

From: Srruhman@aol.com
Sent: Friday, January 09, 2009 10:25 PM
To: Lead Determinations
Subject: Exemptions

Dear CPSC,

I am writing to ask that you exempt certain supplies from the current lead-testing rule that goes into effect on February 10th. These items have been known to be lead-free and many have already been certified through the manufacturer.

- organic cotton
- organic hemp
- 100% cotton fabric (solid & prints)
- 100% cotton flannel (solid & prints)
- bamboo/cotton blends
- chenille
- 100% polyester fabrics (fleeces, knits & microfiber)
- polyresin snaps
- polyester thread
- polyfil
- dyed wool

Thank you for your time and for your consideration in helping keep small businesses in business!

Sincerely,
Shelley Rae Ruhman

Shelley Rae Ruhman
Alain Pinel Realtors
2 Theatre Square Suite 215
Orinda, California 94563
510 506-1351 Mobile

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Stevenson, Todd

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From: Darlene LeBrock [dmlebrock@earthlink.net]
Sent: Friday, January 09, 2009 10:57 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain materials or Products NPR

I need a clarification on exclusions from this law. You have exempted raw cotton - what about material and ribbon which you purchase from large companies like Walmart, JoAnn's, Hancocks that would be dyed. I am one of MANY small home business owners who make custom items for children out of material and ribbon and obviously do not make enough for this testing procedure. If these items are not exempt - what do we need to do to have them exempt since it is obvious they do not exceed the amount of lead that is noted in the proposal.

Thanks,
Darlene LeBrock

From: LINDA KESSLER [lkcreation@yahoo.com]
Sent: Friday, January 09, 2009 11:10 PM
To: Lead Determinations
Subject: section 101(a) determinations

Hi, I am writing in regard to the CPSIA law. I am a crafter designing childrens products and there are many items I use that need to be excluded and exempted.

First of all, blank clothing that designers purchase from manufacturers to embellish that does not contain lead made from cotton, polyester should be exempt such as onesies, shirts, bloomers, pants, dresses, tights, leotards from companies such as www.kavio.com, www.americanapparel.com, if these companies are certifying their products as lead free why do the crafters who are embellishing their blank clothing have to test the material? crochet headbands, nylon and cotton headbands, alligator hair clips, french clip barrettes, pony tail holders are used by designers to create children's hair accessories and they do not contain lead, so there is no need for them to be tested. Silk flowers, silk, satin, organza, felt, appliques and grosgrain ribbons are used by designers to create childrens hair bows and hair clips and do not contain lead, no need to test them. Tulle is used to design children's tutus and hair bows, it does not contain lead. Elastic is used to create the tutu, it is lead free. Thread is used, also does not contain lead. Swarovski crystals are used to embellish shirts for children and hair accessories and swarovski has already done the testing on their crystals and has proven that the lead is not harmful to children and swarovski crystals should be exempt under the CPSIA.

Now let's get to jewelry for children. Most jewelry is designed with sterling silver beads and charms, catseye beads, swarovski crystals and pearls, again, not harmful to children and should be exempt, sterling bali silver beads, glass beads, lucite flowers and beads, bottlecaps, scrabble game pieces, paper decoupaged, ribbon, silver plated chain, charms, clasps, czech beads and crystals, all of these materials are not harmful to children and do not contain lead, with the exception of the swarovski crystals which again should be exempt.

There has been no harm to a child from swarovski crystals or beads from jewelry handcrafted. There has been no harm to a child from handcrafted toys or clothing handsewn in America. This law needs to be amended to exclude testing for handcrafters and to exempt the materials that designers use, because they are safe.

Stevenson, Todd

From: Wayne Nance [tnance71@yahoo.com]
Sent: Friday, January 09, 2009 11:35 PM
To: Lead Determinations
Subject: product exemption

To whom it may concern,

I use fabric and thread to make my products. I think that the fabric companies should be regulated when it comes to children's clothing or blankets, bibs, burp cloths and other items made from fabric, ribbon and thread. Please exempt these items as well as many more that are used by crafters.

Thank you,
Amy Nance
www.barenecessities.etsy.com

Stevenson, Todd

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From: Caroline Baird [palmtreessun@hotmail.com]
Sent: Friday, January 09, 2009 11:41 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

URGENT re: exemption for BEADING WIRE (LEAD FREE)

I have a company which makes jewelry designed for mothers of small children - using precious and semi-precious gemstones and freshwater pearls.

However, I string these stones and pearls on Professional Grade Beading wire which is LEAD FREE, Stainless Steel covered with Nylon - such as:

SOFT FLEX WIRE

<http://www.softflexcompany.com/ProductDetail.jsp?LISTID=4D090000-1158935191>

From its Product Description:

Soft Flex Soft Flex Wire is brought to you by state of the art, micro-wire technology. **Soft Flex Wire** is lead free and constructed of either 21 or 49 micro woven, stainless steel wires, braided together and then nylon coated. This micro-wire technology gives you the most flexible and knottable stainless steel in the world. It is hypoallergenic, and since **Soft Flex Wire** is marine quality, it can be worn in and out of salt and fresh water.

This product DOES NOT inherently contain lead and in order to make jewelry, I must string it on something and this is the best product on the market to use.

I would appreciate clarification as to whether this beading wire will be excluded from the new CPSIA regulations. Otherwise, I will have to close my company.

I look forward to your response as soon as possible.

Thank you.

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

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

Stevenson, Todd

From: LINDA KESSLER [lkcreation@yahoo.com]
Sent: Saturday, January 10, 2009 12:06 AM
To: Lead Determinations
Subject: section101(a) determinations

Hi, I have to add more things to my list. I also design pacifier clips, so plastic clips and metal clips that are purchased from this supplier is what most crafters use and they do not contain lead

<http://www.umei.com/badge-clips.htm>

And the snaps used are from this company and do not contain lead so they need to be exempt, so I am not sure if a list of suppliers is what the CPSC needs to have a list of or materials.

<http://www.snapsource.com/store/aboutoursnaps.php>

Also, I read a statement that was very alarming to me concerning the Regulatory Flexibility Act that the CPSC didn't do an analysis because it wasn't believe that this law would have a significant impact on small businesses. Let me tell you that you are absolutely mistaken, this would have a tremendous impact on small businesses and the economy. I for one would be put out of business and would probably lose my home, because I used to be a court reporter and now have three herniated disks, carpal tunnel and suffer from migraine headaches and if it wasn't for my business that I have created and now run out of my home that generates enough income to pay for my bills I would have no home and I also have children, one of whom is going to college next fall, so this law will have grave consequences on my livelihood and many other crafters across America and accomodations and exemptions need to be made under this law to exclude classes of materials that are lead free and once again swarovski crystals that are known not to cause harm.

Stevenson, Todd

From: Candice Mangum [cmarie_14@yahoo.com]
Sent: Saturday, January 10, 2009 12:14 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To Whom it May Concern:

I am writing to you with my concerns over the Consumer Product Safety Improvement Act. As I'm sure you know, many small businesses (those that produce items as a supplementary income) will be impacted by the law's stringent testing standards. Most of these small businesses, including mine, have been proactive in creating children's products that are safe on any number of levels, including toxicity, choking hazards, and fire safety. Our reputation for safe and healthy items is what allows us to stay in business.

Most of these small businesses, as well, depend on the income their hobbies provide. I, for one, use the several hundred dollars I might make in a year to purchase clothing and other necessities for my children, to treat my children to a meal at a restaurant, and to put money aside to pay down our debts and save for the future. Without my side income, I could not afford any of that.

That is why I taking the time to request certain exemptions for materials that are commonly used in the handcrafted world and inherently lead-free. Though the Commission found exempting materials would not have a significant impact on small businesses, *not* allowing many of these exemptions would have an incredible impact on the small businesses in our economy - many will simply have to close down because they cannot afford the cost of testing.

I propose that the following materials be included for exemption:

- *undyed *and dyed* natural fabrics (wool, cotton, silk, etc.)
- *foodstuffs used in the production of certain items; for example, I often use Kool-aid to dye wool yarn with bright colors
- *cotton/polyester blend threads
- *cosmetic items, such as soap and lotions, packaged in phalate-free packaging, such as paper.
- *items with certification from the original manufacturer (to eliminate redundancy and inefficiency)

Thank you for your time and thank you for considering these items. Much of my business, as well as much of my colleagues' business, depends on being able to comply with this law. Allowing reasonable exceptions to the testing will allow us to continue to lead the way in safe products as well as bolster our ailing economy.

Sincerely,

Candice Mangum
 13180 Taylor Wells Rd
 Chardon OH 44024
 910-200-6619
cmarie_14@yahoo.com
<http://weeessentials.etsy.com>

Stevenson, Todd

From: youngjenn76@aim.com
Sent: Saturday, January 10, 2009 2:07 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

One area that I have not seen covered yet is used children's books. This affects not just used book stores, libraries, and schools, but also a large portion of the population who can not afford to buy many brand new books for their children. Education is such an important issue in this country, and literacy is one of the key components involved. It would be a shame to make a good education even harder to come by by limiting the books available.

Thank you for taking comments into consideration.

Sincerely,
Jennifer Young

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

Stevenson, Todd

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From: Sarah Natividad [sarah.natividad@gmail.com]
Sent: Saturday, January 10, 2009 8:02 AM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

I am responding to your request for comments on CPSIA Section 101. I would like to comment specifically on testing requirements for dye lots of textile products such as yarn and fabric.

As you are no doubt aware, yarn and fabric are often made in batches called "dye lots". Each dye lot is made by the same process with the same materials but slight variations in color can occur between batches. I request that you **clarify whether each dye lot counts as a separate material** to be tested, and I recommend that you **rule that each dye lot does NOT count as a separate material**. It would be extremely burdensome to manufacturers to test each bolt of fabric or dye lot of yarn, with the cost being prohibitive enough to preclude doing business altogether.

You are no doubt also aware that textiles are highly unlikely to contain high levels of lead; nevertheless, they should be tested regularly. As a compromise between these two extremes (no testing and prohibitive testing) I recommend **requiring testing of all textile materials on first use and annual or biennial testing thereafter** while the material is used to manufacture goods. Because the lead levels in textiles are likely to be extremely low, well within the threshold of accuracy of XRF testing, I recommend **allowing XRF testing for textiles within some margin** of the legal limit, where textiles that go within the margin of the threshold will be required to be submitted for wet chemistry testing. E.g. if the legal limit were 100 ppm and the margin were 10 ppm and XRF testing revealed a lead level of 30 ppm, the fabric would not be required to be tested by wet chemistry; if XRF testing revealed a level of 94 ppm (within 10 ppm of the limit) then wet chemistry testing would be required. I don't have the technical information required to say what the margin should be, but I'm sure the manufacturers of XRF technology can be consulted on that point.

I also recommend that you **allow component testing** provided that the process of manufacture is unlikely to introduce lead, and that you **allow upstream certification** of materials by their manufacturers.

Finally, I highly recommend that you **rule on this as soon as possible and make your ruling specific and clear**. Uncertainty harms business even more than restrictive rules. Most of the blowback you're getting from CPSIA is due to the uncertainty of your rulings and the confusing, vague, contradictory utterances of Congress and your spokespeople. Keep it simple, and please spell it out for all us non-government dopes.

Sincerely,
Sarah B. Natividad
Curious Workmanship
<http://www.curious-workmanship.com/catalog>

--
Sarah Natividad
<http://www.curious-workmanship.com>
<http://organicbabyfarm.blogspot.com>

Stevenson, Todd

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From: Prairie Rose [prairieroses@gmail.com]
Sent: Saturday, January 10, 2009 11:17 AM
To: Lead Determinations
Subject: PLEASE exempt used books, fabric, notions

To Whom It May Concern,

I have a online business selling children's garments mainly made out of Polar Fleece. CPSIA would force me to either close my business or switch to all natural fibers. Polar Fleece has no lead in it, like most fabrics. I would strongly urge you to add all commonly used fabrics and notions (like thread and buttons) to the exemption to the ruling. Also, I would STRONGLY urge you to add all used books to the exemption. Thank You, Rose Jagt

Stevenson, Todd

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From: joyce tipton [atearyilady@yahoo.com]
Sent: Saturday, January 10, 2009 12:40 PM
To: Lead Determinations
Subject: new lead law

I make and sell hair bows and hair accessories for little girls. This is the only extra income we have. He is disabled from a stroke. We live on a small fixed income of 814.00 per month. After utilities, we have VERY little left, and sometimes we don't have the money to buy the things that ne needs,, (diapers, special food, transportation to and from therapy, etc). These are needed for him to gain back to being close to where he was. The money I make from making and selling these are the only way that we can afford to do this. You can only imagine 2 person living on 814.00 per month and that is for rent, power, water, sewer and all the other utilities that are needed to run a home.

Please reconsider this law to allow people like me to continue doing this without testing, the money from these puts food on our table.. Without this extra income, He will have to go to a nursing home.

*Joyce Tipton
Winchester, Kentucky
Grandma to two precious ones
Dylan 8 years, Kayle 7 months*

Stevenson, Todd

From: Heather Akers [creativekiddos@consolidated.net]
Sent: Saturday, January 10, 2009 12:42 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

Dear CPSC,

I would like to see the following items exempted:

Ribbon hair accessories in general.

grosgrain ribbon
crochet headbands
hot glue sticks
silk flowers - 100% silk Gerber Daisy Flowers, Peony Flowers etc.
dmc floss (string)
Dental Floss
hand knit hats made with yarn.
100% cotton beanies
kufi crochet hat / koopy cap - (These are manufactured for adults) They are cotton knit hats
single prong alligator clips from Sally's beauty supply
Fabri-Tac glue by beacon

Thank you,
Heather Akers

Stay at home mom with an child with autism, who's earning selling hair accessories for children supports me being able to be home with my son who needs me.

Stevenson, Todd

From: Erin Oeser [erinoeser@yahoo.com]
Sent: Saturday, January 10, 2009 12:55 PM
To: Lead Determinations
Subject: "Section 101 Determinations of Certain Materials or Products NPR"

To Whom this may concern,

I believe there need to be more exemptions to the new law that include items that have been tested for lead for several years now.

To include all cotton fabric, dyed and un-dyed, non toxic paint, non toxic varnish, polyfil, crayons, felt that is made in the US 100%. If these items have been tested for lead because that is already a law within the United States there should be no reason to test them again.

Thank you,
Erin Oeser
erinoeser@yahoo.com

Stevenson, Todd

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From: thwapped@thwapped.com
Sent: Saturday, January 10, 2009 1:34 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

The class of product I would like to see exempted from testing is any component material that has already been tested by the manufacturer.

For example:

If I were to make a pair of shorts for a child I would use printed/dyed fabric, thread, elastic, and possibly colored plastic buttons and/or a colored plastic zipper. I might even use fabric dye or paint to screen-print a design onto the fabric. If each of these component materials has been tested and issued a certificate by an approved lab, any testing of the finished garment would be redundant. The cost would also be mostly redundant, as the manufacturers of the components will surely pass the cost of the test along to the retail stores, who would pass it along to the consumer. (Me)

An even better example is the hats I crochet out of yarn. I buy yarn from the craft store, and crochet it into the shape of a hat. I do not add anything to the yarn. I work in my own home, not a facility where lead might come in contact with the yarn. I use Red Heart brand, which I assume will be complying with the new law, and which will likely become more expensive due to the cost of testing each dye lot.

At the least, please expand "unadulterated materials" to include any material that has not been changed from its tested state.

As a mother, I understand and appreciate the concern for children's safety. However, if a plastics manufacturer has to have its product tested, and a pigment manufacturer has to have its product tested, then those materials should be considered safe. But the zipper manufacturer will still have to have the zipper tested. Then the clothing manufacturer will have to have the zipper tested as part of the finished garment. The final retail price of pants or a coat for my son will end up reflecting these redundant layers of testing.

Thank you for your time,
Beth Rippen

Stevenson, Todd

66

From: eyeletsewing@sbcglobal.net
Sent: Saturday, January 10, 2009 1:43 PM
To: Lead Determinations
Subject: Lead Testing Exemptions

Hello,

As a work at home mother who deeply depends on my income by making childrens clothing I would like to recommend you add the following items to your exemption list:

- 1) Rayon and Polyester Thread
- 2) Printed fabric sold by larger, well known craft stores (online and otherwise)
- 3) Embroidery stabilizer (typically unprinted paper material)
- 4) Polyfill stuffing
- 5) Polyester (or mixed content) fleece fabric

I really believe that you should allow ANY AND ALL materials made in the USA to be exempt to manufacturers.

There are thousands, if not millions of small businesses, including work at home moms and families who depend on their crafts to support their families. They cannot afford to test every item and its a shame that should have to when the items should be tested at the company level where they are made..... NOT by the small person/company who is using their products to create other product.

The responsibility has always been at the fabric/printing/etc companies to make sure the items are safe. By making sure THEY do their proper jobs, the need for this "blanket law" doesnt need to take affect.

We all want our children to be safe. However this law, as it stands, is overbearing, irresponsible and will be devastating to families who are already weathering a horrible economy.

Please reconsider this law before it takes affect.

Thank you,
Mrs Michelle Gibas
Meriden, CT

Stevenson, Todd

From: melisa parker [melisa@prettypiggysboutique.com]
Sent: Saturday, January 10, 2009 2:27 PM
To: Lead Determinations
Subject: exemptions

Dear CPSC,

I would like to see the following items exempted:

- 1. Crafting Ribbons such as grosgrain, nylon, polyester, satin**
- 2. Fabric such as cotton and cotton/poly blends**
- 3. Hot Glue**
- 4. Yarn and thread**
- 5. Elastic**

I would love to see all Ribbon hair accessories in general be considered exempt.

I hand craft and sell little girls hair bows and custom outfits. I do this to raise extra money for my children for their college funds.

Thank you, Melisa Parker

From: Jessica Bailey [jessicabailey05@yahoo.com]
Sent: Saturday, January 10, 2009 2:24 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

To whom it may concern,

I make hair accessories and tutus for little girls. There are some supplies that I would like to see exempted from the list. The online places that I purchase my bow supplies from have already tested these items, and they are willing to give a copy of their test results to their customers to show they passed the testing. I am confused on whether or not I have to again retest all these items once I make a hair accessory or tutu from these supplies. I also buy fabric and ribbon from Walmart and Hobby Lobby, among a few other major retailers, and its my understanding that they are not going to be able to sale these items unless they have past these tests.

Here is my list of items:

Ribbon such as: grosgrain, polyester, cotton, and nylon.
Fabric such as: cotton, and lycra needed to make baby headbands.
Metal barrettes: needed to attach the bows to.
Tulle needed to make tutus.
Elastic needed to make the tutus.

Thanks in advance,
~Jessica Bailey
Bow Maker and Stay at home mom

Stevenson, Todd

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From: ptodd614@comcast.net
Sent: Saturday, January 10, 2009 2:39 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NP12

To Consumer Product Safety Commission:

Please consider the following as having no lead or lead below the limits in materials used to make items for children under twelve.

acrylic yarns of any color; and any color of nylon yarns; combination yarns; wool yarns; cotton yarns
polyester fiberfill
cotton batting
fabric, plain or printed - 100% cotton, or cotton/polyester, or polyester, linen, wool, etc.
acrylic buttons of any color
snaps (metal or plastic)
velcro fasteners
cotton thread of any color
elastic

In my small business, Bags and More by Pam, (www.bagsandmorebypam.etsy.com) as well as my original website (www.bagsandmorebypam.com) and other online shops (www.bagsandmorebypam.1000markets.com; www.bagsandmoreobypam.artfire.com; www.bagsandmorebypam.icraft.com) I crochet and knit clothing items, stuffed toys, blankets for children under twelve (as well as items for adults). In response to phone calls, the yarn manufacturers state that their products contain no lead.

I certainly do not alter the chemical composition of the above items as I knit or crochet or sew on buttons or snaps. So, if the materials are leadfree before I use them to construct an item, they would still be leadfree when I am finished.

Thus, I respectfully request that the above items be exempt from lead testing, or that the original manufacturer secures the lead certification if needed.

Thank you.

Pamela J. Todd
3313 E. Rhorer Road
Bloomington, IN 47401
Federal TID 20-3965345
Indiana Retail Merchant Certificate 0122720717

Stevenson, Todd

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From: Ethan, May, Tyler, Lucas, and Isabell Nunes [maynunes@sbcglobal.net]
Sent: Saturday, January 10, 2009 2:42 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

I would like to see the following items exempted:

Crafting ribbon as it is made lead free and is used as decoration on clothing and to make hair accessories.

Fabric such as cotton and any other needed to make clothing or accessories again as it is made lead free for clothing as well as thread and elastic.

Metal clips- my supplier has already sent out MSDS sheets showing the lead is not a concern as well as their ribbon and other supplies.

I hand craft and sell little girls hair bows and clothing for kids, this is very important to me and my income. I sew and make for my kids and I make sure everything is safe before I put it on my kids and would never sell anything I didn't feel was safe for others as well! I am a mom of 3 young children and I use my income to buy their lunches and other extras. I am a small business owner, and this is my livelihood that will be greatly affected.. so would millions of other stay at home moms, elderly grandparents who supplement their incomes with craft fairs.. please don't kill off the small mom and pop cottage industries who are trying to make sure our kids have safe toys and accessories but go after those who disregard your efforts to protect all of us not just the children of the United States.

Thank you,
~May Nunes~
Kids~Cottage~Boutique
<http://stores.ebay.com/Kids-Cottage-Boutique?refid=store>
www.KidsCottage.etsy.com

Stevenson, Todd

71

From: Delena Wright [del_wri@yahoo.com]
Sent: Saturday, January 10, 2009 2:45 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

I would like to see the following items exempt:

Grosgrain ribbon as it is made lead free and is used as decoration on clothing and to make hair accessories.

Fabric such as cotton and any other needed to make clothing or accessories again as it is made lead free for clothing as well as thread and elastic.

Metal clips- my supplier has already sent out MSDS sheets showing the lead is not a concern as well as their ribbon and other supplies.

I hand craft and sell little girls hair bows and clothing for kids, this is very important to me and my income. I sew and make for my kids and I make sure everything is safe before I put it on my kids and would never sell anything I didn't feel was safe for others as well! I am a mom of 3 young children and I use my income to buy their lunches and other extras. I am a small business owner, and this is my livelihood that will be greatly affected.. so would millions of other stay at home moms, elderly grandparents who supplement their incomes with craft fairs.. please don't kill off the small mom and pop cottage industries who are trying to make sure our kids have safe toys and accessories but go after those who disregard your efforts to protect all of us not just the children of the United States.

Delena Wright

Stevenson, Todd

From: Bill Morris [wmorris@fastmail.fm]
Sent: Saturday, January 10, 2009 2:51 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or products NPR.
Attachments: CPSIA compliance request letter.doc

Attached you will find a letter I have prepared for you to consider under this invitation to comment.

The determination of what is in the raw materials that make up the handmade products for children is an excellent idea.

I look forward to being able to show certificates of compliance to my customers in the arts and crafts shows to assure them that we are in complete compliance with the requirements of the law that is effective in February (HR 4040.) .

Wood and fabric fiber is definitely two of the elementary raw materials that meet the no lead content requirement.

Thank you for providing us with this possibility of providing our customer's children safe Hardwood toys and children's items made of no lead content raw materials.

William B. Morris

3205 Cottonwood Ln
Temple TX 76502-1703

254 771 2161

wmorris@fastmail.fm

Please see attached letter.

William B. Morris
3205 Cottonwood Ln
Temple TX 76502-1703

January 3, 2009

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

Ref: Section 102 Mandatory Third-Party testing of component parts

Thank you for allowing us to comment on this very important issue that affects the heartland of small business who have strived for years to present into the marketplace safe, reliable and educational toys for our young children here in the United States.

As background information, we have been designing, producing and selling Hardwood toys and children's items for 25 years. Our small business was part time when we were both working on full time jobs and now that we are retired, it is our full time business. We have no employees. We work out of our backyard shop and sell our finished products at Arts and Crafts shows. To assure that we produce safe and long lasting toys, we have a guarantee that is posted in our booth for the customer to see: "If anything happens to a product that we make, send it to us and we will repair it or replace it with a new one for the life of the product (Not just 90 days or a year but for the life of the product)" This guarantee drives us to a high quality product at all times. We only see one or two items a year that comes back for repair. It is usually a glue joint that I have missed. I work with hard woods and my wife paints with water base paints and does the sewing. We have 75 items. When in production, the most we make at one time for a year is 20 to 100. By the time we take out the cost of booth fees, motels, vehicle fuel, and supplies, we don't have a lot left. It has helped us to pay the tuition for 8 years of college that one of our sons attended.

If we had to have each product tested, it would put us out of business. If we had to have the raw materials tested or declared safe on a one time certificate or letter of compliance, that we would post in our booth each time we do a show the cost would not be prohibitive and we would be able to continue our small business of providing safe and educational toys for our customer's children. By sending this letter to you, we are hoping that you will be able to provide us with a method of obtaining a certificate or letter of compliance to HR 40 – 40 and public law 110-314 and any other issued law that would be covered by the one time test or review of the raw materials that we use.

We have reviewed the MSDS sheets on our raw materials and have talked to technical units of the suppliers. To our knowledge, there is no lead or phthalates used in any of our raw materials. For specific example, we use hard woods, like hard maple, cherry, walnut, and oak, We use cotton fabrics. We use water based paints for some of the wood. We finish our wood with an eatable product; mineral oil that is safe to chew on if the child puts the toy in their mouth. We invite you to review our shop if necessary to fulfill this new requirement of determining if we make safe toys.

The batch numbering for each product and the tags and/or postcard for customers will be a cost to the small business that will be extremely difficult to accomplish on a small scale. If determined to be compliant based on the raw materials used on the products the one time compliant certification should be enough to fulfill this obligation as long as 100% of the products are hand made and nothing else is introduced as a buy and resale item in the future. Random inspections of the small manufacturing or shops could be a requirement of the committee overseeing this challenging law.

The third party labs should definitely be reviewed for compliance to the law, since many of the manufacturers and small business are subject to their decisions after review.

It is the opinion of this writer, that stringent lab tests of all products and tagging and batch numbering should not be a requirement, if the number produced of a single item does not exceed 5000 per year. Once the raw materials used in the production process has been determined to be safe, and a letter of compliance issued to the small business has been accomplished, random testing and personal visits to the shop and/or shows where the items are being sold should be accomplished to assure continued compliance.

January is the month that we begin production and we will not usually have shows start until September. We are hoping for an early determination of what to do about this change in law that will affect thousands of small business in our country.

Do we continue to make our products, not knowing our future ability to be in compliance, or will we be forced to change our product line to something not related to children's item? Who then will be able to provide our children with hand made toys in the future? With the weak economy of today, is this the negative impact we want to spread to our small businesses who were not involved in the large production of unsafe toys? Why were the unsafe toys being imported with no Quality Control in place to assure safe toys would be entering our country?

We will appreciate a response to this important issue that directly and personally affect us and our future. Time is of essence to be able to keep our small businesses productive and in compliance with the law.

Thank you for your time.

Respectfully yours,

William B. Morris

Phone 254 771 2161

E mail wmorris@fastmail.fm

3205 Cottonwood Ln.
Temple TX 76502-1703

Stevenson, Todd

73

From: Tammy Nichols [tnicholsinc@yahoo.com]
Sent: Saturday, January 10, 2009 3:24 PM
To: Lead Determinations
Subject: exempted items

HI my name is Tammy Nichols.

I own a small business Internet mostly.

I do embroidery on a lot of items. I am know as a onesie lady.

Not big enough to compete in the big market but great for Monogramming

1 or 2 items.

These are some of the things I use and would like them to be consider exempt or at least check them out.

Embroidery thread I use the Robinson/Anton embroidery thread the large and small spools.

Ribbon. I use the grosgrain and the satin. Purchase at Venus and some from Hobby Lobby.

I also purchase onesie from Kids blanks. The red and choc brown little giraffe brand.

clips from sally's.

Staton wholesale. I purchase the colored totes. Thousand oaks style 8801 6000=denier

polyester pvc(used these for Over Night bags or dance bags, diaper bags,) SanMar wholesale. I

want to purchase Port and Company essential tote style B075 also made 600-denier.

Please help the small business. I am stay at home mom. I dont want to hurt any children with lead but there must be something you can do. IF it has already been checked once, why check it again?

Tammy Nichols

625 SE Bugle Ct.

Blue Springs,MO.

64014

816-522-8821

Stevenson, Todd

74

From: C Bigbie [cjb97@yahoo.com]
Sent: Saturday, January 10, 2009 4:02 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

I would like the following exemptions to the new law/bill:

1. be able to re-sale clothing that I purchase from manufacturers as long as they have passed testing (third party sales) 2. thread 3. ribbon

I have a business where I personalized Children's clothing by monogramming them. I also make hair bows.

Thank you,

Carrie Bigbie
Dressin' Cutie

Stevenson, Todd

75

From: Lee Williams [puzzlesnthings@att.net]
Sent: Saturday, January 10, 2009 4:03 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products

We make wooden toys and other wooden items mainly for children. We need a determination on the items that we use in making our toys.

Paints. Our spray paints we buy from only paints sold in the US mainly at Walmart's and Orchardsupply stores. We use the spray enamels. The can's say safe for children when dry. We use Acrylic Paints for accents and Sharpie pens for accents.

We use Minwax brand wood stain on our rocking horse and on the main post and pick up knob of our horse carousels only. Also we use Varathane brand wood stain.

We buy wood parts from Casey's wood products in Maine. We also buy our ceramic magnets with nails from Caseys. We buy other wood parts from Woodworks Ltd. in Texas.

We use a plexiglas(acrylic) from Orchard Supply for the seethrough sides of our coin banks.

We use a Titebond II glue for assembly.

We use cotton cord and nylon cord.

We use aluminum screening.

We use all purpose steel wood screws and brass screws. We use assorted steel finish nails and staples. We use brass finish washers, and furniture nails.

We do use a leather from a local upholstery store for our rocking horse ears only.

We do make a desk clock for childre and use a quartz clock mechanism and dial from Klockit in Wisconsin.

I think that covers most of our items.

I appreciate your consideration of these items.

Puzzles N Things
puzzlesnthings@att.net

Stevenson, Todd

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From: Gary Ballou [garyballou@sbcglobal.net]
Sent: Saturday, January 10, 2009 4:11 PM
To: Lead Determinations
Subject: Lead in hand crafted children's products

Please expand "unadulterated materials" to include materials such as yarn, fabric, thread, polyfil, ribbon, that have already been tested. I believe they should be among materials which "inherently do not contain lead" because they are already certified to be under the appropriate lead limits for childrens' items.

June Ballou

Stevenson, Todd

From: Laura Singer [doggiemom26@yahoo.com]
Sent: Saturday, January 10, 2009 4:27 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

My name is Laura Singer and I am a stay at home mother of 2 precious girls, 1 & 3 years old. While I am very happy that this law came about I am also saddened because I run a small crafting shop where I make tutu's, hair bows and items for babies such as blankets, fabric covered baby wipe containers and was starting to branch out to handmade clothing items until I saw this new law come about. I take great care in the items I make and make every item as if I were making them for my own children. Safety is my number one priority but with this new law the additional small income my family gets from this will be gone. Please consider exempting the following item:

Fabric (such as cotton), Cloth Diapers, Ribbon (such as grosgrain) & Tulle

With this new law coming in to effect please know it is coming down hard on the work at home mom's and the crafting community in general.

Thank you for your consideration,

Laura Singer
Lil' Munchkin Boutique

www.lilmunchkinboutique.com

www.sell4mygirls.etsy.com

From: Patricia Henning [pbhenning@gmail.com]
Sent: Saturday, January 10, 2009 4:53 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.

Sincerely,

Patricia B. Henning

StitchinTricia.Etsy.com



Stitchin' Tricia **Embroidery Works**

T: 248-562-8307

T: 248-562-8343

E: PBHenning@gmail.com

<http://www.Stitchin-Tricia.com>

Stevenson, Todd

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From: Sheryl Mascarinas [sheryl.mascarinas@gmail.com]
Sent: Saturday, January 10, 2009 5:12 PM
To: Lead Determinations
Subject: materials exempt for lead testing

To whom it may concern,

I sell hand made hair clips and other hair accessories on etsy.com and to a handful of retailers in my area. I am a stay at home mom to three kids and my small business is something that I rely on for extra grocery money and other goods for the house. This new law that you are trying to mandate will surely put me out of business and force me to gather up all my remaining products from all the stores who carry them.

Please look over the list of materials that I use for my hair clips and put them under consideration for exemption for the lead test. I'm sure that other hairclip makers have already contacted you on this - I know that I am not alone.

Ecospun (recycled) felt
Wool felt
Polyester grosgrain ribbon
Cotton Embroidery floss (thread)
metal clips - single prong alligator, snap clip
fabric - shantung, linen, cotton

Thank you for your time and look forward to your response.

Sincerely,
Sheryl Mascarinas

Thank you for your time and

Stevenson, Todd

From: even-if@earthlink.net
Sent: Saturday, January 10, 2009 5:14 PM
To: Lead Determinations

Dear CPSC,

I would like to see the following items exempted

Ribbon and materials used to make childrens hairbows and headbands.

I order all materials from Ribbon and Bows oh My who has had them tested and they are way below guide lines. The results is posted on there web page!

I hand craft and sell little girls hair bows, this is very important to me. I do this to be able to stay home and take care of my mother who has Alzheimers.

Thank you, Shirley

Stevenson, Todd

81

From: April Eaton [aprileaton04@yahoo.com]
Sent: Saturday, January 10, 2009 5:15 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

In response to your request,

I would like to see you exempt ribbon (grosgrain, polyester, satin) and all fabrics dyed in the United States, nylon and lace, polyester fiberfill, and hand crafted one of a kind sewn items. I support the thousands of crafty moms who use these items to create products that are made of components their manufacturers know to be lead free.

Thank you,

April Eaton

Stevenson, Todd

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From: Shannon M Brott [shannon.margaret.brott@gmail.com]
Sent: Saturday, January 10, 2009 5:46 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear CPSC,

I belong to a large crafting community and I am a SAHM that doesn't want to worry about the new laws....I am all for the safety of my children and other children around the world. I think that all products should be tested once they come into our country but if I have to test everything I make if it has something added to it that was also tested then I will not be able to to be a SAHM and earn money making crafts. This income that I bring to my house hold puts food in my childrens mouths, puts clothes on them, puts winter jackets on their backs when the weather goes to -16 degrees. Can you tell me that its okay for this law to require me to retest items that have already been tested to be retested...and that its okay to spend money on the tests ... which then results in less money for my children to have for their food, clothing and jackets to keep them warm. IF it is then please advise me where I can recoup the costs and where I can find the money that I loose doing this. I am a small time seller....I am not some company like Tyco, Fisher Price or Tonka....I am just a one person team....

I would like to see the following items exempted:

- Hot Glue Sticks with my Hot Glue Gun
- Alligator Curl clips single and double prong clips to create base for hair accessories
- Grosgrain Ribbon
- Polyester Ribbon
- Cotton fabric
- barrettes
- Lycra fabric
- Plastic Hair bands
- Nylon Fabric
- Nylon Ribbon
- Crafting Ribbons
- Sewing Thread
- Ribbon hair accessories in general

Sincerely,

Shannon Margaret Brott

Stevenson, Todd

From: Jen and Steve [wincklers@thewincklers.com]
Sent: Saturday, January 10, 2009 5:48 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To whom it may concern,

I am writing to you to express my deep concern for the impending enforcement of the new Consumer Product Safety Improvement Act (CPSIA). As a mother of 2, I realize that product safety is of utmost importance, however this particular legislation is reactionary and holds potentially devastating economic ramifications.

I have a very small work-at-home-mom business and sell my things at craft fairs, on Etsy, and donate them to charity. Under these new regulations, I would be required to submit each piece that I create to prohibitively expensive government approved third party testing. From what I understand, each test would cost me anywhere from \$100-400, for each COMPONENT of the garment. That's a test for thread, buttons and each fabric. Considering the fact that each piece is made from completely different fabrics, and that I produce only one or two of each item from each fabric, it would effectively eliminate my ability to do business legally in the US.

It would seem that having the raw materials tested and certified before they hit our US store shelves would be more appropriate. Then when I make my product using these materials, I can be assured they are safe. Testing EACH final product from these materials is redundant, wasteful, expensive, and unnecessary. **Here are examples of materials I use for my children's products: dyed wool yarn, dyed cotton fabric (flannel, woven cotton), polyester fleece, thread, buttons, elastic, and nylon fabric.** I buy them at US retail stores and use them to create my handmade goods. My feeling is that anything that I buy as an input into my product should already be certified, and I should not need to do additional testing per unit.

I have read the CPSIA in its entirety and there is no exception for quantities made, where the garments/products are made, or anything else. Many parents are looking to buy things locally made, or made in the USA, to support our country and the health of our families. This will eliminate that option for us, and we'll be forced to buy from "safe" overseas mega-companies who can afford the testing.

February 10, 2009 is being dubbed "National Bankruptcy Day" by many experts in the apparel and toy industry. I expect that if this legislation is allowed to be enacted as written, it will affect everyone from port workers to parents looking for legal products. In addition, millions of pieces of merchandise will be destroyed because it can't be legally sold, causing undue environmental problems.

As you can see, this legislation is dangerous. I imagine that it was originally written with good intention. However, I can only hope that you will take action to revise it to allow us to continue to make and buy handmade goods!

Sincerely,

Jen Winckler
Brier, WA

Stevenson, Todd

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From: hanrahan2000 [caseyhanrahan@sbcglobal.net]
Sent: Saturday, January 10, 2009 5:49 PM
To: Lead Determinations
Subject: CSPIA

Hi there - I make children's toys for a living from home. I was directed here to see if dyed wool roving could be excluded from the list of unsafe materials. Thanks for your time.
Vicky

Stevenson, Todd

85

From: Betty Hilyer [betsysbows@earthlink.net]
Sent: Saturday, January 10, 2009 5:51 PM
To: Lead Determinations
Subject: 101 spec. determinations

Thank you so much for your considerations.

I am most concerned about ribbon, french barrettes, and alligator clips. I only purchase US made products with the exception of the clips which have knowingly been tested for lead content and fall way below the levels.

Thanks so much

Betty Hilyer

betsysbows@earthlink.net

Stevenson, Todd

From: Valerie Oldemeyer [littlebopeep2@yahoo.com]
Sent: Saturday, January 10, 2009 5:56 PM
To: Lead Determinations
Subject: "Section 101(a) Determinations."

To Whom It May Concern:

I am a stay at home mom with a small business making handmade boutique clothing for little girls. I don't make a lot of money doing so and everything I make is custom. I would like to see these items excluded from the law to help me keep my small business open.

1. Fabric such as cotton
2. Lace and ribbon
3. Buttons
4. Iron-Ons
5. Thread
6. Elastic

I know some of these items seem irrellivant to exclude, but I use all of these items in each outfit and if one important items is not excluded I would be put out of business.

Thanks for your time.

Valerie Oldemeyer
2115 W. 6th St.
Port Angeles, WA 98363
360-452-6811

www.littlebopeepbowtique.etsy.com

littlebopeep2@yahoo.com

Stevenson, Todd

From: Marizel Bustos [marizelb@yahoo.com]
Sent: Saturday, January 10, 2009 6:03 PM
To: Lead Determinations
Subject: Section 101(a) Determinations.

Dear CPSC,

I am a stay at home mom and help bring in some income by selling my handmade accessories made for little girls and babies.

I would like to see these materials exempted:

Ribbon such as all grosgrain, satin, nylon and polyester Silk flowers Tulle Crocheted headbands Fabric such as nylon and cotton Ribbon hair accessories in general.
Elastic

Please, this is very important to my family as well as many other small business owners.

Thank you,

Marizel Muniz

Stevenson, Todd

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From: Gracie Belle Bows [michelle@graciebellebows.com]
Sent: Saturday, January 10, 2009 6:09 PM
To: Lead Determinations
Subject: Section 101(a) Determinations
Attachments: incredimailsignature.gif

Grosgrain Ribbon
Satin Ribbon
Velvet Ribbon
Organza Ribbon
single prong pinch clips
double prong pinch clips
french barrettes (1-3/4"-3")
Allene's glue sticks
pony tail elastics
ribbed knit fabric
nylon fabric
elastic thread
cotton thread
printed cotton fabric

Michelle Ware
Gracie Belle Bows
1-888-536-2224
www.graciebellebows.com

Stevenson, Todd

From: Bretta Gonzalez [brettadg@yahoo.com]
Sent: Saturday, January 10, 2009 6:30 PM
To: Lead Determinations
Subject: Section 101(a) Determinations

Dear Lawmakers:

I own a small business where I make and sell handmade hairbows, headbands, hats, TuTu's and clothings. The new CPSIA law will mean I have to stop selling and just absorb the thousands of dollars in supplies that I currently have in stock.

Please add hairbows, tutu's, hats, and headbands to the exemption list. I use ribbon, thread, hot glue and a clip to make my bows. For headbands I use a plastic headband, ribbon, and hot glue. For infant headbands I use elastic lace, hot glue, thread and grosgrain ribbon. For Tutu's I use tulle, elastic, and thread. For nylon headbands I use children's tights, hot glue, thread, and grosgrain ribbon.

This business has not made me a wealthy woman but it has enabled me to live the "American dream" my dream has been to stay home with my children and be the one to raise them. Without this business, I will be forced to look for work outside my home and give up that dream and let someone else raise my kids for me while I am gone.

Please save my business,
Bretta Gonzalez
Owner Grace Bowtique

Stevenson, Todd

From: elizabeth lopez [dlizious04@yahoo.com]
Sent: Saturday, January 10, 2009 7:02 PM
To: Lead Determinations
Subject: CPSC

list of materials that they would like to see EXEMPTED

Ribbon
Slik Flowers
did i mention RIBBON!

Stevenson, Todd

From: keri loper [kerioke13@yahoo.com]
Sent: Saturday, January 10, 2009 7:19 PM
To: Lead Determinations
Subject: Consumer Product Safety Improvement Act

Dear Sir or Madam:

I am writing to ask that you give serious consideration to the repercussions of this Act in its present form.

At a time when many people are relying on consignment and thrift stores to provide for their children, this Act will prevent them from being able to access these items. At a time when many Americans are having to rely on their skills and ingenuity to earn extra income for their families, this Act will make their small businesses or reselling efforts no longer profitable.

The intentions behind this Act were good, but the way it is written presently is too vague, and will put many makers of handmade children's items out of business. I have a small child myself and understand wholeheartedly the fear of lead in many of his products, but without allowing for exceptions and some common sense, this Act does more harm than good.

Please do not hastily pass a law that is going to make these tough economic times even more difficult for millions of American parents.

Sincerely,
Keri Buck

Stevenson, Todd

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From: kristin@vloutextiles.com
Sent: Saturday, January 10, 2009 7:37 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

To Whom It May Concern,
Here is a list of items I feel should be exempt from the CSPIA law.

- 1.cotton and poly/cotton blend thread bought from the local fabric store.
- 2.Printed cotton fabric bought from the local fabric store.
- 3.Water-based screen printing ink
- 4.Polyfill stuffing
- 5.cotton clothing blanks (including items with metal snaps such as the kind found in baby onesies)
- 6.paper

Thank you.
Kristin Cranmer
kristin@vloutextiles.com

Stevenson, Todd

From: Heather MacDonald [jayandheather@yahoo.com]
Sent: Saturday, January 10, 2009 9:02 PM
To: Lead Determinations

I have some questions regarding the new law.

I lost my job in October and have starting make baby bibs, blankets, appliqueing clothing, hair bows and etc. So if I go to hobby lobby or any material store, buy the materials make something and sell it to someone under 12 years of age I will be responsible for having it tested for lead?

Why don't they start with the manufacturers with this instead of the consumers? I just want to know how I will be affected by this.

Thank you,
Heather

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Stevenson, Todd

From: Candice Bannan [candicenicole19@yahoo.com]
Sent: Saturday, January 10, 2009 9:59 PM
To: Lead Determinations
Subject: Section 101 Determinations of Certain Materials or Products NPR

First, Thank you for taking the time to read this email. After Much research, I have found that lead is not absoRbed (Except for the lead used in Lead Gas) through the skin or RARLY absorbed (Less then 1%) I believe that childrens clothing should be removed from the additional testing. Once children are past the infant age, they do not chew on their clothing nor is it something that parents allow their children to eat!

When i first heard about the new law, I figured it would only be a matter of time before the law was over turned considering how our economy is already tried as it is and the impact of the law will only make the downward spiral even greater. However, seeing that today is already the 10th of January I have little hope that any changes are going to be made in favor of us small businesses. According to Section D Impact on Small Business's it states the impact will not have a " significant effect on a substantial number of small entities. " However this is untrue. Feb. 10Th is now dubbed National Bankruptcy day among many many small business owners and I am one of them. I am a small clothing designer. I am also a single mother with only this income. I work from my home because my oldest daughter has Biliary Atresia a rare liver condition requiring a transplant. I have been blessed in her health for over 8 years however I need to be able to continue to stay at home where I am needed to ensure my daughter is getting the care that she needs. Without my clothing designing business, I will not be able to do this.

My issues with the law is many however the one I have the most issues with is the fact that all of my supplies are purchased from the United States. Mainly Joann Fabrics or other local craft stores. Some is purchased on-line however they are always purchased from the USA. Now, since I used children's printed fabrics, This fabric should already be tested under the new law however once I take the ALREADY tested fabric and create it into an outfit, I am then made to go and get the outfit tested again to ensure the same items which were tested by the company that I just purchased them from, are lead free. Taking an item and sewing it together with other Pretested fabric does not add lead, it add style and Pizazz!

Onto the next issue I have with the law. Being that I create unique and One of a kind or custom ordered designs, I only create one, maybe 2 of each outfit. Now since each finished product needs to be tested I am now made to take an outfit that I could have spent upwards of 24-48 hours making and send it in for testing. The testing process will ruin the finish product making it unsellable and there for making hours and hours of hard work pointless.

I am a mother of 3 little girls ages 9, 5 and 3. My children have been wearing my creations since they were born and I have had all 3 of my children tested for lead under the Maryland Law at the required age before entering school. They have never absorbed lead through their skin from the products that I create. They do not eat their clothing so ingesting the lead is not something that is an issue. The clothing I create does not flake like paint creating a hazard of ingestion. If I use a button on my item, It is stitched, then stitched again, sent with a warning to never leave children unsupervised with any small items including buttons and to never allow the child to place any small objects into their mouth. It is very rare that I use anything other then plastic buttons which, according to the materials I have read, they do not contain lead. So I am unsure why I have to send each and every button I use (again, it is purchased in the USA so it should have to pass some standard somewhere for lead to start with correct?)

My biggest issue I believe is that I do not create my own fabric, my own buttons, my own supplies. I merely use those items as a palette to create fun and unique children's items. I do not think I should be responsible for the lead content of the items considering I purchased them from a store that should have to follow the lead rules themselves. Children come in contact with things everyday which are not marketed to children. Children are attracted to shiny things. For example, if I take my child into a Joann fabrics store and we are walking down an aisle that has shiny pretty beads. My daughters will flock to them, touch them, play with them, hold them and try to talk me into purchasing them however they are not going to be considered marketed to a child under the age of 13 but if I give in and purchase those items for my child, they would be allowed to contain lead. Do you see my issue with this? Any product in ANY STORE is something that could end up in the hands of a child. Whether it be the shiny pretty beads or the plastic spray bottle from the dollar store that they think would be fun to spray at each other. No matter what the product is, a child will still hold it, handle it, come in contact with it. Why should I, a clothing designer, be held to unfair and bias standards?

I agree 100% that the laws need to be stiffer when it comes to protecting our children. They are the future of our country and tomorrow's America however I think this law is going to shut the door on MANY MANY small businesses around our country and abroad. I strongly believe that the companies who are manufacturing the products (Paint, fabric, Buttons, Thread, snaps, denim jeans, tee shirts, pre made toys and clothing, knit fabrics, cotton fabrics, woven fabrics ect) should be responsible for the products they sell. I merely purchased those fabrics to create my designs. If I use a pre made pair of denim jeans then they are purchased from the children place or Old navy, therefore, they will already be required to be tested however as the law stands now, I am also responsible for testing the same items. As a small business owner, I can not afford to spend the money required to have each fabric, each fabric color, each thread that I use, each button, each stabilizer, ect sent away for testing. The amount of money needed to do this is in the THOUSANDS when I struggle daily just to make it by with the current bills.

So in closing I will again state, please consider changing the law so it will not impact every small business. The amount of people this will hurt is far deeper than once thought. The Etsy community, the Ebay boutique designers, the mom and pop stores, the craft stores, the small time craters the larger craters, we will ALL be directly effected by this new law and will be forced to close our doors. Hold the larger manufacturing company's responsible for the products they make, not the people who merely use them as our artistic outlet and lifeline to getting by. It is unfair that we, the artist behind the designs and products are being punished for the lack of consideration the manufacturing companies have for our children. These products should already be deemed safe for use in children's items considering they will be for sale in stores where our children could come in contact with them or they can be used in the end result for children's products. Joann fabrics has a huge section of Disney, Nursery, child like prints and more that is clearly going to be used for making a product for a child.

I am unsure if the lead content in fabric is something that will wash away or diminish after washing or with wear however, EACH AND EVERY fabric that is brought into my home is washed in hot and cold water and then placed on high in the dryer to dry to ensure that fabric will hold up for the customer. If the lead is washed out (I am unsure if testing has even been done but it is just a thought and I am wondering if this is the case) then testing would not be needed. Has any testing been done to test this or to test to see if lead is even present in fabrics that are purchased in this country? I believe that this law was passed too fast and without given the proper guidelines for exemptions and enough time for testing of items which will be banned under the law. I do not market my clothing to infants. I market my clothing to my children around my girls ages making the market for my designs from 3-9. I have never seen any of my children chew, eat, swallow, munch, or ingest any of the fabric that I have used to make the outfits or the finished products. They will be wearing the clothing not eating it. The clothing will be placed on the child by an adult and removed and

placed, normally, in the washing machine or sent for dry cleaning. The chance of absorbing the lead through the child's skin is low, if the products contain lead at all.

Well I hope this this email makes sense. I need to keep my doors open so my children will not be raised by daycare and i am able to take my daughter, Zoe, to her doctors. Beings that you are in Maryland as well I will give you a location for each of her Doctors we see monthly. I live in Bel Air in Harford County. Her transplant Doctor is in Del. at AI DuPont, her GI doctor is at Sinai and her peds Dr is at Franklin Square. These are monthly visits on different days. If she gets a common cold, we have to go for testing to make sure it is in fact a cold and not something more serious which means more time that I would have to miss. I can not afford to not work however I can not afford to miss my daughters Doctors appts because her health would be in jeopardy.

None of the know causes of lead posioning in children come from the clothing they wear. In fact only in VERY RARE cases is lead absorbed through the skin.

Please see the following studies to prove my point that it is rare that lead absorbed in the skin is harmful. Lots of research has been done which suggests that lead IS NOT absorbed through the skin

The following is taken from a lead poisoning GOVERNMENT site:

<http://www.ecy.wa.gov/programs/hwtr/demodebris/pages2/lpoison.html>

Lead poisoning is caused by the absorption of lead into the body through breathing and eating, (inhalation and ingestion). Lead can slowly cause irreversible damage, first to individual cells, then to the organs and whole body systems.

- * Breathing lead dust from the air is the most frequent source of adult workplace exposure.

- * Lead is also swallowed and absorbed through the digestive system.

- * Adults usually transfer lead from their hands to their mouths by contaminated materials and then handling food, cigarettes, chewing tobacco, or make-up.

- * Children play in lead contaminated house dust and dirt and then swallow the lead with their food. Some children deliberately eat paint or dirt - a habit called 'pica'.

- * Most lead compounds are not absorbed through the skin (except for tetraethyl lead that used to be in leaded gasoline).

It CLEARLY states the only lead that is absorbed through the skin is used only in Leaded Gas!

ANOTHER GOVERNMENT SITE:

<http://www.tfhrcc.gov/hnr20/lead/sect2/set.htm>

Absorption

Absorption is when a substance enters the body through the skin. Certain lead compounds will be absorbed through the skin. These are mainly organic lead compounds such as tetraethyl lead (commonly found in leaded gasoline). The lead compounds construction workers are exposed to are inorganic. Inorganic lead compounds are added to paint such as lead oxide or lead carbonate. Inorganic lead compounds are believed to not be readily absorbed through the skin although this route of exposure needs further study.

Another government site

Lead Absorption

While adults absorb about 11 percent of lead reaching the digestive tract, children may absorb 30 to 75 percent. When lead is inhaled, up to 50 percent is absorbed, but less than 1 percent of lead is absorbed when it comes in contact with the skin. The body stores lead mainly in bone, where it can accumulate for decades.

<http://www.cfsan.fda.gov/~dms/fdalead.html>

So Since clothing is not something that children play with or something that they can eat and then be absorbed, I believe clothing should be exempt from the additional testing required or the makers of the materials should be liable fot the testing not the designers who mearly use the fabric to create with.

Thank you so much and God Bless
Candice