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

BALLOT VOTE SHEET

DATE: AUG 27 2009

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel CAF
Maruta Budetti, Executive Director MB

FROM: Philip Chao, Assistant General Counsel PC
Hyun S. Kim, Attorney, OGC PC for HSK

SUBJECT: Stay of Enforcement of the Lead Content Limits Pertaining to Bicycles and Related Products: Request for Extension of Time

Ballot Vote Due: AUG 27 2009

On June 30, 2009, the Commission issued a stay of enforcement of the lead content limits for certain parts of bicycles and related products designed or intended primarily for children 12 years of age or younger until July 1, 2011 (74 FR 31254). The stay, among other things, requires manufacturers to file, no later than August 29, 2009, a report on metal component parts accessible to children, and the measurement of the lead content based on representative samples of each part. On July 28, 2009, Mayer Brown LLP, on behalf of the Bicycle Product Suppliers Association (BPSA), requested an extension to comply with this filing requirement. The request would extend the due date for bicycles and related products for filing the initial report to October 9, 2009.

Please indicate your vote on the following options.

I. Grant the request for extension of time for filing until October 9, 2009

(Signature) (Date)

II. Deny the request for extension of time for filing.

Note: This document has not been reviewed or accepted by the Commission.
Initials RH Date 8/27/09

CPSA §6(b)(1) CLEARED for PUBLIC
RH 8/27/09
__NO MFRS/PRVTLBLRS OR PRODUCTS IDENTIFIED
__EXCEPTED BY: PETITION RULEMAKING ADMIN. PRCDG

(Signature) (Date)

III. Take other action. (Please specify.)

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_____ _____

(Signature) (Date)

OFFICE OF THE
GENERAL COUNSEL
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July 28, 2009

The Honorable Inez Tenenbaum
Chairman
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Re: Request for Extension of Deadline for Submission of Initial Reports under Stay of Enforcement Pertaining to Bicycles and Related Products, 74 Fed. Reg. 31254 (June 20, 2009)

Dear Chairman Tenenbaum:

I am writing on behalf of the Bicycle Product Suppliers Association, ("BPSA") which is an association of suppliers of bicycles, parts, accessories and services who serve the specialty bicycle retailer.

On June 30, 2009, the U.S. Consumer Product Safety Commission published a decision to stay enforcement of the lead content limits established by Section 101(a) of the Consumer Product Safety Improvement Act (CPSIA) with respect to various metal components of bicycles and related products. 74 Fed. Reg. 31254 (June 30, 2009). The stay specifies that each manufacturer covered by the stay shall file, by August 29, 2009, a report with the Commission identifying each model of bicycle (or related product) produced between May 1, 2008 and May 1, 2009. For each such model, the report shall include production volume by calendar month, and shall identify each metal component that is accessible to children, the material specification for each part, and a measurement of the lead content of representative samples of each part in parts per million (ppm). For convenience, we will refer to this as the "initial report."

The Commission is currently considering a final rule on which components are accessible to children. The ballot vote sheet is due July 30, 2009. Because there is uncertainty as to which components must be listed until that final rule is issued, we respectfully request an extension of time in which to file the initial report. The Commission recently voted to extend the time in which the manufacturers of youth motorized products, such as ATVs, must file similar initial reports under the terms of the stay of enforcement pertaining to those products. The new due date for the youth motorized products initial reports is October 9, 2009. We respectfully suggest that the same due date would be reasonable for the BPSA member companies.

Mayer Brown LLP operates in combination with our associated English limited liability partnership and Hong Kong partnership (and its associated entities in Asia).

We are also seeking clarification with respect to the representative sample testing that is required by the terms of the stay. It appears that the stay requires testing of representative samples taken from bicycles actually produced between May 1, 2008 and May 1, 2009. BPSA respectfully requests clarification that it would be acceptable to provide test data from samples of bicycles in current production (summer 2009, which is already Model Year 2010 for some manufacturers). Bicycles produced in 2008 are generally no longer available to the manufacturers for testing, and there would be significant effort involved in locating bicycles built in that time frame, purchasing them from the owner and conducting the testing.

We appreciate your consideration of these requests.

Sincerely,

Erika Z. Jones
Counsel to Bicycle Product Suppliers Association

cc: The Honorable Thomas H. Moore
The Honorable Nancy Nord
John Gibson Mullan, Esq.
Cheryl Falvey, Esq.
Todd Stevenson