



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot

1111 18th Street, N.W.
Washington, D.C.

Voting: Chairman King
Commissioner Franklin
Commissioner Pittle
Commissioner Sloan
Commissioner Zagoria

ITEM

Kamco/Kayandess Service Corporation Request for Enforcement
Relief for Children's Lamps Bearing Lead-Containing Paint

(Briefing material transmitted by the Office of the
Secretary on November 30, 1978 and December 20, 1978.)

DECISION

Based upon the information presented in the above-referenced
material, the Commission denied the request. The attached
denial letter was subsequently approved by ballot vote and
issued on December 29, 1978.

Voting to deny the request: Chairman King (12/5/78)

Susan B. King

Commissioner Franklin (12/1/78)

Barbara H. Frank

Commissioner Pittle (12/6/78)

R. David Pittle

Commissioner Sloan (12/1/78)

Edith Bertha Sloan

Commissioner Zagoria (12/7/78)

Sam Zagoria

Kamco/Kayandess Service Corporation Request for Enforcement
Relief for Children's Lamps Bearing Lead-Containing Paint - cont'd.

Voting to approve the letter:

Concurring: Chairman King (12/26/78)

Leslie B. King

Commissioner Franklin (12/26/78)

Barbara H. Franklin

Commissioner Pittle (12/27/78)

R. David Pittle

Commissioner Sloan (12/21/78)

Edith K. Haddad Sloan

Commissioner Zagoria (12/27/78)

Sam Zagoria



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D. C. 20207

DEC 29 1978

Arnold Greenberg, Esq.
Greenberg and Tuchman
11 Park Place
New York, N.Y. 10007

Dear Mr. Greenberg:

This is in response to your recent request on behalf of your client, Kamco/Kayandess Service Corporation, for enforcement relief for a specified number of lamps manufactured in violation of the Commission's lead-containing paint ban (16 CFR Part 1303).

After a careful review of your request and after testing the lamps for their lead content (results of tests attached), the Commission has decided to deny the request. The Commission notes that some of the paints on the lamps contain as much as 10-13% lead and believes, therefore, that the potential harm in this case outweighs any economic detriment to Kamco. In reaching its decision, the Commission expressed particular concern about the small toys on the lamps which could easily be removed by a child and placed in his or her mouth. (The Commission staff subjected these toys to some informal tests to determine their removability.)

As a result of the Commission decision, you will be contacted shortly by our New York Area Office to monitor the disposition of the noncomplying lamps. Please be advised that, should you decide to export the lamps in question, you are required by the provisions of section 18(b)(2) of the Consumer Product Safety Act (CPSA), as amended, to notify the Commission 30 days before you intend to export them.

Arnold Greenberg, Esq.
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The Commission points out, however, that your client is of course free to modify the lamps in any fashion (e.g. by stripping and repainting or substituting new complying paints) that would bring them into compliance with Commission regulations and then may sell them. The Commission also notes that in view of the attached test data, if the sign is removed from the "Sesame Street" lamp, the sale of this lamp would not be prohibited as long as the lamp itself does not bear any paint containing more than 0.06 percent lead.

The Commission suggests that to avoid similar problems in the future, Kamco may wish to make appropriate Taiwanese authorities fully aware of the erroneous certification of lead paint content by the exporting company. Commission staff are also in the process of contacting Taiwanese officials through the U.S. State Department to obtain some explanation of the erroneous certification.

If your client wishes the 14 lamps submitted to the Commission for testing returned, the company should contact Charles Jacobson of the Commission's Directorate for Compliance and Enforcement within two weeks.

The Commission appreciates your having brought this matter to its attention and regrets that the hazard is such that special relief could not be granted.

Sincerely,

ORIGINAL SIGNED BY
SADYE DUNN

Sadye E. Dunn
Secretary

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Charles M. Jacobson, CERM
Through: Gale D. Wyer, Acting DAED, ESH *GDW*

DATE: November 28, 1978

FROM : Warren K. Porter, Sup. Research Chemist, ESHC *WKP*

SUBJECT: Lead in Paints of Nursery Lamps

Seven lamps were received from C. Jacobson (CERM) for determination of lead in the paints. Generally, the articles have a base coat of paint with color being applied successively in layers. This caused some problems in sampling, as seen in some duplicate values, since it was impossible to obtain uniform samples of only one color. Likewise since the articles are wood, there was some contamination of the analyzed paints by substrate material. Generally, these sampling problems lead to low determined values. Another source of error may be the small amounts of paints available for analysis. In any event, the data clearly show that a number of colors have lead contents in excess of 0.06% by weight. The colors typically exhibiting high lead levels were reds, yellows, greens, and browns. In general, the white paints contained less than 0.06% by weight lead. A tabulation of the data is presented in the attachment.

Attachment.

Attachment

<u>Sample #</u>	<u>Area Sampled/Color</u>	<u>%Pb</u>
1000-4814		
Snoopy and Campfire	Base/White	0.05
	Campfire/Red	2.30
	Snoopy's Hat/Brown	10.94
		3.58
	Woodstock/Yellow	0.06
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1500-4813		
Snoopy on Doghouse	Base/White	0.107
	Shrubs/Green	1.50
	Lucy's Dress/Yellow	0.14
	Doghouse/Red	0.01
	Dog Dish/Maroon	0.08
	Lucy's Hair/Black	1.05
	Charlie Brown:	
	Body/Black	0.78
	Feet/Brown	2.05
	Flesh/Pink	0.48
	Arm/Red	0.66
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1800-4854		
Jack and Jill	Base/White	0.02
	Hat/Yellow	10.77
	Hat/Blue	0.02
	Well Top/Pink	0.14
	Well Top/Blue	0.01
	Dress/Pink	1.35
	Doll Head/Pink	1.56
	Trousers/Green	3.91
	Boy's Face/Pink	2.27
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4200-4977		
Seasame Street	Sign/Yellow	6.04
		4.08
	Sign/Green	2.04
	Post/Green	0.05
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<u>Sample #</u>	<u>Area Sampled/Color</u>	<u>%Pb</u>
1000-4855 Circus	Base/White	0.02
	Wagon/White	0.01
	Cage Roof/Blue	0.08
	Soldier:	
	Shoes/Brown	0.28
	Jacket/Red	0.99
	Hair/Yellow	4.65
	Hat/Brown	2.26
	Pants/White	0.12
	Baton/Yellow	10.06
	Seal/Yellow	0.60
	Seal's Platform/Mixed	0.41
	Dog/Pink	0.45
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1500-4815 Snoopy Psychiatric Help	Base/White	0.01
	Snoopy:	
	Face/White	0.02
	Hat/Brown	0.02
	Lucy's Hair/Black	0.32
	Charlie Brown:	
	Face/Pink	0.69
	Shirt/Red	
	Shrubs/Green	7.35
		2.96
	Sign/Orange	13.04
	12.47	
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6000-4851 Old Lady in the Shoe	Base/White	0.01
	House Top/Yellow	1.88
	Dress/Green	2.93/ 2.69
	Hat/Mixed	0.16
	Chimney/Yellow	5.39
		6.79
	Shoe/White	0.01
	Dress/Pink	0.89
Boy/Red	1.35	