



**U.S. CONSUMER PRODUCT SAFETY COMMISSION**

4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Acting Chairman Nancy A. Nord  
                                  Commissioner Thomas H. Moore

ITEM:

Draft Statement of Commission's Enforcement Policy on Section 101 Lead Limits  
(Briefing Package dated February 5, 2009, OS no. 3998)

DECISION:

The Commission voted unanimously (2-0) to adopt the draft enforcement policy as drafted. The Director of the Office of Compliance and Field Operations prepared the draft *Statement of Commission Enforcement Policy on Section 101 Lead Limits* in view of the fact that that the first requirement on the total lead content of children's products, 600 parts per million, mandated by paragraph 101(a)(2) of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, becomes effective on February 10, 2009.

Acting Chairman Nord and Commissioner Moore issued the attached statements with their votes.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson  
Secretary

\* Ballot vote due February 6, 2009



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4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

STATEMENT OF ACTING CHAIRMAN NANCY NORD  
ON THE DRAFT STATEMENT OF COMMISSION ENFORCEMENT POLICY ON SECTION 101 LEAD  
LIMITS OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008  
February 6, 2009

The Commission is taking a number of actions to address the lead requirements that go into effect on February 10, 2009.

Today we issued an interim final rule exempting certain electronic products from the lead provisions of the CPSIA. Electronics was the one area that Congress identified for special exemption attention. An interim final rule is necessary at this time because our options to craft a rule after public comment and thoughtful consideration are limited by the CPSIA after February 10. This is because CPSIA does not allow us to stay the applicability of the lead ban to electronics while we finish our normal rulemaking process. The agency staff feels confident that this exemption rule provides the right balance between safety and consumer choice. Therefore, I am voting for this rule in spite of the unusual procedure used to finalize it. This is not a procedure that I anticipate the agency will use in the future, except under the most demanding circumstances.

We are also issuing a statement of policy that staff has been developing for the past several weeks that lays out the agency's approach to enforcing the lead provisions with respect to certain products including books and textiles. I hope that this statement of enforcement policy will answer questions about how we will approach these issues generally and thereby help reduce confusion in the marketplace. I also hope the state attorneys general will follow our lead and adopt similar enforcement policies.



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

STATEMENT OF THE HONORABLE THOMAS H. MOORE  
ON THE COMMISSION ENFORCEMENT POLICY ON SECTION 101 LEAD LIMITS  
February 6, 2009

The Commission today is taking action that it has been considering for some time and in response, in part, to congressional urging, to give interim guidance on certain issues relating to the new lead content limits, which we hope will aid a number of enterprises, from libraries and sellers of new and used children's books to small crafters and apparel makers to manufacturers of electronics devices intended primarily for children. The Commission is still seeking comments and information to refine the final rules in these areas, but given the rapidly approaching February 10<sup>th</sup> date, we felt it was important to put out as much guidance as we were comfortable issuing, given the data and information currently available.

It is not the intent of the Commission, nor has it ever been the intent of Congress, to force any company out of business who is operating in good faith to produce safe products. As we work through the issues in the new law, the disruptions that now seem overwhelming will fade and the marketplace will emerge as a much safer one for our nation's children.

The Commission will take a measured, reasonable approach to administering the new law. We will be patient with businesses working to come into compliance and we ask their patience with our small agency as we try to address issues of importance to businesses and consumers alike. Historically, the Commission has used its civil and criminal penalty authority when necessary, but sparingly. We have always focused on protecting the consumer over penalizing the inadvertent missteps of small businesses. I see no reason for that approach to change under the new laws we have been charged with enforcing.