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

This document has been electronically approved and signed.

BALLOT VOTE SHEET

DATE: November 2, 2011

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM: Philip L. Chao, Assistant General Counsel
Hyun S. Kim, Attorney, OGC

SUBJECT: Petition Requesting Exception from Lead Content Limits

Ballot Vote Due: November 8, 2011

Attached is a draft *Federal Register* notice on a petition requesting exception from the lead content limits under section 101(b) of the Consumer Product Safety Improvement Act of 2008, as amended by H.R. 2715 (Public Law 112-28). The petition was submitted by Joseph L. Ertl, Inc., Corporate office of divisions: Scale Models and Dyersville Die Cast for its die-cast ride-on pedal tractors.

Please indicate your vote on the following options:

I. Approve publication of the draft notice in the *Federal Register*.

_____ _____
(Signature) (Date)

II. Approve publication of the draft notice in the *Federal Register,* with changes. (Please specify.)

_____

_____

_____

_____ _____
(Signature) (Date)

III. Do not approve publication of the draft notice in the *Federal Register*.

_____ _____
(Signature) (Date)

IV. Take other action. (Please specify.)

_____

_____

_____

_____ _____
(Signature) (Date)

Attachment:

Draft *Federal Register* Notice – Petition Requesting Exception from Lead Content Limits

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Exception from Lead Content Limits

(Docket No. CPSC-)

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission ("Commission" or "CPSC" or "we") has received a petition requesting an exception from the 100 ppm lead content limit under section 101(b) of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"), as amended by Public Law 112-28. We invite written comments concerning the petition.

DATE: Submit comments by [**insert date that is 30 days after publication**].

ADDRESSES:

You may submit comments, identified by Docket No. CPSC- , by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail), except through www.regulations.gov.

Written Submissions

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to http://www.regulations.gov. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Kristina Hatlelid, Ph.D., M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; e-mail: khatlelid@cpsc.gov.

SUPPLEMENTARY INFORMATION:

Under section 101(a) of the CPSIA, consumer products designed or intended primarily for children 12 years old and younger that contain lead content in excess of 100 ppm are considered to be banned hazardous substances under the Federal Hazardous Substances Act ("FHSA").

Section 101(b)(1) of the CPSIA provides for a functional purpose exception from lead content limits under certain circumstances. The exception allows us, on our own initiative, or upon petition by an interested party, to exclude a specific product, class of product, material, or component part from the lead limits established for children's

products under the CPSIA if, after notice and a hearing, we determine that: (i) the product, class of product, material, or component part requires the inclusion of lead because it is not practicable or not technologically feasible to manufacture such product, class of product, material, or component part, as the case may be, in accordance with section 101(a) of the CPSIA by removing the excessive lead or by making the lead inaccessible; (ii) the product, class of product, material, or component part is not likely to be placed in the mouth or ingested, taking into account normal and reasonably foreseeable use and abuse of such product, class of product, material, or component part by a child; and (iii) an exception for the product, class of product, material, or component part will have no measurable adverse effect on public health or safety, taking into account normal and reasonably foreseeable use and abuse. Under section 101(b)(1)(B) of the CPSIA, there is no measurable adverse effect on public health or safety if the exception will result in no measurable increase in blood lead levels of a child. Given the highly technical nature of the information sought, including data on the lead content of the product and test methods used to obtain those data, we believe that the notice and solicitation for written comments would provide the most efficient process for obtaining the necessary information, as well as provide adequate opportunity for all interested parties to participate in the proceedings. However, we would have the option to hold a public hearing or public meeting, if appropriate, to determine whether a petition for a functional purpose exception should be granted.

On September 29, 2011, Joseph L. Ertl, Inc., Corporate office of divisions: Scale Models and Dyersville Die Cast ("petitioner"), submitted a petition requesting an exception from the lead content limit of 100 ppm under section 101(b) of the

CPSIA for its die-cast ride-on pedal tractors, scaled for children ages 3–10. The petitioner states that the components of its pedal tractors are made of aluminum metal die castings, which are the best alloy of choice for pedal tractor production, based on weight, cost, structural properties, surface finish and coatings, corrosion resistance, and bearing properties and wear resistance. The pedal tractor components are manufactured via the aluminum die-casting process. Although the petitioner states that it is able to meet the lead content requirements of 300 ppm for its pedal tractor components, it is unable to meet consistently the 100 ppm lead content limits, due to alloys used in the aluminum die-cast process. Accordingly, the petitioner requests an exception from the 100 ppm lead content limit to continue to manufacture its pedal tractors with components up to the 300 ppm lead content limit.

Through this notice, we invite written comments on the petition. Interested parties may view a copy of the petition under supporting and related materials identified by Docket No. CPSC- , through http://www.regulations.gov. Interested parties also may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Bethesda, MD 20184; telephone 301-504-7923.

Dated:_____

_____
Todd A. Stevenson, Secretary
Consumer Product Safety Commission

JOSEPH L. ERTL, INC.

Corporate office of divisions:
SCALE MODELS *and*
DYERSVILLE DIE CAST

301 Fifth Street NW
PO Box 327
Dyersville, Iowa 52040-0327

phone 563-875-2436 fax 563-875-2753
www.scalemodeltoys.com
www.dyersvilleciecast.com

September 29, 2011

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

RE: Section 101 Request for Exemption from 100 ppm Lead Content

The Commission was not able to determine that 100 ppm total lead content is not technologically feasible, as staff found that materials containing less than 100 ppm total lead content ***are commercially available in the marketplace for manufacturers.***

The above statement is taken directly from the CPSC Release #11-278, dated July 15, 2011. The above statement severely crippled our farm toy business on August 14, 2011. This is our story:

We are an American-made, Iowa-based company with a 33-year reputation manufacturing farm toys. Our niche market is ride-on pedal tractors, sized for children ages 3-10. We sell nostalgia; with many products sold to parents and grandparents with rural American roots. Our pedal tractors are purchased specifically for their children, grandchildren or for display purposes for adult collectors.

Our tooling and equipment (investments > $10,000,000) is designed to create aluminum die-castings from A380.1 alloy. Aluminum alloys are derived from recycled scrap metal to create ingots; ingots with lead content that is certified per heat but often greater than 100 ppm. Alloyed metal is based off the quality of the scrap it is derived from. Alloyed metal is not a homogenous product, and never will be.

We are a small manufacturer with 2011 sales around $1,000,000. The restrictions and penalties imposed by CPSC are not a risk we are financially willing to take. We do not employ attorneys or scientists. It breaks our corporate heart to exit the farm toy business, a business our founder, Joe Ertl, has participated in for the past 65 years. Yet, it is not worth the continued risk, imposed by our government, unless we are granted a permanent waiver from the CPSC.

Therefore, please accept and approve our submission to the *Section 101 Request for Exemption from 100 ppm Lead Content.* It is our hope that our request will be granted.

Thank you.

Sincerely,

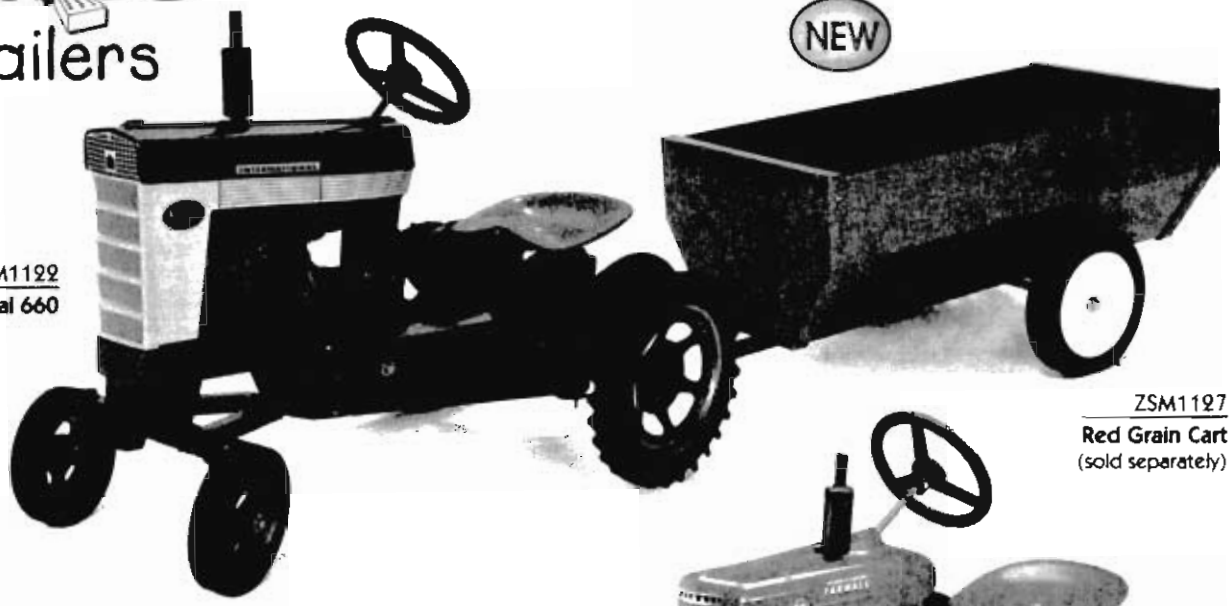
Jane Ertl

Jane Ertl
Executive Vice President
563/875-2436, x226

Five copies enclosed

Pedal Tractors and Trailers

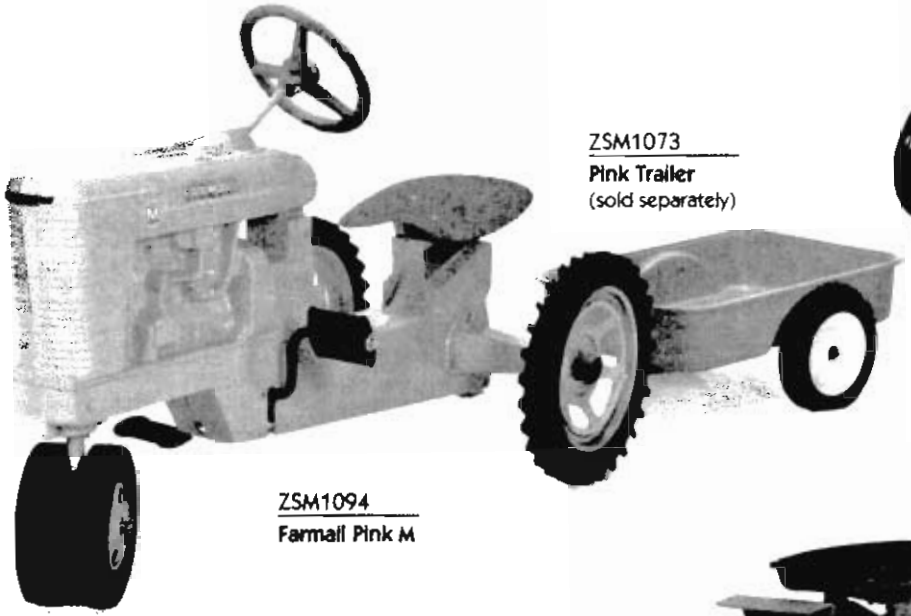
NEW



ZSM1122
International 660

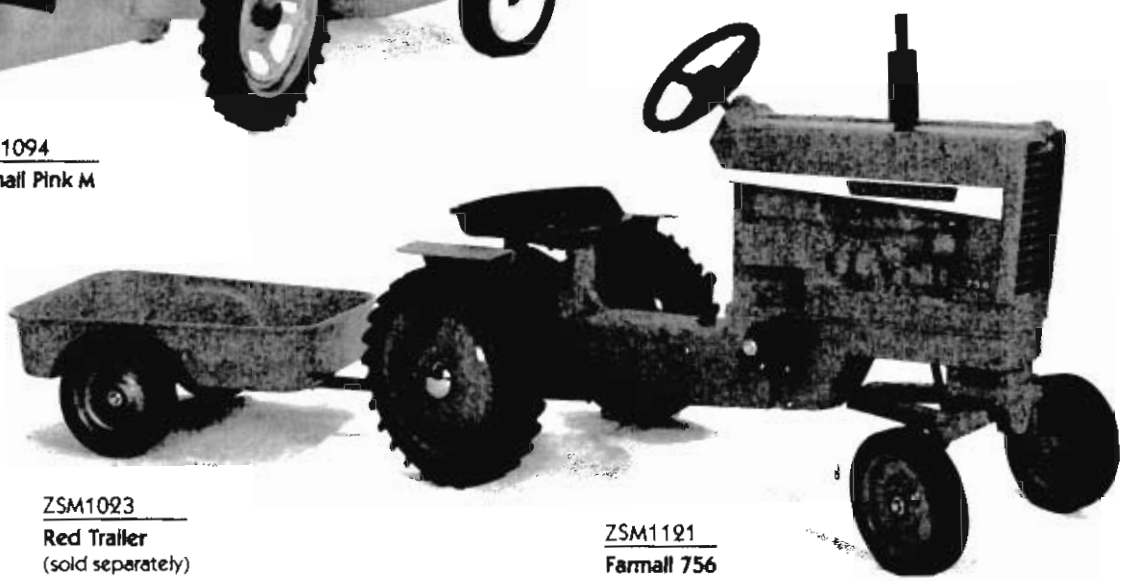
ZSM1127
Red Grain Cart
(sold separately)

ZSM1095
Farmall M



ZSM1073
Pink Trailer
(sold separately)

ZSM1094
Farmall Pink M



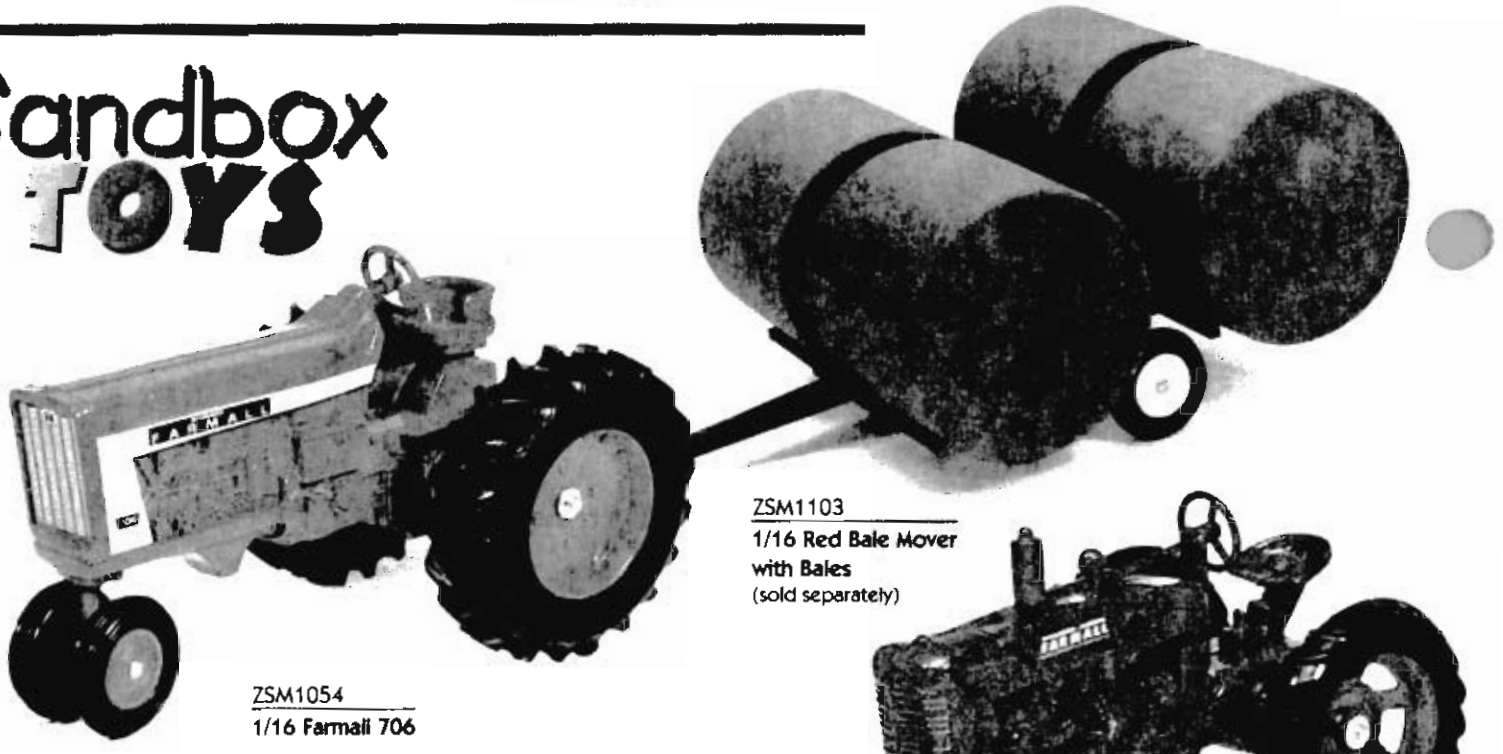
ZSM1023
Red Trailer
(sold separately)

ZSM1121
Farmall 756

1/8 Die Cast Tractor

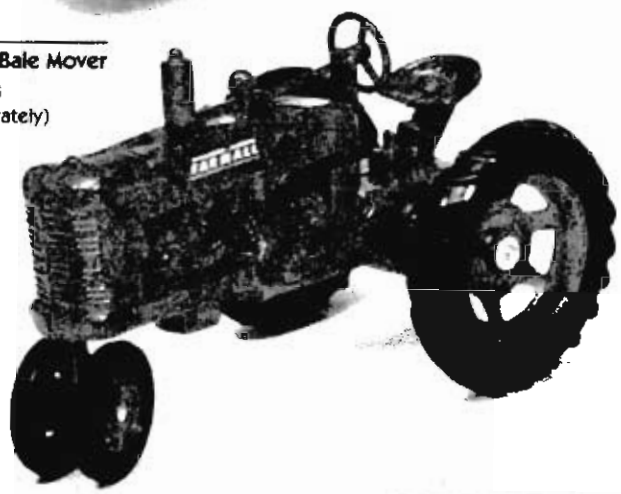
ZSM1069
1/8 International 966

Sandbox TOYS



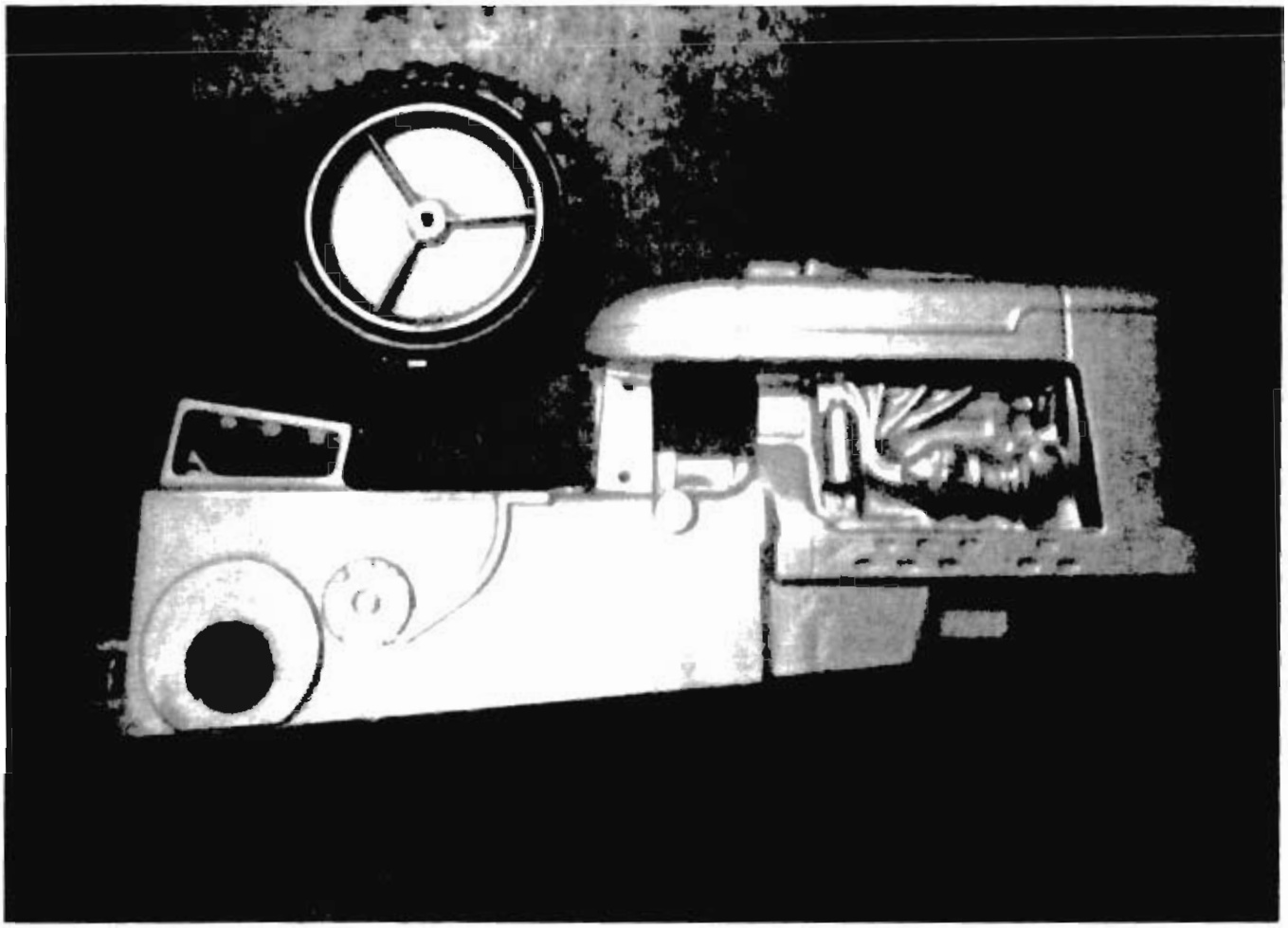
ZSM1103
1/16 Red Bale Mover with Bales
(sold separately)

ZSM1054
1/16 Farmall 706



ZSM896
1/16 Farmall M

Made in the USA



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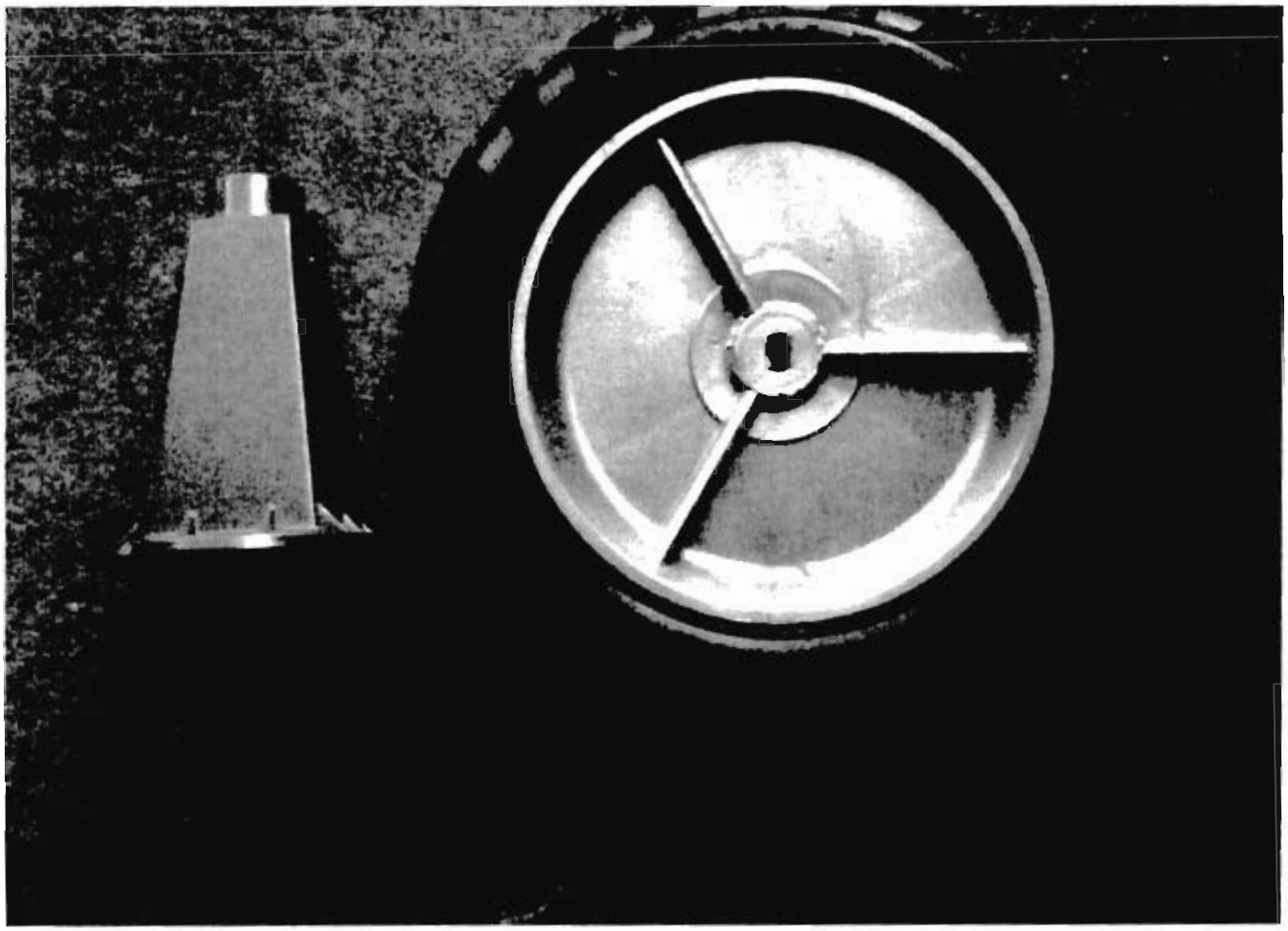
ATTACHMENT



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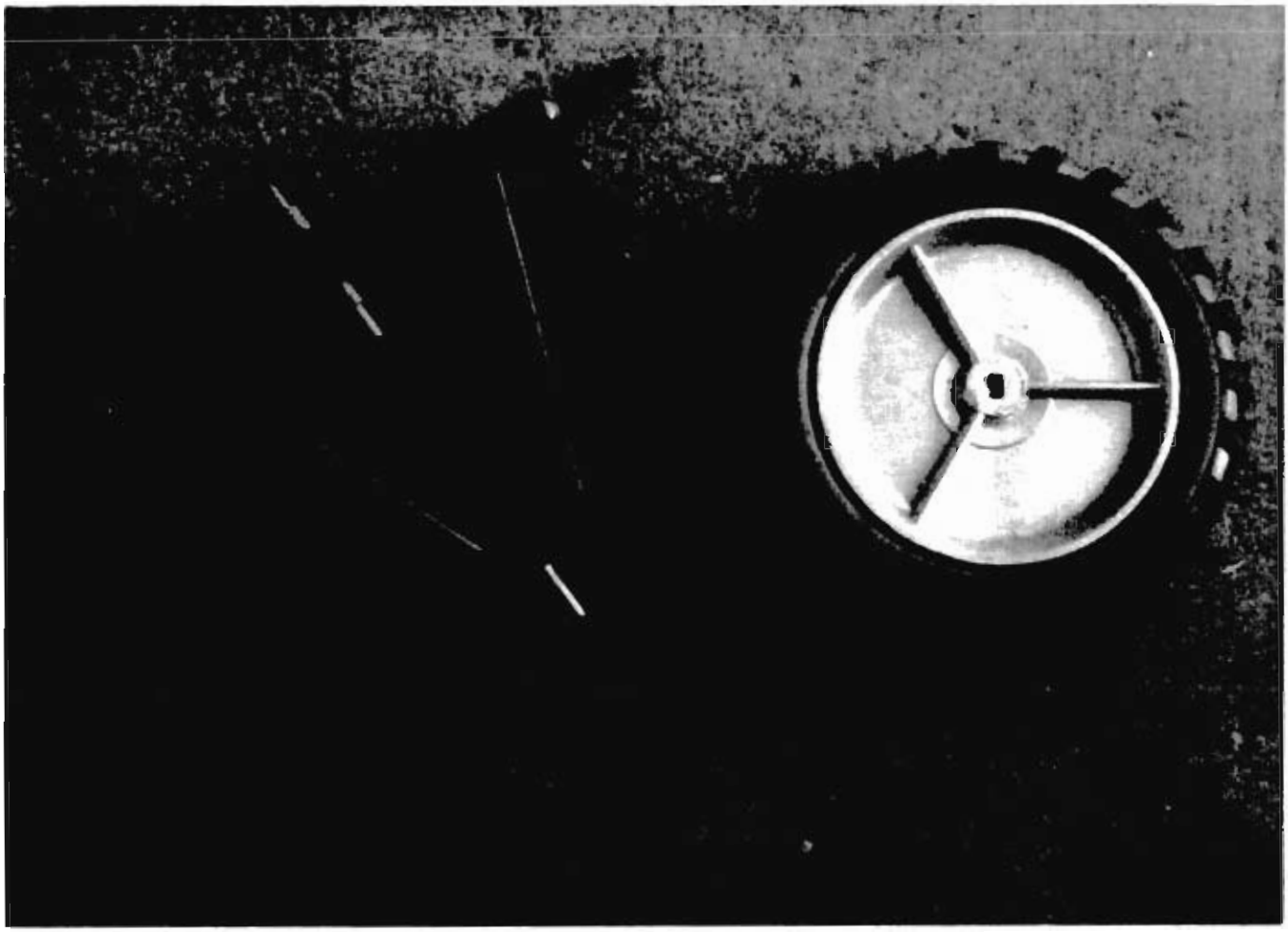

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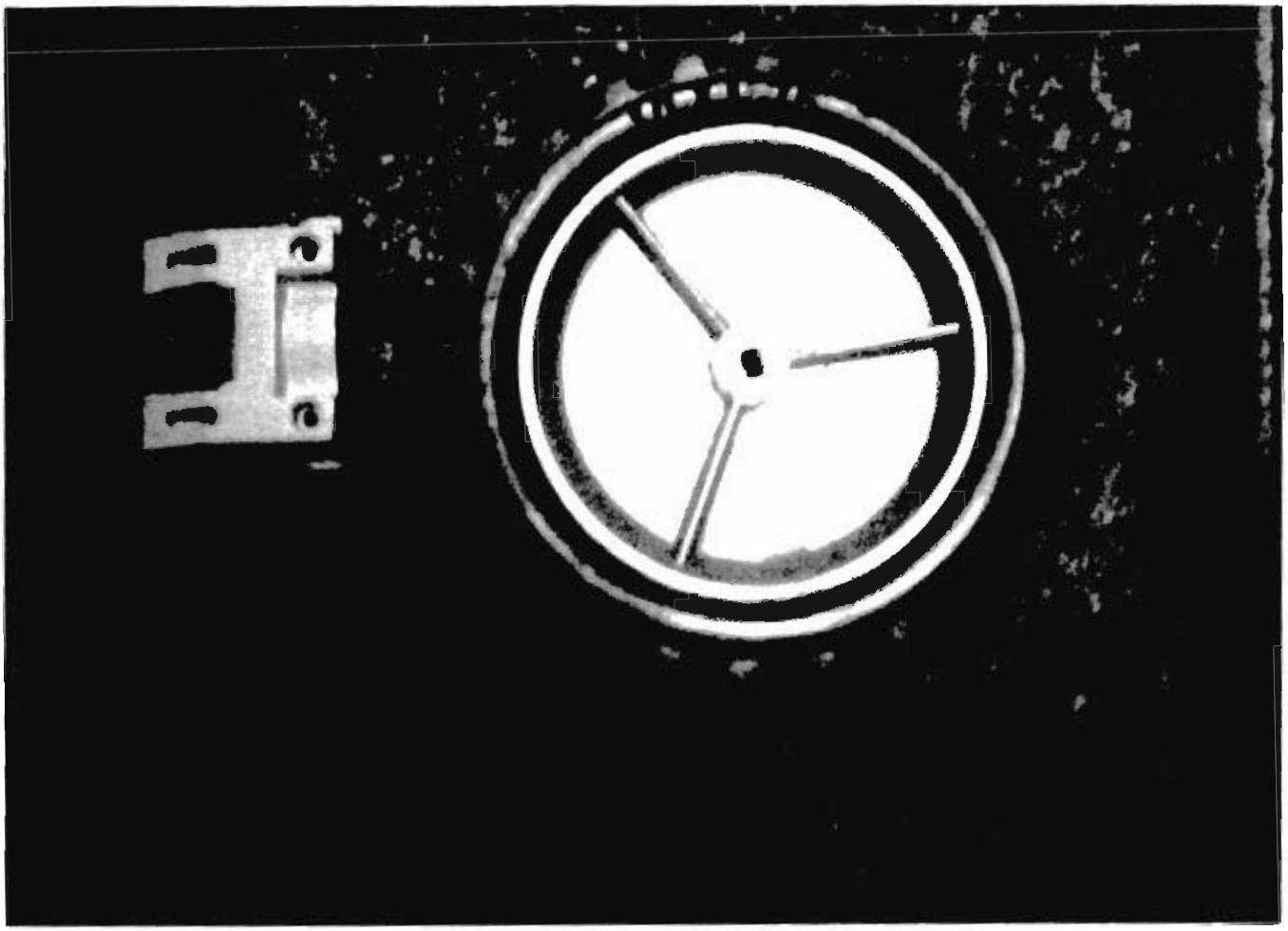

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ATTACHMENT

6
ATTACHMENT

Allied Metal Company

4528 West Division St. Chicago, Illinois 60651 773/772-0700 Fax 773/772-2030

Allied Metal Process Control

Description: A380.1 ALUMINUM INGOT

Heat Number: 09301-11

SAMPLE	SI	FE	CU	MN	MG	CR	NI	ZN	TI	PB	SN	BETA
1	9.06	0.89	3.13	0.23	0.05	0.06	0.08	2.69	0.03	0.06	0.03	1.5
2	9.02	0.89	3.19	0.23	0.05	0.06	0.08	2.69	0.03	0.06	0.03	1.53
3	9.05	0.91	3.15	0.23	0.05	0.06	0.08	2.71	0.03	0.06	0.03	1.55
4	9.00	0.89	3.13	0.23	0.05	0.06	0.08	2.71	0.03	0.06	0.03	1.53
5	9.14	0.90	3.09	0.23	0.05	0.06	0.08	2.71	0.03	0.06	0.03	1.54
Average	9.05	0.90	3.14	0.23	0.05	0.06	0.08	2.70	0.03	0.06	0.03	1.54
Minimum	9.00	0.89	3.09	0.23	0.05	0.06	0.08	2.69	0.03	0.06	0.03	1.53
Maximum	9.14	0.91	3.19	0.23	0.05	0.06	0.08	2.71	0.03	0.06	0.03	1.55
Std. Dev.	0.05	0.01	0.04	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.01

Allied Metal Company

4528 West Division St. Chicago, Illinois 60651 773/772-0700 Fax 773/772-2030

Certified Analysis

TO:

Date Shipped:

x Product in Spec.
KF 9-12-11

Brand Name: Allied Metal Company

Production Date: 09/01/2011

Alloy: A380.1 ALUMINUM INGOT

Heat Number: 09301-11

SI	FE	CU	MN	MG	CR	NI	ZN	TI	PB	SN	LI	BETA	AL
9.05	0.90	3.14	0.23	0.05	0.06	0.08	2.70	0.03	0.06	0.03	0.00	1.54	Bal.

Authorized By

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ATTACHMENT

Jane Ertl

From: Jane Ertl
Sent: Monday, September 19, 2011 11 19 AM
To: Joe Ertl
Subject: FW: Metal analysis help needed

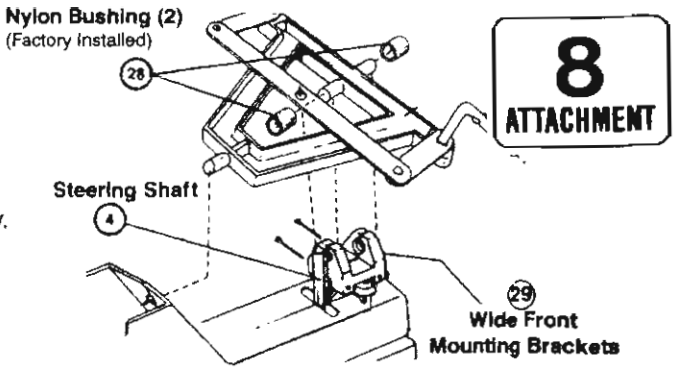
From: Don Dulkoski [mailto:ddulkoski@alliedmetalcompany.com]
Sent: Monday, September 19, 2011 10:04 AM
To: Jane Ertl
Subject: RE: Metal analysis help needed

Jane,

I will provide *our* written data which I continue to stand by all along: If you want to continue using an A380.1 secondary aluminum alloy, the content of lead can only be as low as .03% = <300/PPM. *This can only be achieved by luck/happenstance. Lead is inherent (as a trace alloy) in all of the scrap metal we buy to produce our alloys. I could send you years worth of A380.1 aluminum analysis, and we have never had a heat below .03%. When we do produce a heat that low, we put it to the side for your use.

Regards,

Don Dulkoski
Allied Metal Company
Director Aluminum Sales
312-225-2800



Step 6 (If your tractor is a Narrow Front Axle model, skip this step). Loosen the screws in the **Wide Front Mounting Brackets** as needed to insert the wide front axle assembly. Insert axle assembly with rear pivot pin into mounting hole in body. Trap front pin with bushings between mounting brackets making sure steering shaft is inserted in hole in center of tie rod. Tighten bracket screws securely.

Step 7 Turn tractor upright. Slide the 7/16 I.D. washer onto the front axle, then the **Front Wheel.** Using a pliers to hold the push cap (see diagram below), tap into place. Repeat on the other side. Note: If your tractor has power assist wheels, V-tread pattern faces forward. (Mount the Narrow Front wheels in the same manner as the Wide Front wheels).

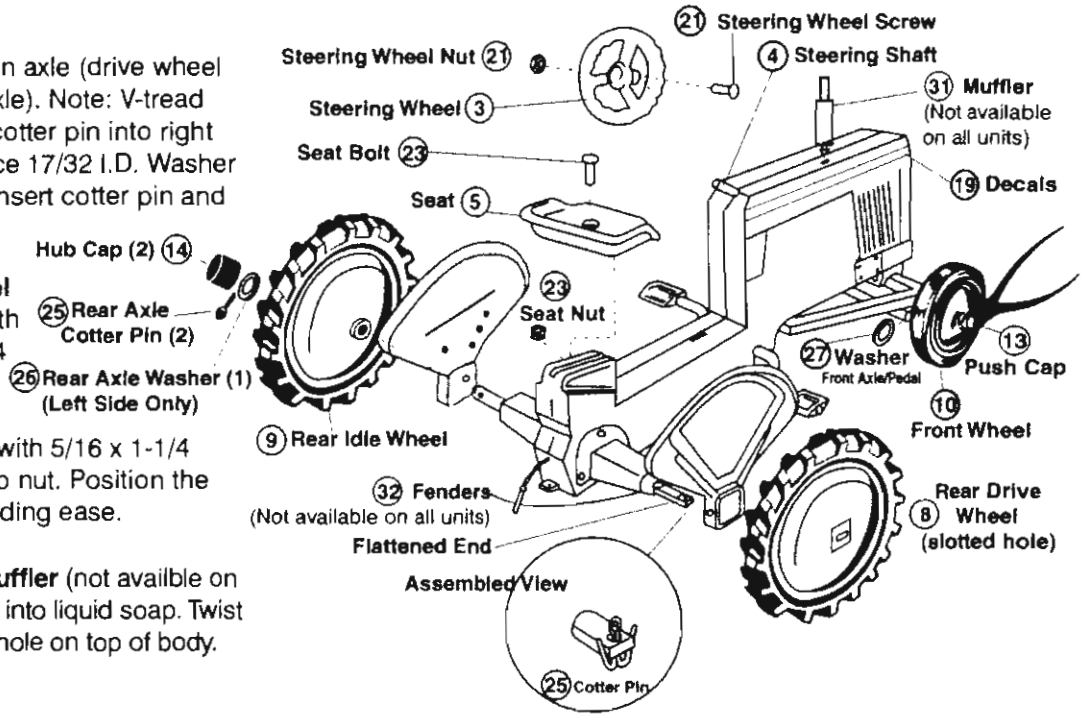
Step 8 If your tractor has **Fenders** (not available on all models), slide **Fender** onto rear hub and tap into place to align holes in hub and fender. Attach with a #8 x 1/2 Type AB Pan Head metal screw. Repeat on other side.

Step 9 Place **Rear Wheels** on axle (drive wheel goes on right flattened end axle). Note: V-tread pattern faces forward. Insert cotter pin into right axle and bend as shown. Place 17/32 I.D. Washer on outside of left idle wheel. Insert cotter pin and bend. Tap on hub caps.

Step 10 Push **Steering Wheel** onto steering shaft, secure with 10-24 x 1-1/4 screw and 10-24 hex kep nut.

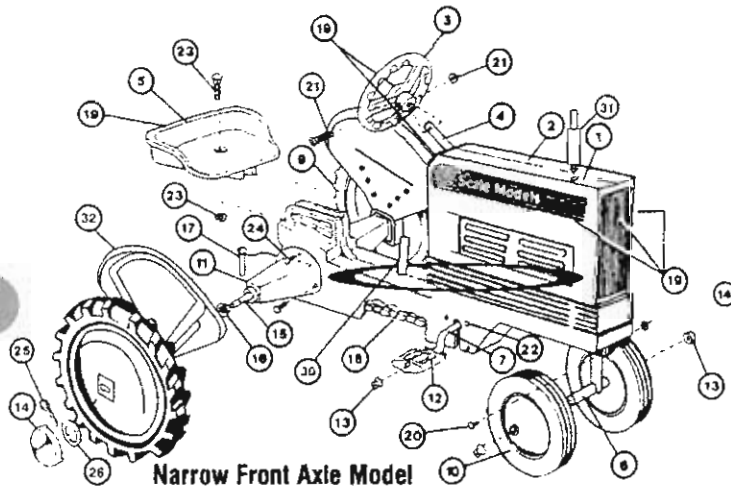
Step 11 Attach **Seat** to body with 5/16 x 1-1/4 carriage bolt and 5/16 hex kep nut. Position the seat to best suit your child's riding ease.

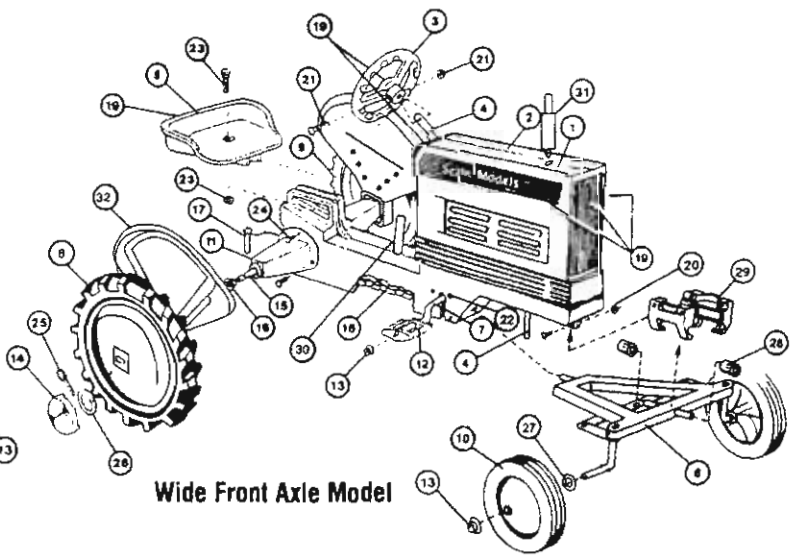
Step 12 If your tractor has a **Muffler** (not availble on all models), dip the bottom end into liquid soap. Twist muffler as you press it into the hole on top of body. Remove excess soap.



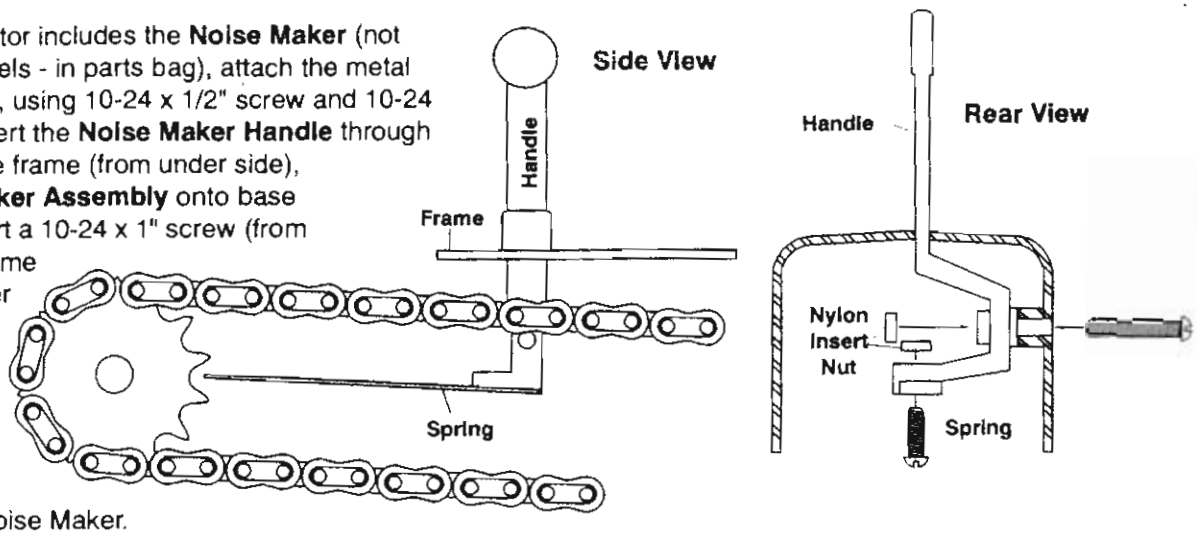
Step 13 Apply **Decals** and make sure all nuts and bolts are securely tightened. Your child is now ready to enjoy this new pedal tractor.

DECALS ARE LOCATED IN BODY CAVITY

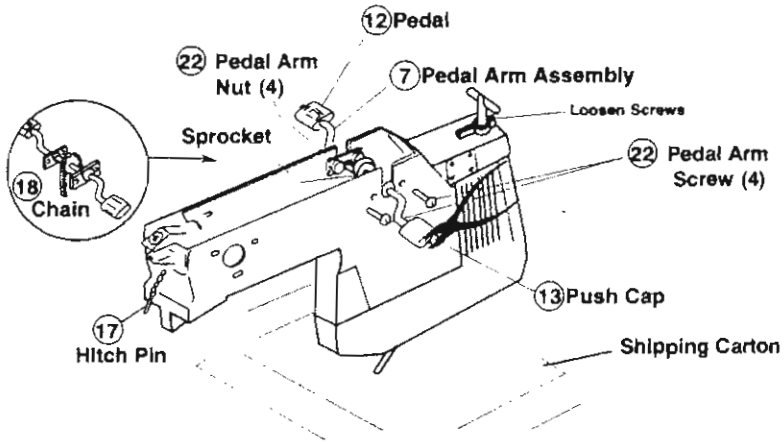




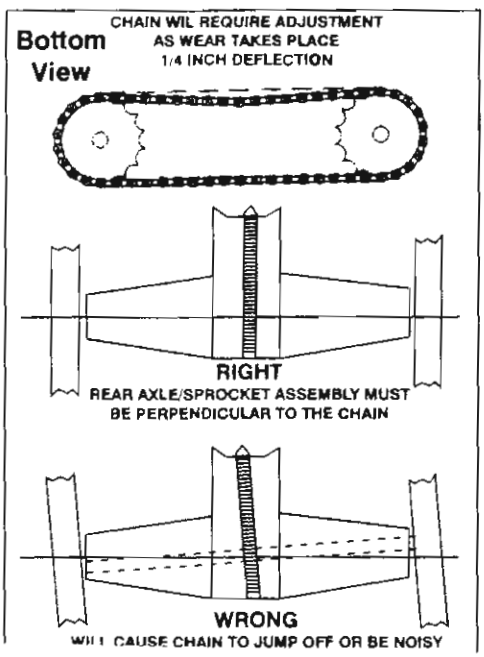
Step 2 If your tractor includes the **Noise Maker** (not available on all models - in parts bag), attach the metal spring to the handle, using 10-24 x 1/2" screw and 10-24 nylon insert nut. Insert the **Noise Maker Handle** through the slot on top of the frame (from under side), Slide **the Noise Maker Assembly** onto base on right frame. Insert a 10-24 x 1" screw (from outside) through frame and the Noise Maker Assembly. Tighten with a 10-24 nylon insert nut. Do not over tighten - the Handle needs to move, to engage or disengage the Noise Maker.



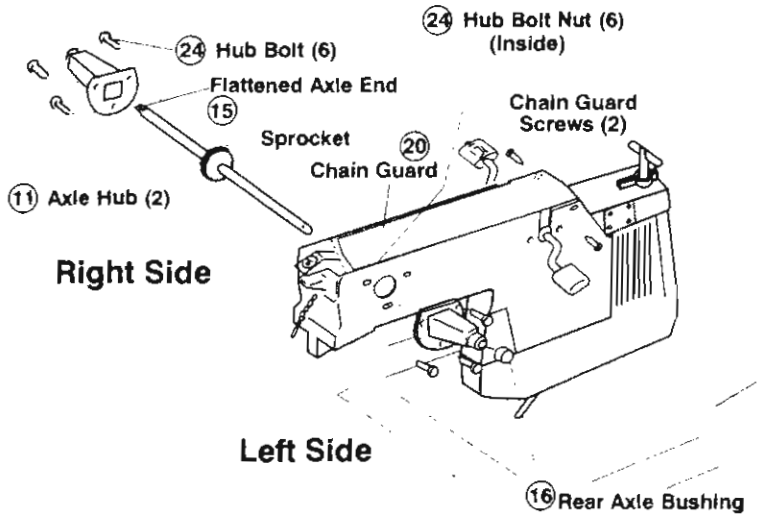
Step 3 Place **Chain** over **Pedal Arm Sprocket** then place arm into slots. Push each nylon bearing into bearing seat inside cycle body. Insert (4) 10-24 x 1 screws through the body and mounting brackets on pedal arm assembly. Using 10-24 hex kep nuts, secure assembly to the body (DO NOT over tighten the screws). Place 7/16 I.D. flat washer, then pedal (flat edge to washer) on pedal arm. Using a pliers to hold the push cap, tap it onto the end of pedal arm. Repeat on other side.



Step 4 Insert **Rear Axle** through holes in rear of tractor, positioning chain on sprocket as you insert axle into body (flattened end of the shaft projects out the right side of the body). Place axle hubs onto axle and fasten with (6) 1/4-20x3/4 bolts and 1/4-20 hex kep nuts. Slide bushings over axle ends into hubs, centering sprocket in cycle body. Pull back on axle to reduce any chain slack and tighten bolts. Do not pull too tight as this will make pedaling hard for your child. Apply a small amount of oil (not supplied) to each sprocket and chain. This should be done once a month to increase the life of the parts.



Step 5 If your tractor includes the **Chain Guard** (not available on all models), insert the **Chain Guard** into the body casting (**U** shape to inside of tractor, flat side to outside) on the bottom side, near the rear. Secure with (2) #8 x 1/2" sheet metal screws at front.



CC-0001

MATERIAL SAFETY DATA SHEET

PRS820075
01 00

9 ATTACHMENT

Section 1 -- PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NUMBER

PRS820075

HMIS CODES

Health	2*
Flammability	1
Reactivity	0

PRODUCT NAME

[redacted] CC-0001

MANUFACTURER'S NAME

THE SHERWIN-WILLIAMS COMPANY
101 Prospect Avenue N.W.
Cleveland, OH 44115

EMERGENCY TELEPHONE NO.
(216) 566-2917

DATE OF PREPARATION
21-JUL-04

INFORMATION TELEPHONE NO.
(216) 566-2902

Section 2 -- COMPOSITION/INFORMATION ON INGREDIENTS

% by WT	CAS No.	INGREDIENT	UNITS	VAPOR PRESSURE
4	2451-62-9	1,3,5-Trigylcidyl Isocyanurate		
		ACGIH TLV	0.05 mg/m3	
		OSHA PEL	Not Available	
30	7727-43-7	Barium Sulfate		
		ACGIH TLV	10 mg/m3 as Dust	
		OSHA PEL	10 mg/m3 Total Dust	
		OSHA PEL	5 mg/m3 Respirable Fraction	
1	13463-67-7	Titanium Dioxide		
		ACGIH TLV	10 mg/m3 as Dust	
		OSHA PEL	10 mg/m3 Total Dust	
		OSHA PEL	5 mg/m3 Respirable Fraction	

Section 3 -- HAZARDS IDENTIFICATION

ROUTES OF EXPOSURE

INHALATION of dust.
EYE or SKIN contact with the product or dust.

EFFECTS OF OVEREXPOSURE

EYES: Irritation.
SKIN: Prolonged or repeated exposure may cause irritation.
INHALATION: Irritation of the upper respiratory system.

SIGNS AND SYMPTOMS OF OVEREXPOSURE

Redness and itching or burning sensation may indicate eye or excessive skin exposure.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE

May cause allergic skin reaction in susceptible persons or skin sensitization.

CANCER INFORMATION

For complete discussion of toxicology data refer to Section 11.

Continued on page 2

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ATTACHMENT

JOSEPH L ERTL, INC
QUALITY SYSTEM WORK INSTRUCTION

Alloy Verification Process for Die Casting

Instruction No.: WIDC-10

Copy No.:

	Page No.: 1 of 3
Revision Level: 00	Date: September 9, 2009
Issued by:	Approved by:

Uncontrolled copies are stamped in red "Uncontrolled Document" on each page. Uncontrolled copies of the Quality Manual, Quality System Procedures and Work Instructions are released upon the authority of the Management Representative for commercial and training purposes only.

1.0 PURPOSE:

The purpose for this work instruction is to monitor the alloy composition of materials used though Dyersville Die Cast/Scale Models casting operations.

2.0 RESPONSIBILITY:

It is the responsibility of the Quality Assurance department along with the Diecast managers and supervisors to see that this work instruction is carried out as detailed in the following instructions.

3.0 INSTRUCTIONS:

All appropriate furnaces shall be tested at the beginning of each shift.

Die Cast Furnaces

3.1 Daily ingot samples are to be pulled from each furnace by the Diecast Manager and/or designated personnel.

3.2 These samples are to be verified by the quality department using the spectrometer.

3.3 These samples shall be verified to be in compliance with customer requirements and the supplier's material certifications.

3.4 Hard copies of these test results shall be maintained by the quality department.

Aluminum Die-Cast Pedal Tractors

3.5 During production of Aluminum pedal tractors and or components, the Die-cast manager or designated personnel are to pull an ingot from the appropriate metal furnace.

3.6 These samples are to be verified by a representative from the quality department using the spectrometer.

3.7 The results of these tests are to be incompliance with the appropriate Alloy Specifications for pedal tractors and primarily the Total Lead limit of 300 PPM, per Section 101 of the Consumer Product Safety Improvement Act (CPSIA).

3.8 Test results from these production runs shall be maintained by the quality department.

3.9 Pedal tractor bodies produced after August 14, 2009 will contain as cast, yearly and monthly date code identifiers.

3.10 Pedal tractor bodies produced prior to the August 14, 2009 deadline shall be "grandfathered" in to lead limit requirements set forth by the CPSIA August 14th guidelines.

3.11 Chemical analysis will be compared to the appropriate standard for compliance. If acceptable, reports will be filed and appropriate personnel will be contacted.

3.12 In the event that the test results do not comply with specified requirements the appropriate department managers shall be contacted for remediation and corrective action.

Traceability

3.13 Date code stamps representing the year and month of casting fabrication shall be present on the inside body of the pedal tractors for traceability.

4.0 REFERENCES

11
ATTACHMENT

Sample [redacted]
Alloy : 413 Mode :PA 15-Aug-1991 Time 14:14

Burn	1							
Al*R	37391	Si	11.037	Fe	1.001	Cu	0.247	Mn	0.248
Mg	0.026	Ni	0.050	Zn	0.202	Ti	0.071	Sn	0.000
Pb	0.002	Cd	< 0.000	Cr	0.016				
Burn	2							
Al*R	43179	Si	11.457	Fe	0.899	Cu	0.236	Mn	0.249
Mg	0.029	Ni	0.052	Zn	0.201	Ti	0.064	Sn	0.000
Pb	0.002	Cd	< 0.000	Cr	0.017				
Burn	3							
Al*R	42602	Si	11.129	Fe	0.913	Cu	0.238	Mn	0.237
Mg	0.028	Ni	0.051	Zn	0.206	Ti	0.067	Sn	0.000
Pb	0.002	Cd	< 0.000	Cr	0.016				
Average									
Al*R	41057	Si	11.208	Fe	0.938	Cu	0.240	Mn	0.245
Mg	0.027	Ni	0.051	Zn	0.203	Ti	0.067	Sn	0.000
Pb	0.002	Cd	< 0.000	Cr	0.016				

Joseph L. Ertl Inc.
Die Casting/Trim Operation Process Sheet

Customer: **Scale models**	Part Number: [redacted] DB-0191	Part Name: [redacted] Pedal, AGCO DFB/MF Left body

Specifications approved by: Dean Johnson 05-29-09

Document 3 part per shift in "In Process inspection " column

Specifications:	1st pc Approval	In Process inspections ("Pass" or "Fail")					
Alloy: 380(Blue) or 383	413	413	413				
No ~~cold Flow~~	pass	P	P	P			
No poor fill	pass	P	P	P			
No blistering	pass	P	P	P			
No excessive gate breakout	pass	P	P	P			
No bent or broken core pins	pass	P	P	P			
No pins pushing	pass	P	P	P			
Approved by: Cuptail							
Date: 05-08-2019							
Date:		8/8	8/8				
Operator:		7694	2096				

Special Instructions:
An approved sample is required before running production. Keep the trim press lubricated every time. Make sure all paper work is filled out accordingly.
Any questions contact your supervisor,
See Sample part

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ATTACHMENT

E:R: ElementalResearch
4601 Devonshire Road
Harrisburg, PA 17109
Phone 717-540-0212
Fax 717-540-0612
ElementalResearchLab.com

Accredited
ISO/IEC 17025

Scale Model Toys	Project: Ford 8N Wide Front Pedal Tractor	**Reported:**
Box 327 301 5th NW.	Project Number: CPSIA	05/29/09 17:35
Dyersville IA, 52040	Project Manager: Steve Vonhandorf	

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Aluminum Body (BC-0003 #383)	9000066-01	Metal	03/20/09 00:00	03/20/09 16:52
Crank (1018 Mild Steel)	9000066-02	Metal	03/20/09 00:00	03/20/09 16:52
Push Caps	9000066-03	Metal	03/20/09 00:00	03/20/09 16:52
Rear Hub Caps	9000066-04	Metal	03/20/09 00:00	03/20/09 16:52
Rear Steel Wheel (1018 Mild Steel)	9000066-05	Metal	03/20/09 00:00	03/20/09 16:52
Red Paint (Powder CC-0001 Red Baron)	9000066-06	Paint/Surface Coatings	03/20/09 00:00	03/20/09 16:52
Grey Paint Body (CB-0111 LIQ PNT 2 PART Ford Grey)	9000066-07	Paint/Surface Coatings	03/20/09 00:00	03/20/09 16:52
Grey Paint Steel Wheel (CC-0075 Killark Grey)	9000066-08	Paint/Surface Coatings	03/20/09 00:00	03/20/09 16:52
Black Paint Crank (CC-0007 Powder Black LC Smooth)	9000066-09	Paint/Surface Coatings	03/20/09 00:00	03/20/09 16:52
Nylon Bushings	9000066-10	Substrate	03/20/09 00:00	03/20/09 16:52
Seat (PP PROFAX 8523 BE-0019)	9000066-11	Substrate	03/20/09 00:00	03/20/09 16:52
Steering Wheel (PP PROFAX 8523 BE-0019)	9000066-12	Substrate	03/20/09 00:00	03/20/09 16:52
Fender (PP PROFAX 8523 BE-0019)	9000066-13	Substrate	03/20/09 00:00	03/20/09 16:52
Front Rim Silver (PP PROFAX 7523 BE-0029)	9000066-14	Substrate	03/20/09 00:00	03/20/09 16:52
7in Front Tire (Carlisle)	9000066-15	Substrate	03/20/09 00:00	03/20/09 16:52
12in Back Tire (Carlisle)	9000066-16	Substrate	03/20/09 00:00	03/20/09 16:52
Pedal	9000066-17	Substrate	03/20/09 00:00	03/20/09 16:52

Elemental Research, LLC

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Jerry Davies, Laboratory Supervisor

E:R: ElementalResearch
4601 Devonshire Road
Harrisburg, PA 17109
Phone 717-540-0212
Fax 717-540-0612
ElementalResearchLab.com

Accredited
ISO IEC 17025

Scale Model Toys	Project: Ford 8N Wide Front Pedal Tractor	**Reported:**
Box 327 301 5th NW.	Project Number: CPSIA	05/29/09 17:35
Dyersville IA, 52040	Project Manager: Steve Vonhandorf	

Analysis Summary

1.) The tested samples contained in this report MEET THE REQUIREMENTS of 16 CFR 1303 for total lead content in paint/surface coatings.

2.) The following samples contained in this report MEET THE REQUIREMENTS of H.R. 4040 Sec. 101 for total lead content: Crank, Push Caps, Rear Hub Caps, and Rear Steel Wheel.

3.) The Aluminum Body BC-0003 #383 (9000066-01) DOES NOT MEET THE REQUIREMENTS of H.R. 4040 Sec. 101 for total lead content. The total lead concentration of this sample was 625 ppm. Two duplicate samples were analyzed for conformation and were identified as 9000066-01RE1 and 9000066-01RE2. The total lead concentration of 9000066-01RE1 was 620 ppm and 9000066-01RE2 was 603 ppm.

4.) The tested samples contained in this report MEET THE REQUIREMENTS of H.R. 4040 Sect.108 for regulated phthalates content.

Project Notes

A Chain of Custody was not submitted for this project. A sample component spreadsheet was provided by the client.

STORK®
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662 Cromwell Avenue
St. Paul, MN 55114
USA

Telephone : (651) 645-3601
Telefax : (651) 659-7348
Website : www.storktct.com

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PROJECT NUMBER: TCT004438P

DATE: September 27, 2010

CHEMICAL ANALYSES OF ALUMINUM SAMPLES

Prepared for:

Ertl Scale Model Toys
301 Fifth Street
Dyersville, IA 52040
Attn: Mr. Joseph Ertl

Project: Lead Content

Purchase Order Number: Prepaid

Prepared By:

Daniel Olson

Daniel Olson
Chemist
Materials Testing & Analysis Dept.

651-659-7512
651-659-7348 (fax)

Reviewed By:

Nancy Whaley

Nancy Whaley
Chemist
Materials Testing & Analysis Dept.

The test results contained in this report pertain only to the samples submitted for analysis and not necessarily to all similar products.

DATE: September 27, 2010
PROJECT NUMBER: TCT004438P **PAGE:** 2 of 4

INTRODUCTION

This report presents the result of the analyses of five aluminum samples received by this laboratory on September 8, 2010. The scope of our work consisted of analyzing the samples for total lead to verify compliance to the Consumer Product Safety Information Act of 2008 as requested by Mr. Joe Ertl.

SUMMARY

Based on our analyses, all five aluminum samples complied with the total lead criteria required by the CPSIA. The Combine sample, however, contained lead at the maximum allowable limit.

SAMPLE IDENTIFICATION

1. Pedal tractor cover	TCT# 4438-1
2. Boomer	TCT# 4438-2
3. Combine	TCT# 4438-3
4. NH-TG	TCT# 4438-4
5. Zinc-OL-1850, 1/16 scale	TCT# 4438-5

TEST METHODS

Drillings were obtained from all five samples. Total lead was determined according to Stork-Twin City Testing Standard Operating Procedure, SOP CHEM-15, "Sample Preparation and Dissolution of Metal Samples for Analysis by Inductively Coupled Plasma (ICP) Spectrometer".

A small coupon was cut from the "Combine" sample then analyzed according to CHEM-10 "Analysis of Metal Samples Using the Thermo Electron ARL Quantris Optical Emission Spectrometry (OES) to verify the lead result from the ICP analysis.

TEST EQUIPMENT

Mettler AE200 analytical balance, SN 31846, calibrated on 7/13/10, annual calibration
Thermo Scientific iCAP 6000, SN 20080505, calibrated before use

REMARKS

The remaining portions of the samples will be held for thirty days from the date of this report then discarded unless other arrangements are made.

PROJECT NUMBER: TCT004438P

DATE: September 27, 2010
PAGE: 4 of 4

TABLE 1

CHEMICAL ANALYSIS

Sample ID	Total Lead ppm	Maximum Allowable Limit, ppm
Pedal Tractor Cover	<50	300
Boomer	<50	
Combine	300 by ICP 300 by OES	
NH-TG	<50	
Zinc-OL 1/16 scale	<50	

< = less than

DATE: September 27, 2010
PROJECT NUMBER: TCT004438P **PAGE:** 3 of 4

REMARKS (CONT.)

According to Section 102 of the Consumer Product Safety Improvement Act (CPSIA) of 2008, Frequently Asked Questions (FAQ's), the manufacturer, importer, private labeler, etc. (not the test lab) must certify the product and provide documentation of the certification.

According to the CPSC, the certificate of compliance must contain the following information:

1. Identification of the product covered by the certificate.
2. Citation to each CPSC safety regulation to which the product is being certified.
3. Identification of the U.S. importer or domestic manufacturer certifying compliance of the product.
4. Contact information for the individual maintaining records of the test results. Analytical records are archived and maintained under the direction of Stork-Twin City Testing's quality manager according to the Stork-TCT quality manual.
5. Date and place where the product was manufactured.
6. Date and place where the product was tested for compliance. The samples were analyzed between September 13 and 24, 2010.
7. Identification of the third-party laboratory on whose testing the certificate depend. Stork-TCT's CPSC identification number is 1078.

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ATTACHMENT

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

This document has been electronically approved and signed.

Memorandum

Date:
6/29/2011

TO : The Commission
Todd A. Stevenson

THROUGH: Kenneth R. Hinson, Executive Director
Cheryl A. Falvey, General Counsel

FROM : Marc J. Schoem, Deputy Director, Office of Compliance and Field Operations
Mary F. Toro, Director, Regulatory Enforcement, Office of Compliance and Field Operations
Howard N. Tarnoff, Special Assistant to the Acting Assistant Executive Director, Office of Compliance and Field Operations
John W. Boja, Ph.D., Lead Compliance Officer, Regulatory Enforcement, Office of Compliance and Field Operations

SUBJECT : The Technological Feasibility of Reducing Lead Content to 100 ppm: Compliance Data

I. Introduction

Section 101(a)(2) of the Consumer Product Safety Improvement Act of 2008, (hereinafter referred to as the "Act" or "CPSIA"), Pub. L. 110-314 (August 14, 2008), provides that for products designed or intended primarily for children 12 years old and younger, the total lead content limit by weight in any part of a children's product is limited to 300 parts per million (ppm) 1 year after the date of enactment of the Act (August 14, 2009), and 100 ppm of lead 3 years after the date of enactment of the Act (August 14, 2011), unless the Commission determines that it is not technologically feasible to have this lower limit for a particular product or product category. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products. If the Commission determines that the 100 ppm lead content limit is not technologically feasible for a product or product category, the Commission shall, by regulation, establish the lowest amount of lead content below 300 ppm that it determines is technologically feasible.

Staff of the Office of Compliance is responsible for enforcing the regulations under the authority of the U.S. Consumer Product Safety Commission (CPSC or Commission). Staff is

variability expected to occur. Of course, this is also the case with a limit of 300 ppm or any other defined boundary.

Another method that could be employed to reduce the effect of outliers is to reduce the number of outliers. This can be accomplished by reducing the source(s) of variability. The Staff Briefing Package on the Technological Feasibility of 100 ppm Lead states that lead is only present in many materials because it is intentionally added. Thus, with the manufacture of raw metals or plastics, the manufacturer must take care to avoid the addition of lead. However, lead could also be added unintentionally when recycled material that contains lead is introduced into the manufacturing process. This source of lead could be eliminated by no longer using recycled materials in the manufacturing process or by testing the recycled material extensively prior to its addition into the manufacturing process. Each method would have the effect of reducing the amount of potential variability in lead levels and would also beneficially reduce the overall amount of lead within the sample.

C. Reports of Lead Variability Within the Same Sample

The lead content has not only been demonstrated to vary between samples, but it also can vary within the same sample. Recently, a firm submitted a laboratory report to the staff of the Office of Compliance. The report pertained to a test for total lead content in a single piece of aluminum alloy casting that was a component of a larger item Ten different areas of the casting were sampled. Each area sampled was digested in acid, and the total lead content was determined for each area using inductively coupled argon plasma spectrometry. The results of the analysis for total lead content from the 10 areas on the aluminum alloy casting are shown in the table below.

Area	1	2	3	4	5	6	7	8	9	10
Lead (ppm)	119	126	113	98	99	82	94	99	100	102

Here, the existence of a larger sample set (10), reportedly extracted from a single material, makes an analysis of mean and standard deviation relevant. This data set has an average of 103 ppm with a standard deviation of 12.8 ppm, which is 12 percent of the mean. This data represents the compliance dilemma surrounding any regulatory lead limit, impact resistance, or other measurable limit given the fact that the measurements from four areas of the single casting exceeded the proposed 100 ppm limit, and the remaining six areas fell below the 100 ppm limit. Good laboratory practice should include ensuring that a representative aliquot from the entire part is analyzed, as discussed in CPSC Method CPSC-CH-E1001-08.1: "When preparing a sample, the laboratory shall make every effort to assure that the aliquot removed from a component part of a sample is representative of the component to be tested, and is free of contamination."

A firm presented data that also shows lead content variability in material other than metal. A string from a mesh bag that holds dominoes was cut into 10 pieces. Each piece was then digested in acid, and the total lead content for each piece was determined using inductively