



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

BALLOT VOTE SHEET

DATE: FEB 5 2009

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Patricia Semple, Executive Director *PS*
Cheryl A. Falvey, General Counsel *CAF*

FROM: Lowell F. Martin, Attorney *LM*

SUBJECT: Draft Statement of Commission Enforcement Policy on Section 101 Lead Limits

Ballot Vote Due: FEB - 6, 2009

The Director of the Office of Compliance and Field Operations has prepared for Commission consideration the attached draft *Statement of Commission Enforcement Policy on Section 101 Lead Limits* in view of the fact 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, Pub. L. 110-314, 122 Stat. 3016, becomes effective on February 10, 2009.

Please indicate your vote on the following options.

I. Adopt the enforcement policy as drafted.

[Handwritten Signature]
(Signature)

February 6, 2009
(Date)

II. Adopt the draft enforcement policy with changes. (Please specify.)

(Signature)

(Date)

CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

Note: This document has not been reviewed or accepted by the Commission.
Initials RL Date 2/5/09

CPSC 6(D)(1) CLEARED for PUBLIC
NO FRGS/PRVTL BLS OR PRODUCTS IDENTIFIED
EXCEPTED BY: PETITION RULEMAKING ADMIN. PRCDG
WITH PORTIONS REMOVED:

III. Do not adopt the draft enforcement policy.

(Signature)

(Date)

Attachment: Draft Statement of Commission Enforcement Policy on Section 101 Lead Limits



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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 10th 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.