

Contents of CPSIA Reform bill, H.R. 2715

Section 1 Lead Limits

- Cuts off retroactivity of the 100 ppm lead limit scheduled to go into effect on August 14, 2011 and any future limit. This allows sell-through of children's products that complied with the lead limits in effect when they were made.
- Provides a "functional purpose" exemption that authorizes the CPSC to establish higher lead limits for children's products or component parts that cannot meet the applicable limit if the lead content serves a purpose (such as machinability, durability) or it is not practicable to remove and exposure to the product or component will not cause elevated blood-lead levels.
- Exempts youth ATVs and other off-highway vehicles from the lead limits.
- Allows metal parts of children's bicycles to meet 300 ppm lead limit instead of 100 ppm.
- Allows the sale of *used* children's products that do not comply with the currently applicable lead limits. This makes it lawful for consumers to sell or donate used clothing and other children's products to thrift stores, church bazaars, etc., and for such stores to resell or donate them to the needy. Also allows libraries to lend older books to children.

Section 2 Third-Party Testing

- Allows manufacturers to use "representative" product samples in their continued compliance testing rather than more burdensome "random" samples.
- Requires CPSC to seek public comment on opportunities to reduce the cost of third party testing. Within one year, CPSC may prescribe new or revised testing rules that will reduce costs while still assuring compliance. If CPSC identifies opportunities that are beyond its authority, it must report to Congress.
- Requires CPSC to establish alternative testing requirements for certain products made by small batch manufacturers who register with CPSC. If no alternative requirement is practicable, then CPSC must exempt these products from third party testing. Products can be covered if no more than 7,500 are manufactured per year by all related manufacturers. Defines small batch manufacturers as those whose gross revenues from all consumer products are no greater than \$1,000,000. Disallows alternative testing requirements or exemptions for certain standards (e.g., lead paint, small parts, cribs and other durable nursery products)
- Excludes most ordinary books and other printed materials (except for those intended for children under 3) from the third party testing requirement.
- Excludes bicycles from the third-party testing requirement.

Section 3 Durable Nursery Products

- Provides a mechanism for updating these standards automatically whenever the voluntary standard is revised, subject to Commission veto.
- Prevents any future crib standard from applying retroactively unless CPSC determines it is necessary to protect against an unreasonable risk to health or safety.

Section 4 Toy Standard

- Removes FDA-enforced provisions from the mandatory toy standard

Section 5 Phthalates Limits

- Applies the 1,000 ppm limit only to plasticized components and other components that may contain certain phthalates
- Excludes inaccessible parts from the phthalates prohibition

Section 6 Tracking Labels

- Allows the Commission to exclude a specific product or class of products from the tracking label requirements if it is not practicable to comply
- Allows the Commission to set alternative requirements for products excluded.

Section 7 Public Database

- Provides five additional days for CPSC to resolve claims of material inaccuracy
- Requires CPSC to seek better product identification when neither the model number or serial number is provided. Allows five additional days before posting.

Section 8 Subpoena

- Allows CPSC to subpoena products as well as documents. This facilitates collection or inspection of incident samples.
- Allows CPSC to delegate the subpoena power to the general counsel in certain instances.

Section 9 Technical Amendments

Section 10 Effective Date

- Makes provisions effective on the date of enactment except where otherwise specified.