

## **Request for Comments and Information\***

### **Children's products containing lead; lead paint rule Section 101 of the Consumer Product Safety Improvement Act ("CPSIA")**

The Commission staff invites comments on Section 101 of the CPSIA, Children's products containing lead; lead paint rule, specifically subsection 101 (b)(2), Exception for Inaccessible Component Parts, and subsection 101 (b)(4), Certain Electronic Devices.

Subsection 101 (a) establishes, as of February 10, 2009 (180 days after the enactment of the Act), a limit for lead of 600 parts per million (600 ppm) by weight in any part of a children's product<sup>1</sup>. Lead content of any part of a children's product is limited to 300 ppm as of August 14, 2009 (one year after the enactment of the Act), and subsequently to 100 ppm as of August 14, 2011, if technologically feasible.

Subsection 101 (b)(2) provides that the limits for lead established under subsection (a) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. This subsection further specifies that a component part is not accessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product including swallowing, mouthing, breaking, or other children's activities, and the aging of the product.

It is important to note that subsection 101 (b)(3), Certain Barriers Disqualified, states that paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate to be inaccessible to a child.

The Commission staff is interested in comments and information regarding:

- The identification of any component part of any children's product that currently contains lead in any concentration.
- Whether any children's product currently on the market contains lead-containing component parts that are inaccessible, and the reasons why such component parts are considered inaccessible (keeping in mind that the CPSIA excludes paint, coatings, or electroplating as barriers with respect to accessibility by children).
- Whether test methods or processes exist that are used or may be used to assess the accessibility by children of component parts of products.

Subsection 101(b)(4) provides that, if the Commission determines that it is not technologically feasible for certain electronic devices to comply with subsection (a), the Commission shall issue requirements by regulation to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices, such as use of a child-resistant cover or casing to prevent accessibility of the lead-containing parts of the product, and establish a schedule for

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<sup>1</sup> "Children's product" means a consumer product designed or intended primarily for children 12 years of age or younger as defined in the Consumer Product Safety Act as amended by the CPSIA section 235.

those devices to come into compliance with subsection (a) unless full compliance is not technologically feasible within the schedule set by the Commission.

Subsection 101 (d) defines technological feasibility based on the commercial availability of products, technology, or other practices that will allow compliance with the limits and effective date in subsection (a).

As the CPSIA provides for a regulatory process that pertains specifically to certain electronic devices, the Commission staff is interested in comments and information regarding:

- The identification of children's electronic devices for which lead is currently used in any concentration in any part or component of the product.
- Whether it is technologically feasible to achieve in all parts of children's electronic devices the 600 ppm lead limit; the 300 ppm limit; the 100 ppm limit.
- Whether any children's electronic product currently on the market contains lead-containing component parts that are inaccessible, and the reasons why such component parts are considered inaccessible.
- Current compliance with or possibility of compliance with regulations, such as the European Union directive on the restriction of use of hazardous substances ([EU RoHS Directive 2002/95/EC](#)), or other standards including information on:
  - The lead limit in the standard being met (*e.g.*, EU RoHS lead limit is 1000 ppm).
  - Whether compliance with such a standard is being met because of the existence of an exemption that specifically allows the use of lead in some parts of a product, and identification of such lead-containing parts.

Comments must be received by the Office of the Secretary not later than October 31, 2008. Comments may be filed by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be filed by facsimile to (301) 504-0127 or by mail or delivery to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland, 20814. Comments should be captioned "Section 101 Lead in Children's Products." Interested persons will also have additional opportunities to comment following publication of any notices of rulemaking proceedings in the Federal Register which are commenced under these sections.