

CPSC Staff Roundtable

Lead in Consumer Products

Bethesda May 13, 2008



These statements are those of the CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Agenda

- Current Limits on Lead Content and Lead Paint
- Reauthorization: Possible Changes
- Other Issues

Current Limits on Lead

■ Federal Limits

- Federal Hazardous Substances Act (FHSA) for lead content
- 16 CFR 1303 Ban on Lead Paint

■ Consensus Limits

- ASTM F-963 Toy Standard limits
- ASTM F 15.62 Lead in Children's Vinyl Products (in process)

■ State Limits

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Federal Limits on Lead

- Under the FHSA, an article containing lead is a “banned hazardous substance” if:
 - It is *toxic* and contains enough lead to cause *substantial illness* as a result of *reasonably foreseeable* handling or use, including reasonably foreseeable ingestion by children; *and*
 - It is a toy or other article intended for use by children and its lead content is *susceptible of access* by a child to whom the item is entrusted.

Lead in Children's Metal Jewelry

- Interim Enforcement Policy (Feb. 2005)
- Screening Test:
 - If total lead content of each component is ≤ 600 parts per million (ppm), staff will not pursue
 - If total lead for any component is > 600 ppm, conduct accessibility test
- Accessibility Test:
 - If accessible lead is ≤ 175 microgram (μg), staff will not pursue; if $> 175 \mu\text{g}$, evaluate further

Lead in Paint

- 16 CFR 1303 bans paint and similar surface-coating materials for consumer use that contain lead or lead compounds where the lead content (calculated as metal) is *in excess of 0.06 percent* of the weight of the total nonvolatile content of the paint or the weight of the dried paint film (“lead containing paint”).
- Also bans toys and other articles intended for use by children that bear “lead-containing paint”
- Also bans certain furniture articles for consumer use that bear “lead-containing paint.”

Reauthorization

- House passed bill (HR 4040) in December 2007
- Senate passed amendment to House bill in February 2008
- Conference discussions ongoing

Reauthorization Issues

- Definition of Children's Products
- Schedule and Limits for Lead Content
- Changes to the Lead Paint Ban
- Exclusions and Exceptions
- ASTM Toy Standard
- Certification Requirements

Definition of “Children’s Product”

- Both House and Senate bills apply new lead limits to any “children’s product”
- House bill defines “children’s product” as a consumer product designed or intended primarily for children *12 years of age or younger*
- Senate bill defines children’s product as designed or intended for use by, or care of, a child *7 years of age or younger*

Lead Content Limits and Schedule

Interval After Enactment Date	House Bill Limit (in ppm)	Senate Bill Limit (in ppm)
180 Days	600	
One year		300
Two years	300	
Three Years		100 (or lowest technologically feasible level)
Four Years	100 (or lowest technologically feasible level)	

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Lead Paint Limits

- Effective one year after enactment, the Senate bill lowers the limit for lead paint under 16 CFR 1303 to 0.009 percent or 90 ppm
- No later than 180 days after enactment, House bill requires the Commission to modify 16 CFR 1303 to reduce the limit for lead paint to 90 ppm and for paint on children's products or furniture to 0.009 milligrams per centimeter squared.

Exclusions

- House bill allows Commission by rule to exclude materials from the lead content limits if it determines that the lead content will not result in the absorption of lead or has no adverse impact on health and safety
- Senate bill allows commission to adopt exclusion on similar grounds after notice and hearing but only for lead crystal

Inaccessible Components

- House bill creates an exception for any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse.
- Both bills create an exception for a component part that is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse.

Electronic Devices

- House bill allows the Commission to require a child-resistant cover for electronic devices if it is not feasible otherwise to meet the standards
- Senate bill requires Commission to establish a schedule for full compliance of electronic devices with the lead limits and to issue standards to reduce accessibility in the meantime

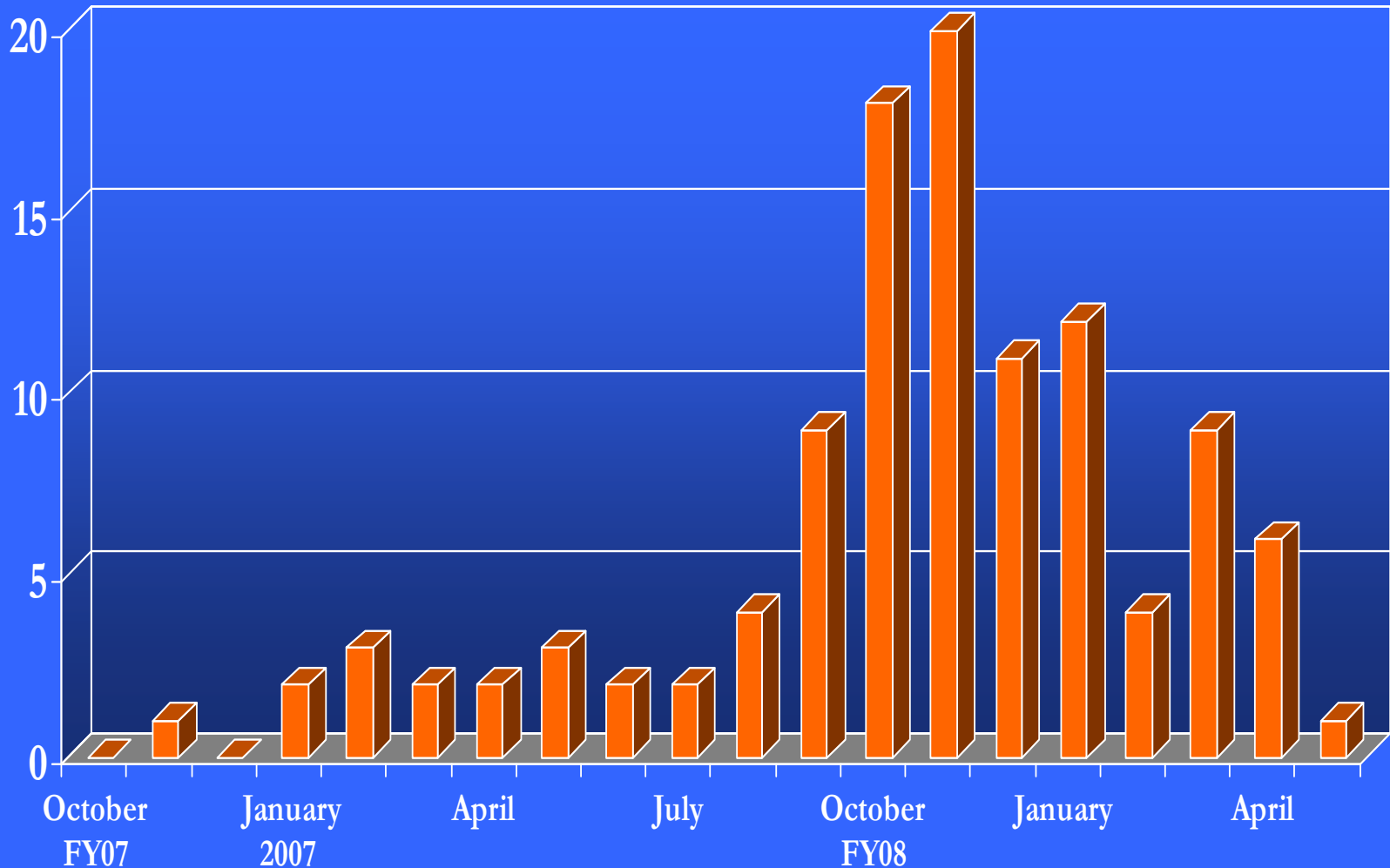
ASTM Toy Standard

- ASTM F-963 prohibits surface-coating materials on toys containing lead compounds if the metal content of the *soluble* material is in excess of 90 ppm
- Senate bill makes the ASTM toy standard a consumer product safety rule effective 60 days after enactment
- House bill requires study of the ASTM standard

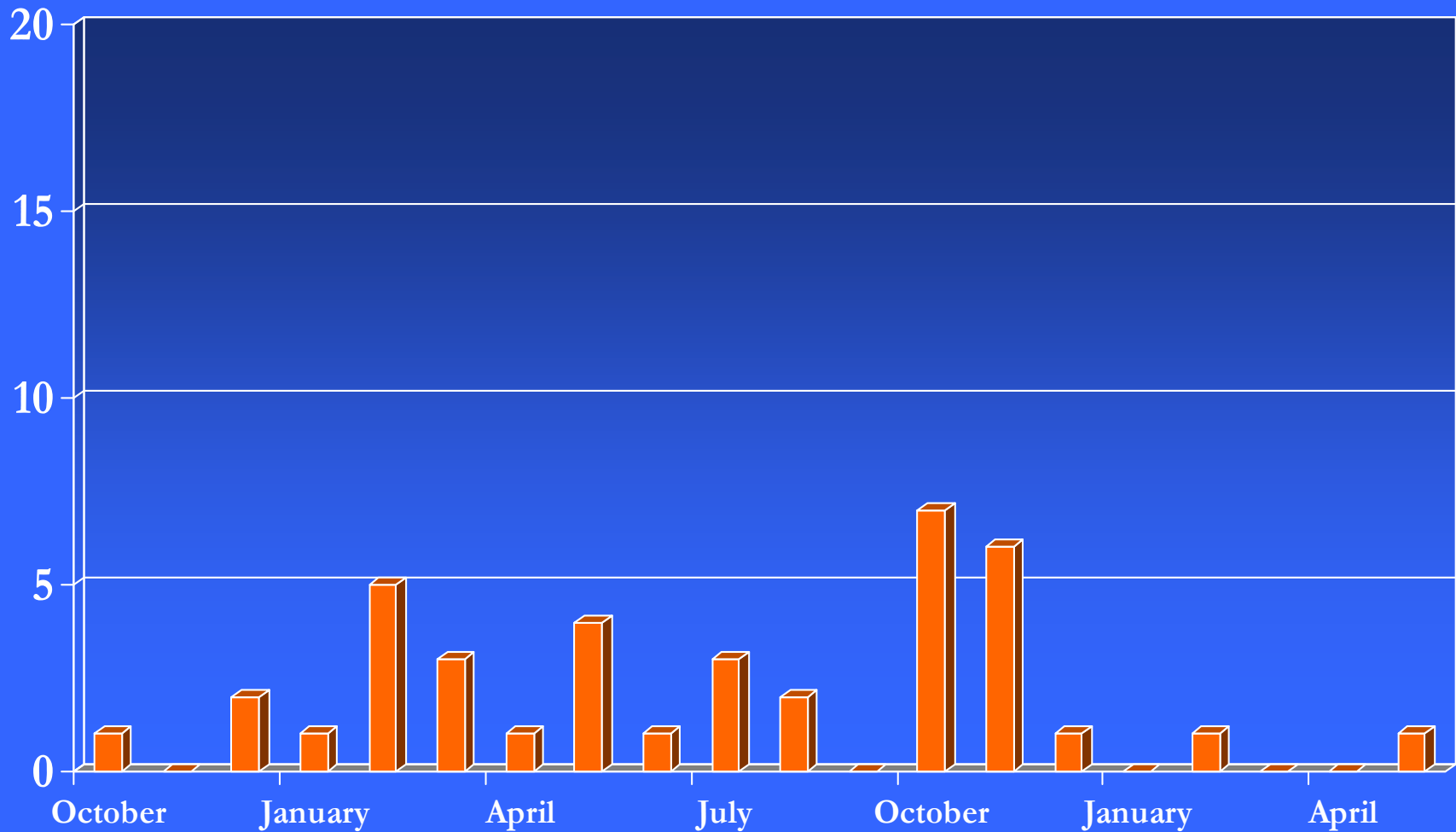
Certification of Compliance

- Senate bill requires manufacturers to certify, based on testing by an accredited laboratory, that a children's product complies with the lead limits prescribed in the bill and also in ASTM F-963 when mandated.
- House bill requires manufacturers to certify based on a test of each product or a reasonable testing program, that a children's product complies with the lead limits in the bill.

Lead Paint Recalls by Month (FY 2007 to date)



Lead Jewelry Recalls by Month (FY 2007 to date)



Questions?

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