

Written Comments
Alternative Testing Requirements for
Small Batch Manufacturers

Stevenson, Todd

From: Kate Maxin [kmx@tfhusa.com]
Sent: Wednesday, September 28, 2011 1:56 PM
To: CPSC-OS,
Subject: ALTERNATIVE TESTING REQUIREMENTS FOR SMALL BATCH MANUFACTURERS
PUBLIC HEARING

I am submitting my comments regarding the above issue. I have written many, many times regarding this issue and I will try to be brief in this email.

TFH USA "SPECIAL NEEDS TOYS" manufacture a line of products for children and adults with **special needs**. These products are manufactured either locally in Pennsylvania or by our sister company in Great Britain. We have been producing these products safely for 25 years after being founded in 1985 by an English Headmaster who realized that there were not any specialized products which addressed the needs of this disabled population. We have never had a product recall or had a consumer safety complaint during our 25 years.

We produce a variety of items from Specialized Swing Seats to small hand-held manipulative items. Due to the very small segment of the population that we design and produce for, our volumes are very, very low. Not anywhere close to the 7500 units quoted by the CPSC as a "small batch manufacturer". Many items, which are produced for a specific disability, may be produced in quantities of **25** twice a year. It typically retails for between \$50.00-\$100.00. So there is no profit margin to allow for testing of most of our products.

If we cease to manufacture these low volume products, then many disabled children and their parents will not be able to find "suitable" products for their specific disability. **This would be the real tragedy in the implementation of this law.** Unfortunately the **LARGE** toy manufacturers (Mattel, Hasbro i.e.) are not interested in producing products for handicapped children due to these low volumes. Their production runs of hundreds of thousands of units justify their products being produced and sold. The cost to them of 3rd party testing is negligible when producing in such large numbers.

We, also, are not classified as a small batch manufacturer because our gross revenue is over \$1,000,000. This is, due in part, because we also offer in our catalog and our website other companies' products to supplement our TFH USA line of products. Our total gross revenue between our own products and the products we resell from other manufacturers was \$2,500,000 in 2010. Many of our sales are also to the Adult population (nursing homes, group homes). If we were able to separate the sources of revenue and eliminated the adult sales and the sales from other manufacturers, we would be close to the \$1,000,000 guideline. But unfortunately there is no distinction written into the law.

Our company works closely with the disabled community. Our catalog distribution is done entirely by mentally challenged adults in a local Adult Training Workshop. It could be done less expensively and much quicker elsewhere but we feel the need to help in the employment of the same individuals who may have used our products in their earlier years. This workshop employs over 43 adults with Mental Retardation. It also employs up to 10 additional employees to assist these workers. If TFH ceases to operate due to the testing requirements, our own 9 employees are not the only people who will be without a job. All of the workshop individuals and the employees of this workshops will be without employment. Also all of the local woodworkers and craftsmen who help in the production of our TFH line of products will also need to downsize their staff.

I am available each day between 7-4 e.t. to discuss any of the above issues.

Kate Maxin
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www.specialneedstoys.com/usa

Stevenson, Todd

From: Beka, Inc. [info@bekainc.com]
Sent: Monday, October 03, 2011 11:45 AM
To: CPSC-OS,
Cc: Dan Marshall
Subject: Small Batch Manufacturers

To Whom it May Concern,

As a small batch manufacturer, I want to encourage the commission to develop a clear and easy way a domestic manufacturer like us (Beka, Inc - www.bekainc.com -) can request to be exempt for the current expensive and burdensome testing requirements under the CPSIA.

Beka, Inc. (the company I co-own and operate with my extended family) is a small wood product company in Saint Paul, MN. We have been producing high quality wood products that we sell through small independent retailers all around the US. We have been in business since 1973 and are very proud of the number of children who have used our products to support their creative play opportunities. We have survived as a domestic vendor, making high quality products (which often translates into "more expensive than imported options") largely because of our ability to produce small quantities of specific products with features not found in the products of our usually Asian-sourced competitors. We have developed modular products that provide consumers a range of options (features and price points), giving us a competitive edge in addition to the general quality of material and workmanship we provide.

Even though we have always used CPSC guidelines in our product development, we only sent products out for third party testing when specific customers requested documentation, which was seldom. When the CPSIA was passed, we began the process of having all our products tested to insure we were in compliance with the new law. One of the results of our experience, has been a decision to reduce the number of items we offer....discontinuing products with volumes that make the cost of testing unrealistic. Another result has been a significant slowing in how long it takes us to bring new products to market, and a reduction in the number of versions of new products we offer. An other result has been the simple fact that we have spent a lot of money and really have not changed how we do anything ... meaning the public has not gained from the additional investments we have had to make it continuing to produce our products.

I hate to sound like I am moaning and groaning, but the simple truth is that as a small family owned woodshop who has always voluntarily followed CPSC guidelines, the CPSIA has been a real burden to our ability to remain in business, and it has not resulted in any improvements in our products. We sell natural wood products that we carefully design and produce in a manner that we are confident insures the safety of the public, which we always done. What we have done is to stop making some of the great creative play products we used to make, often items we only made 50 - 100 units of a year.

I encourage you to re-consider the benefits provided to the public in dealing with small batch manufacturers like Beka, Inc. much the same as larger companies who use contractors and sub-contractors to product products. Simplifying our world would allow us to provide a wider array of products to specialty retailers whose own survival often leans on their ability to provide products not available in big box stores they have to compete with. We would love to see some relief, and hope to be given an exemption from third party testing in a way that allows us to continue operating as we have in the past.

Thank you for your hard work on behalf of the public and on our behalf as well.

Sincerely,
Jamie Seeley Kreisman
President Beka, Inc.
Saint Paul, MN

member HTA (Handmade Toy Alliance)
member ASTRA (American Specialty Toy Retailing Association)

Beka, Inc. St. Paul, MN

toll free ph. 888-999-2352

fax 651-222-3965

info@bekainc.com

www.bekainc.com

Family owned and operated since 1973, Beka's woodshop uses regional hardwoods, providing a domestic natural wood product option in the global marketplace.



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Date: 10/14/11

Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Dear CPSC:

As you formulate testing rules that will impact small businesses, I am asking that you consider the economic practicality of the impact of any rules on makers of small batches of children's products (particularly toys). Please provide as much relief as possible for small batch manufacturers. These are family based businesses that struggle to make ends meet.

For a small batch manufacturer that will sell anywhere from (for example) 6 – 500 pieces, *some type of alternative testing should be available*. These small production runs are already very expensive but when you add stringent 3rd party testing, they can become *economically infeasible*. These alternative tests should be based on the capabilities of the individual manufacturer (or maker) and would be consistent with the degree of consumer risk that a small batch manufacturer would present. For that reason, the limitation clause should not be based on whether it's perceived as "reasonably necessary".

Sincerely,

Michael Lee
Co-owner



10-15-2011

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

SIRS:

The purpose of this letter is to voice my support of small-batch manufacturers of products for children in light of recent rulings. We have a very small business that occasionally produces some products for children. Because of the uncertainty relating to CPSIA regulations, we have literally been frozen from making those products. The cost of testing one of our precious products far outweighs any profit we would make from the sale of all of our creations, and if we choose to make a couple of design changes to create choice for consumers, those testing requirements are completely unaffordable.

It is imperative that you come to an agreement that **reasonable methods** for alternative testing should be based on the capabilities of small batch manufacturers and **NOT** on the capability of testing labs. The commission must interpret "**economically practicable**" keeping in mind that those of us in such small batch operations have a very small profit margin, and your decision to burden us with more cost simply makes the production for such products **economically IMpracticable**.

The limitation clause should not be invoked on the premise of "reasonably necessary." It was not the products of our American toymakers and other small batch manufacturers that precipitated the problem with toys several years ago, but rather the import of toys, made in China and imported by big-box toymakers, that were laced with lead and other contaminants. Nor should our small-batch craftsmen be saddled with onerous rules and regulations that make it cost-prohibitive and an otherwise nightmare to comply. Small batch craftsmen have an exemplary safety record.

In today's challenging economy, government regulations need to consider the economic impact on the manufacturer and on the consumer. Businesses ultimately must pass those costs on to the consumer. And the business must make a profit to stay in business. We try to make our products safe, sturdy and affordable for our customers. Excessive regulations defeat that goal.

Thank you.

Clifford Reed

Amazing Laser Designs
www.A-L-Designs.com

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Stevenson, Todd

From: john davis [qblops@gmail.com]
Sent: Monday, October 17, 2011 9:30 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers

To the Commission and Lawmaking Officials of CPSC,

I am a new toy creator, inventor and proud member of the Handmade Toy Alliance and confounded regarding the laws and regulations you are implementing on Small Batch Manufacturers. As an American and Consumer I applaud some of the efforts you have achieved. However, it is egregious and erroneous to set the same testing standards for Small Batch Manufacturers as the large corporations. It is not affordable, practical or warranted.

I recall correctly that the problems we (USA) had with the recent surge of lead or any other poisonous material came from China. Yet, you will still trust them to test their own products while we as Small Batch Manufacturers are being run out of business because of the expensive testing systems. If the materials we are already purchasing for our toys, clothes or books is deemed safe, why then would we need to have our materials tested again?

With the incredibly poor economy you are setting us up to fall even farther in debt by taking away what this Country needs; local crafters and artisans who may one day bring manufacturing back to the United States of America.

As for direct response to the upcoming hearing, the testing labs have more of a freedom and my concern is that they will abuse their power and it is at the cost of our Small Businesses. The "reasonable methods" should not be at the discretion of the testing labs but should be based on the capabilities of the business.

As for the price for testing being "economical," this should take into consideration the Small Business's profit margin. Practical is too vague of a word and if price is at the discretion of the testing labs, I believe most Small Handmade Toy Makers will be forced to stop making and selling toys.

Please take our voice very serious and without contempt. We as a group and individuals want only safe products for our customers, friends, family and children. We as the Handmade Toy Alliance and those represented have an impeccable record for safe toys. We as a nation will fail more and more with staunch regulations that ignore the differences between Corporations and Small Batch Manufacturers

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John Davis
Creator/Owner
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Stevenson, Todd

From: Sarah Reid/Wallypop [sarah@wallypop.net]
Sent: Wednesday, October 19, 2011 3:27 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

To Whom It May Concern,

I am a small batch manufacturer as defined by H.R. 2715, Section 14(d)(4), who is affected by the CPSIA. I would like to strongly encourage the CPSC to allow an exemption from testing requirement for small batch manufacturers. The expense and time involved in the lead testing are just astronomical for small manufacturers like me. Without lead testing exemptions, I will be required to scale back my product line significantly in order to reduce the financial impact of testing, and hope that concentrating sales in the remaining products results in enough of an efficiency to allow me to remain in business and feeding my family.

A lead testing exemption would save me several thousand dollars per year and would free up approx. 80 hours of time dealing with related paperwork, vendor relations, tracking, etc. This time and money could instead be devoted to improving current products, expanding my line, increasing sales, and potentially adding employees.

Even without testing my end products, I can with certainty say that my products do not contain lead. The components that I use are either currently exempted (cotton, hemp) or have been tested by my suppliers to be in compliance with CPSIA standards. Further testing of the end product is redundant and represents an unnecessary expense - it would not make the products any safer, and would not provide any additional information.

If the CPSC decides not to provide a complete exemption from the lead testing requirements, I'd like to suggest that component testing and allowing small batch manufacturers to rely on the testing completed by their suppliers be considered as viable alternatives.

Thanks,
Sarah Reid

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Sarah Reid

Owner, Wallypop: Supporting a Natural Lifestyle www.wallypop.net

Owner, DiaperFAB (cloth diaper fabrics and more) www.diaperFAB.com

Owner, Boulevard Designs
www.boulevarddesigns.com

Webmaster, Natural Living Des Moines
www.naturallivingdesmoines.com

335 Mulberry Dr.
Limerick, PA 19468

October, 21 2011

Dear Commission Members:

I am a new small business owner with little hope of continuing my start-up business. As the CPSIA now stands it is not possible for me to pay the exorbitant fees charged by the testing labs I have contacted. Not only are the fees troubling, but the labs initially quoted me on services that are not required to be in compliance even though I specifically asked for this. I have needed to question them on every point of their quotes to get to the actual required tests. Therefore, I am suspicious and cannot trust the labs to even perform testing honestly. If they aren't forthright in their quotes, how can I believe they will be in other matters?

The entire reason for me trying to start this business was to provide a variety of safe and natural toys for children. All are handmade by me, and the quantities I produce would certainly qualify me as a small-batch producer. However, what I believe will make my business successful is the variety of items I can create. Yet to test each and every item, no matter how similarly made, is demanding an unreasonable burden that cannot be afforded by someone like me.

It is my hope that you will find a way to provide for small-batch producers as much relief as possible from these regulations that were, and deservedly so, designed to put an end to the foreign dangerous playthings put in our children's' hands. Handmade toy manufacturers have an exemplary safety record and while Mattel and Parker Brothers may have no difficulty dealing with these requirements, small-batch producers do and should be allowed alternative testing methods. What may be "economically practicable" for a large business is easily the death of a small one.

We are not the cause of the CPSIA. We deserve relief.

Sincerely,

Ian Wallace

Stevenson, Todd

From: Ruth [puzzled19@comcast.net]
Sent: Friday, October 21, 2011 2:23 PM
To: CPSC-OS,
Cc: dan@peapods.com; duckydood@comcast.net
Subject: 'Alternative Testing Requirements for Small Batch Manufacturers

October 21, 2011

Dear Honorable Commissioners:

Re: Alternative Testing Requirements for Small Batch Manufacturers

My husband and I began making wooden toys, puzzles, doll cradles, teddy bear furniture, and miniature puzzles over 15 years ago. We were a very small, home-based operation. We hand cut, painted, sanded and finished each product lovingly and with extreme pride. Products were sold at local craft shows. Our products were hand-painted with a water-based, non-toxic acrylic craft paint, and applied a water-based urethane. After a 15 year hiatus from this hobby/small business, and trying to supplement our Social Security income, we resurrected our business. One week after we renting a vendor booth at a local public market, obtaining business licenses, State Tax ID's, and supplies necessary to sustain this business, we stumbled upon an article about CPSA and CPSIA guidelines on The Handmade Toy Alliance's website. Our mouths dropped open. Yes, we had heard several years ago on the news that the government was regulating the toy industry and protecting our children from violations of high lead content (imports from China). We had no idea that law applied to handmade in America, hand-crafted children's products! After countless hours of reading and discussing the laws, it was evident that making those beautiful, hand-crafted wooden puzzles and toys was no longer a reality. In the course of one week, our hopes and dreams were annihilated. Kidz Corner and More (category of micro business) died a very sudden death. We joined The Handmade Toy Alliance approximately one month ago. We knew we could no longer continue our very small business, but we wanted to make our voice heard and support the thousands of Americans who want to continue the work they do--making handmade children's products!

REASONS FOR CLOSING OUR MICRO-BUSINESS:

1. APPROACH: Changes could be made to our product, however, the more we read, the more confusing it became. Products used, testing requirements, record-keeping, tracking, certificates of conformity, labeling, etc became overwhelming. We became painfully aware that this business we once loved was no longer worth it. The law is so vast, difficult to read, testing is cost-prohibitive, labeling is unclear, and overall, compliance would be difficult for a multitude of reasons.

There are several areas that are difficult to understand, but the one we have the greatest problem with is this:

2. PRODUCTS USED: Paints: We had always used Acrylic Craft Paint on our products. Sold in any major retail store in the USA. Labels show seals from "ACMI; AP; Art and Creative Materials Institute Certified". Same Label shows: "C E" Same Label: Conforms to ASTM D 4236. Made in the USA. Now we read of ATSM F963. We do not fully understand what that is and due to the obvious difficulty obtaining those documents because of cost and limited availability, it leaves one wondering "how am I going to do achieve compliance?" Why is this not available free of charge to those it affects? Small business owners should not have to have their Master's degree in Chemistry in order to understand what these abbreviations/requirements mean.

--The paint products used are readily available to any consumer in any store in the USA. These products are sold on "Teacher Supply" websites in 64oz bottles for use by children in their arts and crafts for school use!

--Parents can purchase "unfinished" wood shapes, plaques, letters, shelves, wall decor, and toys at any craft/retail store or from an independent woodworker, then purchase the same "acrylic paint" as mentioned above, and apply the same product (s) that we are forbidden to use or must have tested!

--We believe the ownership of responsibility to insure these paints/products meet CPSIA standards be the burden of the paint or product manufacturer and not the crafter, parent, or teacher? Parents and teachers are certainly not submitting their children's craft projects for testing prior to letting the child handle the paint or create their beautiful art work. This makes no sense! The only thing our business did was offer a service--we made the toy from far superior wood, we did the painting so others didn't have to, we finished it with a water-based, soap and water clean up product and sold a beautiful,

ready made product. We offered the convenience of buying the product finished and of superior quality! Hand-crafted items were never part of the original problem.

3. CERTIFICATE OF CONFORMITY: These should be easily and readily available from any manufacturer on their corporate website. Obtaining such documentation is a time-consuming task. Record-keeping of each product used is not feasible for micro-businesses. These documents should be readily available from manufacturer's websites and in a downloadable format. Manufacturers are aware of the law and should provide documentation to insure products comply with government regulations. Shouldn't the manufacturer be responsible for testing of all their products like we are required to do? The financial burden would be shifted appropriately to those who can most afford it. Consumers, small business owners should have access to all manufacturers testing prior to use on children's products. If the government is going to mandate that my products comply with the law, we feel we should know upfront from every paint, urethane, button, bead, fabric manufacturer if their product is safe for use on any child's product. We feel the burden of proof is being placed on individual Americans rather than the large manufacturers of these products. Make them financially responsible for labeling and compliance.

4. TESTING: The additional time and cost-prohibitive nature of this requirement is absolutely one of the biggest reasons we closed our business. Submitting each product for lead testing is cost-prohibitive. As mentioned above, this would not be necessary if major manufacturers were required to disclose the lead content (and all government regulated contents) of their products before the consumer used them. We firmly believe this would eliminate the need for small, independent, barely solvent businesses to prove anything. We would only have access to products that fall within safe guidelines for all human beings...not just children. The major manufacturers/suppliers of products know what the legal requirements are for all products and should be made to disclose this to the consumer. They should bear the responsibility of making sure the products (s) comply with the law.

Small parts testing. Another expense. Very confusing, time-consuming, frustrating proposition to go through when you consider our highest priced product is \$40.00. Small parts definition to most Americans means parts that are a choking hazard. They do not equate flammability, drop tests, seam durability, etc. with small parts testing.

For the small, home-based business, small parts testing is truly heartbreaking! Our understanding is that the finished product has to be submitted, labeled (using the correct font on a label in order to pass the test), and subjected to a destructive type of testing. Hand-crafted, hand-made items take an extremely long time to make. Several hours, days, sometimes weeks go into the production of ONE item. Cost of materials and time invested is a total loss. A wooden toy truck sells for \$15.00 and takes us two solid work days to complete ONE. Wooden puzzles sell for \$20.00 and takes three days (full days) of hand-cutting, rounding edges, hand-sanding all pieces, painting, decorating with paint, applying finishes. All to be destroyed and hope it meets the standards of large toy manufacturers who mass-produce and then have the nerve to label them hand-made? The very small toy manufacturer cannot afford or compete with the mass produced industry. When a major manufacturer submits one puzzle or product for testing out of thousands, there is no big financial loss to their company. We simply can not afford to do this for each product we create. The profit margin is very slim as it is. All of these requirements just cut deeper into whatever profit there is to be made from a TRULY hand-crafted, hand-made piece of work regardless of what it is!

5. ENFORCEMENT: According to the HTA website, there are currently over half a million children's items for sale at etsy.com alone. Facebook has a multitude of home-based businesses, too. eBay, Payvment, local churches, craft shows, flea market vendors, small public market vendors. Many of them may not even know that their products are in jeopardy or that they are in violation of U.S. Laws! The penalty of \$100,000 per violation is not worth the risk to a very small business owner. For corporations that are making millions of dollars manufacturing children's products (and finding loopholes to avoid compliance), this fine is a slap on the wrist for them. To a home-based business owner, retired senior, work-at-home Mom, these fines (or even the threat of being fined) have been enough to stop honest, hard-working American citizens from attempting to earn a living the old-fashioned American way....It has shut down thousands of very small businesses that catered to our children!

10. SUMMARY: Putting micro-businesses in the same competitive arena as mass-market manufacturers is certainly unreasonable. Our children in the future, unfortunately, will only have toys, clothing, dolls, furniture, etc. that are imported from the very country that violated their safety in the beginning. Is this what we want? Shouldn't we be enforcing the law at the border where the violations continually occur? Let's hold the major corporations that violate our laws accountable. Enforce tighter regulations on major corporations that provide children's products. Imports from China need stricter regulations and enforcement of our laws. Nothing would make us happier than to hear that our government is going to enforce the law with the manufacturers and importers who created this problem, and to be quite honest, still do. American craftsmanship is paying a very dear price for the sins committed by foreign countries.

We agree that no child or human being should be subject to any product that has known health or safety issues. As Americans, we should all be free from chemicals that produce disease. We are not. For the parents and groups who are in favor of this law and further testing requirements, they do not know how this affects the small, home-based business in America. People do not understand that the very products they adore and purchase for their children today will soon be nothing more than a memory. It hurts all those work-at-home Moms, husbands and wives who enjoy a hobby and sell what they love; it hurts America as we all struggle to get by week to week in a downed economy. President Obama needs us to strengthen this country. Say, YES, to Handmade in America! Let's make America strong and proud when we see that label "Made In America"!

We were a micro-business: children's product crafter – retailer--single owner or small group, no employees, making toys or children's products in very small batches. In the future, our business name will change, and our focus will veer away from anything related to children products. We decided it would just be easier to avoid children's products altogether.

- The CPSIA makes no provision for micro-businesses to be able to operate – they are treated equivalently to mass market manufacturers.
- Cost of 3rd party testing for lead and ASTM F963 not economically feasible and not readily available.
- **Tracking, labeling and recordkeeping requirements burdensome. Provide an exemption from all 3rd party testing, certification and from labeling**
- **The law and its requirements are too complex to interpret, apply and attempt compliance.**
- **Media blitz is necessary to inform Americans that this law pertains, not just major manufacturers of children's products, but to anyone who creates and sells hand-crafted items in America. This is not well known information and the American people have the right to know how this impacts them as individuals.**
- **Major toy manufacturers must comply with educational guidelines to insure their labeling conforms to acceptable educational toy safety standards. Labeling a toy for ages 3 and over in order to avoid small parts testing is not acceptable. Circumventing the law shows ultimate disregard for the law and an overall blatant lack of concern for our children's safety.**

Promote Hand-made crafts made in America! Support our Freedoms! Support Small Business. Support the future of our children! Hold the companies/countries that violated our trust accountable. Shift the burden of safety and compliance back on them! Americans are relying on you to get this right Thank you for the time you have invested in addressing these issues and for the time spent considering our pleas.

Respectfully submitted,

Ruth & Hersh Hershey

Kidzcorner & More
Knoxville, TN 37912

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Version: 2012.0.1831 / Virus Database: 2092/4565 - Release Date: 10/21/11

Stevenson, Todd

From: Sonya Bingaman [Sonya@aToyGarden.com]
Sent: Thursday, October 20, 2011 7:44 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: "Alternative Testing Requirements for Small Batch Manufacturers Public Hearing"

Dear Commissioners,

I urge you to act with common resolve to provide as much relief as possible for small batch manufacturers. I hope you can recommend that the commission determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs. We are a small sized company both manufacturing handmade toys in very small quantities (sometimes only 5-10 in a batch) and selling children's toys made by other small US businesses, also in small batch sizes. It is not economically practicable to test each small batch. We are extremely careful about the materials we use and the final product produced. The limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

Since CPSIA about 5 of our major German manufacturers have stopped exporting to the US. These were quality toys made by small German companies. The toys all met the highest European standards but the companies were discouraged by the complexity and duplicity of testing requirements in CPSIA and decided to stop exporting to the US.

About 10 of my US small businesses have also gone out of business - unable to justify the cost of testing and compliance.

We hope, with the efforts of the Handmade Toy Alliance, that reasonable changes can be made to the CPSIA so that American children can continue to play with toys made by American crafters. Let's keep a few of our jobs here and keep offering the highest quality toys to our children!

Thank you for your efforts to address this challenging issue.

Sincerely,
Sonya Bingaman
A Toy Garden
Fair Oaks, CA 95628

Stevenson, Todd

From: Jack Coats [jack@coats.org]
Sent: Thursday, October 20, 2011 8:34 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Sirs,

As a person that is doing occasional manufacturing of toys using natural products and finishes, putting on any 'outside testing' requirements that would require we submit samples to outside facilities will put undue economic hardship on us and will put us out of business.

For the most part the small toy manufacturers are home based small businesses and cannot deal with any additional expenses without making our products uneconomic for both us and our customers.

Both singly and as a group we understand the need to protect our children. We endorse protection, but requiring every company to test as much as is outlined, especially the requirement of using outside labs for testing, will drive us out of the market.

That will also deprive generations of children with the best of toys and innovation that come from small businesses and love.

... Jack Coats

Stevenson, Todd

From: Jack Coats [jack@coats.org]
Sent: Thursday, October 20, 2011 8:48 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Sirs,

As a very small occasional manufacturer of toys we understand the need for providing our children safe and educational toys.

Please consider as "reasonable methods" testing that do not require use of outside testing laboratories. We do consider testing as a reasonable option, but we need an option that we can provide that is economically practical for a one or two person shop that does not do this full time.

If the testing can be done in-house, is economic for small batches of just a few toys at a time, and costs only a few cents per toy (say a batch of 20, costs \$1, would add \$.05/toy, this I would consider reasonable, but \$0.50/toy is not for a \$2 toy!).

Thank you for your consideration.

><> ... Jack Coats

Whatever you do, work at it with all your heart... Colossians 3:23 "You don't manage people; you manage things. You lead people." – Admiral Grace Hopper, USN

Stevenson, Todd

From: lisa+lehlashop.com [lisa@lehlashop.com]
Sent: Thursday, October 20, 2011 9:09 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

My name is Lisa Hill and I am the owner of Lehla Shop. I currently manufacture a product known as Magneblooms and market them to teens and adults. Earlier this year I was painting children's sneakers and selling them online. When I learned that my products would require third party testing I panicked! I had only been in business a little over a year and would not be able to afford the fees to have my products tested! So I closed down my shop until I could figure out what to do. That was when I started designing Magneblooms and concentrated on a clientele of teens and adults. I am still a member of the HTA - Handmade Toy Alliance and am still pursuing the fight for relief for small batch manufacturers. While I fully understand that safety that is needed when it comes to a child's product, such strict regulations have become a hardship on very small companies, like my own.

I would like to market my product to children under the age of 12 someday, but right now the concern and urgency for maximum relief is for all of the other small batch manufacturers who need to remain in business. Every small batch manufacturer is eagerly awaiting for the commission to determine what the "reasonable methods" for alternative testing will be.

Lastly, the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

Thank you.

Sincerely,

Lisa Hill
Lehla Shop
*owner * designer* creator*



lisa@lehlashop.com
www.lehlashop.com
318-918-0707

Stevenson, Todd

From: Ben Mace [benmace@gmail.com]
Sent: Thursday, October 20, 2011 9:12 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

I am a (very) small-batch-manufacturer of children's products. I am writing to urge you to please consider relieving some of the burden and problems of recent CPSIA rulings by:

- Providing as much relief as possible for small batch manufacturers
- Provide reasonable methods for alternative testing that are economically feasible for small batch manufactures
- Allow certification through certified component testing from our suppliers

Thank you,

Benjamin Mace
1160 Brattleboro Arch
Virginia Beach, VA 23464

Stevenson, Todd

From: SARAH NASSIF [sarah@rectangledesigns.com]
Sent: Thursday, October 20, 2011 10:47 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

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

October 20, 2011

To whom it may concern,

I am writing as a former producer of handmade baby and kid items. I am a small-batch producer of screenprinted apparel for adults, and formerly for babies and kids. I became wary of continuing my popular baby hats and kids t-shirts when the CSPIA was announced, and I dropped the line because it was too confusing and time-consuming to figure out how to adhere to the new requirements. I am asking the Commission to act with common resolve to provide as much relief as possible for small batch manufacturers like me so that we can resume production of our goods for kids.

At the time the CSPIA was passed, I was a stay-at-home mom creating screenprinted and sewn products in my basement studio. I sold them at craft fairs, local shops and online. I carefully researched and selected the screenprinting inks I used to be sure they were waterbased, non-toxic, PVC- and phthalate-free. I use plain laundry detergent if needed to clean the screens. I did not want any chemicals in my home, of course, nor did I want to pass these on to my customers. I consider my studio a very safe production environment.

I would have liked to source organic fabrics, too, but finding and buying fabric in small quantities is very difficult in my region, the upper Midwest. I travelled to Chicago's fabric show, and was unable to find a supplier that could provide fabrics ongoing to me in the quantities I required. In Minneapolis, I have access only to a few fabric outlets that buy ends of bolts and resell them at reasonable prices. These fabrics are plain cotton knits, possibly with some amount of lycra or polyester in them, though their fiber content is officially described as "unknown." I source my t-shirts from an American factory.

As you can see, it is difficult enough to find materials to create a small-batch line of products at all. In addition, the limited availability of fabrics means my product line has a lot of variability, which is also what makes it unique and desirable. In addition, I often make something one day and sell it the next. I could not fathom having time to research and pay for testing for the tiny number of items I would hand-make and sell in the best case scenario at this level of business. I have only recently revisited the idea of making the hats again, but I feel discouraged that all of my materials are exempt except the screenprinting ink. Is there not some more reasonable method to determine and certify the content of the inks at the manufacturer's level? It seems an industry standard for ink producers would be realistic, but testing individually made cotton screenprinted kids hats is not. I could not make that worth my time financially.

Please consider the viewpoint and challenges of the small batch producer. We are individuals with creative ideas that feed the individual cultures of our cities and regions. We work on shoestring budgets and always have far more to do than is realistic with our time. Adding the jobs of understanding complex legalese and following expensive and time-consuming testing protocols makes it impossible to do business as a small producer. The cost of adhering to the CSPIA for me is not just the testing, it's the time to understand what I need to do, the

legal support to verify that, and the turnaround time I must wait for a test to come back. I can't afford to create a long production calendar that accommodates testing every color print I might want to make. I use trend research to select my colors, and these are available for free close to season, after all of the large manufacturers have finished their production for that season. I need my goods to look current and rely on current data, but I can't afford to pay thousands of dollars for trend and color research in order to get it 5 months sooner.

I believe it is important to have strong safety controls on children's products, but it seems that it is large companies than require this regulation because of the scale of their businesses. I am always amazed at the number of product recalls from well-know children's brands. I am much more inclined to trust a small batch producer I can meet in person and talk to about the materials and methods they use. I respectfully request that the Commission determine reasonable methods for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs. Please work at an industry level to meet the CSPIA goals and create a marketplace of screenprinting inks and fabrics and notions (zips and buttons) that are certified lead-free. Please don't put the burden on me to test an ink manufacturer's product that is used nationwide to screenprint items, many of which will be used by people under the age of 12. The SGIA would be a wonderful agency to work with to establish standards for inks.

Please understand that I have no budget or time to pay for outside safety testing of my product. I can follow clear directions, I can source safe materials and components, but my profit margins will not accommodate the time and money required to test each color batch of printed products I make. You must understand that it is simply not "economically practicable" for a business of my scale. My business is just myself, and my sales were under \$20,000 per year at the time of the CSPIA enactment.

Finally, the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA. We are the moms and pops, daughters and sons who need a chance to try out our ideas without undue burden. We are individuals hand-inspecting our goods for perfection and safety. Our personal reputations rely on the quality of our products! We are in close contact with our customers, often members of our communities. The same is not true of the companies that caused the CSPIA to be enacted. We deserve to be separated from the large manufacturers in administering the CSPIA. We are eager to be educated about best practices and the latest research, so consider providing clear resources online to help us keep up with the CSPIA recommendations. But please, give us the attention and relief required so that we can confidently resume making and selling our handmade work to kids of all ages.

The Handmade Toy Association (HTA) has made it possible for me to track CSPIA changes and reserve hope that I may once again make products for children. I gratefully acknowledge their work to help members like me stay in business.

Thank you for your consideration.

Sarah Nassif
Owner and Designer
HTA Member

Rectangle Designs
3644 44th Ave S
Minneapolis, MN 55406

web: rectangledesigns.com
phone: 612-207-8751

Stevenson, Todd

From: Melissa Wardy [melissa.wardy@pigtails.com]
Sent: Friday, October 21, 2011 11:22 AM
To: CPSC-OS,
Subject: "Alternative Testing Requirements for Small Batch Manufacturers Public Hearing"

To the Secretary of the Consumer Product Safety Commission,

I am writing to you today as a small business owner who will not survive unless CPSIA is ammended. With hundreds of other small business owners like me facing the reality of going out of business due to unfair and unnecessary testing requirements, I implore you to issue some common sense when it comes to the matter of small batch testing for manufacturers with a small profit margin. We are not the reason the CPSIA was mandated to keep our children safe, and we are not the repeat offenders.

I ask that you apply the following during your upcoming hearing:

~Please act with common resolve to provide as much relief as possible for small batch manufacturers.

~Please determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers,
and NOT on the capability of testing labs.

~You must interpret "economically practicable" in the context of businesses operating with narrow profit margins.

I cannot stress to you enough the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA. We were not the reason for the need for the CPSIA.

Sincerely,
Melissa Wardy

Melissa Wardy

Pigtails, LLC

www.pigtails.com

melissa.wardy@pigtails.com

608.201.3311

Facebook = Pigtails - Redefine Girly

twitter = @pigtails

<http://blog.pigtails.com>

Stevenson, Todd

From: Patricia Bowling [halotoys@fuse.net]
Sent: Friday, October 21, 2011 10:07 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Dear Members:

Halo Toys is a small business based out of Cincinnati, Ohio. It is a family owned business that employs 3 members of our family and a few friends that help us out with sewing hand made Dingies™ dolls. The dolls are made with new materials purchased from US manufacturers or distributors. The clothing is oftentimes made from old clothes that we purchase from rummage sales, garage sales or second hand shops. We make a few dollars and if we only did it for the money we would have been out of business a long time ago.

We are urging you to consider how the “one size fits all” testing approach required by the CPSIA negatively impacts small batch manufacturers and businesses like us. In short, the current rule will put us permanently out of business. It is unreasonable to think that small businesses and individual crafters of “homemade” goods could survive in America if we are required to comply with this law as is currently written. We are not adverse to safety—especially when it comes to children. However, we should not be punished for the neglect of big batch manufacturers that imported goods filled with lead and the like.

Small business is dying out here in the U.S.A. The CPSIA is a final lethal shot that will kill a piece of Americana. We are law-abiding citizens and to think that if we were to make a doll and give it away or sell it without every component of it being tested by a laboratory in accordance with the CPSIA that we would be criminals. Please use a great deal of common sense when it comes to small batch manufacturers as it relates to the CPSIA.

Sincerely,

David and Patricia Hendy Bowling
“HeBo”
7574 Eagle Creek Road
Cincinnati, Ohio 45247
513.477.0007
www.halotoys.com
www.muddybuddypals.com

Stevenson, Todd

From: toys [toys@meadowviewimports.com]
Sent: Friday, October 21, 2011 11:13 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing (fwd)

----- Forwarded message -----

From: "toys" <toys@meadowviewimports.com>
To: cpsc.os@cpsc.gov
Cc: dan@peapods.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Date: Fri, 21 Oct 2011 09:26:59 -0500

Dear CPSC commission members,

MVI is a small company, that specializes in importing a line of handcrafted wooden items produced in Germany. The company that we represent has been handcrafting wooden figures, to the highest standards, for over 60 years.

Each items is created from certified natural wood, from sustainable forests, painted with paints certified to DIN EN 71 standards (fewer than 90 ppm lead) and dipped in natural oil which is also certified to DIN EN 71 (fewer than 90 ppm lead) and DIN 53 160 (for color fastness when exposed to perspiration or saliva).

I respectfully implore the commission to make every effort to provide as much regulatory relief as possible for small batch manufacturers and small businesses.

Please determine "reasonable methods" for testing and certification based on the capabilities of small batch manufacturers and not on the capability of of testing labs. Please find a way to allow European Union standards as an acceptable alternative to retesting. The EU standards predate the US standards and are extremely stringent.

It is very important to small businesses that the commission interpret "economically practicable" in the context of businesses operating with narrow profit margins.

The limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the creation of the CPSIA.

Thank you for your consideration.

Respectfully,

James Mathews

Meadow View Imports
Wyoming RI, 02898-0407

Stevenson, Todd

From: Joanne @ Custard Shoppe [jandgbagshaw@comcast.net]
Sent: Friday, October 21, 2011 10:32 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

From: Joanne Bagshaw, 50 Market St, Amesbury, MA 01913

Re: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Dear Congressman Tierney,

The economic crisis in our country is distressing to millions of Americans. That is why it concerns me that under the CPSIA, many small business owners will be driven out of business, deepening the crisis. The premise of self reliance and entrepreneurship on which this country was founded is in jeopardy.

Like many people, I was deeply concerned by the dangerous and poisonous toys that large Chinese toy manufacturers have been selling to our families. And, I was pleased that Congress acted quickly to protect America's children by enacting the CPSIA.

However, I am very concerned that the CPSIA's mandates for third party testing and labeling will have a dramatic and negative effect on small businesses whose safety record has always been exemplary. It will devastate small manufacturers and home businesses who create children's products such as clothes, handmade goods and toys for children, children's books, adaptive products for children with disabilities, and classroom and homeschool materials. These small businesses simply cannot afford the price tag per product that Third Party testers are charging.

With the economic crisis we find ourselves in, fewer families will be able to afford the higher costs of the goods that remain available. Any company that is able to remain in business will undoubtedly raise prices due to increased compliance costs. Everyone will have to pay more for the remaining available goods, deepening the effects of the economic crisis for millions of families.

We want to continue creating unique handmade clothes made in our little local shoppe so we urge the commission to provide as much relief as possible for small batch manufacturers. We hope that you will allow "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs.

We believe that this clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

Toy makers, crafters, publishers and small home based businesses have earned and kept the public's trust and have provided jobs for thousands and quality playthings and educational products for hundreds of thousands. All of our unique businesses should be protected.

Thank you for your attention to this matter.

Sincerely,

Joanne Bagshaw
www.think-kookie.com

Here's what we're looking for:

First and foremost, urge the commission to act with common resolve to provide as much relief as possible for small batch manufacturers

. Recommend that the commission determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs

. Emphasize that the commission must interpret "economically practicable" in the context of businesses operating with narrow profit margins,

. Stress that the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

To submit your letter directly to the CPSC, use the subject line/title:

"Alternative Testing Requirements for Small Batch Manufacturers Public Hearing".

Thanks,
Joanne @ the custard shoppe

(978)378-4757
shop@custardshoppe.com
www.custardshoppe.com

become a fan  follow us  youtube channel 

Stevenson, Todd

From: grandpashouse [grandpashouse@nctc.com]
Sent: Friday, October 21, 2011 11:02 AM
To: CPSC-OS,
Subject: "Alternative Testing Requirements for Small Batch Manufacturers Public Hearing"

To the CPSC,

Those of us at Grandpa's House would like to make our collective voices heard. Grandpa's House is a family run gift shop on our family farm. We carry the work of local artists and craftsmen from upper middle Tennessee in the tradition of the rural programs of the '30s.

First, let us address the issue of the CPSIA and micro batch creators. Most of our craftsmen make their products one at a time. It is the rare crafter that will even make a batch of 20 items. The CPSIA was NOT written with these people in mind BUT the law expects them to be liable to this law. This effectively puts them out of business. For example, if I create a doll that has to be tested, the testing process will destroy my doll and I have nothing to sell. (This does not bring into account the cost of testing the doll) Testing for the micro batch creator is an impossibility. Remember that micro businesses and mom and pop businesses run on an incredibly small profit margin. Even for small businesses testing is not economically reasonable.

Second, we would like to point out that the very people who have been making safe toys and clothing and educational supplies (grandmas, grandpas, moms and dads) for generations are NOT the people who have put our children in harms way and caused the CPSIA to be created. Yet the very people who have produced safe products that will actually last our children through their lives and their children's lives are being put out of business, NOT by a poor economy BUT by a poorly crafted law. It is now your time to rectify this. This limitation clause should not be invoked on a premise of being "reasonably necessary".

Thank you for your time. We pray that you will use common sense in your deliberations for the sake of our nation.

rita watson
Grandpa's House
Red Boiling Springs, TN 37150
615-388-3046

Stevenson, Todd

From: Bitty Bambino [bittybambino@gmail.com]
Sent: Friday, October 21, 2011 12:20 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Hello, I'm writing on behalf of small batch manufacturers like myself. I make my products by hand from my home-based business. I do not make much profit at all and would not be able to continue my business if I were required to do lead testing.

First and foremost, I urge the commission to act with common resolve to provide as much relief as possible for small batch manufacturers.

I recommend that the commission determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs.

I emphasize that the commission must interpret "economically practicable" in the context of businesses operating with narrow profit margins,

I stress that the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

Sincerely,

Nanda Issa
Bitty Bambino
www.bittybambino.webs.com
Unique Handmade Baby Gift Sets

Stevenson, Todd

From: yarnmiracle@gmail.com on behalf of Emily Ivey [emily@yarnmiracle.com]
Sent: Friday, October 21, 2011 6:31 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Emily Ivey: Yarn Miracle, Handmade Companion Animals
2410 Hand Avenue
Bay Minette, Alabama 36507

I am a micro-batch toy maker. I hand knit soft toys from natural materials one at a time, often tailoring the animal to my customers' requests as far as color, fiber type and choice of natural filling. It is a slow process: each toy takes an average 6 hours from start to finish. I have a three year old of my own, so in my precious little knitting time, I produce less than 200 stuffed animals a year. My yarn and filling choices (cotton, wool, cashmere, angora, alpaca) are typically organic and often purchased directly from the farmer.

My standard Organic Cotton Companions are available as eleven different types of animal. Each type of animal is produced with the same techniques and solid construction. Each is produced with my own hands so there is no question about variation in quality or in craftsmanship.

In order to be in compliance with mandatory ASTM F963 testing, I am required to submit each animal design (model) for individual testing. If just one copy of each model is required for ASTM F963 testing, I would need to make and send eleven toys. That represents 66 hours of work and about \$45 in materials, roughly \$705 total. Add to that testing fees of \$500 per toy (\$5,500 in testing fees for the eleven Cotton Companions), the total for testing with just one copy of each of eleven models reaches \$6,205. My total profit for 2010 was \$4,271. If more than one copy of each model is required for testing, the cost in my time alone would be overwhelming. Some labs require as many as ten copies of a model. For the Cotton Companions that would be 110 toys - more than half my total production for a year!

And that is just the standard Organic Cotton Companions. I also have six designs for larger toys, make eleven styles of Itty Bitty Animals and at least a dozen varieties of Itty Bitty Birdies. To test every design in my shop would cost a total of \$19,500 in testing fees and 160 hours of knitting time to submit a single copy of each toy design.

For my 'luxury' companions, I choose handspun yarns, hand dyed yarns, special blends of fiber and U.S. raised cashmere. If each fiber type needs to be tested, that's more than a dozen additional toys and a staggering materials cost that I would have to absorb. Many of the luxury toys are one of a kind. To send a one of a kind toy in for ASTM F963 testing would leave me with no toy to sell!

Not only would ASTM F963 testing be overburdensome, it would be impossible for me both financially and physically. I would have no choice but to close up shop and sacrifice the little income that has helped my family make ends meet and allowed me to stay home with my daughter. Please reconsider the mandatory ASTM F963 requirement for handmade toys! There must be some more reasonable method to determine that a handmade toy is safe and made for play. I love my work. My customers love my toys. Please help toymakers like me stay in business.

Emily Ivey
<http://yarnmiracle.com> <http://yarnmiracle.etsy.com>

--

Emily Ivey
Website: <http://yarnmiracle.com>
Store: <http://yarnmiracle.etsy.com>
Twitter: emilyivey

Stevenson, Todd

From: Earnest Efforts [earnestefforts@msn.com]
Sent: Friday, October 21, 2011 8:17 AM
To: CPSC-OS,
Subject: FW: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Attachments: 4D.jpg



Dear Members of the CPSC-

We are writing to ask for your consideration of the following concerns when making decisions in regards to the CPSIA. My husband and I are woodworkers who have been handcrafting wood baby rattles for over 25 years. We began as a small vendor at the Eugene, Oregon Saturday Market and now wholesale our rattles to stores around the globe.

While we agree with the intent of the CPSIA and are committed to children's safety in producing our baby rattles, we are deeply concerned with the impact some of your decisions are having in regards to micro-businesses who make small batches of toys; like ourselves. The following are the issues we believe need more serious consideration.

We recommend that the commission determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs. If our materials were not exempt, the batch testing requirements would simply put us out of business!

We ask that the commission interpret "economically practicable" in the context of businesses operating with narrow profit margins. Although we have a successful micro-

business our profit margin does not allow for the costs of these tests.

The limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the inception of CPSIA.

We appreciate your efforts and your time in considering our concerns.

Take care, be good & kind, and don't forget to laugh,

Rick & Heather Hinton

Earnest Efforts natural woodworking

www.earnestefforts.com

Stevenson, Todd

From: Sarah Natividad [sarah.natividad@gmail.com] on behalf of Sarah Natividad [sales@curious-workmanship.com]
Sent: Friday, October 21, 2011 8:36 AM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

The Handmade Toy Alliance asked me to write you a nice letter encouraging you to "interpret 'economically practicable' in the context of businesses operating with narrow profit margins." I'm not sure you all even understand what that means over at CPSC, it being full of business-y words and all, so I'm going to lay it out for you in very stark terms. I'm done writing eloquently phrased letters full of what my grandpa used to call "fifty-cent words". They're five-dollar words nowadays, and I can't afford enough of 'em to write a letter with, so I'm going to give you a tour through economic reality in language that ordinary Americans like myself use. I warn you now, it isn't going to be pretty, but you shouldn't look away. You should see what effects your actions have on real people out here in the world outside Washington DC.

I make baby booties. On request I add non-skid soles to them so that babies who are walking can use them. The other day a fellow Utahn wrote to me. She had 8-10 yards of non-skid fabric that had been sitting around her house for a few years, and wanted to know if I was interested in buying it at a deeply discounted price. This stuff is normally very expensive and I haven't been able to get it by the yard, though I've wanted to, and this would be enough to keep my business in non-skid soles for a couple of years. Instead I've had to get non-skid fabric by the tiny piece. Why? Because it has vinyl dots on it. As soon as I found out about CPSIA in early 2009, I frantically sent a piece of this particular brand of vinyl-dotted cotton fabric off to have it tested for lead so that I could stay in business long enough to see the guidelines CPSC would concoct for textile testing. All I could afford was XRF testing. I knew I wouldn't be in full 100% compliance with the law as it was interpreted at the time, but the only way I could possibly comply would be to shut down altogether. Which I almost had to do, by the way, since you all got out your guidelines exempting textiles from lead testing SIX WHOLE DAYS before I would have had to close my business. I'd already clearanced out most of my merchandise, canceled my merchant account (for which I had to pay a penalty), etc. etc. I lost just about EVERYTHING. It took me a year and a half to get my business back to where it was before you all just about wrecked it. And I was one of the lucky ones. I watched my friends go out of business altogether. There are at least 50 letters you're not reading today because the people who had these CPSIA-wrecked businesses are no longer "stakeholders."

I really couldn't afford the XRF testing either. I went without profits for months so that I could afford just that inexpensive testing. My profits are small compared to those of the companies you believe represent the "children's product industry", but let me tell you what these profits pay for. My husband only makes enough money to pay basic bills, and so my income goes to things like dance lessons for my daughter, and soccer for my boys, and having meat most days instead of 2 or 3 times a week. Meat is extra important to my family because my daughter is allergic to fish, peanuts and dairy, so the inexpensive protein in these foods are off limits to her; she has to get her protein somewhere else, and you can only stand to eat so much tofu and eggs. We don't have cable TV or satellite or video games. My youngest child goes to the finest preschool we can afford-- my living room coffee table, where he learns with the finest educational manipulatives we can afford-- an envelope full of paper shapes. Until last year we had a van old enough to vote, which we called "The Prayermobile" because when you put the key in you'd pray that it starts, and when you pushed on the brake you'd pray that it stops. I bought The Prayermobile with a few hundred dollars that I made with my business, when we couldn't afford to fix our previous van's transmission. Your other buddies there in Washington D.C. are busy making sure all my other budget line items go well over what I can afford every month-- gasoline, electricity, food, medicine-- and my profits are now going to pay for the privilege of being ruled by people who don't understand economics. I'm sitting here as you read this wondering if I can make shoes for my 5 year old out of the scraps of old tires that I find on the side of the road so that he can have something that isn't riddled

with holes or patched with duct tape to wear on his feet this winter, and you all are wondering whether you would DEIGN to allow small batch manufacturers alternative testing methods??????

I ATE BEANS SO THAT I COULD AFFORD XRF TESTING. That's what "interpret 'economically practicable' in the context of businesses operating with narrow profit margins" means to those of us here in the real world trying to make a buck.

And now you want to require people like me, who make baby booties in my living room, booties I would (and have) unhesitatingly put on my own children's feet (non-skid soles and all), booties which I have already done everything in my power to produce according to the rules you all have decided to lay down, take a piece of this non-skid fabric to a lab at great expense? The kindest words I can think of for this situation rhyme with "duck boo". My booties are safe. They have never poisoned anyone. Non-skid fabric never has either. To what lengths will I have to go to prove this to the government? Do you really think the world will be a better place if I go out of business and my family has to do without my income? If you really think that, then say it to my face. Tell me the world will be a better place without my booties in it. Tell my kids that they need to eat eggs and quit soccer so that ZERO extra children can be saved from lead poisoning. Don't sit there and give speeches about making the world a better place through your policies to groups like Kids In Danger (who can't even point to ONE SINGLE CASE of lead poisoning prevented by CPSIA) so they can pat you on the back. Turn your head and LOOK at what you're doing to the people who can't even get to see one of your speeches because their ancient minivan won't make the 4,000 mile round trip to go attend one. The people who can barely afford to contribute a few bucks to the Handmade Toy Alliance's travel fund, let alone hire a lobbyist. The people who gave up a few hours of time they could have spent earning Christmas money to write you a letter and then redact all the swear words that were in the first draft. People like me.

This doesn't even begin to touch the phthalate testing. The things I dream of someday buying with what's left of my profits, after buying meat for my kids, all cost less than a single phthalate test. I've never been able to afford one, nor am I ever likely to. And yes, I know that means the vinyl dots on that non-skid fabric I was offered will not be in compliance with CPSIA. Maybe I'll pass on buying it then, and stick with the vastly more expensive fabric that comes in itty bitty pieces. Because I need to keep on selling booties. My kids aren't getting any less hungry.

I've got little enough respect left for the intelligence of certain CPSC commissioners. If you require expensive testing for people like me, I will lose even that remnant of respect. I will spit whenever I say your names. I hope this exercise in reality has been useful to you, and I now return you to your regularly scheduled ivory tower.

Sincerely,
Sarah B. Natividad
Curious Workmanship
Tooele, UT

Stevenson, Todd

From: Paula [pkd99@aol.com]
Sent: Friday, October 21, 2011 12:43 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

I am the owner of a small business that features nontoxic and safe baby products. We have been in business for over 20 years.

During this time, we have been proud to feature locally made products by other small businesses, as well as those responsibly made by larger companies. In my entire 20 years there have been no safety issues that have arisen with any of these products - whether natural rubber, wood, or organic cotton toys; or personal care products made of only natural and safe ingredients. It makes sense that products assembled without toxic materials would not be the source of the problems complained to the CPSIA. It also puts a very unfair burden on smaller businesses that operate with narrow profit margin to try to keep up with safety requirements imposed on giant companies. I have seen many of my suppliers have to cut their offerings in half and dramatically raise their prices just to keep up with compliance requirements. Many operate with small profit margins as it is.

I understand that some testing and certification of products is reasonable. However, the testing and certification procedures should be reasonable for small batch manufacturers, and not be so extreme that they bankrupt them, as there is no way they can keep up with Fisher Price and other multimillion- or billion-dollar companies in terms of what they can spend. It is not economically practicable. THIS would be the greatest loss - to impose such heavy restrictions that our small, U.S. businesses are forced to go close up shop, ironically, depriving consumers of the opportunity to buy high quality, local products that have never violated safety records.

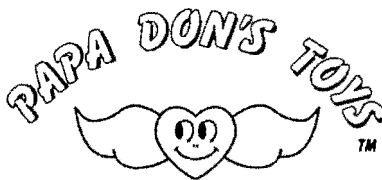
It is the large companies who travel the world to get their products made on massive scale with the cheapest parts and ingredients possible without careful oversight or attention to safety that have been the cause of the products. The problem products have often been made in China, without adequate testing. There must be sane "red flags" as to testing requirements, reasonable costs, and attention to scale of requirements by size and nature of business. We do not want to shoot the horse in the foot by destroying businesses that are not the cause of the problems.

Thank you for listening. This is a very important issue which has wide ranging implications for small manufacturers, businesses such as mine, and consumers.

Yours truly,

Paula DeVore
Owner
BABYWORKS
www.babyworks.com

87805 Walker Creek Rd.
Walton, OR 97490



(541) 935-6118
(541) 935-4747 (FAX)
papadonstoys@gmail.com

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

October 21, 2011

Dear Commissioners:

My husband and I are second generation owners and operators of Papa Don's Toys, Inc., a small wooden toy manufacturing company that my parents started 38 years ago and that supported our family until their retirement. Our company has an exemplary safety record. We have always prided ourselves in providing handmade toys that are non-toxic and made in the United States. My husband and I make all of the toys ourselves in small batches using locally harvested hardwood as well as non-toxic custom manufactured and painted wooden components that are made for us in the United States.

We had some trepidation when we decided to leave well-paying jobs in Alaska to pursue our dream to continue my family's legacy and operate the family toy business in Oregon. Our chief concern was that the new testing requirements would put us out of business before we even had the chance to begin. After nearly a year of operating the business, we see that we were right to worry. Our profit margins are narrow, leaving little or no room to absorb the burdensome costs of the CPSIA. **That is why we urge the commission to provide as much relief as possible for small batch manufacturers.** We recommend that the commission determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and not on the capability of testing labs.

Furthermore, it is critical that the commission interpret "economically practicable" in the context of businesses, like ours, that operate with narrow profit margins. In addition, the limitation clause should not be invoked on the premise of "reasonably necessary" as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

We're counting on the commission to address the unintended consequences of the CPSIA through meaningful reform that will aid small businesses and preserve the tradition of small batch specialty toys.

Sincerely,

Diana DeFazio, Owner/ Toymaker
Garth Hitchings, Owner/ Toymaker

Stevenson, Todd

From: Papa Don's Toys [papadonstoys@gmail.com]
Sent: Friday, October 21, 2011 1:58 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Attachments: Alternative Testing Requirements for Small Batch Manufactu...pdf

Dear Commissioners:

My husband and I are second generation owners and operators of Papa Don's Toys, Inc., a small wooden toy manufacturing company that my parents started 38 years ago and that supported our family until their retirement. Our company has an exemplary safety record. We have always prided ourselves in providing handmade toys that are non-toxic and made in the United States. My husband and I make all of the toys ourselves in small batches using locally harvested hardwood as well as non-toxic custom manufactured and painted wooden components that are made for us in the United States.

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We're counting on the commission to address the unintended consequences of the CPSIA through meaningful reform that will aid small businesses and preserve the tradition of small batch specialty toys.

Sincerely,

Diana DeFazio, Owner/ Toymaker

Garth Hitchings, Owner/ Toymaker

--

Papa Don's Toys
87805 Walker Creek Rd.
Walton, OR 97490
Phone (541)935-6118
Fax (541)935-4747

JOSEPH R. PITTS
15TH DISTRICT, PENNSYLVANIA

GABE NEVILLE — WASHINGTON CHIEF OF STAFF
TOM TILLET — DISTRICT CHIEF OF STAFF

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www.house.gov/pitts

COMMITTEE ON
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ENVIRONMENT AND ECONOMY

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

TOM LANTOS HUMAN RIGHTS
COMMISSION

Congress of the United States
House of Representatives
Washington, DC 20515-3816

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

Re: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing on
October 26, 2011

Dear Commissioners:

As you know, the Commission will hold an important hearing on Wednesday, October 26, 2011. The hearing is intended to help the Commission create special rules for small batch toy manufacturers.

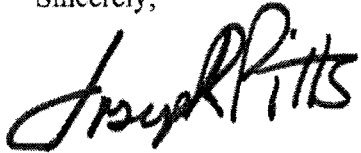
As a Member of Congress representing handmade toy makers and the specialty toy retailers that sell them, I understand how important this industry is to our communities and how sensitive the industry is to excessive regulations. I urge the Commission to make every accommodation possible for small batch toy manufacturers and retailers. In these times of great economic uncertainty, Members of Congress on both sides of the aisle have called for restrictions on rules that would hurt or restrict American jobs. There is little doubt that the decisions of the Commission will have significant impact on these businesses. Jobs are on the line.

With that in mind, I would like to offer the following recommendations to the Commission:

1. Determine “reasonable methods” for alternative tests based on capabilities of small batch manufacturers and not on the capability of testing labs,
2. Interpret “economically practicable” in the context of the handmade toy industry where micro and small business owners must account for every penny,
3. Recognize that because small batch toy makers and retailers have an exemplary safety record it is therefore not necessary to invoke the “reasonably necessary to protect public health or safety” clause.

Thank you for your careful consideration of my request. The work the Commission will do to ensure the safety and viability of the handmade toy industry is very important. I look forward to working with the Commission to ensure that the highest safety standards are met while protecting this important industry.

Sincerely,

A handwritten signature in black ink that reads "Joe Pitts". The signature is written in a cursive, slightly slanted style.

Joe Pitts
Member of Congress

Cc: Chairman Fred Upton,
Chairwoman Mary Bono Mack



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Oak Brook, IL 60523

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**WRITTEN TESTIMONY OF
MR. GENE RIDER
President, Consumer Goods NA
Intertek
Before the
U.S. CONSUMER PRODUCT SAFETY COMMISSION
“Alternative Testing Requirements for Small Batch Manufacturers”
October 26, 2011**

Madam Chairman, distinguished Commissioners:

While I was unable to attend this hearing and present these comments in person, on behalf of Intertek, I appreciate the opportunity to be able to submit them in writing as part of the hearing record. I also very much appreciate the fact that this important hearing is being held on ways in which the CPSC might reduce the third party and other testing burdens on small businesses, without compromising the safety of children’s and other consumer products.

As my colleague, Joe Mohorovic, discussed in detail recently at the October 6 CPSC Education and Outreach Roundtable discussion on ways to better communicate CPSC requirements to your stakeholders, Intertek and the other major product testing labs are very often at the “tip of the spear” in terms of both understanding the difficulties faced by manufacturers and importers in meeting CPSC requirements and in developing and implementing solutions to those issues. As new agency safety standards emerge and evolve, and as new consumer products are developed that present new questions about compliance, it is very often—I would venture to say most often—the major labs that are called on first to find “the answer” to these often very nuanced and complex issues.

I reiterate this key point not in any way as a criticism or complaint of the agency, but rather as an observation and argument that the labs must be involved not only in “getting the word out,” about CPSC requirements, but also in developing cost effective and efficient solutions to product testing requirements. Indeed, it is the labs that are often best positioned to develop and offer “alternative testing requirements” for all manufacturers, including “small batch manufacturers.”

Let me offer a concrete and very timely example of what I’m talking about. Last week the Commission approved what some have opined to be the potentially most impactful regulation ever issued by the agency, the Testing and Certification, or so-called “15-month Rule.” Once it takes effect this new regulation for the first time will not only require that children’s products be third party tested and certified to all applicable CPSC standards, but that manufacturers and importers undertake specific, ongoing steps to ensure the continued compliance with those standards, including the maintenance of a number of specific documents to demonstrate that those steps were undertaken. At the same time, the agency issued its Component Part Testing Rule, an equally complex new regulation that allows final product certifiers to rely on component suppliers’ testing and certification of plastics, paints, etc., but only under limited circumstances and with specific documentation.

When these new rules were first proposed in 2009, Intertek—as I’m sure did most major labs—heard from our customers asking “What the heck are these rules and what do they mean?” To the point, they wanted and still want to know exactly what they need to do to be in compliance with the law,



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understanding that failure to comply with the new regulations is a specific “prohibited act” under CPSC statutes, punishable by civil penalties and potentially even criminal sanctions. Intertek responded by marshaling all of our internal capabilities and resources to develop a simple, user-friendly IT solution, what we now call “iComply™” designed to enable and demonstrate compliance with the 15-month and Component Part rules. Akin to tax preparation software, iComply™ allows a user to input key information about the product, materials and manufacturing processes employed. In return, iComply™ identifies the applicable regulations, creates a Production Testing Plan and provides for users to upload required test reports and other documents. These recommendations are based not only on the requirements of the agency regulations, but also on proprietary risk and process variability algorithms that, in turn, are based on decades of Intertek experience and knowledge in developing and validating testing programs for hundreds of our customers. iComply™ helps users achieve a High Degree of Assurance of continued product compliance based on knowledge of the manufacturing processes employed, product risk and volume.

Several months ago, Intertek offered to the CPSC to make iComply™ available for free to small manufacturers, however the agency might appropriately define that term, and that offer stands today. Such a program, which we have suggested could be modeled on the Internal Revenue Service “Free File” program, we believe presents a perfect opportunity and example of the agency partnering with its laboratory stakeholders to provide a low-cost (or, in our case, a no-cost) alternative to comply with what otherwise may be a difficult and onerous set of regulations for those manufacturers to try and navigate. I would therefore urge the CPSC to favorably consider Intertek’s offer to help extend the iComply™ tool as a true alternative method of complying with the complex new Testing and Certification and Component Testing rules to qualified “small batch” manufacturers.

In addition, Intertek regularly has suggested and continues to suggest ways in which the cost of individual testing and the overall testing burden for our customers and your stakeholders can be reduced, again without any reduction in assurance that standards are being met. Notably, this included our July 2009 Petition to the Commission to formally allow both alternative test methods to final product testing to the CPSC lead paint standard (including composite testing of multiple paint colors and “multiple stamping” of other surface coatings on a single product sample), as well as component part testing in lieu of final product testing. Thankfully, with a previous agency change to allowable testing procedures and with last week’s vote to approve the Component Testing Rule, the agency has now formally adopted those requested changes and, indeed, with regard to component testing, has gone even farther.

Looking forward, there remain what we believe to be other, simple yet effective ways in which the agency can reduce the cost of third party testing for all manufactures, particularly including small batch manufacturers. One avenue of relief would be to more explicitly and in more contexts allow for the use of compound (multi-jurisdictional) test reports to demonstrate compliance with various product safety standards (including CPSC, state and international standards) to support the issuance of final product certificates of conformity that the agency would recognize.

Beyond this and other “technical” changes to CPSC policy with regard to alternative test methods, we would be delighted to engage in a broader discussion with the agency regarding possible means of providing more systemic and broader relief from testing costs. One such avenue may be the “prequalification” of component materials and parts that are to be used in children’s products. Rather



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than require such stringent certification and/or periodic testing of such components, then, such a system might enable manufacturers, together with independent evaluators, to provide the CPSC with adequate assurance that the conditions of manufacture and distribution of those components are such that there is an extremely low likelihood that those product components will fail any CPSC standards. And, of course, only those processes that result in a robust program providing a high degree of assurance should be considered in this context.

Overall, I believe it is important for the CPSC (as well as we in the broader stakeholder community) to realize a central truth when it comes to the evaluation of any testing and certification system, as well as alternatives to that system: that there are tangible benefits that should be considered with tangible costs when it comes to compliance with CPSC standards and the prevention of other product defects and hazards. By this I do not mean to say that the lowest cost alternative should not be chosen when it comes to evaluating various testing and certification options, because it should. Rather, the lowest cost alternative can only be properly evaluated and chosen if you understand the risks (and therefore potential costs) inherent in each alternative in the first instance.

Using my above suggestion of a component prequalification program, then, a vigorous system that makes the likelihood of a violation of the lead paint standard, for example, extremely low may be initially more expensive than a system that requires, initially only a certification test. But the long-term costs of such a program may be far less than a series of lead tests over several years (including certification, production and periodic testing required under the new agency Testing and Certification Rule) but that still may allow for a significant possibility of a violation and costly recall, not to mention the reputational damage to the companies involved.

I commend you, Madam Chairman and Commissioners, for undertaking this difficult process of globally evaluating the testing requirements imposed by the Consumer Product Safety Improvement Act and seeking lower-cost alternatives to those requirements, particularly for small manufacturers and importers. It is a difficult task, but one that I would again encourage you to continue to tackle using not only sound ideas, but sound and comprehensive evaluation of those ideas. Toward that end, I and my colleagues at Intertek look forward to continuing this important dialogue with you and agency staff in the weeks and months to come.

Thank you.

Stevenson, Todd

From: Woodcrafting By Robert [robert@woodcraftingbyrobert.com]
Sent: Friday, October 21, 2011 4:26 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

CPSC,

I'm a retired person that makes wooden toys for children and sells them on the Internet. I derive a great deal of joy in doing this along with the wonderful feedback I get from my customers. I sell about 70 toys per year and the income I receive is used to supplement my social security. Should the CPSIA be implemented as it now stands I will be forced out of business due to the cost of testing requirements. I'm requesting that you provide small batch manufacturers such as myself with as much relief as possible. I understand that "reasonably necessary regulations" are needed, but small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA. I'm recommending that you determine "reasonable methods" for alternative tests based on capabilities of small batch manufacturers and not on the capability of testing labs. Whatever relief you decide on must be economically practical to small batch manufacturers since we work on an extremely small profit margin.

Thank you for your consideration.

Robert Makey
E-Mail - Robert@WoodcraftingByRobert.com
Web - WoodcraftingByRobert.com

Stevenson, Todd

From: Leah, Better for Babies [betterforbabies@me.com]
Sent: Friday, October 21, 2011 4:00 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers, Public Hearing
Attachments: BfbCPSIAOct2011PDF.pdf; RDIAMemberCPSIAPDF.pdf

‘‘Alternative Testing Requirements for Small Batch Manufacturers Public Hearing’’

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

Dear Commissioners,

The Real Diaper Industry Association, a trade association comprised of 161 member companies, would like to submit the following comments in regards to the CPSC’s exemption or acceptance of alternative testing methods as relief to small batch manufacturers.

Our fundamental request is that the commission act with common resolve in advancing those options which provide the most relief possible for small batch manufacturers.

RDIA has 27 manufacturing members, many of which are small batch manufacturers by definition. Their contribution to the industry, however, is anything but small. They form the backbone of a cultural change and provide diapers to babies, knowledge to families, and jobs to their communities. The burden of testing will put, at the very least, several of our small manufacturers out of business entirely. Others will be required to change their line ups, losing revenue and wasting thousands of dollars already spent on supplies, production, and marketing. Retailers will lose some of their favorite brands and the marketplace will see a sharp reduction in choices.

One retailer confirmed a loss of \$15,000 per year in sales if small batch manufacturing is not given relief. A small manufacturing business barely making a profit at all suddenly faces additional expenses of \$1,200 per year including further costs of implementing processes and slowed production time due to testing.

We ask that exemption be offered for small batch manufacturers. Should that not be acceptable, we ask that the commission determine “reasonable methods” of alternative testing which are based upon the capabilities of the small manufacturers themselves and NOT upon the capability of the testing labs.

Small batch manufacturers are reaching out to say what is reasonable and manageable. XRF is one such option. Cooperative testing of common supplies is another. These are allowances which will save businesses thousands of dollars a year and allow them to continue providing product and jobs to their community.

Lastly, we ask the commission to consider “economically practicable” in the context of already defined small batch manufacturers and their own unique approach to profit. Most of the companies have not only small batches, but also very small profit margins. Handmade and small batched goods are labor intensive and seldom priced accordingly. Their safety record is outstanding and was certainly not the reason for the implementation of the CPSIA.

As members of the Real Diaper Industry Association we acknowledge the utmost importance of the safety of our products. It would never be our desire to dodge the issues or avoid any responsibility. We ask only that relief be given to small batch manufacturers for whom testing is an undue burden.

Thank you again for your time and consideration.
(attached are two additional letters from member businesses)

Sincerely,

The members of the Real Diaper Industry Association

submitted by Leah Carter, chair of RDIA's legal committee

--

Leah Carter

www.betterforbabies.com

www.betterforgrownups.com

“Alternative Testing Requirements for Small Batch Manufacturers
Public Hearing”.

Office of the Secretary
Consumer Product Safety Commission
4330 EastWest Highway
Bethesda, MD 20814

I am writing with a fundamental request that the commission **act with common resolve in advancing those options which provide the most relief possible for small batch manufacturers.**

As a small batch manufacturer, the failure to pass small batch exemptions for testing will result in my business spending nearly 800 additional dollars per year on testing (based upon lab testing prices done over a year ago). It also means that for several of my products I will need to spend countless hours readjusting my supply sources, adding in new processes, and even altering the product design itself to account for changes which came about only due to testing needs despite the fact that the fabric itself and the majority of components are exempt already.

While not an extraordinary amount of money, my business, and many like it, operate on a very small profit margins. These expenses amount to a significant portion of my income and therefore are quite a burden.

Specifically, I ask that exemptions be offered for small batch manufacturers. If that is not a feasible option, then I recommend that the commission determine “reasonable methods” for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs.

For my business, “reasonable methods” might include XRF testing or cooperative

testing of common supplies.

I would also ask that the limitation clause not be invoked on the premise of “reasonably necessary” as small batch children’s products have an exemplary safety record and were not the reason for the creation of CPSIA.

Thank you for reaching out to hear from small batch manufacturers directly. The safety of the consumer will remain in the forefront of my business decisions and compliance is always our goal.

Sincerely,

Leah DB Carter
ceo, Better for Babies, Inc.
www.betterforbabies.com

If you'd like us to include your letter in the HTA's packet of testimony, please also send a copy to me at dan@peapods.com.

Thanks again,
Dan

As a small business and cloth diaper retailer, I have real concerns about the implementation of CPSIA requirements and their impact on my vendors, my customers, and on my own bottom line. In the past year, one of my biggest sellers have been diapers made by a small US-based business, SustainableBabyish. CPSIA requirements threaten businesses such as SustainableBabyish by implementing tough regulations on small-batch manufacturers. In the next year I hope to sell as much as \$15,000 worth of these diapers, and I would hate to lose this revenue due to the new guidelines. While I could of course still carry many of the larger brands (which are most often made in China or overseas), the cloth diaper brands that are most threatened are the smaller ones created and manufactured right here in the United States typically by hard-working work-at-home moms. Please consider the impact of CPSIA regulations on our fellow Americans and realize that these restrictions place American jobs at risk...while hardly impacting huge corporations that can absorb the cost of compliance as they save money by manufacturing overseas.

Sara Arrigoni
Mothering Grace
easy.healthy.green.

Stevenson, Todd

From: Violet's Peapod [info@violetspeapod.com]
Sent: Friday, October 21, 2011 4:07 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Hello Office of the Secretary, Consumer Product Safety Commission,

I am the sole owner of a small business catering to children under 12. I am writing you today to urge you to act with common resolve and provide as much relief as possible to small batch manufacturers. I'd strongly recommend that the commission determine reasonable methods for alternative tests based on capabilities of small batch manufacturers and NOT on the capability of testing labs. The commission should interpret economically practicable in the context of businesses operating with narrow profit margins. The limitation clause should not be invoked on the premise of reasonably necessary as small batch children's products have an exemplary safety record and were not the reason for the birth of CPSIA.

The CPSIA law was created mainly as a response to the numerous 2007 China-made toy recalls. But those hurt most by the passing of this law had nothing to do with the making of lead toys. If the CPSIA stays as is, families will have a greatly reduced merchandise selection and will be forced to shop for their kids at generic, mainstream retailers. Do families want this? No! Plus, these huge retailers and major toy manufacturers are responsible for the illegal, China-made lead toys in the first place. This legislation just doesn't make sense.

To date, I have spent \$270 on 3rd party lab testing of one style of zipper, and \$125 in XRF laser testing. The hours I have invested complying with this law amounts to about 30 hours/year since 2007. Let me remind you that I am a tiny microbusiness and my sales are quite low. These costs dip considerably into my already narrow profit margins, and during these trying times, it is hard enough for small businesses to survive.

I have thought about coming out with another style of baby sleep sack, but the thought of testing other trim items like snaps or buttons have discouraged me. If this law didn't exist, I could come out with at least 3 new products/year. But I have opted to keep it simple and style with the same exact trim item.

Micro-businesses deserve to stay alive! PLEASE approve alternative Testing Requirements for Small Batch Manufacturers.

Thanks for your time,

Lennore Merz, Owner & Founder
Violet's Peapod
712 Bancroft Road #267
Walnut Creek, CA 94598
Tel: 925.297.7952
Fax: 925.279.1264
www.violetspeapod.com
<http://twitter.com/#!/Violetspeapod>
<http://www.facebook.com/people/Lennore-Merz/1380344356>

Stevenson, Todd

From: Eme Alberico [emea@ppai.org]
Sent: Friday, October 21, 2011 4:36 PM
To: CPSC-OS,
Subject: PPAI Comments re Alternative Testing Requirements for Small Batch Manufacturers
Attachments: PPAI Comments re Small Batch Manufacturers.pdf

Consumer Product Safety Commission:

Promotional Products Association International (PPAI) submits the attached comments regarding alternative testing requirements for small batch manufacturers.

Please contact Paul Bellantone, CEO, at 972-258-3050, Anne Lardner-Stone, Director of Public Affairs, at 972-258-3041 or John Satagaj, our Washington Counsel, at 202-639-8888 to discuss the attached concerns and views.

Thank you,

Eme Alberico
Public Affairs Specialist

PPAI - Promotional Products Association International
3125 Skyway Circle North
Irving, Texas 75038
972.570.3282 Direct
972.258.3004 Fax
888.426.7724 Toll-free



**Request for Comments and Information
Consumer Product Safety Commission
Alternative Testing Requirements for Small Batch Manufacturers
CPSC Docket No. CPSC-2011-0070**

In response to the Consumer Product Safety Commission's (CPSC) request for comments regarding alternative testing requirements for small batch manufacturers, Promotional Products Association International (PPAI) offers the following comments and observations.

PPAI—the promotional products industry's only international not-for-profit trade association—offers education, tradeshow, business products and services, mentoring, technology and legislative support to its more than 9,000 global members. Promotional products are more than a \$16.5 billion industry and include wearables, writing instruments, calendars, drinkware and many other items, usually imprinted with a company's name, logo or message.

The industry consists of approximately 21,000 distributors and 4,100 suppliers. The distributor develops solutions to marketing challenges through the innovative use of promotional products and is a resource to corporate buyers, marketing professionals and others. A supplier manufactures, imports, converts, imprints or otherwise produces or processes promotional products offered for sale through distributors and the distributors' sales force known as promotional consultants.

The promotional products industry differs in several ways from a traditional manufacturer to retail supply chain, but the most important distinction lies in the process of customizing the products through various forms of decoration (imprinting, embroidery, etching, engraving or embossing). Products in the promotional products industry are either manufactured in the U.S. or imported, decorated and sold by suppliers to or through distributors that have obtained an order for the decorated products from businesses (end buyers) that have their company logos and messages decorated on the products.

The decoration applies a company logo, advertising message or other information to assist the end-buyer purchaser in creating brand awareness. Products may be provided to fill a specific order or inventoried by one or more parties until an order is entered into the supply chain from an end buyer to a distributor to a supplier, which may require several months from the time a product is originally manufactured.

“Small Batch Manufacturer” Clarification: The customization of promotional products is in many cases applied by an independent supplier or decorating company. In one common business situation, a decorator or supplier would imprint a logo or message onto a small number of “blank” products for a specific group or end buyer. For example, a company may place an order with a decorator for 2,000

coffee mugs that will be given out at local event. The decorator would secure “blank” mugs from a separate manufacturer and decorate the mugs with the company’s particular messaging.

We assert that the unique order placed by the company with the decorator or supplier and the products decorated with the unique imprint constitute an individual “batch,” which is in many cases less than 5,000 units.

We assert and request confirmation that if the decorating or supplying company meets the revenue requirements for the “small batch manufacturer” definition, that the company would qualify as a “small batch manufacturer” for covered products and be required to meet the alternative testing requirements currently being developed by the CPSC.

Relief for Small Batch Manufacturers: Of the 4,100 suppliers in the industry, more than 75 percent report less than \$1 million in annual revenue. The majority of these suppliers deliver orders of less than 7,500 of the same unique, decorated product. The cost of compliance with current and future third-party testing requirements for orders of this size often results in a product cost moving from \$1 to \$13, thereby pricing the product out of the market. The disproportionate impact of third-party testing costs on small businesses has and will continue to result in some companies closing their doors permanently.

PPAI supports the relief being considered by the CPSC for small batch manufacturers and urges the CPSC to confirm that the decoration of “blank” promotional products constitutes a unique batch of products, thus allowing a supplier decorating product to be considered a “small batch manufacturer.”

Please contact me at 972-258-3050, Anne Lardner-Stone, Director of Public Affairs, at 972-258-3041 or John Satagaj, our Washington Counsel, at 202-639-8888 to discuss our concerns and views.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Bellantone". The signature is stylized and cursive.

Paul Bellantone, CAE
President and CEO
Promotional Products Association International

Before the CONSUMER PRODUCT SAFETY
COMMISSION Washington, DC

In the Matter Of: Docket No. CSPC-2011-0070
Alternative Testing Requirements for Small Batch
Manufacturers Public Hearing

Comments and Hearing Submission

October 21, 2011

Submitted by:

Lynn Persson

Terra Experience <http://terraexperience.com>

Ethnic Doll Clothes, Textiles, Arts and Crafts and other fun things from Guatemala and the Markets of the World.

We strive to support sustainable development, fair trade, local artisans, their communities and their environment

Like us on Facebook to learn about new products and pictures: <http://www.facebook.com/TerraExperience>

2140 Regent St. Madison, WI 53726
(608)849-8720 web sales

October 21, 2011
Commissioner Inez Moore Tenenbaum
Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum:

Thank you for the opportunity to provide comments in Docket No. CPSC-2011-0070: Alternative Testing Requirements for Small Batch Manufacturers.

Terra Experience is a very small profit business with total sales of \$30,000 and an average annual income of about \$10,000. This was a part-time hobby business for more than 10 years. I am at a point where I can devote full time to it (after parent-care and a full time job) and am trying to decide whether I want to grow the business or not. Since my passion is sharing fair trade 18" doll clothes, and accessories and other kid items that are artisan made in Guatemala with children in America, the current regulation and how small batch importers and toy-makers are required to comply with these regulations may have a big impact on my decision.

You can learn more about my business and how it got started at http://www.terraexperience.com/Fair_Trade.htm the products we sell at <http://terraexperience.com/>. You can see the website needs to be updated and I have some customers that need their orders send – but I am trying to write these comments.

Terra Experience was started in 1999 as a very small, socially responsible business to help Mayan friends in Guatemala earn some additional income for school supplies and other needs of their families. Hand-woven Mayan doll clothes seemed like a good idea because they would take less time and materials for the weavers to make than the women's traditional huipiles (over-blouses) that I collected that often took a woman 3 or more months to make. I had a Girl Scout troop at that time and had been amazed by the number of 18" dolls and doll clothes they had and the interest in American history that evolved. I hoped there might also be a market for fine hand-woven ethnic doll clothes that would allow me to provide a fair wage to Guatemalan weavers and give children in North America kids a chance to experience and support the living Mayan culture. An initial sale at a local school) was successful and so Terra Experience began and engulfed my spare time.

Having worked in Water Resources Management and Pollution Prevention in Wisconsin or over 32 years "Sustainable development" and "environmental protection" are part of my core values. They are

reflected in the name, Terra Experience that I chose in 1999 for my "spare-time" business. *Terra* in Latin means earth. Now, having retired in January, 2007, I am working to grow and continuously improve Terra Experience as a socially responsible and green business that strives to provide a fair wage and empower the artisan families with whom I work and to share with others my love of and respect for the Mayan people and their culture and as well as the earth we all share.

So here I am commenting on rules I am still trying to figure out. I just want to mention that \$125 (the cost of some of these tests) will keep a Mayan child in school. It costs \$300 to \$1000 to help a Mayan child go to junior high or high school.

My personal observations and conclusions (based on 32 years of working in environmental protection and 10 years of having a very small fair trade import business):

- a) If it costs more to do the test than to make or import a new handmade/artisan-made toy product, innovation and creativity will be stymied. Microbusinesses won't be created that can become small businesses and create jobs. These small businesses won't have the opportunity to become big businesses that hire even more people.
- b) If we don't find viable options to solve the small batch problem, future generations of American children will lose access to creative and educational toys that gives them access to the handcrafted traditional and innovative new toys of American. Children will also lose the opportunity to learn about other parts of the world and their cultures as they play with artisan-made toys from Fair Trade importers and retail stores.
- c) Please don't eliminate the opportunity for hand-made, artisan made toys by regulations designed for the large manufactures that have the majority of the toy market and have created the majority of the problems with safety and toxic toys that have led to recalls. Many small batch manufacturers/importers have had a long history of providing safe and environmentally friendly toys. The initial push for the Consumer Product Safety Improvement Act of 2008 was because toys that big box stores sold were made by large manufactures companies who produced the product in China. The standardized machine-made products had lead paint and other significant problems.
- d) Small batch handcrafted toy makers and artisan toy importers have two strong reasons to produce and sell safe and toxic free toys.
 1. First, especially for very small hand-made toy small batch manufactures and fair trade artisans the products are made in a home setting with family present. Non-toxic products and safe working conditions directly benefit the handmade toy maker and his or her family. Fair trade importers know and have an ongoing relationship and

commitment to the artisan toy makers they buy from that among other things includes “supporting safe & empowering working relationships”, “cultivating Environmental Stewardship”, and ensure the rights of children” (including security, education & Play). (from New Conscious Consumer: Expanding Economic Justice Through Fair Trade, Fair Trade Resource Network, 2010)

2. Small hand-made toy makers and retailers often sell directly to and have a personal relationship with their customers who come from their communities. Communities can be local or on line (an eBay store listing or equivalent listing) these days. However the hand-made toy makers and toy retailer have a business based on their reputation and the quality of the toys they produce and sell. Reputation may be established by word of mouth of neighbors and friends, or on line by customer comments. Hand-made toymakers know that reputation is critical for business success and growth.
3. Most handmade toy makers and importers want to do the right thing and have safe and non-toxic toys and environmentally friendly toys. It’s in their benefit to do so. They have taken the steps they know how to do to make the toys safe for their kids and their grandchildren and their customers
4. Most very small toymakers and importers probably don’t have a clue about the specific requirements of the law. They are too small to be part of the Handmade Toy Alliance or Fair Trade Federation. They sell their hand-made toys under their white tents at a community craft show or at an 8 foot table in their church or school or community center. They are concerned about getting the kids at school, taking care of a sick parent, supporting their sister congregation in Central America or their nonprofit group’s current projects, or, most likely these days, just paying their families bills. If they know about the law they are afraid how it might impact their small business, their personal income, and their small non-profit organization or in the case of Fair Trade business, the artisans they have worked with for many years. Again, they want to do the right thing. But just make is easy and simple.

My personal recommendations and suggestions for the “Alternative Testing Requirements for Small Batch Manufacturers”:

- 1) Focus on the large batch manufactures first has you implement the requirements of this law. You will be eliminating most of the risk. At the same time set in motion a the option for a flexible voluntary certification process that small batch toy-makers and importers can use.
- 2) Exempt all small batch manufactures and importers, especially micro-manufactures and importers from all third party testing for all products, tests and reporting requirements the CPSC is able to under Section 14(i)(4)(A) of the Consumer Product Safety Act, 15 U.S.C.2063(i)(4)(A)(i). If required to define micro-manufacturers and importers I might suggest whatever the current estimate is for “total gross revenue” of what a small business such as those impacted by this law

need to support 1 to 5 full time workers with a non-poverty wage and health insurance benefits in the USA.

- 3) If CSPA determines that for some reason that “the Commission determines that full compliance with the third party testing requirements is reasonably necessary to protect public health or safety” or determines that a single alternative testing procedure is acceptable then the CSPA also put into the rule a procedure by which small batch manufactures and importers can request and receive approval for an alternative to third party basis on a pilot basis without having to revise the rule each time. These pilot testing/certification procedures could then be evaluated and either abandoned or adopted in the future changes to the regulation.
- 4) Have multiple options that a small toy batch manufacturer can use to meet the underlying objectives prescribed the children product rule. One size does not fit all, especially among small businesses and small batch manufactures /importers of handmade and artisan made toys.
 - One option should be to use an alternative screening and testing procedures
 - Another option would be to make the toy testing and certification process of EU and other countries an acceptable option to meet the requirements. This helps small American businesses be more competitive on the world market and encourages exports.
 - One option might make it possible for small batch toy manufactures/importers to document what they have done in their product design, raw materials used, and production process to meet the underlying objectives prescribed the children product rule. These approaches are cost-effective and economically address the problem, rather than just spend money on costly testing test for the problem.
 - Another option would be to be able to simply claim an exemption based that it is “not economically practicable”. There are times when this may be the case in small batches of artisan products that do not have a realistically large change of having safety or toxicity issues.
- 5) The certification process and reporting/tracking system for small batch manufactures and should be easy, understandable, cost-effective and an educational tool, for both these small batch businesses and their customers.
 - CSPA should create the opportunity for and encourage (ideally through grants, contracts or other means) development or one or more voluntary small batch manufacturers certification processes that are designed to be easy, understandable and have value for both for the specific type of small batch manufacturer/importer (handmade and artisan toy crafter) and their customers.

Most small batch manufactures/importers (and their customers) will need basic

information and education so they can act to meet the underlying objectives of the children's product safety rule. First they need to become aware that there is a potential problem/law. Second they need to be able to figure out what applies to them. Third they need enough information so they can act to meet the requirements or find a reliable and cost-effective service suppliers who can help them do so. Can't we encourage a voluntary certification process so it has value added and is easy for both for the small batch manufacturer/importer and their customer? [Note: This would have been some of my comments on the Small Business outreach plan, but as a small business I couldn't look at and comment on both requests for comment. I just didn't have the time or resource to do so.]

I wish I could be there to formally testify and answer questions. But as a sole proprietor small business, I don't have the time or resources to do so. I suggest in the future considering having an option for small business to participate and provide input and answer questions by conference call, skype or other means.

Please feel to contact me if you have questions about my testimony. I had to whip out these comments in one day. So they are rougher than I might wish.

Sincerely

Lynn Persson

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Stevenson, Todd

From: Mary Newell [mary@softdough.com]
Sent: Friday, October 21, 2011 4:55 PM
To: CPSC-OS,
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Attachments: CPSC letter.pdf; Terrapin Toys Estimate 2-6-09.pdf; Huntsman P6M5B-015.pdf

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

Attached is 3 documents.

Letter RE: 'Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Testing quote (Terrapin Toys Estimate)
Plastic FDA certifications (Huntsman)

Thank You



Mary Newell
Terrapin Toys, LLC
makers of Mary's Softdough
mary@softdough.com
541-461-1585





October 21, 2011

I own a small toy manufacturing company in Eugene, Oregon called Terrapin Toys. We have been manufacturing and selling a product called Mary's Softdough (a unique, natural version of playdough). I have been greatly impacted by the Consumer Product Safety Improvement Act of 2008 (CPSIA). I have been in business for over 20 years and this is one of the biggest challenges I have had being in business. I agree that toy safety should (and has always been in my company) be a high priority but the CPSIA does little to improve consumer safety while at the same time increasing the regulatory cost and burdens on small batch toy manufacturing companies like mine.

In my own company I have had over 40% decrease in sales for the last several years and have had to discontinue several items, not due to their safety but due to the testing cost as well as letting go a part time employee. The decrease in sales is due to the new testing standards as well as the economy. The new testing standards have been so complex, confusing and costly that manufactures, stores and consumers are overwhelmed and choose not to buy rather than take the risk of not knowing which toys are compliant and which are non-compliant. This is not due to the hazards of the toys but rather the compliance issues and the fear and confusion about the new tests and possible fines and liability of being in violation of the law. Small companies do not have the luxury to throwing away product just because the guidelines change or their understanding of compliance issues changes. This burden is affecting many in ways that are just now being shown. One line I have had to discontinue is glitter softdough due to the CPSIA. I contacted the manufacture of the glitter and was told they can not afford to test to the CPSIA standard. There is a low profit margin for glitter and made the choice not have third party testing done on the glitter. The glitter is fully in compliance with the law but is not being certified with the third party and lead testing due to the high costs. The glitter manufacture has seen his sales of glitter decrease because of this adding to the already grim picture. So now I have fewer products to offer resulting in some of the toy stores that carry Mary's Softdough having one less American made, unique, quality products to offer. In addition schools and classrooms can no longer purchase glitter for their classrooms because the glitter is not tested. If a teacher wants to use glitter they have to purchase and use it on their own. This is just one arts and crafts material and toy product!

I am also a board member of the Handmade Toy Alliance working to "fix" the problem we did not create in the first place. The Handmade Toy Alliance has been asked to provide specific information regarding testing cost with our membership in

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order to show the problems with the testing. One of the great things about our membership is the creativity and ingenuity they have in designing and making toys. The toys range from simple wooden blocks to handmade dolls to wooden airplanes to playdough. It is very difficult to have comparable testing cost for such a diverse array of products and companies. With thousands of pages of laws and regulations to read and understand we are at the mercy of the testing labs to let us know what testing is needed and the cost. At the same time it is our own companies, ultimately, that are liable for the products we make and to make sure we comply with the laws. As the manufacturer we do know how our products are made and with what materials but are often confused as to what testing is needed and at what cost. My product, for example, Mary's Softdough, a unique natural version of playdough, is made using food grade materials. I produce 9 different colors, 18 different scents, and package in 3 different sizes. That creates a lot of different products while using similar ingredients (again most of which are FDA approved). I have had quotes of testing for over \$5,000 (see attached) for test I am not sure are applicable and often redundant to what I have from my suppliers. Unfortunately the testing done on my supplies are quite different than what is needed for the CPSIA. This also does not address how often or the frequency needed of these tests. For the last 15 years I have had the softdough tested for ASTM D4236 (toxicity test for art materials). The ASTM D4236 test was done every 5 years (the formula for the softdough did not change) and at a cost of \$150. I understand the need for some testing when products are sold to the public, especially selling wholesale to stores and when I started testing to ASTM D4236 felt that \$150 was reasonable and the testing was necessary to assure safety to the store and ultimately to the consumer. I knew the product was non-toxic but this was a way for customers to feel safer with the knowledge an independent testing lab had verified this as well. Now after the passage of CPSIA (and the H.R. 2715) the confusion and cost of testing has increased over 3,000%! From what I understand about the new testing requirements in addition to the ASTM D4236 I need to get ASTM F963, 16 CFR 1500.44 (flammability of solids), Lead in Substrates, Lead in Surface Coating, and Phthalates testing. Tests like the ASTM D4236 and ASTM F963 are less expensive costs per product line if the same base material is used but test for lead and phthalates are expensive due to the variety of colors, scents and containers used. For example the plastic container could have as much as 3 or 4 test done (tub, lid, label and printing) when I have documentation from the manufacture that the containers are FDC approved (see attached). Lead testing can cost as low as \$65 per component but unfortunately with my small line the number of components can be over 40 adding up to over \$2,600 to test for metal that is not present in the first place and I have XRF testing to show NO lead. All of my products have been XRF Tested and not only do they comply with the 100 ppm lead content it shows there is NO lead.

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(Ingredients for the softdough are: flour, water, salt, cream of tartar, soybean oil, FD&C food coloring and sodium benzoate (food preservative))

I feel in order to get past all of this mess we need to work together to make the testing understandable, reasonable and cost affective for everyone. More document or rules trying to “clarify” the law is not what is needed! I have spend hours trying to read and understand all the documentation and the actually laws. I have also talked at length with the ASTM group, testing labs and the CPSC staff in trying to understand the testing documents and the CPSIA (and other documents). After 3 years I am still not sure but feel I am getting a better grip on the law. Instead of spending all this time, energy and money on the CPSIA, I would have rather have spent it on keeping my business alive and coming up with new ideas to grow my business!

I personally have been working on trying to understand the testing requirements and making documents to help small manufactures understand the toy testing for our members. I feel very strongly that all of our members companies need to not fail due to testing and because of this have worked long hours (on my own time). I have talked to so many companies trying to keep them in business and not give up just because they feel helpless. I could have stopped working on this issue a long time ago and just focused on getting my own products certified but I feel strongly that we all need to help each other. I believe the more and stronger these companies (and all the small companies in the United States) are the better my company will be and ultimately the country. I feel blessed that I live in the United States where it is not only ok to do your own thing but the climate is encouraging as well. When I call some of my wholesale customers (independent toy stores) I see the same entrepreneur spirit in them as well. I feel encouraged and supported but them as well as the customers! To have a kid come up to me and say “this is the best playdough ever!” is wonderful and rewarding beyond words and what keeps me going.

The biggest misconception among small manufactures, CPSC and consumer groups is the testing labs are the one who know what tests are needed and will guide us in selecting the correct test for our products. Yes, testing labs are knowledgeable in the test but don’t always understand or know how a product is made or of what materials or the process and therefore will quote redundant or tests not necessary needed. As the manufacture we know how our products are made, what the process is and what materials and need to be better educated in what test are necessary to comply. It is the manufacture that is responsible for certifying the product is in compliance and has done their due diligence and testing to verify compliance. And ultimately the manufacture is the one taking all the liability for their products, not the

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lab or the CPSC (and for small companies this is a big risk we take personally as we are not employees but owners and it one we feel comfortable taking knowing we are making safe toys). With the new laws the liability is greater not due to faulty toys but one of non-compliance due to misunderstand, misinterpretation or misguidance and we don't have the money to defend our products or pay fines if we are found in violation due to compliance with the CPSIA. Again this is not if a product were found faulty but if the testing is not done "properly". We may be in the clear but the cost of proving (and possible lawyer fees) is a fear that keeps us awake at night.

One of the biggest problems with the CPSIA (and subsequent actions) is the manufacture is being left out of the equation and we need to be put back in for the new regulations to work. We need guidance and clear understandable documents on what is required. This needs to be done with the manufactures (both small bath and large corporations), ASTM, testing labs, CPSC as well as the consumer groups. If we don't all work together to come up with a solution than I am afraid there will be no moving forward just more band-aid approach to specific parts of the law(s). Not only will small companies continue to fold or discontinue products our children will not have any safer toys. How can the consumer be assured that a toy is CPSIA compliant when there is no clear interpretation of the law? The larger toy corporations will continue to do as little testing as necessary while still allowing faulty toys to slip through and the small companies as well as the micro-companies will be crippled. It is the small companies and the ingenuity, talent, craftsmanship and thinking outside of the box that has built this great country and to stifle this will not only hurt these companies but the United States as well (and keeps the economy struggling).

The sad part about all this is everyone is for safe toys yet the people who are loosing is the small companies and the great toys that kids are not going to have due to unnecessary regulations. Lots of great small companies are either closing their door, discontinuing products or just struggling by while the government plays politics. The large corporations are able to absorb the high cost both with the volume of production as well as their ability to test in house using labs set up in the same factories that make the toys, many in China. By the way the large volume of recalled toys were in violation of a toys safety bill already on the books from 1979 and the Consumer Products Safety Commission was able to fine them under this law. I don't even come close to being able to have a testing lab in house nor do I product millions of products to alleviate the cost of third party testing.

I have hear a lot of politicians talking about main street business and getting America back to work yet when push comes to shove it seems like it is the same old business as usual in DC. I want to know how to get past the partisanship and move ahead.

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It just feels like the “big” guys with all their lobbying money get what they want and the politicians in DC are not working for us but the groups that talk the loudest and have the funds to have a DC office and a staff to push their agenda and the opportunity to talk with members every day. I have become more cynical with politics and the egos of Washington DC. I know there are good people in Washington DC but this gets swallowed up with all the politics! 3 years is a long time for a business to hang on waiting for a fix especially with a struggling economy and pressure from cheap imports from China. I am proud to use American ingredients to make Mary’s Softdough in an American factory (my shop) and have dreams of growing the company. Most of my dreams have been shattered or at the very least pushed to the back in order to just survive day to day. I am also not just sitting by complaining about what the government is doing but actively trying to get changes to happen. It is a sad day in this country where to have the American dream of being an entrepreneur is being shut down due to crazy laws. If reform does not happen more companies will go out of business and future toy innovations will not happen. A lot of our classic toys were invented by Americans in their garage, basement or home and became iconic American toys. They would not have succeeded in the current climate. I would like the same chance to create and succeed in my own company and get past the CPSIA and back to making more great products for kids!

And the worst part is we are all working for the same goal.... Safe children’s products for all our kids!

Mary Newell
mary@softdough.com
541-461-1585
Terrapin Toys, LLC
Makers of Mary’s Softdough

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Quotation for Testing

Company: Terrapin Toys
 Attention: Mary Newell
 Address: P.O. Box 11565
Eugene, OR 97404

Company #: _____
 Email: mary@softdough.com
 Phone #: 541-461-1585
 Ref. / PO #: _____

Sample description: _____ SKU/Part #: _____
 Job Number: _____ Age Grading: _____ Number of samples needed: _____

Test Code	Description of Test	Price (US \$)	Quantity	Net Price (US \$)
P0055	Physical and mechanical tests (ASTM F963)	\$230	1	\$230
C0348	Phthalate contents (CPSIA)	\$275	6	\$1,650
G0701	Total lead in substrate (CPSIA)	\$95	39	\$3,705
G0701	Total lead in surface coating (16 CFR 1303)	\$95	0	\$0
G0695	Soluble Metals Extraction Test (ASTM F963)	\$140	0	\$0
P0065	Flammability of Solids (16 CFR 1500.44 / ASTM F963)	\$85	1	\$85
P0067	Magnetic Flux Index Test (ASTM F963)		0	\$0
10% Discount for lead in substrate testing				\$371
Total				\$5,300

Terms of Quotation:

- 1) This quote will be valid for 30 days
- 2) Quote does not include the price for re-testing should the product fail
- 3) Testing will not begin until the quote is accepted and the samples are received in our lab
- 4) Testing will be completed and a lab report will be sent to you within 15 business days after testing begins
- 5) The full invoice is due within 30 days of the invoicing date
- 6) Please sign and return this quote to Dave Parzen via email (parzen@nsf.org) or fax (734-769-5195)
- 7) Samples will be discarded 30 days after testing is completed. If you need your samples returned, standard shipping rates apply.

Component Description	Sample #	Pb substrate	Pb coating	soluble metals	XRF	Phthalates
		G0701	G0701	G0695	C0315	C0348
Rolling Pin		1	0	0	0	1
Green Cutters		1	0	0	0	1
Blue Cutters		1	0	0	0	0
Play Set Box		1	0	0	0	1
Tub		1	0	0	0	1
Tub Lid		1	0	0	0	1
Blue Softdough		1	0	0	0	1
Green Softdough		1	0	0	0	0
Pink Softdough		1	0	0	0	0
Purple Softdough		1	0	0	0	0
Red Softdough		1	0	0	0	0
Yellow Softdough		1	0	0	0	0
Glow in the Dark Softdough		1	0	0	0	0
Banana Scented Softdough		1	0	0	0	0
Birthday Cake Scented Softdough		2	0	0	0	0
Bubble Gum Scented Softdough		1	0	0	0	0
Chocolate Scented Softdough		2	0	0	0	0
Grape Scented Softdough		1	0	0	0	0
Green Apple Scented Softdough		1	0	0	0	0
Root Beer Scented Softdough		2	0	0	0	0
Strawberry Scented Softdough		1	0	0	0	0
Tutti Fruity Scented Softdough		2	0	0	0	0
Lavender Scented Softdough		1	0	0	0	0
Lemon Scented Softdough		1	0	0	0	0
Orange Scented Softdough		2	0	0	0	0
Peppermint Scented Softdough		1	0	0	0	0
Rose Scented Softdough		1	0	0	0	0
Vanilla Scented Softdough		2	0	0	0	0
Lagoon Glitter Softdough		1	0	0	0	0
Purple Glitter Softdough		1	0	0	0	0
Playful Pink Glitter Softdough		1	0	0	0	0
Ruby Red Glitter Softdough		1	0	0	0	0
Sunshine Yellow Glitter Softdough		1	0	0	0	0

NSF International
 1789 N. Dixboro Road
 Ann Arbor, MI 48105

Notes: Assumes plastic in cutters are the same material; softdough base material is the same in all colors, scents and glitter options; similar colors are the same base material

By signing below, I accept all the terms of this quote and authorize NSF to begin testing

Name (Printed): _____

Date: _____

Signature: _____

HUNTSMAN

REGULATORY INFORMATION DATA SHEET PRODUCT STEWARDSHIP

P6M5B-015

POLYPROPYLENE COPOLYMER

Product Manufacturer

This product is manufactured by Huntsman in Longview, Texas, U.S.A..

Manufacturing Facility Certifications

The Longview Polypropylene facility is certified to the ISO-9001:2000 Quality standard. Certificate available upon request.

The Longview manufacturing facility is certified as an OSHA VPP (Voluntary Protection Program) Star Site.

Longview Research and Development Laboratory is A2LA Certified. Certificate available upon request.

Chemical Inventories

This product and all ingredients are in compliance with the following chemical inventories:

Australia: Australian Inventory of Chemical Substances (AICS)

Canada: Domestic Substances List (DSL)

Europe: European Inventory of Existing Chemical Substances (EINECS)

Japan: Japanese Inventory (ENCS)

Korea: Korean Existing Chemicals List (KECL)

Philippines: Philippines Inventory of Chemicals and Chemical Substances (PICCS)

United States: Toxic Substances Control Act Inventory (TSCA) - This product has no special requirements under US TSCA (e.g. consent orders, test rules, 12(b) requirements, etc.).

Food Contact

US Food and Drug Administration (FDA):

This material meets the FDA requirements outlined in the Code of Federal Regulations 21 CFR 177.1520(a)(3)(i) and (c)3.1a. According to our information, all other ingredients used in the formulation meet their respective FDA regulations and 21 CFR 177.1520(b). Specifically, this product meets the FDA criteria for food contact, except for cooking applications. This product can only be used under Conditions of Use C through H as listed in 21 CFR 176.170(c), Table 2.

European Union (EU) Food Contact:

The monomers used to produce this resin are listed in EU Directive 2002/72/EC and amendments 2004/1/EC and 2004/19/EC. The additives used to produce this resin are listed in EU Directive 2002/72/EC and amendments 2004/1/EC and 2004/19/EC.

Ultimately, customers must make their own determination that their use of our product(s) is safe, lawful (except as provided in the above certification), and technically suitable for their intended application(s).

Underwriters Laboratories (UL)

This product is UL 94HB certified. It is listed in File#E118847 which can be accessed online at www.ul.com.

Drug Master File (DMF)

This product is listed in DMF#9988. Letters of Authorization may be requested through the Product Services Specialist (see page 6).

European Pharmacopoeia (EP)

This product has not been tested to the EP 3.1.3 or 3.1.6 monographs for Polyolefines or Polypropylene for Containers for Parenteral Preparations.

US Pharmacopeia (USP)

This product has not been tested to the USP Class VI Plastic (USP<88>, Biological Reactivity Tests, *In Vivo*) requirements.

Bioterrorism Act of 2002

The facility manufacturing this product is not required to register with the Bioterrorism Act of 2002 because it is not a food facility.

Tallow/BSE/TSE

This product uses tallow derived additive(s) in the formulation of the resin. The tallow derived additive(s) account for less than 0.75% of the resin.

We have, on file, letters from each of our tallow-derived-additive suppliers certifying tallow sources as 100% domestic or originating in Canada or Mexico.

Our suppliers state the hydrolysis conditions of the bovine tallow to be 260°C at 48 bar for 1.5 – 2 hours, complying with EMEA/410/01 Rev2. These hydrolysis conditions also exceed the European Union recommendation laid down in the 22nd Commission Directive 98/16/EC of 5 March 1998, as annexed to council Directive 76/768/EEC, Regulation (EC) No. 1774/2002 and Directive 2000/6/EC and endorsed by the Scientific Steering Committee (SSC) of the European Commission of hydrolysis of 200°C, under appropriate corresponding pressure, for 20 minutes.

Kosher

We do not certify this resin to be Kosher or in compliance with Kosher requirements.

Latex

We do not use “Natural rubber latex”, “dry natural rubber”, “synthetic latex” or “rubber that contains natural rubber” in the manufacture or formulation of this product.

Heavy Metals (ELV Directive 2000/53/EC)

The quantity of Pb, Hg, Cd, and Cr present in this grade is deemed below the limits given in Annex II (Note) of the Decision 2002/525/EC of June 27th (amending Annex II of Directive 2000/53) which establishes: 0.1% Pb, 0.1% Cr, 0.1% Hg, and 0.01% Cd.

Coalition of Northeastern Governors (CONEG)

We do not use cadmium, chromium, lead, or mercury in the manufacture or formulation of this product. In addition, this product meets the CONEG limitation of 100 ppm for the total incidental content of cadmium, chromium, lead, and mercury.

Polybrominated Biphenyls (PBBs), Polychlorinated Biphenyls (PCBs), Polybrominated Diphenyl Ethers (PBDEs), Polybrominated Terphenyls (PBTs), Polychlorinated Terphenyls (PCTs)

We do not use PBBs, PCBs, PBDEs, PBTs or PCTs in the manufacture or formulation of this product. We do not test this product for these chemical substances.

Restriction of Hazardous Substances (RoHS)

This product conforms to the RoHS Directive (2002/95/EC) restricting the use of Heavy Metals and PBBs and PBDEs (named above).

European Directive 2002/16/EC (BADGE,BFDGE,NOGE)

This product conforms to the European Directive 2002/16/EC and its amendment 2004/13/EC. We do not use 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl) ether (BADGE), bis(hydroxyphenyl)methane bis(2,3-epoxypropyl)ethers (BFDGE) or novolac glycidyl ethers (NOGE) in the manufacture or formulation of this product. We do not test this product for these substances.

European Directive 2003/11/EC

This product conforms to the European Directive 2003/11/EC of 6 February 2003 amending 76/769/EEC of 27 July 1976. We do not use Polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), Vinyl Chloride, Pentabromo-diphenyl ethers (pentaBDE), Octabromo-diphenyl ethers (OctaBDE), or Decabromo-diphenyl ethers (decaBDE) in the manufacture or formulation of this product. We do not test this product for these chemical substances.

Polyvinyl Chloride (PVC)

We do not use PVC in the manufacture or formulation of this product. We do not test this product for this chemical substance.

California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

This product contains no substances known to the State of California to cause reproductive toxicity at a level of exposure subject to the requirements of Proposition 65.

Ozone Depleting Chemicals (ODCs)

We do not use Class I or Class II ODCs listed in the Resolution 2037/2000/EC in the manufacture or formulation of this product.

Bisphenol A

Bisphenol A is not used in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Organo-Tin Compounds

We do not use any Tributyl-tin (TBT), dibutyl-tin(DBT), monobutyl-tin (MBT) or any other organo-tin compounds in the manufacture or formulation of this product.

Phthalates

We do not use any phthalates in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Alkylphenols and Alkylphenol Ethoxylates

We do not use alkylphenols (nonyl- or octyl-) or alkylphenol ethoxylates (nonyl- or octyl-) in the formulation or manufacture of this product. We do not test this product for these chemical substances.

Perfluorooctanoic Acid (PFOA) – a.k.a. DuPont®Zonyl or C8

We do not use PFOA, a fluorotelomer, in the formulation or manufacture of this product. We do not test this product for this chemical substance.

Asbestos

We do not use asbestos in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Allergens

We do not use allergens - as defined by FDA as Milk, Eggs, Fish, Crustaceans, Wheat, Soy, Peanuts, Tree Nuts - in the manufacture or formulation of this product.

In addition, we do not use any of the sensitizing agents – Sulfites, Monosodium Glutamate (MSG), Hydrolyzed protein, Autolyzed yeast/yeast extract, BHA, BHT, TBHQ, Tocopherol (vitamin E), Chocolate/chocolate derivatives, poultry products – in the manufacture or formulation of this product. As detailed at the bottom of page 2 through page 3, we do use tallow, which is a beef product/beef derivative, in this product. In addition, the tallow material may also include some pork products/pork derivatives.

Shelf Life

Although Huntsman does not warranty our resins within any specific length of time, we recommend a shelf life of approximately two years, provided the material has been stored in dry conditions at temperatures below 50°C (122°F) and protected from UV and nitrous oxide exposure. Improper storage conditions can initiate premature degradation of color, odor and physical properties.

Use of this Regulatory Information Data Sheet

The information in this data sheet is provided independently of any sale of the product. It is provided for the purpose of communicating regulatory compliance of the resin as shipped from Huntsman location to our customers in its pellet form. Ultimately, customers must make their own determination that use of this product is safe, lawful, and technically suitable for their intended applications.

The certificate is effective for one year unless it is modified before the expiry date. If a product formulation revision should change the information provided in this Regulatory Information Data Sheet (RIDS), Huntsman will notify customers to whom this regulatory sheet was provided by request through the Product Services Specialist. Huntsman will not notify you should a change in regulation(s) require a change to this RIDS sheet. Huntsman recommends updating your files with new RIDS sheets on a yearly basis.

Certified for Huntsman by:



Misty Baker
Product Services Specialist
Huntsman Polymers
PO Box 3986
Odessa, TX 79760
U.S.A.
Phone – 432-640-8221
Fax – 432-640-8328
E-Mail: Misty_Baker@huntsman.com

Approved on January 24, 2006. Valid to January 24, 2007 unless revised previous to this date.



October 21, 2011

I own a small toy manufacturing company in Eugene, Oregon called Terrapin Toys. We have been manufacturing and selling a product called Mary's Softdough (a unique, natural version of playdough). I have been greatly impacted by the Consumer Product Safety Improvement Act of 2008 (CPSIA). I have been in business for over 20 years and this is one of the biggest challenges I have had being in business. I agree that toy safety should (and has always been in my company) be a high priority but the CPSIA does little to improve consumer safety while at the same time increasing the regulatory cost and burdens on small batch toy manufacturing companies like mine.

In my own company I have had over 40% decrease in sales for the last several years and have had to discontinue several items, not due to their safety but due to the testing cost as well as letting go a part time employee. The decrease in sales is due to the new testing standards as well as the economy. The new testing standards have been so complex, confusing and costly that manufactures, stores and consumers are overwhelmed and choose not to buy rather than take the risk of not knowing which toys are compliant and which are non-compliant. This is not due to the hazards of the toys but rather the compliance issues and the fear and confusion about the new tests and possible fines and liability of being in violation of the law. Small companies do not have the luxury to throwing away product just because the guidelines change or their understanding of compliance issues changes. This burden is affecting many in ways that are just now being shown. One line I have had to discontinue is glitter softdough due to the CPSIA. I contacted the manufacture of the glitter and was told they can not afford to test to the CPSIA standard. There is a low profit margin for glitter and made the choice not have third party testing done on the glitter. The glitter is fully in compliance with the law but is not being certified with the third party and lead testing due to the high costs. The glitter manufacture has seen his sales of glitter decrease because of this adding to the already grim picture. So now I have fewer products to offer resulting in some of the toy stores that carry Mary's Softdough having one less American made, unique, quality products to offer. In addition schools and classrooms can no longer purchase glitter for their classrooms because the glitter is not tested. If a teacher wants to use glitter they have to purchase and use it on their own. This is just one arts and crafts material and toy product!

I am also a board member of the Handmade Toy Alliance working to "fix" the problem we did not create in the first place. The Handmade Toy Alliance has been asked to provide specific information regarding testing cost with our membership in

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order to show the problems with the testing. One of the great things about our membership is the creativity and ingenuity they have in designing and making toys. The toys range from simple wooden blocks to handmade dolls to wooden airplanes to playdough. It is very difficult to have comparable testing cost for such a diverse array of products and companies. With thousands of pages of laws and regulations to read and understand we are at the mercy of the testing labs to let us know what testing is needed and the cost. At the same time it is our own companies, ultimately, that are liable for the products we make and to make sure we comply with the laws. As the manufacturer we do know how our products are made and with what materials but are often confused as to what testing is needed and at what cost. My product, for example, Mary's Softdough, a unique natural version of playdough, is made using food grade materials. I produce 9 different colors, 18 different scents, and package in 3 different sizes. That creates a lot of different products while using similar ingredients (again most of which are FDA approved). I have had quotes of testing for over \$5,000 (see attached) for test I am not sure are applicable and often redundant to what I have from my suppliers. Unfortunately the testing done on my supplies are quite different than what is needed for the CPSIA. This also does not address how often or the frequency needed of these tests. For the last 15 years I have had the softdough tested for ASTM D4236 (toxicity test for art materials). The ASTM D4236 test was done every 5 years (the formula for the softdough did not change) and at a cost of \$150. I understand the need for some testing when products are sold to the public, especially selling wholesale to stores and when I started testing to ASTM D4236 felt that \$150 was reasonable and the testing was necessary to assure safety to the store and ultimately to the consumer. I knew the product was non-toxic but this was a way for customers to feel safer with the knowledge an independent testing lab had verified this as well. Now after the passage of CPSIA (and the H.R. 2715) the confusion and cost of testing has increased over 3,000%! From what I understand about the new testing requirements in addition to the ASTM D4236 I need to get ASTM F963, 16 CFR 1500.44 (flammability of solids), Lead in Substrates, Lead in Surface Coating, and Phthalates testing. Tests like the ASTM D4236 and ASTM F963 are less expensive costs per product line if the same base material is used but test for lead and phthalates are expensive due to the variety of colors, scents and containers used. For example the plastic container could have as much as 3 or 4 test done (tub, lid, label and printing) when I have documentation from the manufacture that the containers are FDC approved (see attached). Lead testing can cost as low as \$65 per component but unfortunately with my small line the number of components can be over 40 adding up to over \$2,600 to test for metal that is not present in the first place and I have XRF testing to show NO lead. All of my products have been XRF Tested and not only do they comply with the 100 ppm lead content it shows there is NO lead.

Terrapin Toys.

(Ingredients for the softdough are: flour, water, salt, cream of tartar, soybean oil, FD&C food coloring and sodium benzoate (food preservative))

I feel in order to get past all of this mess we need to work together to make the testing understandable, reasonable and cost affective for everyone. More document or rules trying to “clarify” the law is not what is needed! I have spend hours trying to read and understand all the documentation and the actually laws. I have also talked at length with the ASTM group, testing labs and the CPSC staff in trying to understand the testing documents and the CPSIA (and other documents). After 3 years I am still not sure but feel I am getting a better grip on the law. Instead of spending all this time, energy and money on the CPSIA, I would have rather have spent it on keeping my business alive and coming up with new ideas to grow my business!

I personally have been working on trying to understand the testing requirements and making documents to help small manufactures understand the toy testing for our members. I feel very strongly that all of our members companies need to not fail due to testing and because of this have worked long hours (on my own time). I have talked to so many companies trying to keep them in business and not give up just because they feel helpless. I could have stopped working on this issue a long time ago and just focused on getting my own products certified but I feel strongly that we all need to help each other. I believe the more and stronger these companies (and all the small companies in the United States) are the better my company will be and ultimately the country. I feel blessed that I live in the United States where it is not only ok to do your own thing but the climate is encouraging as well. When I call some of my wholesale customers (independent toy stores) I see the same entrepreneur spirit in them as well. I feel encouraged and supported but them as well as the customers! To have a kid come up to me and say “this is the best playdough ever!” is wonderful and rewarding beyond words and what keeps me going.

The biggest misconception among small manufactures, CPSC and consumer groups is the testing labs are the one who know what tests are needed and will guide us in selecting the correct test for our products. Yes, testing labs are knowledgeable in the test but don’t always understand or know how a product is made or of what materials or the process and therefore will quote redundant or tests not necessary needed. As the manufacture we know how our products are made, what the process is and what materials and need to be better educated in what test are necessary to comply. It is the manufacture that is responsible for certifying the product is in compliance and has done their due diligence and testing to verify compliance. And ultimately the manufacture is the one taking all the liability for their products, not the

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Terrapin Toys

lab or the CPSC (and for small companies this is a big risk we take personally as we are not employees but owners and it one we feel comfortable taking knowing we are making safe toys). With the new laws the liability is greater not due to faulty toys but one of non-compliance due to misunderstand, misinterpretation or misguidance and we don't have the money to defend our products or pay fines if we are found in violation due to compliance with the CPSIA. Again this is not if a product were found faulty but if the testing is not done "properly". We may be in the clear but the cost of proving (and possible lawyer fees) is a fear that keeps us awake at night.

One of the biggest problems with the CPSIA (and subsequent actions) is the manufacture is being left out of the equation and we need to be put back in for the new regulations to work. We need guidance and clear understandable documents on what is required. This needs to be done with the manufactures (both small bath and large corporations), ASTM, testing labs, CPSC as well as the consumer groups. If we don't all work together to come up with a solution than I am afraid there will be no moving forward just more band-aid approach to specific parts of the law(s). Not only will small companies continue to fold or discontinue products our children will not have any safer toys. How can the consumer be assured that a toy is CPSIA compliant when there is no clear interpretation of the law? The larger toy corporations will continue to do as little testing as necessary while still allowing faulty toys to slip through and the small companies as well as the micro-companies will be crippled. It is the small companies and the ingenuity, talent, craftsmanship and thinking outside of the box that has built this great country and to stifle this will not only hurt these companies but the United States as well (and keeps the economy struggling).

The sad part about all this is everyone is for safe toys yet the people who are loosing is the small companies and the great toys that kids are not going to have due to unnecessary regulations. Lots of great small companies are either closing their door, discontinuing products or just struggling by while the government plays politics. The large corporations are able to absorb the high cost both with the volume of production as well as their ability to test in house using labs set up in the same factories that make the toys, many in China. By the way the large volume of recalled toys were in violation of a toys safety bill already on the books from 1979 and the Consumer Products Safety Commission was able to fine them under this law. I don't even come close to being able to have a testing lab in house nor do I product millions of products to alleviate the cost of third party testing.

I have hear a lot of politicians talking about main street business and getting America back to work yet when push comes to shove it seems like it is the same old business as usual in DC. I want to know how to get past the partisanship and move ahead.

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It just feels like the “big” guys with all their lobbying money get what they want and the politicians in DC are not working for us but the groups that talk the loudest and have the funds to have a DC office and a staff to push their agenda and the opportunity to talk with members every day. I have become more cynical with politics and the egos of Washington DC. I know there are good people in Washington DC but this gets swallowed up with all the politics! 3 years is a long time for a business to hang on waiting for a fix especially with a struggling economy and pressure from cheap imports from China. I am proud to use American ingredients to make Mary’s Softdough in an American factory (my shop) and have dreams of growing the company. Most of my dreams have been shattered or at the very least pushed to the back in order to just survive day to day. I am also not just sitting by complaining about what the government is doing but actively trying to get changes to happen. It is a sad day in this country where to have the American dream of being an entrepreneur is being shut down due to crazy laws. If reform does not happen more companies will go out of business and future toy innovations will not happen. A lot of our classic toys were invented by Americans in their garage, basement or home and became iconic American toys. They would not have succeeded in the current climate. I would like the same chance to create and succeed in my own company and get past the CPSIA and back to making more great products for kids!

And the worst part is we are all working for the same goal.... Safe children’s products for all our kids!

Mary Newell
mary@softdough.com
541-461-1585
Terrapin Toys, LLC
Makers of Mary’s Softdough



NSF International

Quotation for Testing

Company: Terrapin Toys
 Attention: Mary Newell
 Address: P.O. Box 11565
Eugene, OR 97404

Company #: _____
 Email: mary@softdough.com
 Phone #: 541-461-1585
 Ref. / PO #: _____

Sample description: _____ SKU/Part #: _____
 Job Number: _____ Age Grading: _____ Number of samples needed: _____

Test Code	Description of Test	Price (US \$)	Quantity	Net Price (US \$)
P0055	Physical and mechanical tests (ASTM F963)	\$230	1	\$230
C0348	Phthalate contents (CPSIA)	\$275	6	\$1,650
G0701	Total lead in substrate (CPSIA)	\$95	39	\$3,705
G0701	Total lead in surface coating (16 CFR 1303)	\$95	0	\$0
G0695	Soluble Metals Extraction Test (ASTM F963)	\$140	0	\$0
P0065	Flammability of Solids (16 CFR 1500.44 / ASTM F963)	\$85	1	\$85
P0067	Magnetic Flux Index Test (ASTM F963)		0	\$0
10% Discount for lead in substrate testing				\$371
Total				\$5,300

Terms of Quotation:

- 1) This quote will be valid for 30 days
- 2) Quote does not include the price for re-testing should the product fail
- 3) Testing will not begin until the quote is accepted and the samples are received in our lab
- 4) Testing will be completed and a lab report will be sent to you within 15 business days after testing begins
- 5) The full invoice is due within 30 days of the invoicing date
- 6) Please sign and return this quote to Dave Parzen via email (parzen@nsf.org) or fax (734-769-5195)
- 7) Samples will be discarded 30 days after testing is completed. If you need your samples returned, standard shipping rates apply.

Component Description	Sample #	Pb substrate G0701	Pb coating G0701	soluble metals G0695	XRF C0315	Phthalates C0348
Rolling Pin		1	0	0	0	1
Green Cutters		1	0	0	0	1
Blue Cutters		1	0	0	0	0
Play Set Box		1	0	0	0	1
Tub		1	0	0	0	1
Tub Lid		1	0	0	0	1
Blue Softdough		1	0	0	0	1
Green Softdough		1	0	0	0	0
Pink Softdough		1	0	0	0	0
Purple Softdough		1	0	0	0	0
Red Softdough		1	0	0	0	0
Yellow Softdough		1	0	0	0	0
Glow in the Dark Softdough		1	0	0	0	0
Banana Scented Softdough		1	0	0	0	0
Birthday Cake Scented Softdough		2	0	0	0	0
Bubble Gum Scented Softdough		1	0	0	0	0
Chocolate Scented Softdough		2	0	0	0	0
Grape Scented Softdough		1	0	0	0	0
Green Apple Scented Softdough		1	0	0	0	0
Root Beer Scented Softdough		2	0	0	0	0
Strawberry Scented Softdough		1	0	0	0	0
Tutti Fruity Scented Softdough		2	0	0	0	0
Lavender Scented Softdough		1	0	0	0	0
Lemon Scented Softdough		1	0	0	0	0
Orange Scented Softdough		2	0	0	0	0
Peppermint Scented Softdough		1	0	0	0	0
Rose Scented Softdough		1	0	0	0	0
Vanilla Scented Softdough		2	0	0	0	0
Lagoon Glitter Softdough		1	0	0	0	0
Purple Glitter Softdough		1	0	0	0	0
Playful Pink Glitter Softdough		1	0	0	0	0
Ruby Red Glitter Softdough		1	0	0	0	0
Sunshine Yellow Glitter Softdough		1	0	0	0	0

NSF International

1789 N. Dixboro Road

Ann Arbor, MI 48105

Notes: Assumes plastic in cutters are the same material; softdough base material is the same in all colors, scents and
glitter options; similar colors are the same base matgerial

By signing below, I accept all the terms of this quote and authorize NSF to begin testing

Name (Printed): _____

Date: _____

Signature: _____

HUNTSMAN

REGULATORY INFORMATION DATA SHEET PRODUCT STEWARDSHIP

P6M5B-015 POLYPROPYLENE COPOLYMER

Product Manufacturer

This product is manufactured by Huntsman in Longview, Texas, U.S.A..

Manufacturing Facility Certifications

The Longview Polypropylene facility is certified to the ISO-9001:2000 Quality standard. Certificate available upon request.

The Longview manufacturing facility is certified as an OSHA VPP (Voluntary Protection Program) Star Site.

Longview Research and Development Laboratory is A2LA Certified. Certificate available upon request.

Chemical Inventories

This product and all ingredients are in compliance with the following chemical inventories:

Australia: Australian Inventory of Chemical Substances (AICS)

Canada: Domestic Substances List (DSL)

Europe: European Inventory of Existing Chemical Substances (EINECS)

Japan: Japanese Inventory (ENCS)

Korea: Korean Existing Chemicals List (KECL)

Philippines: Philippines Inventory of Chemicals and Chemical Substances (PICCS)

United States: Toxic Substances Control Act Inventory (TSCA) - This product has no special requirements under US TSCA (e.g. consent orders, test rules, 12(b) requirements, etc.).

Food Contact

US Food and Drug Administration (FDA):

This material meets the FDA requirements outlined in the Code of Federal Regulations 21 CFR 177.1520(a)(3)(i) and (c)3.1a. According to our information, all other ingredients used in the formulation meet their respective FDA regulations and 21 CFR 177.1520(b). Specifically, this product meets the FDA criteria for food contact, except for cooking applications. This product can only be used under Conditions of Use C through H as listed in 21 CFR 176.170(c), Table 2.

European Union (EU) Food Contact:

The monomers used to produce this resin are listed in EU Directive 2002/72/EC and amendments 2004/1/EC and 2004/19/EC. The additives used to produce this resin are listed in EU Directive 2002/72/EC and amendments 2004/1/EC and 2004/19/EC.

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This product conforms to the European Directive 2002/16/EC and its amendment 2004/13/EC. We do not use 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl) ether (BADGE), bis(hydroxyphenyl)methane bis(2,3-epoxypropyl)ethers (BFDGE) or novolac glycidyl ethers (NOGE) in the manufacture or formulation of this product. We do not test this product for these substances.

European Directive 2003/11/EC

This product conforms to the European Directive 2003/11/EC of 6 February 2003 amending 76/769/EEC of 27 July 1976. We do not use Polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), Vinyl Chloride, Pentabromo-diphenyl ethers (pentaBDE), Octabromo-diphenyl ethers (OctaBDE), or Decabromo-diphenyl ethers (decaBDE) in the manufacture or formulation of this product. We do not test this product for these chemical substances.

Polyvinyl Chloride (PVC)

We do not use PVC in the manufacture or formulation of this product. We do not test this product for this chemical substance.

California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

This product contains no substances known to the State of California to cause reproductive toxicity at a level of exposure subject to the requirements of Proposition 65.

Ozone Depleting Chemicals (ODCs)

We do not use Class I or Class II ODCs listed in the Resolution 2037/2000/EC in the manufacture or formulation of this product.

Bisphenol A

Bisphenol A is not used in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Organo-Tin Compounds

We do not use any Tributyl-tin (TBT), dibutyl-tin(DBT), monobutyl-tin (MBT) or any other organo-tin compounds in the manufacture or formulation of this product.

Phthalates

We do not use any phthalates in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Alkylphenols and Alkylphenol Ethoxylates

We do not use alkylphenols (nonyl- or octyl-) or alkylphenol ethoxylates (nonyl- or octyl-) in the formulation or manufacture of this product. We do not test this product for these chemical substances.

Perfluorooctanoic Acid (PFOA) – a.k.a. DuPont®Zonyl or C8

We do not use PFOA, a fluorotelomer, in the formulation or manufacture of this product. We do not test this product for this chemical substance.

Asbestos

We do not use asbestos in the manufacture or formulation of this product. We do not test this product for this chemical substance.

Allergens

We do not use allergens - as defined by FDA as Milk, Eggs, Fish, Crustaceans, Wheat, Soy, Peanuts, Tree Nuts - in the manufacture or formulation of this product.

In addition, we do not use any of the sensitizing agents – Sulfites, Monosodium Glutamate (MSG), Hydrolyzed protein, Autolyzed yeast/yeast extract, BHA, BHT, TBHQ, Tocopherol (vitamin E), Chocolate/chocolate derivatives, poultry products – in the manufacture or formulation of this product. As detailed at the bottom of page 2 through page 3, we do use tallow, which is a beef product/beef derivative, in this product. In addition, the tallow material may also include some pork products/pork derivatives.

Shelf Life

Although Huntsman does not warranty our resins within any specific length of time, we recommend a shelf life of approximately two years, provided the material has been stored in dry conditions at temperatures below 50°C (122°F) and protected from UV and nitrous oxide exposure. Improper storage conditions can initiate premature degradation of color, odor and physical properties.

Use of this Regulatory Information Data Sheet

The information in this data sheet is provided independently of any sale of the product. It is provided for the purpose of communicating regulatory compliance of the resin as shipped from Huntsman location to our customers in its pellet form. Ultimately, customers must make their own determination that use of this product is safe, lawful, and technically suitable for their intended applications.

The certificate is effective for one year unless it is modified before the expiry date. If a product formulation revision should change the information provided in this Regulatory Information Data Sheet (RIDS), Huntsman will notify customers to whom this regulatory sheet was provided by request through the Product Services Specialist. Huntsman will not notify you should a change in regulation(s) require a change to this RIDS sheet. Huntsman recommends updating your files with new RIDS sheets on a yearly basis.

Certified for Huntsman by:



Misty Baker
Product Services Specialist
Huntsman Polymers
PO Box 3986
Odessa, TX 79760
U.S.A.
Phone – 432-640-8221
Fax – 432-640-8328
E-Mail: Misty_Baker@huntsman.com

Approved on January 24, 2006. Valid to January 24, 2007 unless revised previous to this date.

Stevenson, Todd

From: Jim Hudson [Jim@SquireBoone.com]
Sent: Friday, October 21, 2011 4:57 PM
To: CPSC-OS,
Cc: RICKSBV@aol.com
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Attachments: CCF10212011_00003.jpg

October 21, 2011

CPSC

Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

We're a small company and our comments are hopefully simple and to the point.

Small Company Test

When considering whether a company is small or large, we think it makes sense to base that determination on sales of the products that are being regulated, not total sales. We sell lots of candy and are governed by the FDA and others, but we also sell a small volume of toys which are subject to CPSIA. If you include candy and other sales, we might fit into a larger company, however as it relates to toys we are a small company and will probably just close out the toy business and lay off those workers if we have to pay 3rd party testing labs to prove that our safe toys are safe. With this guilty until proven innocent arrangement we can't compete with large companies.

Testing of Components

As a small run manufacturer we are not able to amortize the cost of the extensive testing over the number of sales we make and still remain competitive. However we have been able to gain access to an XRF device that allows us to test many items with this one cost and if allowed to use that we could remain competitive. As it stands now that lease payment may prove to be a waste of money. The big guys have their internal labs and this has been our down scale internal lab capability.

If raw material suppliers were allowed to provide certified raw materials that are lead free and phthalate free this would allow the free market to work and they could provide raw materials that all of the smaller guys could request.

If we are allowed to test the raw material plastics from which our toys are made and spread that cost over all of the toys that are made from that plastic then we could survive that cost and still provide proven safe products.

ASTM ...something

We're at a loss on this one. This regulation is not even available to the public to evaluate and if we are going to have to shut down the toy products we can't waste any more money on this effort. We will need the money to pay the unemployment tax and surcharges.

Regards,

Jim Hudson

Jim Hudson, CFO, CCO

Squire Boone Village

jim@squireboone.com

812-941-5900 x145

812-941-5918 Fax



**P.O. Box 711
New Albany, IN 47150
812-941-5900**

October 21, 2011

CPSC
Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

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Regards,

Jim Hudson



Consumer Federation of America

ConsumersUnion[®]

POLICY & ACTION FROM CONSUMER REPORTS

KID IMPROVING
CHILDREN'S
PRODUCT
SAFETY

October 24, 2011

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

Via email: cpsc-os@cpsc.gov

**Comments of Consumers Union, Consumer Federation of America & Kids In Danger
on
*“Alternative Testing Requirements for Small Batch Manufacturers”***

Consumers Union (CU), Consumer Federation of America (CFA) and Kids In Danger (KID) appreciate the opportunity to provide written comment regarding the Consumer Product Safety Commission’s (CPSC) public hearing, “Alternative Testing Requirements for Small Batch Manufacturers.” Our organizations strongly support the testing of children’s products by third-party conformity assessment bodies to strong mandatory safety standards, and we are deeply committed to ensuring that the recently approved Commission final rule on this matter is not weakened. Third-party testing requirements constitute key components of the Consumer Product Safety improvement Act (CPSIA), without which consumers would continue to be exposed to potentially dangerous and unsafe toys and children’s products.

At the same time, however, we do recognize that such third-party testing requirements may impose a high and, at times, even prohibitive cost on manufacturers who produce only very

small batches of a certain type of product, and whose gross revenue from the sale of the product is small. Indeed, we understand that H.R. 2715, passed into law in August 2011, seeks to address the concerns of very small batch manufactures regarding the costs of third-party testing by requiring the Commission to consider alternative testing requirements, when available.

While we are not opposed to exploring alternative testing requirements for very small batch manufacturers, we feel strongly that every product intended for our children must meet mandatory safety standards and must be safe. When a child is injured by a dangerous toy, it is hardly relevant whether that toy was manufactured by a huge international manufacturer or handcrafted by a small toymaker. Where the toy comes from does not negate the harm and suffering inflicted upon the injured child and his or her family. Parents buying toys and other products intended for their children expect them to be safe and to meet applicable standards – whether the product is purchased from a large box store or a local arts and crafts fair.

Although very small batch manufacturers may not be able to afford the same exact testing processes employed by big companies, they must nevertheless accept that placing children's products in the stream of commerce involves certain costs of doing business. One such cost is ensuring that the products they sell have been tested for compliance with mandatory safety standards and will not injure or kill a child.

We also urge the CPSC to ensure that very small batch manufacturers who will benefit from alternative testing requirements or exemptions register with the Commission as soon as possible. That way, any potentially dangerous product can be traced back to the manufacturer,

and the Commission can quickly notify the company about the risk. Moreover, as very small batch manufacturers are permitted to employ alternative testing procedures, the CPSC should require registration before granting any modification to the requirements that would apply to these manufacturers. Similarly, if a very small batch manufacturer undergoes changes in terms of its size or method of production, such changes should be communicated to CPSC.

In conclusion, CU, CFA and KID urge the CPSC to remain focused on the primary goal of the CPSIA: to protect children from unsafe toys, regardless of their source.

Sincerely,

Ami Gadhia
Senior Policy Counsel
Consumers Union

Don Mays
Senior Director, Product Safety & Technical Policy
Consumers Union

Ioana Rusu
Regulatory Counsel
Consumers Union

Rachel Weintraub
Director of Product Safety and Senior Counsel
Consumer Federation of America

Nancy Cowles
Executive Director
Kids In Danger

Stevenson, Todd

From: Rusu, Ioana [IRusu@consumer.org]
Sent: Monday, October 24, 2011 12:13 PM
To: CPSC-OS,; Stevenson, Todd
Cc: Gadhia, Ami; Mays, Don; 'Rachel Weintraub'; nancy@kidsindanger.org; Williams, Bob; Bloom, Ellen
Subject: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing
Attachments: CU CFA KID Comments - Small Batch Manufacturers Hearing.pdf

To Whom It May Concern:

Please find attached written comments from Consumers Union, Consumer Federation of America and Kids In Danger regarding this week's hearing on "Alternative Testing Requirements for Small Batch Manufacturers."

Please do not hesitate to contact me with any questions or concerns.

Regards,

Ioana Rusu

Consumers Union - Washington Office
Regulatory Counsel
1101 17th Street, NW Suite 500
Washington, DC 20036
Tel: (202) 462-6262
irusu@consumer.org

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This e-mail message is intended only for the designated recipient(s) named above. The information contained in this e-mail and any attachments may be confidential or legally privileged. If you are not the intended recipient, you may not review, retain, copy, redistribute or use this e-mail or any attachment for any purpose, or disclose all or any part of its contents. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and permanently delete this e-mail and any attachments from your computer system.

Hammond, Rocky

From: jstrongdollmkr@aol.com
Sent: Monday, October 24, 2011 1:29 PM
To: CPSC-OS,
Cc: dan@peapods.com
Subject: RE: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

Joan Strong -- Doll Maker
2272 Red Maple Drive, Coplay, PA 18037
(610) 262-2573
Jstrongdollmkr@aol.com

October 24, 2011
Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
cpsc-os@cpsc.gov

RE: Alternative Testing Requirements for Small Batch Manufacturers Public Hearing

I am doll maker and a member of The Handmade Toy Alliance. I would like to thank the Commission for convening this hearing and for their efforts to resolve the plight of small batch manufacturers of children's products who wish to continue to produce their items in a lawful manner. I became a member of the Handmade Toy Alliance in an effort to find an understandable interpretation of the legal implications of the newly enacted CPSIA. Membership with the Handmade Toy Alliance has also provided an opportunity to participate with a group that is pursuing not only relief from the economic burden imposed by the testing requirements, but also advocating for better communication and cooperation between small batch manufacturers and the CPSC in order to guarantee safe products for children. I fully support the suggestions in the testimony the officers of the Handmade Toy Alliance are submitting to this hearing.

All my dolls are made exclusively by me, some are obviously collectable art objects. However, I make cloth dolls that are either one-of-a-kind portrait dolls or character dolls produced in limited numbers (under 50). The starting price is \$100 and they could be considered art objects, but their soft shape and construction also makes them desirable for play for children over the age of three. I use acrylic paints, colored pencils and ink for the features, this is what gives them a realistic look. Their joints are two-part plastic and are not exposed or too small, but may fall under the phthalate testing rules. The materials I use are readily purchased in fabric and craft stores and are labeled with the AP (Approved Product) Seal, identifying them as art materials that are safe and that are certified in a toxicological evaluation by a medical expert to contain no materials in sufficient quantities to be toxic or injurious to humans, including children, or to cause acute or chronic health problems in accordance with the chronic hazard labeling standard, ASTM D 4236, and the U. S. Labeling of Hazardous Art Materials Act (LHAMA).

Just prior to the passing of the CPSIA, I had an opportunity to design a set of cloth dolls to be used by therapeutic and forensic psychologists. The production of these dolls presented a unique chance to create a much-needed product and a the possibility of a business that would eventually employ others. These dolls are not toys, but would be used with young children. It is unlikely that a larger

manufacturer would be interested in producing this type of doll because of their limited and very specialized market. The dolls that are currently available from other small manufacturers have embroidered faces. Painted faces are more appealing, but would require laboratory testing. Even if I choose the exempted method of CMK printing on fabric for the faces as an alternative, these dolls may still be subject to lab testing for durability because of the stitched seams. This would make the cost of the set of 4 dolls needed for therapy to be prohibitive.

I have discontinued production of these cloth dolls until I can be certain of my ability to be in compliance with the law. I have not submitted any dolls for testing because the time invested in their creation is too great to allow them to be destroyed. I have relied on the laboratory price quotes provided by fellow Alliance members in determining that testing of my products would not only create a loss for my business, it would create an insurmountable deficit.

Small manufacturers of children's items have a proven track record of producing unique, high-quality, safe items for children. I urge the commission to provide as much relief as possible from redundant and costly laboratory testing. Please take into consideration the economic burden of these tests and possible alternatives that are based on the capabilities of the manufacturers and individual artists to be compliant. The European method of maintaining a logged account of pre-tested components being used in manufacture, along with clear labeling that traces the item to the manufacturer would be a logical alternative. I also urge you to give consideration to the testimony of Dan Marshall, President of the Handmade Toy Alliance, and his suggestions for making information available to small batch manufacturers in easily understandable language and the creation of a registry for small batch manufacturers. Cooperation between small manufacturers and the CPSC presents the best outcome for producers and consumers. Without a common-sense approach to this issue, the interpretation of the law places an undue burden on small businesses and tilts compliance, and ultimately business success, in favor of large manufacturers that are able to afford both the legal advice needed for understanding the law and the tests necessary for compliance.

Thank you for your consideration of my comments.

Sincerely,

Joan Strong

2272 Red Maple Drive, Coplay, PA 18037

(610) 262-2573

Jstrongdollmkr@aol.com

ROBERT P. CASEY, JR.
PENNSYLVANIA

COMMITTEES
AGRICULTURE, NUTRITION
AND FORESTRY

FOREIGN RELATIONS

HEALTH, EDUCATION,
LABOR AND PENSIONS

SPECIAL COMMITTEE ON AGING

JOINT ECONOMIC

United States Senate

WASHINGTON, DC 20510

October 25, 2011

Honorable Inez Tenenbaum
Chairman, U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum:

I am writing regarding the alternative testing requirements for small batch manufacturers currently being considered by the Consumer Product Safety Commission. These requirements would be modifications of the requirements imposed by the Consumer Products Safety Improvement Act of 2008 (CPSIA). I voted for the CPSIA in 2008 in order to ensure that the Commission had the necessary authority to protect consumers—and most especially children—from potentially dangerous products. However, since the passage of the CPSIA, a number of unintended, potentially negative consequences have arisen, particularly for small businesses. As a result, in August 2011 Congress passed H.R. 2715, which corrects some of these unintended effects.

The CPSIA imposed third-party testing requirements which are especially onerous for small batch manufacturers. These requirements are incommensurate with the risk posed by small batch manufacturers, which I understand have an excellent safety record. H.R. 2715 provides the Commission with the necessary flexibility to regulate small batch manufacturers in a manner consistent with the size of their businesses, and the level of risk they pose.

I understand the Commission is currently seeking input pertaining to the implementation of the changes made by H.R. 2715. I urge the Commission to follow Congressional intent and use the flexibility provided by this new law to provide needed relief to small batch manufacturers. These manufacturers are an important source of jobs, and do not pose the same type of risk as larger manufacturers. Small manufacturers were not the source of the unsafe products that led to the passage of the CPSIA, and I encourage your regulations to reflect the inherent differences between large and small manufacturers.

Specifically, I encourage the Commission to consider the “reasonable method to assure compliance” with alternative requirements in the context of the capabilities of small batch manufacturers. Additionally, I ask the Commission to seriously examine whether testing is economically practicable for small batch manufacturers, and consider providing the exemption permitted by H.R. 2715. Finally, I request that the Commission consider the strong safety record of small batch manufacturers when determining whether full compliance with testing requirements is “reasonably necessary” under the Limitation provision of Section 2 of H.R. 2715.

I know that the safety of consumer products is the number one concern of the Commission, and it is a concern I fully share. However, regulations should recognize the difference among the manufacturers being regulated. I respectfully request that the Commission provide the relief to small batch manufacturers that H.R. 2715 intended.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Bob Casey, Jr." in a cursive, slightly slanted script.

Robert P. Casey, Jr.
United States Senator

Stevenson, Todd

From: Ombudsman, Small
Sent: Wednesday, October 26, 2011 3:52 PM
To: Stevenson, Todd
Subject: FW: Message from Email Form

Supplemental information for today's packet. Sorry that I missed this earlier.

From: emailform@cpsc.gov [<mailto:emailform@cpsc.gov>]
Sent: Saturday, October 22, 2011 8:36 PM
To: Ombudsman, Small
Subject: Message from Email Form

10/22/2011 20:35:21

Name = Heather M. Moore
Organization/Affiliation =
Daytime Phone = 5205727859
E-mail address = heatherrific@gmail.com

Message = From: Heather M. Moore 3903 E. Calle de Jardin Tucson, Arizona 85711 To: Neal S. Cohen October 22, 2011
Re: The Consumer Product Safety Improvement Act (CPSIA) unintended consequences Dear Mr. Cohen ~ The economic crisis in our country is distressing to millions of Americans. That is why it concerns me that under the CPSIA, many small business owners will be driven out of business, deepening the crisis. The premise of self reliance and entrepreneurship on which this country was founded is in jeopardy. I am very concerned that the CPSIA's mandates for third party testing will have a dramatic and negative effect on small businesses whose safety record has always been exemplary. It will devastate small manufacturers and home businesses who create children's products such as clothes, handmade goods and toys for children, children's books, adaptive products for children with disabilities, and classroom and home school materials. These small businesses simply cannot afford the \$300-\$4,000 price tag per product that third party testing labs are charging. Under the CPSIA, small businesses are treated exactly the same as the multi-national corporations like Mattel who were behind the 2007 toy safety scare in the first place. It costs the same to test a batch of 50,000 plastic toys in China as it does to test a dozen handmade dolls in the United States. As the ombudsman for small businesses within the CPSC's organization, I urge you to fight for an exemption to third party testing for small batch manufacturers of children's products. We need an exemption similar to what local and organic farmers were provided in the Food Safety law. Without this important change, the CPSIA will destroy thousands of small businesses across the country. These toy makers, crafters, publishers and small home based businesses have earned and kept the public's trust. They provide jobs for thousands and quality playthings and educational products for hundreds of thousands. Their unique businesses should be protected. Please visit www.handmadetoyalliance.org to learn more about this issue. I feel you in particular have the responsibility to protect America's small businesses! Thank you for your attention to this matter. Sincerely, Heather M. Moore