

Language regarding the Consumer Product Safety Improvement Act of 2008 as passed in H.R. 3288, the Consolidated Appropriations Act

The conference agreement modifies House report language regarding the Consumer Product Safety Improvement Act (CPSIA) of 2008 (Public Law 110-314). The CPSIA was signed into law on August 14, 2008 and is considered to be the most significant piece of consumer protection legislation enacted since the CPSC was established in the early 1970s. The legislation received nearly unanimous bipartisan support in Congress. Congress passed this legislation in the wake of a massive number of consumer product recalls in 2007 and 2008--more than 20 million--many of which involved toys manufactured in China. The conferees strongly support this legislation but are aware of concerns surrounding implementation of certain aspects of the law. The conferees believe there may be parts of some products subject to the strict lead ban under section 101(a) of the CPSIA that likely were not intended to be included. This includes parts of youth motorized off-road vehicles and bicycles, and may include parts of some sporting equipment and ordinary books. The conferees urge the CPSC to continue considering exemptions under section 101(b) of the CPSIA for parts of products that, based on the CPSC's determination, present no real risk of lead exposure to children. The conferees are also aware of concerns among small manufacturers and crafters regarding the third-party testing requirements under section 102 of the CPSIA and urge the CPSC to consider those when issuing rules and guidance on third-party testing.

The conferees further encourage the CPSC to continue to work with the off-road vehicle and other industries to reduce lead content in accessible components of all children's products to the greatest extent possible, where complete compliance is deemed not necessary or not feasible by the CPSC. The conferees note that the CPSC has already instituted a stay of enforcement until May 1, 2011 on the lead standard with regard to youth motorized recreational vehicles (which include all-terrain vehicles, motorcycles, and snowmobiles) with the expectation that the industries would work constructively with the CPSC in reducing lead levels as feasible. The CPSC is directed to assess enforcement efforts of section 101(a), including difficulties encountered, as well as recommendations for improvement to the statute, and to report to the House and Senate Appropriations Committees, as well as the House Energy and Commerce Committee and the Senate Commerce, Science, and Transportation Committee, no later than January 15, 2010