

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

July 29, 2011

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Mary Bono Mack  
Chairman  
Subcommittee on Commerce, Manufacturing, and Trade  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton and Chairman Bono Mack:

Senator Mark Pryor yesterday introduced S. 1448, the “Consumer Product Safety Flexibility Act of 2011,” to deal with the most immediate concerns of manufacturers and retailers arising from the ongoing implementation of the Consumer Product Safety Improvement Act (CPSIA). We write to express our support for Senator Pryor’s legislation.

CPSIA requires that on August 14, 2011, the total lead content limit for children’s products drop to 100 parts per million (ppm). Senator Pryor’s bill consists of three provisions dealing specifically with CPSIA’s lead content limits. First, his bill makes the 100 ppm lead content limit prospective for retailers and manufacturers, allowing them to continue to sell any merchandise manufactured before August 14. Second, his bill exempts all-terrain vehicles (ATVs) from CPSIA’s lead content limits. Third, his bill sets the total lead content limit for bikes at 300 ppm.

We support these three provisions and urge them to be enacted without further delay.

As you know, there are other responsible changes we support to CPSIA. They include targeted relief for book manufacturers and small manufacturers from third-party testing requirements and clarification that the phthalates limits, like the lead limits, do not apply to

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inaccessible component parts. These changes – and several other similarly targeted provisions – would provide significant regulatory relief to U.S. manufacturers while preserving the public health objectives of the law.

What we cannot support are the wholesale changes to the law in the “Enhancing CPSC Authority and Discretion Act of 2011,” which the Subcommittee on Commerce, Manufacturing, and Trade reported on May 12, 2011. In our view, these changes eviscerate key public health protections. They have been consistently rejected by both public health and consumer groups.

We believe there is a way to break the deadlock that has stymied action in the House. First, if the Senate is able to pass S. 1448, the House should immediately pass the legislation and send it to the President to be signed into law. Second, we should assemble and promptly pass in the House other changes to CPSIA that we are able to agree upon. Such a package would provide considerable regulatory relief for industry yet still retain the support of public health and consumer groups.

We urge you to work with us to reach a compromise that resolves this impasse.

Sincerely,



Henry A. Waxman  
Ranking Member



G. K. Butterfield  
Ranking Member  
Subcommittee on Commerce,  
Manufacturing, and Trade