

Summary of H.R. 2715

H.R. 2715 makes several changes to the Consumer Product Safety Improvement Act of 2008 (CPSIA). This bill will provide businesses with targeted relief without adversely affecting public health, environment, or consumer protections. Business organizations support these changes and consumer and public health groups do not oppose them.

On May 12, 2011, the Subcommittee on Commerce, Manufacturing, and Trade reported H.R. 1939, the “Enhancing CPSC Authority and Discretion Act of 2011.” This bill was opposed by consumer and public health groups because it undermined key provisions of the CPSIA. Following the Subcommittee markup, there were bipartisan negotiations to develop a compromise that would provide targeted relief to industry without weakening the public health protections in the law. H.R. 2715 is the result of these negotiations. It is being introduced by the bipartisan leadership of the Energy and Commerce Committee, including Subcommittee Chairman Mary Bono Mack and Subcommittee Ranking Member G.K. Butterfield; Full Committee Chairman Fred Upton and Full Committee Ranking Member Henry Waxman; and Full Committee Chairman Emeritus Joe Barton and Full Committee Chairman Emeritus John Dingell.

H.R. 2715 makes the following changes to CPSIA:

- Makes the 100 parts per million (ppm) lead content limit prospective, so products manufactured before Aug. 14, 2011, can continue to be sold at the 300 ppm limit.
- Gives CPSC authority to grant exemptions from lead content limit for products that need lead to function properly and that don't pose a threat to health and safety.
- Grants all-terrain and other off-highway vehicles an exemption from lead content limit.
- Sets lead content limit for bicycles at 300 ppm.
- Exempts used children's products sold at thrift stores and charitable organization from the lead content limits, except not children's metal jewelry, any product known to contain lead in amounts above the legal limit, or any other product determined by CPSC.
- Requires CPSC to undertake an assessment of third-party testing requirements to determine where costs of such testing can be reduced while still ensuring compliance with safety standards and to implement or make recommendations to Congress regarding these cost-saving measures.
- Requires CPSC to develop alternative methods for small manufacturers (those that make no more than 7,500 units of any one product and make no more than \$1 million in gross revenue per year) to show compliance with mandatory safety standards or to grant them exemptions from third-party testing if no alternatives exist or are not economically practicable.
- Exempts ordinary paper books and metal parts of bicycles from third-party testing.
- Expedites the process for updating mandatory safety standards for durable nursery goods.

- Exempts childcare facilities and other public accommodations from requirement that they replace their cribs every time the mandatory safety standard is revised, unless CPSC determines replacement is necessary.
- Clarifies that portions of the toy safety standard (ASTM F-963) that restate or incorporate FDA regulations or statutes are not mandatory safety standards of the CPSC.
- Clarifies that the phthalate content limits – like the lead content limits – don't apply to inaccessible parts of toys or child care articles.
- Gives CPSC authority to grant exemptions from the tracking label requirements for children's products if bearing such labels isn't practicable.
- Improves identification of products in the public consumer product safety information database by requiring CPSC to seek a model or serial number or a photograph where a report doesn't include that information and by granting manufacturers an additional five days to resolve disputes about the material accuracy of reports submitted for the public consumer product safety information database.
- Expands CPSC's subpoena powers by allowing the agency to issue subpoenas for physical, not just documentary, evidence and by allowing CPSC to delegate to the general counsel authority to issue subpoenas to government agencies.
- Requires CPSC to complete within one year of enactment a mandatory safety standard for ATVs.