
❖SPC&B Safety News❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

July 26, 2010

CPSC Seeks Comments on Feasibility of 100 ppm Lead Limit in Children's Products



In a *Federal Register* notice to be published tomorrow, July 27, 2010, the Consumer Product Safety Commission (CPSC) is requesting comments on the CPSIA requirement that all children's products contain less than 100 ppm by August 14, 2011, unless the agency determines that it is not technologically feasible for a product or product category. Section 101(d) of the CPSIA provides that **a lead limit shall be deemed technologically feasible with regard to a product or product category if:**

1. A product that complies with the limit is commercially available in the product category;
2. Technology to comply with the limit is commercially available to manufacturers or is otherwise available within the common meaning of the term;
3. Industrial strategies or devices have been developed that are capable or will be capable of achieving such a limit by the effective date of the limit and that companies, acting in good faith, are generally capable of adopting; **or**
4. Alternative practices, best practices, or other operational changes would allow the manufacturer to comply with the limit.

In view of the above, the CPSC asks for information on products and materials that are already in compliance with the 100 ppm lead content limit, as well as those that are in compliance with the existing 300 ppm limit, but do not meet the 100 ppm limit. Information requested includes test data, possible alternative materials and products, and strategies or devices, etc., that may be used to enable compliance with the 100 ppm limit.

Anyone interested in submitting comments on the 100 ppm lead content limit or who have questions regarding the testing and certification requirements should contact Gail Cumins at gcumins@spcblaw.com or Donna Shira at dshira@spcblaw.com or call us at 212-425-0055.

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