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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 11, 2009

3-11-09  
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The Honorable Joe Barton  
Ranking Member  
House Energy and Commerce Committee  
2322-A Rayburn House Office Building  
Washington DC, 20515

The Honorable George Radanovich  
Ranking Member  
Subcommittee on Commerce, Trade,  
and Consumer Protection  
2410 Rayburn House Office Building  
Washington DC, 20515

Dear Ranking Members Barton and Radanovich:

Thank you for your letters regarding the Consumer Product Safety Improvement Act (CPSIA). I share your interest in ensuring the safety of children's products and agree with many of your concerns about the implementation of this law. I want to assure you that I am monitoring CPSIA's implementation to determine appropriate Committee actions.

The CPSIA has a clear and simple purpose: for the first time, it will ensure that products sold for use by children are safe from lead and other harmful substances. The implementation period has been confusing, however, and misinformation has spread about the impact that this law will have on manufacturers and retailers. The Commission acted too slowly to implement this law, and retailers and manufacturers were left for too long wondering how they would be impacted.

In early February, the Commission issued guidance to manufacturers and retailers clarifying some of the areas of greatest confusion and, as you noted, postponed enforcement of certain provisions of the law. While overdue, the Commission's guidance provides meaningful direction about the impact of the law. Coupled with the stay of enforcement, the guidance gives everyone — manufacturers, retailers, consumers, and the Commission itself — additional time to

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resolve questions of implementation, such as when and how to allow component part testing of products, while focusing immediately on those products that pose the greatest risk.

I share your interest in a hearing to examine the issues that have arisen around implementation of the new law. I believe, however, that this hearing will be most productive and informative once a new head of the agency has been selected by President Obama. When that happens, I would like to work with you to schedule an appropriate hearing.

In the meantime, the Committee will follow this process vigilantly to make sure that a clear and comprehensible policy emerges regarding the implementation of this important law.

In recent years, too many children have been poisoned by lead and other substances in their toys. Last year, a bipartisan coalition came together to agree that children's products should be safe and should not contain harmful amounts of lead. The transition period between enactment and implementation has not been smooth. This law remains strong and workable, however, and it will have a critically important public health benefit.

I look forward to continuing to work with you on these issues in the future.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly stylized font.

Henry A. Waxman  
Chairman