## 110TH CONGRESS 1ST SESSION H.R. 3743

To declare certain children's products containing lead to be banned hazardous substances.

## IN THE HOUSE OF REPRESENTATIVES

October 3, 2007

## A BILL

To declare certain children's products containing lead to be banned hazardous substances.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

## 3 SECTION 1. BAN ON CHILDREN'S PRODUCTS CONTAINING 4 LEAD.

5 (a) BANNED HAZARDOUS SUBSTANCE.—Effective 30
6 days after the date of enactment of this Act, any children's
7 product containing more than the amounts of lead set
8 forth in subsection (b) shall be a banned hazardous sub9 stance within the meaning of section 2(q)(1) of the Fed10 eral Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

Mr. WAXMAN (for himself, Mr. CARNEY, Mr. ELLISON, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

1	(b) Standard for Amount of Lead.—The
2	amounts of lead referred to in subsection (a) shall be-
3	(1) 600 parts per million lead for any part of
4	a product, effective 30 days after the date of enact-
5	ment of this Act;
6	(2) 250 parts per million lead for any part of
7	a product, effective 1 year after the date of enact-
8	ment of this Act; and
9	(3) 100 parts per million lead for any part of
10	a product, effective 2 years after the date of enact-
11	ment of this Act.
12	(c) Commission Authority To Revise the
13	STANDARD.—
	Standard.— (1) More stringent standard.—The Con-
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13 14	(1) More stringent standard.—The Con-
13 14 15	(1) MORE STRINGENT STANDARD.—The Con- sumer Product Safety Commission may revise the
13 14 15 16	(1) MORE STRINGENT STANDARD.—The Con- sumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower
13 14 15 16 17	(1) MORE STRINGENT STANDARD.—The Con- sumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower amount of lead than is set forth in such subsection
13 14 15 16 17 18	(1) MORE STRINGENT STANDARD.—The Con- sumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower amount of lead than is set forth in such subsection that the Commission determines is feasible to
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	(1) MORE STRINGENT STANDARD.—The Con- sumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower amount of lead than is set forth in such subsection that the Commission determines is feasible to achieve.
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>(1) MORE STRINGENT STANDARD.—The Consumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower amount of lead than is set forth in such subsection that the Commission determines is feasible to achieve.</li> <li>(2) MANDATORY REVIEW.—After the date that</li> </ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>(1) MORE STRINGENT STANDARD.—The Consumer Product Safety Commission may revise the standard set forth in subsection (b) to any lower amount of lead than is set forth in such subsection that the Commission determines is feasible to achieve.</li> <li>(2) MANDATORY REVIEW.—After the date that is 5 years after the date of enactment of this Act,</li> </ul>

3 (d) DEFINITION OF CHILDREN'S PRODUCT.—As 4 used in subsection (a), the term "children's product" 5 means any consumer product marketed for use by children 6 under age 6, or whose substantial use by children under 7 age 6 is foreseeable.

8 (e) CERTAIN ELECTRONIC DEVICES.—

9 (1) ALTERNATE STANDARD.—If the Consumer 10 Product Safety Commission determines that it is not 11 feasible for certain children's products that are elec-12 tronic devices to attain the standard set forth in 13 subsection (b) of (c), such products shall be 14 equipped with a child-resistant cover or casing that 15 limits exposure of and accessibility to the parts of 16 the product containing such amounts of lead.

17 (2) TREATMENT AS CONSUMER PRODUCT SAFE-18 TY RULE.—Paragraph (1) shall be considered to be 19 a consumer product safety rule issued by the Con-20 sumer Product Safety Commission under section 9 21 of the Consumer Product Safety Act (15 U.S.C. 22 2058). The Commission may establish a schedule by 23 which such electronic devices shall be in full compli-24 ance with the requirement of paragraph (1).

1 (f) NO PREEMPTION OF MORE PROTECTIVE STATE 2 LAWS.—Nothing in this Act preempts any law or ordi-3 nance of a State or political subdivision of a State con-4 taining a standard for lead in children's products that pro-5 vides equal or greater protection to consumers.