

110TH CONGRESS
1ST SESSION

S. 2038

To prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2007

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

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 THAT CON-**
4 **TAIN LEAD.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Young children are exposed to lead in con-
7 sumer products by swallowing or directly mouthing
8 objects containing lead or from handling such ob-
9 jects and subsequently putting their hands in their
10 mouths.

1 (2) The adverse health effects of lead poisoning
2 in children are well-documented and may have long-
3 lasting or permanent consequences, including neuro-
4 logical damage, delayed mental and physical develop-
5 ment, attention and learning deficiencies, hearing
6 problems, and in extreme and rare cases, death.

7 (3) Children are particularly susceptible to the
8 effects of lead poisoning, and, because lead accumu-
9 lates in the body, even exposures to small amounts
10 of lead contribute to the overall level of lead in the
11 blood and to the risk of adverse health effects.

12 (4) Eliminating or reducing the exposure of
13 children to lead will prevent or limit the harmful ef-
14 fects of lead on children.

15 (5) In January of 1998, the Consumer Product
16 Safety Commission, which has jurisdiction over con-
17 sumer products, issued a guidance for lead in con-
18 sumer products, urging manufacturers to eliminate
19 lead in consumer products.

20 (6) Since January of 1998, the Consumer Prod-
21 uct Safety Commission has recalled over 50 different
22 children's products that contain lead.

23 (b) BAN ON CHILDREN'S PRODUCTS THAT CONTAIN
24 LEAD.—

1 (1) IN GENERAL.—Beginning on the date that
2 is 180 days after the date of the enactment of this
3 Act, any children’s product that contains lead shall
4 be treated as a banned hazardous substance under
5 the Federal Hazardous Substances Act (15 U.S.C.
6 1261 et seq.) and the prohibitions contained in sec-
7 tion 4 of such Act shall apply without regard to
8 whether the lead contained in such children’s prod-
9 uct is accessible to children.

10 (2) DEFINITIONS.—In this section:

11 (A) CHILDREN’S PRODUCT DEFINED.—The
12 term “children’s product” means any consumer
13 product marketed for use by children under the
14 age of 7, or any product the substantial use of
15 which by children under the age of 7 is foresee-
16 able.

17 (B) CHILDREN’S PRODUCT THAT CON-
18 TAINS LEAD.—The term “children’s product
19 that contains lead” means—

20 (i) in the case of a children’s product
21 that is jewelry, a product any part of
22 which contains lead or lead compounds and
23 the lead content of such part (calculated as
24 lead metal) is greater than 0.02 percent by

1 weight of the total weight of such part;
2 and

3 (ii) in the case of a children's product
4 that is not jewelry, a product any part of
5 which contains lead or lead compounds and
6 the lead content of such part (calculated as
7 lead metal) is greater than 0.04 percent by
8 weight of the total weight of such part.

9 (3) REGULATIONS.—

10 (A) IN GENERAL.—Not later than 2 years
11 after the date of the enactment of this Act, the
12 Consumer Product Safety Commission shall de-
13 termine whether thresholds lower than those de-
14 scribed in clauses (i) and (ii) of paragraph
15 (2)(B) should be prescribed for children's prod-
16 ucts. If the Commission makes such a deter-
17 mination, the Commission shall prescribe regu-
18 lations establishing lower thresholds in lieu of
19 the thresholds established in such clauses.

20 (B) SUCCESSOR REGULATIONS.—If, after a
21 determination has been made in accordance
22 with subparagraph (A), the Consumer Product
23 Safety Commission makes a subsequent deter-
24 mination that thresholds lower than those de-
25 scribed in clauses (i) and (ii) of paragraph

1 (2)(B) or prescribed in accordance with sub-
2 paragraph (A) should be prescribed for chil-
3 dren’s products, the Commission may prescribe
4 regulations establishing lower thresholds in lieu
5 of the thresholds established in such clauses or
6 in accordance with such subparagraph.

7 (c) CONSTRUCTION.—Subsection (b) shall not be con-
8 strued to alter or amend the provisions of part 1303 of
9 title 16, Code of Federal Regulations (relating to the ban
10 of lead-containing paint and certain consumer products
11 bearing lead-containing paint) or any successor regulation.

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