

KEN CALVERT

44TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

INTERIOR, ENVIRONMENT AND RELATED AGENCIES

ENERGY AND WATER DEVELOPMENT

<http://www.house.gov/calvert>



Congress of the United States

House of Representatives

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March 18, 2009

Ms. Nancy A. Nord
Acting Chairwoman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Mr. Thomas Hill Moore
Commissioner
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairwoman Nord and Commissioner Moore:

When Congress passed the Consumer Product Safety Improvement Act (CPSIA) in August of 2008, it acted swiftly as a result of public alarm over the lack of production standards in children's products. Specifically, the intent of this landmark legislation was to strengthen children's product safety regulations.

Though Congress acted with due diligence, in the ensuing months the lack of regulations – and applicable exceptions – by the Consumer Product Safety Commission (CPSC) has created uncertainty in the minds of consumers as well as manufacturers. This uncertainty has only been intensified with the recession our country is facing

It is also deeply troubling that in the absence of regulations there has been very little guidance. In particular, distributors of off-road vehicles that are manufactured and marketed exclusively for kids under the age of twelve, including all-terrain vehicles, off-highway motorcycles and snowmobiles, have suffered from the CPSC's interpretation of the lead content provision.

Under the current interpretation, engines, brakes, wheels and suspension parts would not receive exemption from lead testing and must conform to the strict provisions included in the legislation. It would be very difficult for children to physically handle these parts, many of which aren't easily accessible to even the most experienced mechanics. With only six months warning, storeowners have been forced to remove inventory from showrooms, costing them hundreds of millions of dollars in unsellable merchandise.

Off-road recreation plays an important role in rural economies and provides a great way for families to spend time together in the outdoors. It offers visitors from across America the chance to appreciate our nation's breathtaking natural beauty. Unfortunately, the current application of the CPSIA could negatively affect the public's ability to enjoy our shared natural resources, and I urge you to correct your interpretation by offering exemptions for the aforementioned products as provided for in the CPSIA.

The CPSC plays a crucial role in the inspection and testing process for consumer goods. However, the current inaction of the CPSC is unfairly targeting an industry that is important to our constituents and the economy. I urge your immediate attention to this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Calvert". The signature is fluid and cursive, with a large initial "K" and "C".

KEN CALVERT
Member of Congress

KC:jg