

112TH CONGRESS
1ST SESSION

S. 1448

To exempt off-highway vehicles from the ban on lead in children's products,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2011

Mr. PRYOR (for himself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. TESTER)
introduced the following bill; which was read twice and referred to the
Committee on Commerce, Science, and Transportation

A BILL

To exempt off-highway vehicles from the ban on lead in
children's products, 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. SHORT TITLE.**

4 This Act may be cited as the "Consumer Product
5 Safety Flexibility Act of 2011".

6 **SEC. 2. PROSPECTIVE APPLICATION OF LOWEST LEAD**
7 **LIMIT FOR CHILDREN'S PRODUCTS.**

8 Section 101(a) of the Consumer Product Safety Im-
9 provement Act of 2008 (15 U.S.C. 1278a(a)) is amended
10 by adding at the end of the following:

1 “(3) APPLICATION.—Each limit set forth in
 2 paragraph (2) (except for the limit set forth in sub-
 3 paragraphs (A) and (B) of such paragraph) shall
 4 apply only to a children’s product (as defined in sec-
 5 tion 3(a) of the Consumer Product Safety Act (15
 6 U.S.C. 2052(a))) that is manufactured after the ef-
 7 fective date of such respective limit.”.

8 **SEC. 3. YOUTH OFF-HIGHWAY VEHICLES AND BICYCLES.**

9 (a) EXCEPTION.—Section 101(b) of the Consumer
 10 Product Safety Improvement Act of 2008 (15 U.S.C.
 11 1278a(b)) is amended—

12 (1) by redesignating paragraph (5) as para-
 13 graph (7); and

14 (2) by inserting after paragraph (4) the fol-
 15 lowing:

16 “(5) EXCEPTION FOR OFF-HIGHWAY VEHI-
 17 CLES.—

18 “(A) IN GENERAL.—Subsection (a) shall
 19 not apply to an off-highway vehicle.

20 “(B) OFF-HIGHWAY VEHICLE DEFINED.—

21 For purposes of this section, the term ‘off-high-
 22 way vehicle’—

23 “(i) means any motorized vehicle—

1 “(I) that is manufactured pri-
2 marily for use off public streets,
3 roads, and highways;

4 “(II) designed to travel on 2, 3,
5 or 4 wheels; and

6 “(III) have either—

7 “(aa) a seat designed to be
8 straddled by the operator and
9 handlebars for steering control;
10 or

11 “(bb) a nonstraddle seat,
12 steering wheel, seat belts, and
13 roll-over protective structure; and

14 “(ii) includes a snowmobile.

15 “(6) BICYCLES AND RELATED PRODUCTS.—In
16 lieu of the lead limits established in subsection
17 (a)(2), the limits set forth for each respective mate-
18 rial in the notice of the Commission entitled ‘Notice
19 of Stay of Enforcement Pertaining to Bicycles and
20 Related Products’, published June 30, 2009 (74
21 Fed. Reg. 31254), shall apply to any metal compo-
22 nent part of the products to which the stay of en-
23 forcement described in such notice applies, except
24 that the limits set forth in such notice shall not be
25 more than 300 parts per million total lead content

1 by weight for any metal component part of the prod-
2 ucts to which such stay pertains.”.

3 (b) DEADLINE FOR RULE BY CONSUMER PRODUCT
4 SAFETY COMMISSION ON STANDARDS FOR ALL TERRAIN
5 VEHICLES.—Section 42(d)(1) of the Consumer Product
6 Safety Act (15 U.S.C. 2089(d)(1)) is amended by striking
7 “The Commission” and inserting “Not later than 1 year
8 after the date of the enactment of the Consumer Product
9 Safety Flexibility Act of 2011, the Commission”.

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