§ 1500.213

to, or on the order of _____________________________
(Name and post-office address of person to
whom the guaranty or undertaking is
given)
is hereby guaranteed, as of the date of such
shipment or delivery, to be, on such date,
not misbranded within the meaning of the
Federal Hazardous Substances Act.
(Signature and post-office address of person
giving the guaranty or undertaking)

(c) The application of a guaranty or
undertaking referred to in section
5(b)(2) of the act to any shipment or
other delivery of an article shall expire
when such article, after shipment or
delivery by the person who gave such
 guaranty or undertaking, becomes mis-
branded within the meaning of the act.

§ 1500.213 Presentation of views under
section 7 of the act.

(a) Presentation of views under sec-
tion 7 of the act shall be private and in-
formal. The views presented shall be
confined to matters relevant to the
contemplated proceeding. Such views
may be presented by letter or in person
by the person to whom the notice was
given, or by his representative. In case
such person holds a guaranty or under-
taking referred to in section 5(b)(2) of
the act applicable to the article on
which such notice was based, such
 guaranty or undertaking, or a verified
copy thereof, shall be made a part of
such presentation of views.

(b) Upon request, reasonably made,
by the person to whom a notice ap-
pointing a time and place for the pres-
entation of views under section 7 of the
act has been given, or by his represen-
tative, such time or place, or both such
time and place, may be changed if the
request states reasonable grounds
thereof. Such request shall be ad-
dressed to the office of the Consumer
Product Safety Commission that issued
the notice.

§ 1500.214 Examinations and investiga-
tions; samples.

When any officer or employee of the
Commission collects a sample of a haz-
ardous substance for analysis under the
act, the sample shall be designated as
an official sample if records or other
evidence is obtained by him or any
other officer or employee of the Com-
mission indicating that the shipment
or other lot of the article from which
such sample was collected was intro-
duced or delivered for introduction into
interstate commerce, or was in or was
received in interstate commerce, or
was manufactured within a Territory
not organized with a legislative body.
Only samples so designated by an offi-
cer or employee of the Commission
shall be considered to be official sam-

§ 1500.220 Guidance for lead (Pb) in
consumer products.

(a) Summary. (1) The U.S. Consumer
Product Safety Commission issues this
guidance to manufacturers, importers,
distributors, and retailers to protect
children from hazardous exposure to
lead in consumer products.1 The Com-
misson identifies the major factors
that it considers when evaluating prod-
cts that contain lead, and informs the
public of its experience with products
that have exposed children to poten-
tially hazardous amounts of lead.

(2) To reduce the risk of hazardous
exposure to lead, the Commission re-
requests manufacturers to eliminate the
use of lead that may be accessible to
children from products used in or
around households, schools, or in recre-
atation. The Commission also rec-
ommends that, before purchasing prod-
ucts for resale, importers, distributors,
and retailers obtain assurances from
manufacturers that those products do
not contain lead that may be accessible
to children.

(b) Hazard. Young children are most
commonly exposed to lead in consumer
products from the direct mouthing of
objects, or from handling such objects
and subsequent hand-to-mouth activ-
ity. The specific type and frequency of

1This guidance is not a rule. It is intended
to highlight certain obligations under the
Federal Hazardous Substances Act. Compa-
nies should read that Act and the accom-
panying regulations in this part for more de-
tailed information.
behavior that a child exposed to a product will exhibit depends on the age of the child and the characteristics and pattern of use of the product. The adverse health effects of lead poisoning in children are well-documented and may have long-lasting or permanent consequences. These effects include neurological damage, delayed mental and physical development, attention and learning deficiencies, and hearing problems. Because lead accumulates in the body, even exposures to small amounts of lead can contribute to the overall level of lead in the blood and to the subsequent risk of adverse health effects. Therefore, any unnecessary exposure of children to lead should be avoided. The scientific community generally recognizes a level of 10 micrograms of lead per deciliter of blood as a threshold level of concern with respect to lead poisoning. To avoid exceeding that level, young children should not chronically ingest more than 15 micrograms of lead per day from consumer products.

(c) **Guidance.** (1) Under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(f)(1), household products that expose children to hazardous quantities of lead under reasonably foreseeable conditions of handling or use are “hazardous substances.” A household product that is not intended for children but which creates such a risk of injury because it contains lead requires precautionary labeling under the Act. 15 U.S.C. 1261(p). A toy or other article intended for use by children which contains a hazardous amount of lead that is accessible for children to ingest is a banned hazardous substance. 15 U.S.C. 1261(q)(1)(B).

(3) In several of these cases, the staff’s determination that the products presented a risk of lead poisoning resulted in recalls or in the replacement of those products with substitutes, in addition to an agreement to discontinue the use of lead in future production. The Commission believes that, had the manufacturers of these lead-containing products acted with prudence and foresight before introducing the products into commerce, they would not have used lead at all. This in turn would have eliminated both the risk to young children and the costs and other consequences associated with the corrective actions.

(4) The Commission urges manufacturers to eliminate lead in consumer products to avoid similar occurrences in the future. However, to avoid the possibility of a Commission enforcement action, a manufacturer who believes it necessary to use lead in a consumer product should perform the requisite analysis before distribution to determine whether the exposure to lead causes the product to be a “hazardous substance.” If the product is a hazardous substance and is also a children’s product, it is banned. If it is a hazardous household substance but is not intended for use by children, it requires precautionary labeling. This same type of analysis also should be performed on materials substituted for lead.
§ 1500.231 Guidance for hazardous liquid chemicals in children’s products.

(a) Summary. The U.S. Consumer Product Safety Commission issues this guidance to manufacturers, importers, distributors, and retailers to protect children from exposure to hazardous chemicals found in liquid-filled children’s products, such as rolling balls, bubble watches, necklaces, pens, paperweights, keychains, liquid timers, and mazes.1 The Commission identifies the major factors that it considers when evaluating liquid-filled children’s products that contain hazardous chemicals, and informs the public of its experience with exposure to these hazardous chemicals to children. To reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, the Commission requests manufacturers to eliminate the use of such chemicals in children’s products. The Commission also recommends that, before purchasing products for resale, importers, distributors, and retailers obtain assurances from manufacturers that liquid-filled children’s products do not contain hazardous liquid chemicals.

(b) Hazard. During reasonably foreseeable handling or use of liquid-filled children’s products, hazardous chemicals may become accessible to young children in a manner that places children at risk. Young children are exposed to the chemicals from directly mouthing them or from handling such objects and subsequent hand-to-mouth or hand-to-eye activity. The specific type and frequency of behavior that a child exposed to a product will exhibit depends on the age of the child and the characteristics and pattern of use of the product. The adverse health effects of these chemicals to children include chemical poisoning from ingestion of the chemicals, pneumonia from aspiration of the chemicals into the lungs, and skin and eye irritation from exposure to the chemicals. The chemicals may also be combustible.

(c) Guidance. (1) Under the Federal Hazardous Substances Act (FHSA), products that are toxic or irritants and that may cause substantial injury or illness under reasonably foreseeable conditions of handling or use, including reasonably foreseeable ingestion by children, are “hazardous substances.” 15 U.S.C. 1261(f)(1). A product that is not intended for children, but that creates a risk of substantial injury or illness because it contains hazardous chemicals, requires precautionary labeling under the Act. 15 U.S.C. 1261(p). A toy or other article intended for use by children that contains an accessible and harmful amount of a hazardous chemical is banned. 15 U.S.C. 1261(q)(1)(A). In evaluating the potential hazard associated with children’s products that contain hazardous chemicals, the Commission’s staff considers certain factors on a case-by-case basis, including: the total amount of the hazardous chemical in a product, the accessibility of the hazardous chemicals to children, the risk presented by that accessibility, the age and foreseeable behavior of the children exposed to the product, and the marketing, patterns of use, and life cycle of the product.

(2) The Commission’s staff has identified a number of liquid-filled children’s products, such as rolling balls, bubble watches, necklaces, pens, paperweights, maze toys, liquid timers, and keychains, that contain hazardous chemicals. In several of these cases,