CONSUMER PRODUCT SAFETY COMMISSION

Children’s Products Containing Lead; Technological Feasibility of 100 ppm for Lead Content; Notice, Reopening of the Hearing Record


ACTION: Notice, reopening of the hearing record.

SUMMARY: Section 101(a) of the Consumer Product Safety Improvement Act (“CPSIA”) provides that, as of August 14, 2011, children’s products may not contain more than 100 parts per million (“ppm”) of lead unless the U.S. Consumer Product Safety Commission (“CPSC,” “Commission,” or “we”) determines that such a limit is not technologically feasible. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children’s products. On February 16, 2011, the Commission conducted a public hearing to receive views from all interested parties about the technological feasibility of meeting the 100 ppm lead content limit for children’s products and associated public health considerations. Individual Commissioners requested at the hearing that certain participants respond to additional questions in writing, as well as submit relevant studies and additional data referenced in oral presentations. Accordingly, through this notice, the Commission is reopening the hearing record until March 24, 2011.

ADDITIONAL INFORMATION:

Electronic Submissions

Supplemental Materials may be submitted by any of the following methods:

- Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions). Preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7597; e-mail: dwilliams@cpsc.gov.
- Telecommunications (voice mail): U.S. Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7597; e-mail: dwilliams@cpsc.gov.
- Electronic Submissions: Supplemental Materials may be submitted by any of the following methods:
- Electronic Submissions: Supplemental Materials may be submitted to the Office of the Secretary by e-mail at cpsc-os@cpsc.gov.
- Written Submissions:

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions). Preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All materials received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to http://www.regulations.gov. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Concerning submission of materials: Rockelle Hammond, U.S. Consumer Product Safety Commission, Bethesda, MD 20814; telephone: (301) 504–6833; e-mail: cpscos@cpsc.gov. For all other matters: Dominique Williams, U.S. Consumer Product Safety Commission, Bethesda, MD 20814; telephone: (301) 504–7597; e-mail: dwilliams@cpsc.gov.

SUPPLEMENTARY INFORMATION:

Section 101(a)(2)(C) of the CPSIA (15 U.S.C. 1278a(a)(2)(C)) provides that, as of August 14, 2011, children’s products may not contain more than 100 parts per million (ppm) of lead unless the Commission determines that such a limit is not technologically feasible. The Commission may make this determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children’s products. Section 101(d) of the CPSIA (15 U.S.C. 1278a(d)) provides that a lead limit shall be deemed technologically feasible with regard to a product or product category if:

1. A product that complies with the limit is commercially available in the product category;
2. Technology to comply with the limit is commercially available to manufacturers or is otherwise available within the common meaning of the term;
3. Industrial strategies or devices have been developed that are capable or will be capable of achieving such a limit by the effective date of the limit and that companies, acting in good faith, are generally capable of adopting; or
4. Alternative practices, best practices, or other operational changes would allow the manufacturer to comply with the limit.

In the Federal Register of January 26, 2011 (76 FR 4641), we published a notice (“hearing notice”) announcing that the Commission would hold a public hearing pursuant to section 101(a) of the CPSIA. The hearing notice stated that the Commission was seeking information on specific issues, such as whether any product or product...
category already complies with the 100 ppm limit and what factors or considerations we should evaluate in deciding whether a technology is “commercially available.”

We held the hearing on February 16, 2011. We heard presentations by and received comments from consumer groups, manufacturers, associations, and laboratories regarding the technological feasibility of meeting the 100 ppm lead content limit. At the hearing, individual Commissioners requested that certain participants respond to additional questions in writing and submit relevant studies and additional data. Through this notice, we are announcing that we have placed individual Commissioner’s additional questions into the docket and will place any responses into the docket. The questions submitted and responses that are received will be made available on http://www.regulations.gov under Docket No. CPSC–2010–0080. Supporting and Related Material. The Commission will consider any additional material received during the reopening of the hearing record, in addition to information collected at the hearing, in the course of evaluating its response. The Commission is reopening the hearing record to add individual Commissioner’s questions to the docket and allow for responses to those questions, and so the hearing record will remain open until March 24, 2011.


Todd A. Stevenson,
Secretary, Consumer Product Safety Commission.

COUNCIL ON ENVIRONMENTAL QUALITY

Instructions for Implementing Climate Change Adaptation Planning in Accordance With Executive Order 13514

AGENCY: Council on Environmental Quality

ACTION: Notice of Availability of Climate Change Adaptation Planning Implementing Instructions

SUMMARY: The Chair of the Council on Environmental Quality (CEQ) is issuing instructions to Federal agencies for integrating climate change adaptation into agency policies and practices, as required under Executive Order 13514 (“Executive Order” or “E.O. 13514”), “Federal Leadership in Environmental, Energy, and Economic Performance,” signed by President Obama on October 5, 2009. 74 FR 52117, Oct. 8, 2009. The purpose of the Executive Order is to establish an integrated strategy toward sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies. Section 5(b) of E.O. 13514 directs the Chair of CEQ to issue instructions to implement the Executive Order. The Instructions for Implementing Climate Change Adaptation Planning are now available at: http://www.whitehouse.gov/administration/eop/ceq/initiatives/adaptation.

DATES: The Instructions for Implementing Climate Change Adaptation Planning are available as of March 4, 2011.

ADDRESSES: The Instructions for Implementing Climate Change Adaptation Planning are available at: http://www.whitehouse.gov/administration/eop/ceq/initiatives/adaptation.


SUPPLEMENTARY INFORMATION: Federal agencies are required, under Section 16 of E.O. 13514, to integrate climate change adaptation into agency policies and practices. Section 5(b) of E.O. 13514 authorizes the Chair of the Council on Environmental Quality (CEQ) to issue instructions to implement the Executive Order. The “Instructions for Implementing Climate Change Adaptation Planning” provide formal direction from the Chair of CEQ to Federal agencies on how to integrate climate change adaptation into Federal agency planning, operations, policies, and programs.

These risk management instructions provide Federal agencies and programs with practical direction on how to assess risks and identify opportunities to improve performance and resource efficiency posed by the changing climate. With this gained knowledge, Federal agencies can ensure that Federal resources are invested wisely and that Federal services and operations remain effective as the century progresses. The instructions are written to allow adaptation planning to occur within existing agency management frameworks and budgets. The instructions apply only to Federal agencies, operations, and programs. The instructions should be considered mandatory, and agencies are expected to implement them as part of their compliance with E.O. 13514.

Authority: E.O. 13514, 74 FR 52117.

Dated: March 4, 2011.

Nancy H. Sutley,
Chair.

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before April 8, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to oira_submission@omb.eop.gov with a cc: to ICDocketMgr@ed.gov. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.