

110TH CONGRESS
1ST SESSION

S. 2132

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

OCTOBER 3, 2007

Mr. REID (for Mr. OBAMA (for himself, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN)) 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) IN GENERAL.—Beginning on the date that is 30
6 days after the date of the enactment of this Act, any chil-
7 dren's product that contains more than the amount of lead
8 set forth in subsection (b) shall be treated as a banned
9 hazardous substance under the Federal Hazardous Sub-

stances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply.

(b) STANDARD FOR AMOUNT OF LEAD.—The amount of lead set forth in this subsection is—

(1) 600 parts per million lead for any part of a product, effective 30 days after the date of the enactment of this Act;

(2) 250 parts per million lead for any part of a product, effective 1 year after the date of the enactment of this Act; and

(3) 100 parts per million lead for any part of a product, effective 2 years after the date of the enactment of this Act.

(c) COMMISSION AUTHORITY TO REVISE THE STANDARD.—

(1) MORE STRINGENT STANDARD.—The Consumer Product Safety Commission may revise the standard set forth in subsection (b) to any amount of lead that is lower than the level set forth in such subsection if the Commission determines such lower amount is feasible to achieve.

(2) MANDATORY REVIEW.—After the date that is 5 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall, based on the best available scientific and tech-

1 nical information, review and revise the standard
2 then effective to require the lowest amount of lead
3 that the Commission determines is feasible to
4 achieve.

5 (d) CERTAIN ELECTRONIC DEVICES.—

6 (1) ALTERNATE STANDARD.—If the Consumer
7 Product Safety Commission determines that it is not
8 feasible for certain children’s products that are elec-
9 tronic devices to attain the standard set forth in
10 subsection (b) or (c), such products shall be
11 equipped with a child-resistant cover or casing that
12 limits exposure of, and accessibility to, the parts of
13 the product containing such amounts of lead.

14 (2) TREATMENT AS CONSUMER PRODUCT SAFE-
15 TY RULE.—The requirement of paragraph (1) shall
16 be considered to be a consumer product safety rule
17 issued by the Consumer Product Safety Commission
18 under section 9 of the Consumer Product Safety Act
19 (15 U.S.C. 2058). The Commission may establish a
20 schedule by which such electronic devices shall be in
21 full compliance with the requirement of paragraph
22 (1).

23 (e) DEFINITION OF CHILDREN’S PRODUCT.—In this
24 section, the term “children’s product” means any con-
25 sumer product marketed for use by children under age 6,

1 or whose substantial use by children under age 6 is fore-
2 seeable.

3 (f) NO PREEMPTION OF MORE PROTECTIVE STATE
4 LAWS.—Nothing in this Act preempts any law or ordi-
5 nance of a State or political subdivision of a State con-
6 taining a standard for lead in children’s products that pro-
7 vides equal or greater protection to consumers.

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