

Congress of the United States
Washington, DC 20515

January 22, 2009

The Honorable Nancy A. Nord
Acting Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: CPSIA Implication For Apparel Products Composed of Fabric or Yarn

Dear Chairman Nord:

We write with respect to the Consumer Product Safety Commission's (CPSC) ongoing regulation and implementation of the Consumer Product Safety Improvement Act of 2008 ("CPSIA" or "Act"), and to express concerns of stakeholder constituents who may be adversely impacted by unintended consequences from the implementation of an otherwise well meaning and important Act to improve consumer product safety.

We applaud your efforts to move forward with the critical work tasked to the CPSC following passage of the Act, and understand the statutory time restrictions placed on your agency given the upcoming enactment date on February 10, 2009. However, we respectfully request the CPSC take urgent action pursuant to the agency's regulatory authority under §3 of the Act, and issue a determination that children's apparel products composed of fabric or yarn do not contain lead at levels above the statutory limits of the CPSIA, thereby relieving these products from the requirements of § 102, §103, and §105 of the Act.

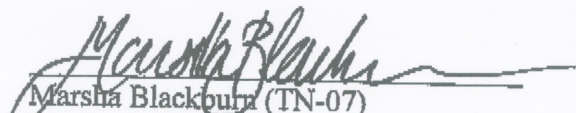
The CPSIA represents Congress and the American public's desire to prevent unsafe imported and domestically produced toys and children's products from entering the marketplace. However, constituent response strongly suggests that small business owners and others creating what we believe are inherently safe products will be adversely impacted despite Congressional intent.

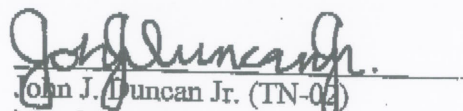
Without taking action, these small business owners may be forced to undergo the costly process of needless testing for millions of dollars worth of inventory, or worse still pull inventory off shelves in order to comply with the regulations. After all, small business owners in the clothing and apparel industry are only now beginning to realize the impact the Act will have upon their economic viability.

Given the fact that the agency's General Counsel recently signaled CPSC's intention to regulate affected industries retroactively, entire inventories that have been produced for months will need to be tested or otherwise demonstrate compliance before February 10, 2009. The financial burden for a small business owner in the impacted industry is potentially devastating, and worse still, comes at the expense of a health and safety benefit that likely does not exist.

We therefore respectfully request the CPSC, prior to the implementation date, exercise its authority under §3 of the Act, and issue a determination that children's apparel products composed of yarn or fabric do not contain lead at levels above the statutory limits of the CPSIA, thereby relieving these products from the testing, certification, and product tracking requirements of §102, §103, and §105 of the Act. In so doing, your agency will provide a tremendous service to the small business community struggling to understand complex new product safety rules, and refocus future agency enforcement efforts on products that pose a health and safety risk to the general public.

Sincerely,


Marsha Blackburn (TN-07)
Member of Congress


John J. Duncan Jr. (TN-06)
Member of Congress

CC: Commissioner Thomas Moore