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Congress of the United States
House of Representatives
Washington, DC 20515-4401

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
EDUCATION AND LABOR

COMMITTEE ON
NATURAL RESOURCES

WESTERN CAUCUS
EXECUTIVE COMMITTEE

February 6, 2009

Acting Chairman Nancy Nord
Commissioner Thomas Moore
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chairman Nord and Commissioner Moore,

The Consumer Product Safety Improvement Act (CPSIA) was signed into law on August 14th of last year after receiving broad support from both the House and Senate. We appreciate that this landmark legislation is intended to improve the safety of our nation's consumers and we support the CPSIA's goal of protecting children from harmful substances. However, we are concerned about the potential unintended consequences of the legislation.

As you know, section 101(a) of this legislation requires that all children's products meet new, stringent lead content standards. The first of these standards is set to go into effect on Tuesday, February 10th, and the CPSC General Counsel has issued an opinion that these requirements apply to current inventories. The CPSIA's lead content provisions provide a significant step in protecting children from products that present a lead risk in the real world. However, since the law was enacted, manufacturers and distributors have been actively seeking guidance from the CPSC regarding the requirements of the law and available exemptions. The existing lack of clarity may impede manufacturers and distributors from complying with the new law in a timely manner while incurring burdensome and unnecessary costs, including potentially devastating disruptions to their businesses.

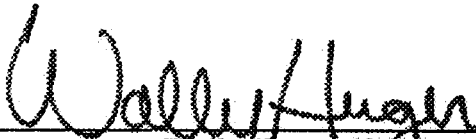
One sector particularly affected by these standards is the off-highway vehicle industry. Under the CPSC's interpretation of the CPSIA, engines, brakes, wheels, tires, and suspension parts on these vehicles must be tested and meet the lead standard due to remote concerns over lead exposure to children six years or older. While the law provides for some exclusions for inaccessible components and also authorizes the CPSC to grant exemptions under certain conditions, to date the CPSC has not done so for products in the off-highway vehicle industry. The CPSC has released several proposals addressing potential exclusions and specifying procedures it might follow to process exclusion requests from manufacturers and distributors. However, these notices come too late to provide the necessary guidance for compliance by the February 10th enforcement date. This situation has the potential to result in huge inventories of products - which present no health risk to children - to be rendered retroactively illegal, and

prohibit the future sale of these products because all available exemptions have yet to be clarified. Preventing such severe economic hardship to this sector of our economy, especially during a time of already unprecedented economic conditions, was certainly not the intent of Congress.

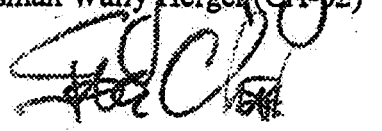
As members of the Congressional Western Caucus, we represent vast areas of public lands that host millions of recreational off-highway vehicle users each year. Off-highway vehicle recreation is enjoyed by all ages and contributes significantly to the national economy as well as our state and local economies. We thus urge the CPSC to grant the petition for temporary exclusions submitted by the snowmobile, ATV, and off-highway motorcycle industry that mirrors both the EU standards and what was recently adopted by the CPSC for electronics. In doing so, the CPSC would be engaging in a reasonable interpretation and implementation of the law. Congress included an exclusion process in the CPSIA expressly to allow for relief for components - such as those contained in these products - that are unlikely to harm children in the real world.

To avoid the unfortunate scenario described above, while ensuring reasonable and responsible implementation of the CPSIA and protecting our constituents and the nation's consumers, we urge the CPSC to act now to grant this petition, pending completion of final guidance from the CPSC on these matters.

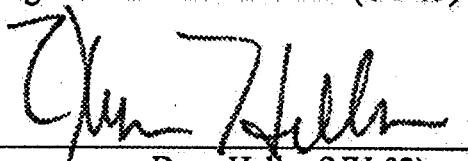
Sincerely,

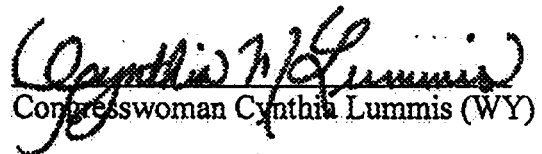

Congressman Wally Herger (CA-02)


Congressman Rob Bishop (UT-01)


Congressman Jason Chaffetz (UT-03)


Congressman Doug Lamborn (CO-05)


Congressman Dean Heller (NV-02)


Congresswoman Cynthia Lummis (WY)