

February 26, 2010

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East West Highway
Bethesda, Maryland 20814

**RE: DECEMBER 28, 2009 FEDERAL REGISTER NOTICE OF PETITION
REQUESTING COMPONENT PART TESTING FOR SPRAY SAMPLING, MULTIPLE
STAMPING, AND FINISHED COMPONENT PART TESTING REQUEST FOR
COMMENTS (DOCKET NO. CPSC-2009-0108)**

Dear Mr. Stevenson:

We are writing in response to the request for comments by the Consumer Product Safety Commission (CPSC) regarding the "Petition to Authorize the Use of 'Spray Sampling', 'Multiple Stamping', and 'Finished Component Testing' to the Lead Paint Standard (16 C.F.R. § 1303)" (the Petition) set forth by the American Apparel & Footwear Association (AAFA) in conjunction with Intertek Consumer Goods NA, Inc.

At the outset, we strongly support supplier-based, component testing as laid out in the December 28, 2009 "Interim Enforcement Policy on Component Testing & Certifications of Children's Products & Other Consumer Products to the August 14, 2009 Lead Limits" (Interim Policy). The CPSC's "Testing Rulemaking" mandated by Section 14(d)(2)(B) of the Consumer Product Safety Act (CPSA) (15 U.S.C. § 2063(a)(2)), as amended by the CPSIA, should ultimately reflect and expand on the Interim Policy's supplier-based testing and certification protocols. Supplier-based testing and certification are crucial elements to a sustainable and practical product testing regime.

Until the CPSC comes out with the Testing Rulemaking, it is extremely important that the CPSC adopt the testing protocols laid out in the Petition.¹ While the Interim Policy is a firm and intelligent step forward in the development of a final testing and certification ruling, the "interim" nature has prevented many from acting on it. Many are apprehensive to initiate supplier-based component testing and certification for fear that the pending Testing Rulemaking will undo the flexibility offered in the Interim Policy and require more stringent and constraining testing protocols. As a result, many manufacturers are still employing overly-burdensome and excessively costly testing procedures.

Approving spray sampling, multiple stamping, and finished component testing (as described by the petition) as **final rules** will give manufacturers confidence to move towards a more reasonable testing program while stakeholders wait for the CPSC to issue the final Testing Rulemaking. These methods of testing not only save manufacturers, especially small businesses, from having to destroy valuable inventories for testing purposes, but are also shown to account for improved reliability and consistency of results by providing a larger and uniform testing surface than traditional final product scraping.

In light of the Interim Policy and other CPSC decisions that are enabling companies to employ more flexible testing programs like component testing, we request that the finished component part testing protocols *not* require a final product in addition to the finished component parts.

¹ While inserting the testing protocols as an amendment to 16 C.F.R. § 1303 is the ultimate request of the petitioners, alternatively, in interest of time and/or practicality, the CPSC may consider amending *Test Method CPSC-CH-1003-09 Standard Operating Procedure for Determining Lead (Pb) in Paint and Other Similar Surface Coatings* to include the petition's test methods.

Attachment A of the Petition states, “Instead of submitting a large number of finished cars, additional wheels could be submitted *with multiple finished products*” and “This petition seeks formal acceptance from the CPSC to allow the manufacturer to submit to the lab additional snaps *in addition to the final garment*” (emphasis added). We believe that the final products do not need to be submitted in addition to the finished components. In the case of the toy truck example, submitting only the wheels would be sufficient. In the case of the baby’s garment, submitting only the snaps would be sufficient.

Thank you for your consideration of and for the opportunity to submit these comments. If you have any additional questions regarding our position, please contact Rebecca Mond at rmond@apparelandfootwear.org.

Sincerely,

Alliance for Children’s Product Safety
American Apparel & Footwear Association
American Fiber Manufacturers Association
American Home Furnishings Alliance
California Fashion Association
Fashion Accessories Shippers Association
Fashion Jewelry Trade Association
INDA, Association of the Nonwoven Fabrics Industry
National Bulk Vendors Association
National Cotton Council
National Council of Textile Organizations
National Retail Federation
National Textile Association
Retail Industry Leaders Association
Specialty Graphic Imaging Association
The Hosiery Association
Travel Goods Association