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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R.

To provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BONO MACK (for herself and Mr. BUTTERFIELD) introduced the following bill; which was referred to the Committee on

A BILL

To provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, 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. LIMITATION ON LEAD IN CHILDREN'S PROD-**
4 **UCTS.**

5 (a) PROSPECTIVE APPLICATION OF LEAD LIMIT FOR
6 CHILDREN'S PRODUCTS.—Section 101(a) of the Con-
7 sumer Product Safety Improvement Act of 2008 (15

1 U.S.C. 1278a(a)) is amended by adding at the end the
2 following:

3 “(3) APPLICATION.—Each limit set forth in
4 paragraph (2) (except for the limit set forth in sub-
5 paragraphs (A) and (B)) shall apply only to a chil-
6 dren’s product (as defined in section 3(a) of the
7 Consumer Product Safety Act (15 U.S.C. 2052(a)))
8 that is manufactured after the effective date of such
9 respective limit.”.

10 (b) ALTERNATIVE LIMITS AND EXCEPTIONS.—Sec-
11 tion 101(b) of such Act (15 U.S.C. 1278a(b)(1)) is
12 amended—

13 (1) by striking paragraph (1) and inserting the
14 following:

15 “(1) FUNCTIONAL PURPOSE EXCEPTION.—

16 “(A) IN GENERAL.—The Commission, on
17 its own initiative or upon petition by an inter-
18 ested party, shall grant an exception to the
19 limit in subsection (a) for a specific product,
20 class of product, material, or component part if
21 the Commission, after notice and a hearing, de-
22 termines that—

23 “(i) the product, class of product, ma-
24 terial, or component part requires the in-
25 clusion of lead because it is not practicable

1 or not technologically feasible to manufac-
2 ture such product, class of product, mate-
3 rial, or component part, as the case may
4 be, in accordance with subsection (a) by
5 removing the excessive lead or by making
6 the lead inaccessible;

7 “(ii) the product, class of product,
8 material, or component part is not likely to
9 be placed in the mouth or ingested, taking
10 into account normal and reasonably fore-
11 seeable use and abuse of such product,
12 class of product, material, or component
13 part by a child; and

14 “(iii) an exception for the product,
15 class of product, material, or component
16 part will have no measurable adverse effect
17 on public health or safety, taking into ac-
18 count normal and reasonably foreseeable
19 use and abuse.

20 “(B) MEASUREMENT.—For purposes of
21 subparagraph (A)(iii), there is no measurable
22 adverse effect on public health or safety if the
23 exception described in subparagraph (A) will re-
24 sult in no measurable increase in blood lead lev-
25 els of a child. The Commission may adopt an

1 alternative method of measurement other than
2 blood lead levels if it determines, after notice
3 and a hearing, that such alternative method is
4 a better scientific method for measuring adverse
5 effect on public health and safety.

6 “(C) PROCEDURES FOR GRANTING EXCEP-
7 TION.—

8 “(i) BURDEN OF PROOF.—A party
9 seeking an exception under subparagraph
10 (A) has the burden of demonstrating that
11 it meets the requirements of such subpara-
12 graph.

13 “(ii) GROUNDS FOR DECISION.—In
14 the case where a party has petitioned for
15 an exception, in determining whether to
16 grant the exception, the Commission may
17 base its decision solely on the materials
18 presented by the party seeking the excep-
19 tion and any materials received through
20 notice and a hearing.

21 “(iii) ADMISSIBLE EVIDENCE.—In
22 demonstrating that it meets the require-
23 ments of subparagraph (A), a party seek-
24 ing an exception under such subparagraph
25 may rely on any nonproprietary informa-

1 tion submitted by any other party seeking
2 such an exception and such information
3 shall be considered part of the record pre-
4 sented by the party that relies on that in-
5 formation.

6 “(iv) SCOPE OF EXCEPTION.—If an
7 exception is sought for an entire product,
8 the burden is on the petitioning party to
9 demonstrate that the criteria in subpara-
10 graph (A) are met with respect to every ac-
11 cessible component or accessible material
12 of the product.

13 “(D) LIMITATION ON EXCEPTION.—If the
14 Commission grants an exception for a product,
15 class of product, material, or component part
16 under subparagraph (A), the Commission may,
17 as necessary to protect public health or safe-
18 ty—

19 “(i) establish a lead limit that such
20 product, class of product, material, or com-
21 ponent part may not exceed; or

22 “(ii) place a manufacturing expiration
23 date on such exception or establish a
24 schedule after which the manufacturer of
25 such product, class of product, material, or

1 component part shall be in full compliance
2 with the limit established under clause (i)
3 or the limit set forth in subsection (a).

4 “(E) APPLICATION OF EXCEPTION.—An
5 exception under subparagraph (A) for a prod-
6 uct, class of product, material, or component
7 part shall apply regardless of the date of manu-
8 facture unless the Commission expressly pro-
9 vides otherwise.

10 “(F) PREVIOUSLY SUBMITTED PETI-
11 TIONS.—A party seeking an exception under
12 this paragraph may rely on materials previously
13 submitted in connection with a petition for ex-
14 clusion under this section. In such cases, peti-
15 tioners must notify the Commission of their in-
16 tent to rely on materials previously submitted.
17 Such reliance does not affect petitioners’ obliga-
18 tion to demonstrate that they meet all require-
19 ments of this paragraph as required by sub-
20 paragraph (C)(i).”;

21 (2) in paragraph (2)(A), by striking “include
22 to,” and inserting “include”; and

23 (3) by redesignating paragraph (5) as para-
24 graph (8) and inserting after paragraph (4) the fol-
25 lowing:

1 “(5) EXCEPTION FOR OFF-HIGHWAY VEHI-
2 CLES.—

3 “(A) IN GENERAL.—Subsection (a) shall
4 not apply to an off-highway vehicle.

5 “(B) OFF-HIGHWAY VEHICLE DEFINED.—
6 For purposes of this section, the term ‘off-high-
7 way vehicle’—

8 “(i) means any motorized vehicle—

9 “(I) that is manufactured pri-
10 marily for use off public streets,
11 roads, and highways;

12 “(II) designed to travel on 2, 3,
13 or 4 wheels; and

14 “(III) that has either—

15 “(aa) a seat designed to be
16 straddled by the operator and
17 handlebars for steering control;
18 or

19 “(bb) a nonstraddle seat,
20 steering wheel, seat belts, and
21 roll-over protective structure; and

22 “(ii) includes a snowmobile.

23 “(6) BICYCLES AND RELATED PRODUCTS.—In
24 lieu of the lead limits established in subsection
25 (a)(2), the limits set forth for each respective mate-

1 rial in the notice of the Commission entitled ‘Notice
2 of Stay of Enforcement Pertaining to Bicycles and
3 Related Products’, published June 30, 2009 (74
4 Fed. Reg. 31254), shall apply to any metal compo-
5 nent part of the products to which the stay of en-
6 forcement described in such notice applies, except
7 that after December 31, 2011, the limits set forth
8 in such notice shall not be more than 300 parts per
9 million total lead content by weight for any metal
10 component part of the products to which such stay
11 pertains.

12 “(7) EXCLUSION OF CERTAIN USED CHIL-
13 DREN’S PRODUCTS.—

14 “(A) GENERAL EXCLUSION.—The lead
15 limits established under subsection (a) shall not
16 apply to a used children’s product.

17 “(B) DEFINITION.—In this paragraph, the
18 term ‘used children’s product’ means a chil-
19 dren’s product (as defined in section 3(a) of the
20 Consumer Product Safety Act (15 U.S.C.
21 2052(a)) that was obtained by the seller for use
22 and not for the purpose of resale or was ob-
23 tained by the seller, either directly or indirectly,
24 from a person who obtained such children’s
25 product for use and not for the purpose of re-

1 sale. Such term also includes a children’s prod-
2 uct that was donated to the seller for charitable
3 distribution or resale to support charitable pur-
4 poses. Such term shall not include—

5 “(i) children’s metal jewelry;

6 “(ii) any children’s product for which
7 the donating party or the seller has actual
8 knowledge that the product is in violation
9 of the lead limits in this section; or

10 “(iii) any other children’s product or
11 product category that the Commission de-
12 termines, after notice and a hearing.

13 For purposes of this definition, the term ‘seller’
14 includes a person who lends or donates a used
15 children’s product.”.

16 **SEC. 2. APPLICATION OF THIRD PARTY TESTING REQUIRE-**
17 **MENTS.**

18 (a) IN GENERAL.—Section 14(d) of the Consumer
19 Product Safety Act (15 U.S.C. 2063(d)) is amended—

20 (1) in paragraph (2)(B)(ii), by striking “ran-
21 dom” and inserting “representative”; and

22 (2) by adding at the end the following:

23 “(3) REDUCING THIRD PARTY TESTING BUR-
24 DENS.—

1 “(A) ASSESSMENT.—Not later than 60
2 days after the date of enactment of this para-
3 graph, the Commission shall seek public com-
4 ment on opportunities to reduce the cost of
5 third party testing requirements consistent with
6 assuring compliance with any applicable con-
7 sumer product safety rule, ban, standard, or
8 regulation. The request for public comment
9 shall include the following:

10 “(i) The extent to which the use of
11 materials subject to regulations of another
12 government agency that requires third
13 party testing of those materials may pro-
14 vide sufficient assurance of conformity
15 with an applicable consumer product safety
16 rule, ban, standard, or regulation without
17 further third party testing.

18 “(ii) The extent to which modification
19 of the certification requirements may have
20 the effect of reducing redundant third
21 party testing by or on behalf of 2 or more
22 importers of a product that is substantially
23 similar or identical in all material respects.

24 “(iii) The extent to which products
25 with a substantial number of different

1 components subject to third party testing
2 may be evaluated to show compliance with
3 an applicable rule, ban, standard, or regu-
4 lation by third party testing of a subset of
5 such components selected by a third party
6 conformity assessment body.

7 “(iv) The extent to which manufactur-
8 ers with a substantial number of substan-
9 tially similar products subject to third
10 party testing may reasonably make use of
11 sampling procedures that reduce the over-
12 all test burden without compromising the
13 benefits of third party testing.

14 “(v) The extent to which evidence of
15 conformity with other national or inter-
16 national governmental standards may pro-
17 vide assurance of conformity to consumer
18 product safety rules, bans, standards, or
19 regulations applicable under this Act.

20 “(vi) The extent to which technology,
21 other than the technology already approved
22 by the Commission, exists for third party
23 conformity assessment bodies to test or to
24 screen for testing consumer products sub-
25 ject to a third party testing requirement.

1 “(vii) Other techniques for lowering
2 the cost of third party testing consistent
3 with assuring compliance with the applica-
4 ble consumer product safety rules, bans,
5 standards, and regulations.

6 “(B) REGULATIONS.—Following the public
7 comment period described in subparagraph (A),
8 but not later than 1 year after the date of en-
9 actment of this paragraph, the Commission
10 shall review the public comments and may pre-
11 scribe new or revised third party testing regula-
12 tions if it determines that such regulations will
13 reduce third party testing costs consistent with
14 assuring compliance with the applicable con-
15 sumer product safety rules, bans, standards,
16 and regulations.

17 “(C) REPORT.—If the Commission deter-
18 mines that it lacks authority to implement an
19 opportunity for reducing the costs of third-
20 party testing consistent with assuring compli-
21 ance with the applicable consumer product safe-
22 ty rules, bans, standards, and regulations, it
23 shall transmit a report to Congress reviewing
24 those opportunities, along with any rec-

1 ommendations for any legislation to permit
2 such implementation.

3 “(4) SPECIAL RULES FOR SMALL BATCH MANU-
4 FACTURERS.—

5 “(A) SPECIAL CONSIDERATION; EXEMP-
6 TION.—

7 “(i) CONSIDERATION; ALTERNATIVE
8 REQUIREMENTS.—Subject to subparagraph
9 (C), in implementing third party testing
10 requirements under this section, the Com-
11 mission shall take into consideration any
12 economic, administrative, or other limits
13 on the ability of small batch manufacturers
14 to comply with such requirements and
15 shall, after notice and a hearing, provide
16 alternative testing requirements for cov-
17 ered products manufactured by small batch
18 manufacturers in lieu of those required
19 under subsection (a) or (b). Any such al-
20 ternative requirements shall provide for
21 reasonable methods to assure compliance
22 with any applicable consumer product safe-
23 ty rule, ban, standard, or regulation. The
24 Commission may allow such alternative
25 testing requirements for small batch manu-

1 facturers with respect to a specific product
2 or product class or with respect to a spe-
3 cific safety rule, ban, standard, or regula-
4 tion, or portion thereof.

5 “(ii) EXEMPTION.—If the Commission
6 determines that no alternative testing re-
7 quirement is available or economically
8 practicable, it shall exempt small batch
9 manufacturers from third party testing re-
10 quirements under subsections (a) and (b).

11 “(iii) CERTIFICATION.—In lieu of or
12 as part of any alternative testing require-
13 ments provided under clause (i), the Com-
14 mission may allow certification of a prod-
15 uct to an applicable consumer product
16 safety rule, ban, standard, or regulation, or
17 portion thereof, based on documentation
18 that the product complies with another na-
19 tional or international governmental stand-
20 ard or safety requirement that the Com-
21 mission determines is the same or more
22 stringent than the consumer product safety
23 rule, ban, standard, or regulation, or por-
24 tion thereof. Any such certification shall
25 only be allowed to the extent of the equiva-

1 lency with a consumer product safety rule,
2 ban, standard, or regulation and not to
3 any other part of the consumer product
4 safety rule, ban, standard, or regulation.

5 “(iv) RESTRICTION.—Except as pro-
6 vided in subparagraph (C), and except
7 where the Commission determines that the
8 manufacturer does not meet the definition
9 of a small batch manufacturer, for any
10 small batch manufacturer registered pursu-
11 ant to subparagraph (B), the Commission
12 may not require third party testing of a
13 covered product by a third party con-
14 formity assessment body until the Commis-
15 sion has provided either an alternative
16 testing requirement or an exemption in ac-
17 cordance with clause (i) or (ii), respec-
18 tively.

19 “(B) REGISTRATION.—Any small batch
20 manufacturer that utilizes alternative require-
21 ments or an exemption under this paragraph
22 shall register with the Commission prior to
23 using such alternative requirements or exemp-
24 tions pursuant to any guidelines issued by the
25 Commission to carry out this requirement.

1 “(C) LIMITATION.—The Commission shall
2 not provide or permit to continue in effect any
3 alternative requirements or exemption from
4 third party testing requirements under this
5 paragraph where it determines, based on notice
6 and a hearing, that full compliance with sub-
7 section (a) or (b) is reasonably necessary to
8 protect public health or safety. The Commission
9 shall not provide any alternative requirements
10 or exemption for—

11 “(i) any of the third party testing re-
12 quirements described in clauses (i) through
13 (v) of subsection (a)(3)(B); or

14 “(ii) durable infant or toddler prod-
15 ucts, as defined in section 104(f) of the
16 Consumer Product Safety Improvement
17 Act of 2008 (15 U.S.C. 2056a(f)).

18 “(D) SUBSEQUENT MANUFACTURER.—
19 Nothing in this paragraph shall be construed to
20 affect third party testing or any other require-
21 ments with respect to a subsequent manufac-
22 turer or other entity that uses components pro-
23 vided by one or more small batch manufactur-
24 ers.

1 “(E) DEFINITIONS.—For purposes of this
2 paragraph—

3 “(i) the term ‘covered product’ means
4 a consumer product manufactured by a
5 small batch manufacturer where no more
6 than 7,500 units of the same product were
7 manufactured in the previous calendar
8 year; and

9 “(ii) the term ‘small batch manufac-
10 turer’ means a manufacturer that had no
11 more than \$1,000,000 in total gross rev-
12 enue from sales of all consumer products
13 in the previous calendar year. The dollar
14 amount contained in this paragraph shall
15 be adjusted annually by the percentage in-
16 crease in the Consumer Price Index for all
17 urban consumers published by the Depart-
18 ment of Labor.

19 For purposes of determining the total gross rev-
20 enue for all sales of all consumer products of a
21 manufacturer under this subparagraph, such
22 total gross revenue shall be considered to in-
23 clude all gross revenue from all sales of all con-
24 sumer products of each entity that controls, is
25 controlled by, or is under common control with

1 such manufacturer. The Commission shall take
2 steps to ensure that all relevant business affili-
3 ations are considered in determining whether or
4 not a manufacturer meets this definition.

5 “(5) EXCLUSION FROM THIRD PARTY TEST-
6 ING.—

7 “(A) CERTAIN PRINTED MATERIALS.—

8 “(i) IN GENERAL.—The third party
9 testing requirements established under
10 subsection (a) shall not apply to ordinary
11 books or ordinary paper-based printed ma-
12 terials.

13 “(ii) DEFINITIONS.—

14 “(I) ORDINARY BOOK.—The term
15 ‘ordinary book’ means a book printed
16 on paper or cardboard, printed with
17 inks or toners, and bound and fin-
18 ished using a conventional method,
19 and that is intended to be read or has
20 educational value. Such term does not
21 include books with inherent play
22 value, books designed or intended for
23 a child 3 years of age or younger, and
24 does not include any toy or other arti-

1 ele that is not a book that is sold or
2 packaged with an ordinary book.

3 “(II) ORDINARY PAPER-BASED
4 PRINTED MATERIALS.—The term ‘or-
5 dinary paper-based printed materials’
6 means materials printed on paper or
7 cardboard, such as magazines, post-
8 ers, greeting cards, and similar prod-
9 ucts, that are printed with inks or
10 toners and bound and finished using a
11 conventional method.

12 “(III) EXCLUSIONS.—Such terms
13 do not include books or printed mate-
14 rials that contain components that are
15 printed on material other than paper
16 or cardboard or contain nonpaper-
17 based components such as metal or
18 plastic parts or accessories that are
19 not part of the binding and finishing
20 materials used in a conventional
21 method.

22 “(B) METAL COMPONENT PARTS OF BICY-
23 CLES.—The third party testing requirements
24 established under subsection (a) shall not apply
25 to metal component parts of bicycles with re-

1 spect to compliance with the lead content limits
2 in place pursuant to section 101(b)(6) of the
3 Consumer Product Safety Improvement Act of
4 2008.”.

5 (b) PROHIBITED ACT.—Section 19(a)(14) of the
6 Consumer Product Safety Act (15 U.S.C. 2068(a)(14)) is
7 amended by striking the period and inserting “, or to sub-
8 divide the production of any children’s product into small
9 quantities that have the effect of evading any third party
10 testing requirements under section 14(a)(2);”.

11 **SEC. 3. APPLICATION OF AND PROCESS FOR UPDATING DU-**
12 **RABLE NURSERY PRODUCTS STANDARDS.**

13 (a) UPDATING STANDARD.—Section 104(b) of the
14 Consumer Product Safety Improvement Act of 2008 (15
15 U.S.C. 2056a(b)) is amended by adding at the end the
16 following:

17 “(4) PROCESS FOR CONSIDERING SUBSEQUENT
18 REVISIONS TO VOLUNTARY STANDARD.—

19 “(A) NOTICE OF ADOPTION OF VOL-
20 UNTARY STANDARD.—When the Commission
21 promulgates a consumer product safety stand-
22 ard under this subsection that is based, in
23 whole or in part, on a voluntary standard, the
24 Commission shall notify the organization that
25 issued the voluntary standard of the Commis-

1 sion’s action and shall provide a copy of the
2 consumer product safety standard to the orga-
3 nization.

4 “(B) COMMISSION ACTION ON REVISED
5 VOLUNTARY STANDARD.—If an organization re-
6 vises a standard that has been adopted, in
7 whole or in part, as a consumer product safety
8 standard under this subsection, it shall notify
9 the Commission. The revised voluntary stand-
10 ard shall be considered to be a consumer prod-
11 uct safety standard issued by the Commission
12 under section 9 of the Consumer Product Safe-
13 ty Act (15 U.S.C. 2058), effective 180 days
14 after the date on which the organization notifies
15 the Commission (or such later date specified by
16 the Commission in the Federal Register) unless,
17 within 90 days after receiving that notice, the
18 Commission notifies the organization that it has
19 determined that the proposed revision does not
20 improve the safety of the consumer product cov-
21 ered by the standard and that the Commission
22 is retaining the existing consumer product safe-
23 ty standard.”.

24 (b) APPLICATION OF STANDARD.—Section 104(c) of
25 the Consumer Product Safety Improvement Act of 2008

1 (15 U.S.C. 2056a(e)) is amended by redesignating para-
2 graph (3) as paragraph (4) and inserting after paragraph
3 (2) the following:

4 “(3) APPLICATION OF ANY REVISION.—With re-
5 spect to any revision of the standard promulgated
6 under subsection (b)(1)(B) subsequent to the initial
7 promulgation of a standard under such subsection,
8 paragraph (1) shall apply only to a person that man-
9 ufactures or imports cribs, unless the Commission
10 determines that application to any other person de-
11 scribed in paragraph (2) is necessary to protect
12 against an unreasonable risk to health or safety. If
13 the Commission determines that application to a
14 person described in paragraph (2) is necessary, it
15 shall provide not less than 12 months for such per-
16 son to come into compliance.”.

17 **SEC. 4. APPLICATION OF SECTION 106 TO FDA-REGULATED**
18 **PRODUCTS.**

19 Section 106(a) of the Consumer Product Safety Im-
20 provement Act of 2008 (15 U.S.C. 2056b(a)) is amended
21 by inserting “or any provision that restates or incor-
22 porates a regulation promulgated by the Food and Drug
23 Administration or any statute administered by the Food
24 and Drug Administration” after “or by statute”.

1 **SEC. 5. APPLICATION OF PHTHALATES LIMIT.**

2 (a) ACCESSIBLE, PLASTICIZED COMPONENT
3 PARTS.—Section 108 of the Consumer Product Safety Im-
4 provement Act of 2008 (15 U.S.C. 2057c) is amended—

5 (1) by redesignating subsections (c) through (e)
6 as subsections (e) through (g), respectively; and

7 (2) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) APPLICATION.—Effective on the date of enact-
10 ment of this Act, subsections (a) and (b)(1) and any rule
11 promulgated under subsection (b)(3) shall apply to any
12 plasticized component part of a children’s toy or child care
13 article or any other component part of a children’s toy
14 or child care article that is made of other materials that
15 may contain phthalates.

16 “(d) EXCLUSION FOR INACCESSIBLE COMPONENT
17 PARTS.—

18 “(1) IN GENERAL.—The prohibitions estab-
19 lished under subsections (a) and (b) shall not apply
20 to any component part of a children’s toy or child
21 care article that is not accessible to a child through
22 normal and reasonably foreseeable use and abuse of
23 such product, as determined by the Commission. A
24 component part is not accessible under this para-
25 graph if such component part is not physically ex-
26 posed by reason of a sealed covering or casing and

1 does not become physically exposed through reason-
2 ably foreseeable use and abuse of the product. Rea-
3 sonably foreseeable use and abuse shall include swal-
4 lowing, mouthing, breaking, or other children's ac-
5 tivities, and the aging of the product.

6 “(2) LIMITATION.—The Commission may re-
7 voke an exclusion or all exclusions granted under
8 paragraph (1) at any time and require that any or
9 all component parts manufactured after such exclu-
10 sion is revoked comply with the prohibitions estab-
11 lished under subsections (a) and (b) if the Commis-
12 sion finds, based on scientific evidence, that such
13 compliance is necessary to protect the public health
14 or safety.

15 “(3) INACCESSIBILITY PROCEEDING.—Within 1
16 year after the date of enactment of this subsection,
17 the Commission shall—

18 “(A) promulgate a rule providing guidance
19 with respect to what product components, or
20 classes of components, will be considered to be
21 inaccessible for purposes of paragraph (1); or

22 “(B) adopt the same guidance with respect
23 to inaccessibility that was adopted by the Com-
24 mission with regards to accessibility of lead
25 under section 101(b)(2)(B), with additional

1 consideration, as appropriate, of whether such
2 component can be placed in a child's mouth.

3 “(4) APPLICATION PENDING COMMISSION GUID-
4 ANCE.—Until the Commission promulgates a rule
5 pursuant to paragraph (3), the determination of
6 whether a product component is inaccessible to a
7 child shall be made in accordance with the require-
8 ments laid out in paragraph (1) for considering a
9 component to be inaccessible to a child.”.

10 **SEC. 6. AUTHORITY TO MODIFY TRACKING LABELS RE-**
11 **QUIREMENT.**

12 Section 14(a)(5) of the Consumer Product Safety Act
13 (15 U.S.C. 2063(a)(5)) is amended—

14 (1) by striking “Effective 1 year” and inserting
15 “(A) Effective 1 year”;

16 (2) by redesignating subparagraphs (A) and
17 (B) as clauses (i) and (ii), respectively; and

18 (3) by adding at the end the following:

19 “(B) The Commission may, by regulation, exclude a
20 specific product or class of products from the require-
21 ments in subparagraph (A) if the Commission determines
22 that it is not practicable for such product or class of prod-
23 ucts to bear the marks required by such subparagraph.
24 The Commission may establish alternative requirements
25 for any product or class of products excluded under the

1 preceding sentence consistent with the purposes described
2 in clauses (i) and (ii) of subparagraph (A).”.

3 **SEC. 7. IMPROVED PRODUCT IDENTIFICATION FOR PUBLIC**
4 **DATABASE.**

5 Section 6A(c) of the Consumer Product Safety Act
6 (15 U.S.C. 2055a(c)) is amended—

7 (1) in paragraph (3)(A), by inserting “or para-
8 graph (5)” after “paragraph (4)(A)”;

9 (2) in paragraph (4)(A), by striking “deter-
10 mines that the information in such report or com-
11 ment is materially inaccurate, the Commission
12 shall—” and inserting “receives notice that the in-
13 formation in such report or comment is materially
14 inaccurate, the Commission shall stay the publica-
15 tion of the report on the database as required under
16 paragraph (3) for a period of no more than 5 addi-
17 tional days. If the Commission determines that the
18 information in such report or comment is materially
19 inaccurate, the Commission shall—”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(5) **OBTAINING CERTAIN PRODUCT IDENTI-**
23 **FICATION INFORMATION.**—

24 “(A) **IN GENERAL.**—If the Commission re-
25 ceives a report described in subsection (b)(1)(A)

1 that does not include the model or serial num-
2 ber of the consumer product concerned, the
3 Commission shall seek from the individual or
4 entity submitting the report such model or se-
5 rial number or, if such model or serial number
6 is not available, a photograph of the product. If
7 the Commission obtains information relating to
8 the serial or model number of the product or a
9 photograph of the product, it shall immediately
10 forward such information to the manufacturer
11 of the product. The Commission shall make the
12 report available in the database on the 15th
13 business day after the date on which the Com-
14 mission transmits the report under paragraph
15 (1) and shall include in the database any addi-
16 tional information about the product obtained
17 under this paragraph.

18 “(B) RULE OF CONSTRUCTION.—Nothing
19 in this paragraph shall be construed to—

20 “(i) permit the Commission to delay
21 transmission of the report under para-
22 graph (1) until the Commission has ob-
23 tained the model or serial number or a
24 photograph of the consumer product con-
25 cerned; or

1 “(ii) make inclusion in the database of
2 a report described in subsection (b)(1)(A)
3 contingent on the availability of the model
4 or serial number or a photograph of the
5 consumer product concerned.”.

6 **SEC. 8. SUBPOENA AUTHORITY.**

7 Section 27(b) of the Consumer Product Safety Act
8 (15 U.S.C. 2076(b)) is amended—

9 (1) in paragraph (3), by inserting “and phys-
10 ical” after “documentary”;

11 (2) in paragraph (8), by striking “and”;

12 (3) by redesignating paragraph (9) as para-
13 graph (10) and inserting after paragraph (8) the fol-
14 lowing:

15 “(9) to delegate to the general counsel of the
16 Commission the authority to issue subpoenas solely
17 to Federal, State, or local government agencies for
18 evidence described in paragraph (3); and”; and

19 (4) in paragraph (10) (as so redesignated), by
20 inserting “(except as provided in paragraph (9))”
21 after “paragraph (3)”.

1 **SEC. 9. DEADLINE FOR RULE BY CONSUMER PRODUCT**
2 **SAFETY COMMISSION ON STANDARDS FOR**
3 **ALL TERRAIN VEHICLES.**

4 The Commission shall issue the final rule described
5 in section 42(d) of the Consumer Product Safety Act (15
6 U.S.C. 2089(d)) not later than one year after the date
7 of enactment of this Act.

8 **SEC. 10. TECHNICAL AMENDMENTS.**

9 (a) CPSA.—Section 14 of the Consumer Product
10 Safety Act (15 U.S.C. 2063) is further amended by redес-
11 ignating the second subsection (d) as subsection (i).

12 (b) CPSIA.—Section 101(a)(1) of the Consumer
13 Product Safety Improvement Act of 2008 (15 U.S.C.
14 1278a(a)(1)) is amended by striking “(as defined in sec-
15 tion 3(a)(16) of the Consumer Product Safety Act (15
16 U.S.C. 2052(a)(16)))” and inserting “(as defined in sec-
17 tion 3(a) of the Consumer Product Safety Act (15 U.S.C.
18 2052(a)))”.

19 **SEC. 11. EFFECTIVE DATE.**

20 Except as provided otherwise, the amendments made
21 by this Act shall take effect on the date of enactment of
22 this Act.