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Subject: CPSIA - My 2/24/09 Testimony/Letter on TSCA (The Risks of Precautionary Laws Based on Our Experience with the CPSIA)

Please find attached my letter to Rep. Bobby Rush and Rep. George Radanovich on the Toxic Substances Control Act (TSCA) dated February 24, 2009. This letter was entered into the record of the February 26 hearings held by Rep. Rush's subcommittee on the revision or amendment of

TSCA. The subcommittee is apparently considering changing the focus of TSCA into a precautionary law much like the EU's REACH. Interestingly, to change TSCA into a precautionary law would require overlooking the terrible example of the CPSIA, a blatantly precautionary law that avoids all concept of risk assessment. As Gib Mullan, Director of the Office of Compliance and Field Operations of the CPSC stated on February 26 at the ICPHSO Conference in Orlando, Florida (www.icphso.org), "Congress made it clear that [the CPSC is] to get away from 'that kind of analysis'". Thus, the CPSC is a precautionary law in which the regulatory agency is prohibited from considering if there is ANY risk associated with banned or restricted products.

This can cause severe problems, as I have pointed out in many previous letters. Please read the attached letter.

Please amend the CPSIA urgently before it singlehandedly devastates the children's product industry, many tens of thousands of businesses. The economy is doing a good job of beating these companies to death - we don't need the CPSIA to finish the job.

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Chairman

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