

1 SEC. _____. (a) Section 101(b) of the Consumer Prod-
2 uct Safety Improvement Act of 2008 (15 U.S.C.
3 1278a(b)) is amended—

4 (1) by redesignating paragraphs (2) through
5 (5) as paragraphs (6) through (9), respectively; and

6 (2) by striking so much as precedes paragraph
7 (6), as so redesignated, and inserting the following:

8 “(b) EXCLUSION OF CERTAIN PRODUCTS, COMPO-
9 NENT PARTS, AND MATERIALS.—

10 “(1) IN GENERAL.—The Commission may, by
11 regulation, exclude a specific product, component
12 part, or material from the prohibition in subsection
13 (a) if the Commission determines on the basis of the
14 best-available, objective, scientific evidence that—

15 “(A) lead in such product, component part,
16 or material will neither result in the absorption
17 of any lead into the human body, taking into
18 account normal and reasonably foreseeable use
19 and abuse of such product by a child, including
20 swallowing, mouthing, breaking, or other chil-
21 dren’s activities, and the aging of the product,
22 nor have any other adverse impact on public
23 health or safety; or

1 “(B)(i) the product, component part, or
2 material requires the inclusion of lead by reason
3 of its functional purpose because it is highly im-
4 practicable or not technologically feasible to re-
5 move or make inaccessible the lead in such
6 product, component part, or material;

7 “(ii) contact by a child with the lead in
8 such product, component part, or material may
9 reasonably be expected to be infrequent and the
10 product, component part, or material is not
11 likely to be mouthed, taking into account nor-
12 mal and foreseeable use and abuse of such
13 product by a child, including swallowing,
14 mouthing, breaking, or other children’s activi-
15 ties; and

16 “(iii) exclusion of the product, component
17 part, or material will have no adverse impact on
18 public health or safety.

19 “(2) WARNINGS.—If the Commission excludes a
20 product, component part, or material pursuant to
21 paragraph (1)(B), any such product, component
22 part, or material that is manufactured after a date
23 set by the Commission to occur as soon as prac-
24 ticable after the exclusion determination shall bear

1 labeling on either the product, component part, or
2 material, respectively, or its packaging—

3 “(A) indicating that the product, compo-
4 nent part, or material contains accessible lead;
5 and

6 “(B) providing adequate directions and
7 warnings for safe use.

8 “(3) REQUIRED REDUCTIONS.—If the Commis-
9 sion excludes a product, component part, or material
10 pursuant to paragraph (1)(B), the Commission, by
11 regulation—

12 “(A) may require manufacturers to reduce
13 the lead in such product, component part, or
14 material; and

15 “(B) may establish a schedule by which
16 such product, component part, or material shall
17 be in full compliance with the limits in sub-
18 section (a).

19 “(4) NARROWEST POSSIBLE SCOPE OF EXCLU-
20 SION.—The Commission may not exclude an entire
21 product pursuant to paragraph (1) if that product
22 contains any component that does not meet the re-
23 quirements of subparagraph (A) or (B) of paragraph
24 (1).

1 “(5) EXCLUSION OF CERTAIN PRINTED MATE-
2 RIALS.—

3 “(A) IN GENERAL.—The lead limits estab-
4 lished under subsection (a) shall not apply to
5 ordinary books and ordinary paper-based print-
6 ed materials.

7 “(B) DEFINITIONS.—In this paragraph:

8 “(i) ORDINARY BOOKS.—The term
9 ‘ordinary books’ means books printed on
10 paper or cardboard, printed with inks or
11 toners and bound and finished using a con-
12 ventional method, and intended to be read
13 or having educational value. The term does
14 not include books with inherent play value,
15 and does not include any toy or other arti-
16 cle that is not an ordinary book that is
17 sold or packaged with an ordinary book.

18 “(ii) ORDINARY PAPER-BASED PRINT-
19 ED MATERIALS.—The term ‘ordinary
20 paper-based printed materials’ means
21 printed materials printed on paper or card-
22 board, such as magazines, posters, and
23 cards, that are printed with inks or toners
24 and bound and finished using a conven-
25 tional method.

1 “(iii) EXCLUSIONS.—The terms ‘ordi-
2 nary books’ and ‘ordinary paper-based
3 printed materials’ do not include books or
4 materials that contain components that are
5 printed on material other than paper or
6 cardboard or contain non-paper-based com-
7 ponents such as metal or plastic parts or
8 accessories that are not part of the binding
9 and finishing materials used in a conven-
10 tional method.”.

11 (b) Nothing in this section shall be construed to mod-
12 ify or otherwise affect section 231 of the Consumer Prod-
13 uct Safety Improvement Act of 2008 (15 U.S.C. 2051
14 note).