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February 13, 2009

Mr. John "Gib" Mullan
Director of Compliance and Field Operations

Mr. Robert "Jay" Howell
Acting Director of Hazard Identification and Reduction

Ms. Cheryl Falvey
General Counsel

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Gib, Jay and Cheri:

Pursuant to your meeting yesterday with representatives of leading consumer product safety testing laboratories, including my colleague Joe Mohorovic, I write to respectfully and formally request your consideration and approval (in whatever form you deem appropriate) of our proposed new protocol ("standard operating procedure--SOP") for the testing of paint on children's products to the lead limitations found in 16 CFR §1303.1 *et seq.*, as modified by Section 101(f) of the Consumer Product Safety Improvement Act.

This proposed SOP for lead paint testing, we firmly believe, will not only help to ensure greater compliance with the standard for those products tested (even under the stricter standard that will be in effect this August) but that, in fact, this new testing procedure will likely increase the number of firms that are determining that it is economically viable to conduct sufficient testing for lead in paint, thereby further reducing the likelihood that there will be actual violations of the standard. In brief, as the enclosed materials describe, this proposed SOP would allow the composite testing of unlike paints, but in a way that mathematically and absolutely ensures compliance with the standard.

As you are all well aware, in the wake of the 2007 "year of the recall," most toy and other children's products manufacturers, importers and retailers have all increased their diligence to ensure compliance with all applicable CPSC product safety standards, and especially that for lead in paint. However, as the largest testing laboratory for children's consumer products sold in the United States, we have encountered many situations where the testing burden for lead paint is unnecessarily high, due in large measure to the existing testing protocol guidance imposed by the agency with regard to the testing of lead levels in paint.

Limiting the ability to composite test unlike paints, while it may seem appealing on its face as a means to preclude any single paint type from exceeding the limits, many times requires the destructive testing of several dozen (or more) individual products for each model of product being tested. Depending on the number of products being sold, the products' price point and other factors, such testing can simply be cost prohibitive, negating any possible profit on the product. This scenario hits small and medium-size businesses particularly hard. Facing that reality, many firms, one may assume,



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will choose to simply not make or sell the product. And most concerning, still others may simply assume that their product is compliant or, worse, introduce a violative product into the marketplace.

While we certainly support vigorous enforcement of the lead paint and all other CPSC product safety standards, I think we must at the same time look for ways in which the burden of compliance can be reduced while at the same time increasing the level of compliance. I know that each of you, particularly at a such time of a flurry of activity at the Commission and during such very difficult economic times, look every day for such “win/win” solutions, in which both consumers and regulated businesses are benefited. We firmly believe that the enclosed materials represent just such a solution.

In order to explain in depth how our proposed SOP works, both in theory and in practice, we hereby request a public meeting to explain to you, Joel Recht, and other appropriate staff and officials of the agency exactly that. And, given the timeliness and importance of this issue, I and my staff are ready immediately to come to Bethesda to have that meeting and demonstration.

Thank you very much for all you do for the CPSC and for American consumers. We at Intertek have very much appreciated the positive, mutually beneficial relationship we have maintained with the agency over the years and hope that our proposal and request is yet another opportunity to strengthen that.

Very truly yours,

Gene Rider
President
Consumer Goods North America

cc: Acting Chairman Nancy Nord
Commissioner Thomas Moore
Joel Recht