UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 30 2007

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jacqueline Elder
Assistant Executive Director
Office of Hazard Identification and Reduction
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 702
Bethesda, MD 20814

Dear Ms. Elder:

As you know, in 2006, the Sierra Club petitioned both the Consumer Product Safety Commission (CPSC) and the Environmental Protection Agency (EPA) to take certain measures to address risks from lead in toy jewelry. The Sierra Club's petition to EPA requested, among other things, that EPA require health and safety data reporting for lead and lead salts under section 8(d) of the Toxic Substances Control Act (TSCA) and that EPA issue TSCA section 6(b) quality control orders regarding the production of toy jewelry. EPA denied these requests in July 2006. In September, the Sierra Club and Improving Kids Environment filed suit in the U.S. District Court for the Northern District of California challenging EPA's denial and seeking to compel EPA to perform the requested actions.

EPA and the plaintiffs have now signed a settlement agreement establishing a process that will conclude with the dismissal of the lawsuit. During settlement negotiations, the plaintiffs raised questions about the adequacy of quality control measures by companies importing and/or distributing children's jewelry. For example, the Centers for Disease Control and Prevention (CDC) reported that lead levels in the Reebok charm that resulted in the poisoning of a young boy last year varied widely between suppliers and production lots.[1] This type of variation may indicate an absence of quality control measures with respect to lead content. In fact, several of the comments EPA received on the Sierra Club's petition identified a lack of quality control as a problem. This and other information EPA has reviewed raise questions about the adequacy of quality control measures by companies importing and/or distributing children's jewelry.

EPA is concerned about the continuing use of lead in toy jewelry, and is committed to the

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[1]CDC, Morbidity and Mortality Weekly vol. 55, March 23, 2006; available at: http://www.cdc.gov/mmwr/PDF/wk/mm55d323.pdf

Federal goal of eliminating childhood lead poisoning by 2010. We understand that CPSC has undertaken numerous recalls in an attempt to reduce risks from lead in toy jewelry, and recently published an advance notice of proposed rulemaking to ban children's metal jewelry containing more than 0.06% lead. EPA supports CPSC's efforts addressing lead in metal toy jewelry, and in an attempt to learn more about childhood lead exposure, EPA will seek unpublished health and safety studies regarding lead in other consumer products intended for children. We look forward to working with you to develop a comprehensive approach to this public health challenge.

Sincerely,

Maria J. Doa, Ph.D.
Director
National Program Chemicals Division

cc: Lori Saltzman, CPSC