Request for Comments and Information
Consumer Product Safety Improvement Act (CPSIA)
Technological Feasibility of 100ppm for Lead Content
CPSC Docket No. CPSC–2010-0080

In response to the Consumer Product Safety Commission’s (CPSC) request for comments regarding the technological feasibility of 100ppm for lead content, Promotional Products Association International (PPAI) offers the following observations about the impact on our industry.

PPAI—the promotional products industry’s only international not-for-profit trade association—offers education, tradeshows, business products and services, mentoring, technology and legislative support to its more than 7,500 global members. Promotional products are more than a $15 billion industry and include wearables, writing instruments, calendars, drinkware and many other items, usually imprinted with a company’s name, logo or message.

The industry consists of approximately 21,000 distributors and 3,500 suppliers. The distributor develops solutions to marketing challenges through the innovative use of promotional products and is a resource to corporate buyers, marketing professionals and others. A supplier manufactures, imports, converts, imprints or otherwise produces or processes promotional products offered for sale through distributors and the distributors’ sales force known as promotional consultants.

The promotional products industry differs in several ways from a traditional manufacturer to retail supply chain, but the most important distinction lies in the process of customizing the products through various forms of decoration (imprinting, embroidery, etching, engraving or embossing). Products in the promotional products industry are either manufactured in the U.S. or imported, decorated and sold by suppliers to or through distributors that have obtained an order for the decorated products from businesses (end buyers) that have their company logos and messages decorated on the products.

The decoration applies a company logo, advertising message or other information to assist the end buyer purchaser in creating brand awareness. Products may be provided to fill a specific order or inventoried by one or more parties until an order is entered into the supply chain from an end buyer to a distributor to a supplier, which may require several months from the time a product is originally manufactured.
Promotional products professionals manufacture, import, decorate and sell hundreds of thousands of different types of products and employ more than 28 different decorating methods. Test results show that while certain types of materials will consistently comply with the proposed lower lead limits, reliable compliance will be a challenge with other types of materials.

For example, product types such as glass, paper, stone and ink contain very low levels of lead and do not present any significant testing challenges. However, many other promotional products are composed of metal or contain metallic components and these materials pose significant testing challenges.

Lead is a naturally occurring element and it is uncommon for metallic materials to get a clean pass, meaning no lead detected, when tested for lead in substrate. While there are some metallic materials that comply with the proposed 100ppm limit, this does not mean that 100ppm is technologically feasible for all metals. There are many different metallic materials (e.g. copper alloy, tin alloy, zinc alloy) and many of these materials will not comply with the proposed lower limits not because of technology, but solely due to the metallic nature of the item itself.

If this proposed limit goes into effect, many components may no longer be able to be used in products on a consistent basis, resulting in redesign, research into alternative materials and even loss of production line options.

Additionally, the recent meeting between The YKK Group and CPSC staff was enlightening in YKK’s disclosure that identical tests on identical items performed by multiple conformity assessment bodies resulted in inconsistent findings. According to YKK, only half of the samples tested delivered what YKK deemed to be acceptable results: ±10 or 61-81ppm. The test result range was 0ppm to 331ppm for an item known to contain 71ppm lead.

This speaks volumes about the testing challenges posed by these proposed lower limits. Retesting to compliance is not an option. Therefore, it is vitally important that third party test results be both accurate and consistent. If third party assessment bodies cannot reliably and consistently test to lower lead limits, then it is not feasible to lower those limits. It is better to preserve the 300ppm lead limits than allow inaccurate test results to impose economic hardships on business.

While we understand that the scope of this inquiry focuses on the question of technological feasibility, we must ask you to consider the economic impact of the proposed change. What are the tangible benefits associated with lowering the lead content levels from 300 to 100ppm? Do those benefits justify the economic impact of regulating and implementing such a move? The vast majority of promotional products are fairly inexpensive. In some cases the incremental cost of compliance with the lower level will result in a product cost moving from $1 to $13, thereby pricing the product out of the market. That combined with the disproportionate impact of testing costs on small business, will surely result in some companies closing their doors permanently as a result of compliance with this law.

PPAI urges the CPSC to consider preserving the 300ppm for lead content.
Thank you.

Sincerely,

[Signature]

Steve Slagle, CAE
President and CEO
Promotional Products Association International