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Lead rules a headache for some local businesses

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Section: Local

New lead regulations may make toys safer for children under 12, but some local businesses are feeling the pain of far-reaching rules.

The Consumer Product Safety Improvement Act was passed by Congress in late 2008 and went into effect Feb. 10 this year. According to the new rules, products intended for children under age 13 cannot have any accessible parts with lead content higher than 600 parts per million.

The legislation makes some sense, but owner of Chico Motorsports Wayne Craig was unhappy to learn this applied to children's all-terrain vehicles and similar recreational vehicles.

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Craig has pulled 13 percent of his stock off the floor — about \$100,000 value — because the ATVs for children contain lead in the engine.

Other items such as helmets haven't been tested widely to verify the lead levels are safe and he doesn't want to risk being penalized for having them available.

Fines for making, selling or reselling products that are found to have too much lead under the CPSIA start at about \$100,000 and other factors can increase the amount, according to the U.S. Consumer Product Safety Commission.

"The legislation was well-intended but it was too broad of a brush," Craig said. "I'm not even supposed to sell replacement parts."

Craig is also unsure how far the law extends. "Am I supposed to refuse to work on it under warranty?" he asked of vehicles bought before the Feb. 10 cutoff.

The unsold vehicles sit in a warehouse on the store's property while manufacturers decide what to do about it. Craig has received some certified merchandise such as clothing that he can safely sell, but there aren't many products yet certified.

"If Johnny got an ATV for Christmas and nobody bought him a pair of boots, guess what? He's not getting them for a while," Craig said.

To try to get the children's ATVs back on the floor, Chico Motorsport's Web site (www.chicomotorsports.com) has set up form letters for concerned consumers to send to representatives. Craig doesn't see the lead in the engine parts as a real safety hazard for children.

"They aren't licking their ATVs," he said. "They're riding them."

Another service affected across the country are libraries. Children's books printed before 1985 are not supposed to be available at libraries because lead was most likely used in the ink, according to the U.S. Consumer Product Safety Commission.

Senior library assistant Oliver Allen said Butte County libraries aren't pulling books off the shelves yet.

"We're not testing books or anything like that ..." Allen said. "It's a pretty serious undertaking to do that."

Butte County libraries are referring their readers to the American Library Association's Web site. The ALA is working to make library books exempt from the legislation because of the large number of books that would have to be pulled and the lack of funding to replace them.

Not all businesses have been affected so greatly but most are aware of the new law. Paradise Hobbies owner Roger English is confident his products don't contain lead. He received one recall from a manufacturer for a set of gliders and he should get safe replacements soon. Even though the gliders were recalled and he pulled the items, English said it probably wouldn't have hurt anyone.

"It would take a whole lot of sticking it in your mouth and sucking on them before you got any of the lead remnants,"

English said.

Although some thrift stores across the country have panicked over what the new regulations mean for them, the Butte County Salvation Army branch isn't worrying too much about its store. Capt. Darren Straten has been watching for recall notices but hasn't done much beyond that.

"As of right now, it (the new law) hasn't had a negative impact," Straten said.

He anticipated some chaos after the CPSIA went into effect but is currently keeping the thrift stores' small toy sections intact.

Some facets of the CPSIA are currently being reviewed and the law itself requires it to make improvements, inclusions and exceptions as needed.

So far, these items are exempt: "ordinary" children's books printed after 1985, products made of approved natural materials such as wool or cotton and textiles, and non-metallic thread and trim for apparel. Electronics have been granted different lead limits.

Next year, big and small manufacturers of products for children under 12 will be required to have third-party certifications for each product. These regulations are also imposed on imported products.

This part of the new law was delayed to allow more testing facilities to be approved for the task, according to the U.S. Consumer Product Safety Commission.

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BACKGROUND: The Consumer Product Safety Improvement Act went into effect Feb. 10, making it illegal to produce, import, sell or resell items designed for children under 13 with high lead content. More details are at cpsc.gov.

LOCAL IMPACT: Some businesses have been forced to pull many products and are protesting the broad spectrum of items included in the CPSIA, which includes some library books, safety equipment and recreational vehicles.

WHAT'S NEXT: In 2010, all manufacturers of affected children's products will be required to have third-party testing of each product line.

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