

The Honorable Henry Waxman, Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Joe Barton, Ranking
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, D.C. 20515

April 21, 2010

Dear Chairman Waxman and Ranking Member Barton;

On behalf of Goodwill Industries International and its network of local Goodwill agencies throughout the United States, I am writing today to thank you and your staff for sharing recent discussion drafts of legislation that seeks to amend the Consumer Product Safety Improvement Act (CPSIA) and includes provisions that would address Goodwill's concerns about retroactively applying the CPSIA's sales ban on children's products manufactured before the law's implementation. Goodwill believes that the provisions pertaining to the selling of used children's products included in the most recent discussion draft (attached) would allow Goodwill stores to sell used children's apparel within the letter of the law and in good conscience.

Goodwill's first priority is the safety of its customers and the people it serves. Goodwill has a long history of working in good faith with the Consumer Product Safety Commission (CPSC) to prevent unsafe products from being sold in its stores. This commitment to protecting our customers is further demonstrated by Goodwill's recent enhanced partnership with the CPSC to educate the public, and inform and train our retail professionals to comply with CPSIA. Goodwill believes that this collaborative public awareness campaign has been extremely helpful in educating shoppers and employees about the hazards of certain products and proper recall procedures.

Goodwill looks forward to our continued work with you and the House Energy and Commerce Committee. Please feel free to contact me at (202) 333-5501 or Seth Turner, Goodwill's Director of Government Affairs and Public Policy at seth.turner@goodwill.org or (240) 333-5508.

Again, thank you for your efforts to craft a solution.

Sincerely,



Jim Gibbons
President and CEO

CC:

Sen. John Rockefeller, Chair; Senate Commerce, Science, and Transportation Committee
Sen. Kay Bailey Hutchison, Ranking; Senate Commerce, Science, and Transportation Committee
Sen. Mark Pryor, Chair; Consumer Protection, Product Safety, and Insurance Subcommittee
Sen. Roger Wicker, Ranking, Consumer Protection, Product Safety, and Insurance Subcommittee

(attachment)

Attachment

SEC. 3. RELIEF FOR THRIFT STORES AND OTHER RETAILERS.

(a) EXCLUSION OF CERTAIN USED CHILDREN'S PRODUCTS.—101(b) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(b)) (as amended by section 2) is further amended by inserting after paragraph (2) (as added by section 2) the following:

“(3) EXCLUSION OF CERTAIN USED CHILDREN'S PRODUCTS.—

“(A) GENERAL EXCLUSION.—The lead limits established under subsection (a) shall not apply to a used children's product.

“(B) DEFINITION.—The term ‘used children's product’ means a children's product that was obtained by the seller for use and not for the purpose of resale or was obtained by the seller, either directly or indirectly, from a person who obtained such children's product for use and not for the purpose of resale. Such term also includes a children's product that was donated to the seller for charitable distribution or resale to support charitable purposes. Such term shall not include—

“(i) children's metal jewelry;

“(ii) painted children's toys (as the term ‘children's toy’ is defined in section 108(e)(1)(B));

“(iii) items composed primarily of accessible vinyl;

“(iv) any item known by a donating party or by the seller to be in violation of the lead limits in this section; or

“(vi) any other children's product designated by the Commission.

For purposes of this definition, the term ‘seller’ includes a person who lends or donates a used children's product.