



February 2, 2009

Senator Jim DeMint
340 Russell Senate Office Building
Washington, DC 20510

Dear Senator DeMint:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I want to thank you for introducing a bill that provides regulatory relief to small businesses from the Consumer Product Safety Act.

According to the 2001 NFIB Small Business Poll on "Coping with Regulation," small business owners consider government regulations one of their most formidable business problems. Small businesses lack specialized regulatory compliance staff. Therefore, compliance falls on the owner, in addition to their myriad of other responsibilities.

While our members understand that the intent of the new law is to protect children, small businesses are concerned that the tight deadline, heavy mandate and high cost of the lead testing policy could cause serious economic hardships for many law-abiding small businesses that manufacture and sell safe children's products. During a time of economic uncertainty, new costs and mandates inhibit economic growth and may force small businesses to raise prices, cut jobs or shut their doors.

NFIB is pleased that this bill provides immediate regulatory relief by delaying the implementation date of the lead testing requirements for 180 days and suspending the enforcement of pending final regulations until 30 days after the date on which the Consumer Product Safety Commission (CPSC) issues the referenced rule. These two provisions will give small businesses more time to understand and comply with the rules and the CPSC more time to clarify the rules. Additionally, the bill requires the CPSC to develop a compliance guide for small enterprises.

The bill also provides important exemptions for second-hand sellers of certain products, retailers that already have products on their shelves, and manufacturers or retailers that assemble components of a product that have already been tested. In addition, the bill waives the civil penalty for small businesses that acted in good faith. In doing so, the bill would recognize that small business owners are not scientists and need to be protected for trying in good faith to comply with the cumbersome rules.

Thank you again for introducing this bill to help the small business community cope with these new lead testing regulations. I look forward to working with you on this issue as the 111th Congress continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Danner". The signature is written in a cursive style and is positioned above the printed name and title.

Dan Danner
President and CEO