

**Comments on CPSC’s Agenda and Priorities for FY2025 and FY2026 Regarding Lead in  
Paint and Children’s Products by Alaska Community Action on Toxics,  
Alliance of Nurses for Healthy Environments, Blue Green Alliance, Earthjustice,  
Ecology Center, Environmental Defense Fund, Healthy Babies Bright Futures,  
Learning Disabilities Association of America, The Arc of the United States,  
Union of Concerned Scientists, and Unleaded Kids**

The scientific evidence that exposure to lead harms children and adults, even at extraordinarily low levels, is overwhelming—any measurable level of lead in the blood is associated with adverse health effects. And the evidence gets stronger every year. Earlier this year, the Environmental Protection Agency (EPA) updated its 2013 Integrated Science Assessment for Lead,<sup>1</sup> finding a *causal relationship* between lead exposure and:

- **Cognitive effects in children:** Epidemiologic studies demonstrate that progressively lower blood lead levels (BLLs) or lead exposures are associated with cognitive deficits in children. Recent animal studies strengthen the 2013 finding of a *causal relationship*.
- **Attention, impulsivity, and hyperactivity behaviors in children:** Recent studies of children support and extend the 2013 conclusions finding a *causal relationship* between lead exposure and lead exposure and attention, impulsivity, and hyperactivity.
- **Cognitive effects in adults:** Recent epidemiologic studies provide additional evidence of a relationship between lead exposure and cumulative and early childhood exposure that contribute to cognitive effects in adults. These studies are sufficient to upgrade the 2013 finding to a *causal relationship*.
- **Cardiovascular effects and cardiovascular-related mortality:** The strongest new evidence comes from studies demonstrating that lead increases blood pressure. There is substantially more evidence of cardiovascular-related death and changes in physiology, reinforcing the 2013 finding of a *causal relationship* between lead exposure and cardiovascular effects and mortality.
- **Renal effects:** Recent studies support and extend 2013 conclusions particularly for mean BLLs at or below 5 µg/dL, sufficient to upgrade the finding to a *causal relationship* between lead exposure and renal effects.
- **Development effects:** Recent studies show delays in onset of puberty in both boys and girls, particularly at lower BLLs that reinforce the 2013 finding of a *causal relationship* between lead exposure and development effects.
- **Male reproductive function effects:** Recent epidemiologic studies show consistent association with decreased sperm/seminal production and quality sufficient. The studies reinforce the 2013 finding of a *causal relationship* between lead exposure and male reproductive function effects.
- **Total nonaccidental mortality:** Recent epidemiologic studies build on evidence including at mean BLLs less than 2.5 µg/dL, sufficient to support a new finding of a *causal relationship* between lead exposure and total non-accidental mortality.

Given the scientific evidence that lead causes harm at very low levels of exposure, including due to cumulative exposure, we ask the Consumer Product Safety Commission (CPSC) to prioritize in its Fiscal Year 2025 Operating Plan three long overdue periodic reviews of its lead-standards as mandated by Section 101 the Consumer Product Safety Improvement Act of 2008 (CPSIA) and codified at 15 U.S.C. § 1278a.<sup>2</sup> If more resources are needed to complete the task, it should seek additional resources in its FY2026 Congressional Budget Request.

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<sup>1</sup> EPA, **Integrated Science Assessment (ISA) for Lead (Final Report), January 2024, EPA/600/R-23/375, <https://assessments.epa.gov/isa/document/&deid=359536>.**

<sup>2</sup> 122 Stat. 3016, P.L. 110-314.

The three mandated reviews of its lead standards are:

- 1) **Lead Content Limit in Childrens Products:** On July 26, 2011, the CPSC published a *Federal Register* notice allowing the CPSIA's 100 parts per million (ppm) lead content limit for children's products to go into effect.<sup>3</sup> The notice initiated a five-year cycle mandated by 15 U.S.C. § 1278a(a)(2)(E) in which the CPSC was directed to review and revise downward lead content limit to "require the lowest amount of lead that the Commission determines to be technologically feasible to achieve" for a product or product category, based on the best available scientific and technical information. In the intervening 13 years, we cannot find any evidence that the CPSC has conducted the review, and even if a review has taken place, it has not been within the last five years. We ask the Commission to conduct the statutorily mandated review in FY2025.
- 2) **Lead Paint Ban:** On December 19, 2008, the CPSC revised its regulations banning lead-containing paint and certain consumer products bearing lead-containing paint at 16 C.F.R. Part 1303 to limit lead in paint to 90 ppm.<sup>4</sup> The action initiated a five-year cycle mandated by 15 U.S.C. § 1278a(f)(2) in which the CPSC was directed to periodically review the limit and "by regulation revise downward the limit to require the lowest amount of lead that the Commission determines is technologically feasible to achieve." Despite the passage of more than 15 years, we cannot find any evidence that the CPSC has conducted the review, and even if it has done so, it has been more than five years since the last review. We ask the Commission to conduct the statutorily mandated review in FY2025.
- 3) **Methods to Measure Lead in Paint:** In 15 U.S.C. § 1278a(f)(5), Congress directed the CPSC to review and revise, no less frequently than every 5 years, any methods for measurement of lead in paint "to ensure that such method are the most effective methods available to protect children's health." CPSC's webpage<sup>5</sup> describes two measurement methods. The first, dated February 25, 2011, is recommended to determine lead in paint and other similar surface coatings to demonstrate compliance with the 90 ppm limit at 16 C.F.R. § 1303.<sup>6</sup> The second method references ASTM F2853-10 regarding the use of x-ray fluorescence (XRF) pursuant. It was last updated on November 3, 2023.<sup>7</sup> For the first method, we cannot find any evidence that the CPSC has conducted the statutorily mandated review in the past 13 years. For the second method, we

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<sup>3</sup> CPSC, Children's Products Containing Lead; Technological Feasibility of 100 ppm for Lead Content; Notice of Effective Date of 100 ppm Lead Content Limit in Children's Products, 75 *Federal Register* 44463, July 26, 2011, <https://www.regulations.gov/document/CPSC-2010-0080-0047>.

<sup>4</sup> CPSC, Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint, Final Rule, 73 *Federal Register* 77492, December 19, 2008, <https://www.govinfo.gov/content/pkg/FR-2008-12-19/pdf/E8-30238.pdf>.

<sup>5</sup> CPSC, Lead in Paint, What requirements apply to my product?, accessed on April 17, 2024 at <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Lead/Lead-in-Paint>. The webpage states "Currently, the applicable test methods for the regulation on lead in paint and other surface coatings are: CPSC Standard Operating Procedure for Determining Lead (Pb) in Paint and Other Similar Surface Coatings, [Test Method CPSC-CH-E1003-09.1](#) (pdf); and/or [ASTM F2853-10](#) "Standard Test Method for Determination of Lead in Paint Layers and Similar Coatings or in Substrates and Homogenous Materials by Energy Dispersive X-Ray Fluorescence Spectrometry Using Multiple Monochromatic Excitation Beams."

<sup>6</sup> CPSC, CPSC Standard Operating Procedure for Determining Lead (Pb) in Paint and Other Similar Surface Coatings, Test Method CPSC-CH-E1003-09.1, [https://www.cpsc.gov/s3fs-public/pdfs/blk\\_pdf\\_CPSC-CH-E1003-09\\_1.pdf](https://www.cpsc.gov/s3fs-public/pdfs/blk_pdf_CPSC-CH-E1003-09_1.pdf).

<sup>7</sup> ASTM, F2853-10(2023), Standard Test Method for Determination of Lead in Paint Layers and Similar Coatings or in Substrates and Homogenous Materials by Energy Dispersive X-Ray Fluorescence Spectrometry Using Multiple Monochromatic Excitation Beams, November 3, 2023, <https://www.astm.org/f2853-10r23.html>.

cannot find evidence that the CPSC has affirmatively reviewed the 2023 update to the ASTM standard. We ask the Commission to conduct the statutorily mandated reviews in FY2025.

If the CPSC has conducted any of the period reviews of lead standards or methods required by 15 U.S.C. § 1278a, it should disclose the results of those reviews by posting them on its website.

Even if CPSC has performed these reviews in the past, we believe they occurred longer than the review period of five years mandated in statute. And given EPA's assessment of the scientific evidence, we strongly urge CPSC to conduct the reviews in FY2025. Such action is consistent with CPSC's 2023-2026 Strategic Plan's<sup>8</sup> goal of preventing hazardous products from reaching consumers. It is also consistent with its focus on addressing key challenge to preventing consumer product-related injuries including:

- "Keeping pace with evolving consumer practices and preferences, manufacturing practices, and consumer product technologies;"
- "Helping develop voluntary standards and adopting mandatory regulations;" and
- "Identifying, researching, and informing the public about chemical and chronic hazards in consumer products".

Because these periodic reviews are mandated by the CPSIA, we maintain that they are also consistent with CPSC's commitments to "[c]ontinue to enforce regulations regarding lead content and lead paint limits for consumer," described in the 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts.<sup>9</sup>

For more information, please contact Tom Neltner, National Director of Unleaded Kids at [tneltner@unleadedkids.org](mailto:tneltner@unleadedkids.org). He will be presenting these comments in person at the May 8 hearing of the CPSC.

Sincerely,

Pamela Miller  
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Gabby Davis  
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<sup>8</sup> [https://www.cpsc.gov/s3fs-public/Strategic-Plan-2023-2026.pdf?VersionId=Y6434PE4JIewh\\_2ns7YynofecxqNIv1B](https://www.cpsc.gov/s3fs-public/Strategic-Plan-2023-2026.pdf?VersionId=Y6434PE4JIewh_2ns7YynofecxqNIv1B).

<sup>9</sup> [https://www.epa.gov/sites/default/files/2018-12/documents/fedactionplan\\_lead\\_final.pdf](https://www.epa.gov/sites/default/files/2018-12/documents/fedactionplan_lead_final.pdf).

Healthy Babies Bright Futures

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