



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

OFFICE OF THE GENERAL COUNSEL

Patricia M. Pollitzer  
Assistant General Counsel  
Tel: 301-504-7634  
E-Mail: [ppollitzer@cpsc.gov](mailto:ppollitzer@cpsc.gov)

September 27, 2013

Mr. Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW, Suite 240  
Washington, D.C. 20036

Re: Request for Rulemaking on Artificial Turf for Playgrounds as a Children's Product

Dear Mr. Ruch:

The Office of the Secretary of the U.S. Consumer Product Safety Commission (CPSC or Commission) has received your submission on behalf of Public Employees for Environmental Responsibility (PEER). The submission, which asks the Commission to declare that certain products are "children's products," was forwarded to the CPSC's Office of the General Counsel for response.

Although you refer to your request as a "petition," the request does not seek action that can be accomplished through rulemaking, a requirement for a request to be considered a petition under Commission regulations. *See* 16 C.F.R. part 1051, Procedure for Petitioning for Rulemaking. Identifying specific products that you believe are "children's products," as defined in section 3(a)(2) of the Consumer Product Safety Act (CPSA), you state that "the CPSC should take action to ensure that the lead levels in these products are in compliance with the statutory limits for children's products specified in the Consumer Product Safety Improvement Act (CPSIA)." Your letter also asks that the Commission "declare these artificial playground surfaces are children's products within the meaning of the law." No such declaration is, however, necessary for the Commission to enforce the lead requirements that apply to children's products and the Commission has not therefore issued any rules declaring particular products to be "children's products." If the products you identified are indeed children's products, they are already subject to the CPSIA's lead requirements and no additional regulatory action would be necessary to enforce those requirements.

Although your request does not constitute a petition within the meaning of CPSC regulations, we consider your letter to be a request for the CPSC to take possible enforcement

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action against the specific products you identified. Your request therefore will be forwarded to the CPSC's Office of Compliance and Field Operations for review and determination of whether any enforcement action is appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Pollitzer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Patricia M. Pollitzer