

and reliable than the methodology used by the Commission prior to August 14, 2008.

(5) Periodic review

The Commission shall, no less frequently than every 5 years after the Commission completes the study required by paragraph (4)(A), review and revise any methods for measurement utilized by the Commission pursuant to paragraph (3) or pursuant to any regulations promulgated under paragraph (4) to ensure that such methods are the most effective methods available to protect children's health. The Commission shall conduct an ongoing effort to study and encourage the further development of alternative methods for measuring lead in paint and other surface coating that can effectively, precisely, and reliably detect lead levels at or below the level set forth in part 1303 of title 16, Code of Federal Regulations, or any lower level established by regulation.

(6) No effect on legal limit

Nothing in paragraph (3), nor reliance by the Commission on any alternative method of measurement pursuant to such paragraph, nor any rule prescribed pursuant to paragraph (4), nor any method established pursuant to paragraph (5) shall be construed to alter the limit set forth in section 1303 of title 16, Code of Federal Regulations, as modified pursuant to this subsection, or provide any exemption from such limit.

(7) Construction

Nothing in this subsection shall be construed to affect the authority of the Commission or any other person to use alternative methods for detecting lead as a screening method to determine whether further testing or action is needed.

(g) Treatment as a regulation under the FHSA

Any ban imposed by subsection (a) or rule promulgated under subsection (a) or (b) of this section, and section 1303.1 of title 16, Code of Federal Regulations (as modified pursuant to subsection (f)(1) or (2)), or any successor regulation, shall be considered a regulation of the Commission promulgated under or for the enforcement of section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

(Pub. L. 110-314, title I, §101, Aug. 14, 2008, 122 Stat. 3017; Pub. L. 112-28, §§1, 10(b), Aug. 12, 2011, 125 Stat. 273, 283.)

REFERENCES IN TEXT

The Federal Hazardous Substances Act, referred to in subsec. (a)(1), is Pub. L. 86-613, July 12, 1960, 74 Stat. 372, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1261 of this title and Tables.

The Consumer Product Safety Act, referred to in subsec. (c), is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

This Act, referred to in subsec. (e)(3), is Pub. L. 110-314, Aug. 14, 2008, 122 Stat. 3016, known as the Consumer Product Safety Improvement Act of 2008. For complete classification of this Act to the Code, see

Short Title of 2008 Amendment note set out under section 2051 of this title and Tables.

CODIFICATION

Section was enacted as part of the Consumer Product Safety Improvement Act of 2008, and not as part of the Federal Hazardous Substances Act which comprises this chapter.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-28, §10(b), substituted “(as defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)))” for “(as defined in section 3(a)(16) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(16)))”.

Subsec. (a)(3). Pub. L. 112-28, §1(a), added par. (3).

Subsec. (b)(1). Pub. L. 112-28, §1(b)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Commission may, by regulation, exclude a specific product or material from the prohibition in subsection (a) if the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither—

“(A) result in the absorption of any lead into the human body, taking into account normal and reasonably foreseeable use and abuse of such product by a child, including swallowing, mouthing, breaking, or other children's activities, and the aging of the product; nor

“(B) have any other adverse impact on public health or safety.”

Subsec. (b)(2)(A). Pub. L. 112-28, §1(b)(2), substituted “include” for “include to.”

Subsec. (b)(5) to (8). Pub. L. 112-28, §1(b)(3), added pars. (5) to (7) and redesignated former par. (5) as (8).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-28, §11, Aug. 12, 2011, 125 Stat. 283, provided that: “Except as provided otherwise, the amendments made by this Act [amending this section and sections 2055a, 2056a, 2056b, 2057c, 2063, 2068, and 2076 of this title and enacting provisions set out as a note under section 2089 of this title] shall take effect on the date of enactment of this Act [Aug. 12, 2011].”

DEFINITION

For definition of “Commission” used in this section, see section 2(a) of Pub. L. 110-314, set out as a note under section 2051 of this title.

CHAPTER 31—DESTRUCTION OF PROPERTY MOVING IN COMMERCE

§§ 1281, 1282. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1281, Pub. L. 87-221, §1, Sept. 13, 1961, 75 Stat. 494, related to willful destruction or injury, or attempted destruction or injury, of property moving in interstate or foreign commerce in possession of common or contract carriers, penalties for such acts, and proof of interstate or foreign nature of property. See section 80501 of Title 49, Transportation.

Section 1282, Pub. L. 87-221, §2, Sept. 13, 1961, 75 Stat. 494, provided that judgment of conviction or acquittal on merits under laws of any State or possession, District of Columbia, or Puerto Rico, was bar to prosecution under this chapter for same acts. See section 80501 of Title 49.

CHAPTER 32—TELECASTING OF PROFESSIONAL SPORTS CONTESTS

Sec.

1291. Exemption from antitrust laws of agreements covering the telecasting of sports contests and the combining of professional football leagues.