

Consumers Union

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Office of the Secretary
U. S. Consumer Product Safety Commission
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**Comments of Consumers Union of the U.S., Inc.
to the U.S. Consumer Product Safety Commission on
Petition HP 06-1
“Petition Requesting Ban on Lead Toy Jewelry”**

Introduction

Consumers Union (CU), publisher of *Consumer Reports* magazine, submits the following comments in response to the U.S. Consumer Product Safety Commission’s (CPSC or Commission) Notice, “Petition Requesting Ban on Lead Toy Jewelry (Petition)”.¹ The CPSC has published this Notice soliciting comments concerning a petition filed by the Sierra Club requesting that the CPSC ban toy jewelry containing more than 0.06% lead. CU strongly supports the Petition, and urges the CPSC to establish the requested ban -- and convert its voluntary guidance on lead in consumer products, issued December 22, 1998², to enforceable regulations.

Background

The well-documented effects of lead toxicity are often acute, severe and irreversible. Lead accumulates from multiple sources to generate average body burdens that continue to exceed 10 µg/dl, the level identified by the CDC as

¹ 71 Fed. Reg. 35416 (June 20, 2006).

² Codification of Guidance Policy on Lead in Consumer Products

cause for concern. Because not all sources can be easily eliminated and because no safe exposure threshold has been established for lead, it is imperative that we eliminate as many avoidable sources as possible. There is simply no reason for continued use of this chemical in paints or plastics, especially those used in products designed for children. CPSC's current guidance threshold for lead in consumer products, lead levels that result in no more than 15 µg of ingested lead per day, is ineffective and contributes nothing toward the federal government's goal of eliminating childhood lead poisoning by 2010. Instituting a ban and stronger regulations for lead in consumer products is a critical step in achieving this important goal.

Federal regulations have been effective in eliminating lead from gasoline, paint, and other consumer products. However, regulations have not been effective at preventing lead-laden children's jewelry from infiltrating the marketplace. In the last three years, one death and some 20 recalls resulted from lead in children's jewelry. In total more than 164 million units have been recalled; collectively more than any other single recalled product in history.

Failures of the recall system

The recall system is a reactive process that simply does not work to protect children from lead in toys. Toy jewelry is small, quickly dispersed in the marketplace and virtually impossible to track once it's sold. Pieces are not labeled, there is no serial number and there are usually few, if any unique features that would enable consumers to identify recalled products. In addition, consumers have no practical way to screen these products for lead. Screening tools available to enable consumers to detect lead, such as the LeadCheck swabs, don't work on most toy jewelry. In fact, safety of this product category has been so unreliable that consumers can no longer be sure that any toy jewelry they purchase is safe.

Even when products are recalled, there is no guarantee that they will remain off store shelves. Our own investigation of the recall system, published in the November of 2004 issue of *Consumer Reports*³, found recalled products, including toy jewelry, with unsafe lead levels being sold in dollar stores in the U.S. as well as in other countries.

The situation reflects trends in the global economy that have made it easier for hazardous materials and off-spec products to enter and remain in the marketplace and harder to keep unscrupulous manufacturers from continuing to supply unsafe products. Clearly the situation is dire, and without the serious consequences of a ban, manufacturers don't have sufficient incentive to ensure that lead is kept out of children's products. CPSC needs to exercise its full authority to fulfill its responsibilities to protect consumers.

Conclusion

In light of the serious consequences of lead toxicity to children, the ubiquitous and uncontrolled distribution of lead-laden children's jewelry, and the ineffectiveness of the recall system for this product, we support the proposed ban of lead in children's jewelry. We urge CPSC to look beyond toy jewelry and consider expanding a ban to all children's products, or at least converting the current voluntary guidance on lead in consumer products to enforceable regulation. Our own tests have confirmed the presence of lead in children's vinyl lunchboxes.⁴

For the foregoing reasons, we strongly urge the Commission to move quickly to ban jewelry, intended for use by children, containing more than 0.06% lead.

³ *Hazard in Aisle Five*, November 2004, *Consumer Reports* magazine

⁴ *Safety Alert: Boy's Death Linked to Lead Bracelet, but Hazards go Beyond Jewelry*, March 2006, *Consumer Reports* magazine; and *Prevent Holiday Hazards*, December, 2005, *Consumer Reports* magazine.

Respectfully submitted,



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