



# Trouble in Toyland

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**21st Annual Toy  
Safety Survey**

**November 2006**

**Oregon Student Public Interest Research Group**

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**The 21<sup>st</sup> Annual Survey of Toy Safety**

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## Acknowledgements

Written by Alison Cassady, Research Director with the Oregon Student Public Interest Research Group.



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Oregon Student Public Interest Research Group  
1536 SE 11th Ave.  
Portland, OR 97214  
(503) 231-4181  
[www.ospirg.org](http://www.ospirg.org)

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## Executive Summary

Toys are safer than ever before, thanks to decades of work by product safety advocates and parents and the leadership of Congress, state legislatures and the Consumer Product Safety Commission (CPSC). Nevertheless, as parents venture into crowded malls this holiday season, they should remain vigilant about often hidden hazards posed by toys on store shelves.

The 2006 *Trouble in Toyland* report is the 21<sup>st</sup> annual Public Interest Research Group (PIRG) survey of toy safety. This report provides safety guidelines for parents when purchasing toys for small children and provides examples of toys currently on store shelves that may pose potential safety hazards. This year, we focused on four categories of toys: toys that may pose choking hazards, magnetic toys, toys that are excessively loud, and toys that contain potentially toxic chemicals.

We visited numerous toy stores and other retailers to find potentially dangerous toys and identify trends in toy safety. Key findings include:

### - CHOKING HAZARDS -

Choking on small parts, small balls and balloons remains a leading cause of toy-related deaths and injuries. Between 1990 and 2004, at least 157 children died after choking or asphyxiating on a toy or toy part; seven children died in 2004 alone. The law bans small parts in toys for children under three and requires a warning label on toys with small parts for children between the ages of three and six.

Although most toys on store shelves are safe, we still found some toys that may pose choking hazards. Specifically:

- We found toys for children under three with small parts and toys with small parts for children under six without the required choke hazard warning label. Balloons, which cause the most choking deaths, are still marketed inappropriately for young children.

- Some toys may pose a choking or suffocation hazard even if they meet the letter of the law. This year, two small children suffocated when oversized, plastic toy nails sold with a play tool bench became forcefully lodged in their throats.

We recommend making the test for small parts more protective of children under three. CPSC also should consider, at minimum, special labeling for toys shaped like corks or the toy nails, which pose special suffocation risks because of their shape.

### - MAGNETIC TOYS -

Over the last year, one child died and several others were gravely injured after swallowing tiny but powerful magnets now commonly used in magnetic building toys and magnetic jewelry. If a child swallows more than one of these magnets, the magnets can attract to each other and cause intestinal perforation or blockage. CPSC should adopt and enforce strong mandatory guidelines for labeling magnetic toys to ensure parents know to seek immediate medical attention if a child swallows magnets.

### - LOUD TOYS -

Almost 15 percent of children ages 6 to 17 show signs of hearing loss. In November 2003, the American Society for Testing and Materials adopted a voluntary acoustics standard for toys, setting the loudness threshold for most toys at 90 decibels. We found that several toys currently on store shelves may not meet the standards for appropriately loud toys; in fact, several toys we tested exceed 100 decibels when measured at close range.

CPSC should enforce the acoustics standards for loud toys and consider strengthening them to be more protective of children's hearing.

### - TOXIC CHEMICALS IN TOYS -

Some toys can pose hidden hazards, exposing children to dangerous chemicals that are linked to serious health problems. We found:

- Some children's jewelry may contain high levels of lead, which can cause developmental delays or even death in children exposed to this heavy metal. We found four examples of jewelry on store shelves containing lead at levels ranging from 1.8% to 34% of the item's weight. CPSC has recalled more than 150 million pieces of lead-laden children's jewelry since 2004, but CPSC needs to do more to keep this jewelry off the shelves in the first place by enacting and enforcing requirements for jewelry manufacturers, retailers, and suppliers to test their products for lead.

- Manufacturers are selling play cosmetic sets that include nail polish containing toxic chemicals, such as toluene and xylene. Since

children often put their hands in their mouths, nail polish offers a direct route of exposure. CPSC should team up with the Food and Drug Administration to require manufacturers to stop using toxic chemicals in cosmetics marketed for children.

- Last year, we commissioned laboratory tests of eight soft plastic toys labeled as not containing phthalates, a class of chemicals linked to reproductive defects and other health problems. We found that six of the eight "phthalate-free" products actually contained phthalates. This year, we again tested 10 toys labeled as "phthalate-free." Of the 10 toys tested, two contained detectable levels of phthalates. Although this may be better news for consumers, nothing in the law has changed to hold toymakers accountable to the "phthalate-free" label.

CPSC should ban phthalates in toys and other products intended for children under five and work with the Federal Trade Commission to ensure that toys labeled "phthalate-free" do not contain phthalates.

### - RECOMMENDATIONS FOR CONSUMERS -

Be vigilant this holiday season, and remember:

- The CPSC does not test all toys, and not all toys on store shelves meet CPSC standards.

- Our report includes only a sample of potentially hazardous toys. Examine toys carefully for potential dangers before you make a purchase.

- Report unsafe toys or toy-related injuries to the CPSC.

Toys should entertain and educate children; however, poorly designed and constructed toys can cause injury and even death. According to data from the Consumer Product Safety Commission (CPSC), at least 16 children, none older than nine years old, died in 2004 from toy-related injuries. Seven of the children died from choking or asphyxiating on a toy or toy part. Approximately 210,300 people sought treatment in hospital emergency rooms in 2004 for toy-related injuries; at least 72,800 (35 percent) of those injured were younger than five years old. Riding toys, such as non-powered scooters, accounted for more injuries than any other category of toy—34 percent.<sup>1</sup>

Since 1986, we have conducted toy safety research and education projects to avoid such tragic and preventable deaths and injuries. Our toy safety reports over the last 20 years have led to at least 120 corrective actions or recalls by the CPSC and manufacturers.<sup>a</sup>

Much of our advocacy has focused on the leading cause of toy deaths: choking. Despite federal regulations designed to reduce toy-related choking deaths, at least 157 children choked to death on children's products between 1990 and 2004, a rate of about 10 deaths a year, accounting for more than half of all toy-related deaths. See Attachment B for more data on toy-related deaths.

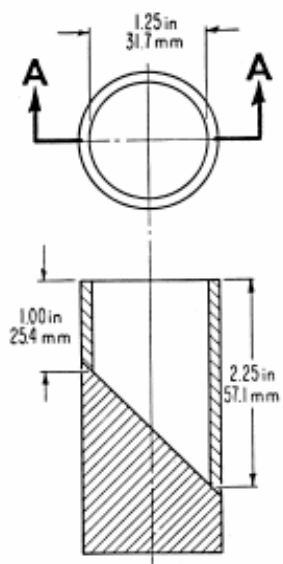
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<sup>a</sup> Over the last few years, CPSC has not responded to our numerous Freedom of Information Act (FOIA) requests for information about recalls and enforcement actions taken as a result of our *Trouble in Toyland* report. As of 2002, CPSC had informed us of 105 PIRG-initiated recalls and enforcement actions. We estimate that the last three reports resulted in at least 15 additional CPSC enforcement actions, including two recalls.

## CPSC Bans Small Parts for Children Under Age 3

In 1979, CPSC banned the sale of toys containing small parts if they are intended for use by children under the age of three, regardless of age labeling. A small part is defined as anything that fits inside a choke test cylinder, which has an interior diameter of 1.25 inches and a slanted bottom with a depth ranging from 1 to 2.25 inches (Figure A). This cylinder is designed to approximate the size of a fully expanded throat of a child under three years old. If the toy or any part of the toy - including any parts that separate during “use and abuse” testing - fits inside the test tube, the product is a choking hazard and is banned for children under the age of three.

Figure A. Choke Test Cylinder



CPSC uses three factors to determine whether a toy is intended for children under three years old, including the manufacturer’s stated intent, such as the age labeling; the advertising and marketing of the product; and whether the toy is “commonly recognized” as being intended for a child under three years old.<sup>2</sup> Some items commonly recognized for children under three include (but are not limited to) squeeze toys; teething toys; toys or articles that are affixed to a crib, stroller, playpen, or baby carriage; pull and push toys; bathtub, wading pool and sand toys; and stuffed animals.<sup>3</sup>

Some toys and products are exempt from this small parts regulation because they cannot be manufactured in a way that would prevent them from breaking into small parts when subject to use and abuse testing. These items include (but are not limited to) balloons, articles made of paper, writing materials such as crayons and chalk, modeling clay, and finger paints, watercolors and other paint sets. Children’s clothing and accessories such as shoe lace holders, diaper pins, and barrettes also are exempt because they need to be small to perform their intended purpose.<sup>4</sup>

Pieces of paper, fabric, yarn, fuzz, elastic, and string that fit in the choke test cylinder also are exempt, as they are unlikely to pose a choking hazard.<sup>5</sup>

## CHARACTERISTICS OF TOYS FOR CHILDREN UNDER THREE

The following are some general characteristics that make toys appealing to children under three.

**Size and Weight:** Small and lightweight, easy to handle.

**Theme:** Represents a common object found around the home, farm, or neighborhood.

**Degree of Realism:** Silly or cute, some realistic details.

**Colors:** Bright, contrasting colors covering large areas of the toy.

**Noisemaking:** Not loud or frightening.

**Action and Movement:** May be silly, should be easy for child to cause movement.

**Type and level of skill:** Lets child begin to learn skills or practice skills such as walking, stacking, and sorting; should be slightly beyond child's capabilities to maintain interest.

*Source: Consumer Product Safety Commission*

## Labeling Requirements for Toys with Small Parts for Children Over Age 3

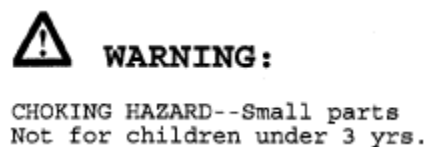
CPSC's new regulations, however, were not entirely effective; some manufacturers attempted to circumvent the small parts ban by labeling products intended for children under three for "ages three and up." This allowed parents to misinterpret these labels as recommendations, rather than warnings, and to purchase such toys anyway for children under three. The 1979 regulation

also exempted a significant choking hazard, balloons, from any sort of warnings or regulations; it also became apparent that small balls that passed the small parts test could still pose a choking hazard, as they could completely block a child's airway.

Throughout the 1980s, consumer groups lobbied Congress and CPSC to increase the size of the small parts test and to require an explicit choke hazard warning on toys intended for older children, if the toys contained banned small parts. A 1992 campaign led by ConnPIRG and other child safety advocates resulted in a tough choke hazard warning label law that took effect in Connecticut on January 1<sup>st</sup>, 1993. The Connecticut law laid the foundation for a federal standard, and in 1994, Congress passed the Child Safety Protection Act of 1994 (CSPA). President Clinton signed the CSPA into law on June 16, 1994.

### - SMALL PARTS -

The 1994 CSPA requires that toys with small parts intended for children between the ages of three and six years old include the following explicit choke hazard warning:<sup>6</sup>



### - SMALL BALLS -

The 1994 CSPA also strengthened the test for small balls from 1.25 inches in diameter to 1.75 inches. Balls with a diameter smaller than 1.75 inches are banned for children under three years old.<sup>7</sup> The law defines a ball as "any spherical, ovoid, or ellipsoidal object

that is designed or intended to be thrown, hit, kicked, rolled, dropped, or bounced.”<sup>8</sup> According to this definition, toys that are spherical or have spherical parts but are not intended for use as a ball do not have to meet this test.

Round objects are more likely to choke children because they can completely block a child’s airway. Any small ball intended for children over the age of three must include the following warning:<sup>9</sup>



**WARNING:**

CHOKING HAZARD--This toy is a small ball.  
Not for children under 3 yrs.

Any toy or game containing a small ball and intended for children between ages three and eight must include the following warning:



**WARNING:**

CHOKING HAZARD--Toy contains a small ball.  
Not for children under 3 yrs.

**- BALLOONS -**

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children’s product. Almost half (43 percent) of the choking fatalities reported to the CPSC between 1990 and 2004 involved balloons. The 1994 law requires the following choke hazard warning on all balloons:<sup>10</sup>



**WARNING:**

CHOKING HAZARD--Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

Keep uninflated balloons from children.  
Discard broken balloons at once.

**- MARBLES -**

Any marble intended for children three years of age or older must bear the following cautionary statement on its packaging:<sup>11</sup>



**WARNING:**

CHOKING HAZARD--This toy is a marble.  
Not for children under 3 yrs.

Any toy or game containing a marble and intended for children between ages three and eight must include the following warning:



**WARNING:**

CHOKING HAZARD--Toy contains a marble.  
Not for children under 3 yrs.

**- BINS AND VENDING MACHINES -**

Finally, the CPSA requires choke hazard labels on bins and vending machines. If toys or small balls requiring labels are sold in vending machines or unpackaged in bins, these vending machines and bins must display the statutory warnings.<sup>12</sup>

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**Toy Survey Findings: Choking Hazards**

PIRG researchers surveying toy stores in the fall of 2006 identified the following trends:

**- MOST TOYS ARE SAFE AND PROPERLY LABELED -**

Overall, manufacturers and toy retailers are doing a good job of marketing and labeling small balls, balloons, small toys and toys with small parts, ensuring either that the bin in which the toy is sold or the toy packaging is

labeled with the required choke hazard warning.

### - SOME TOYS MAY NOT MEET CPSC REQUIREMENTS -

The law bans small parts in toys for children under three and requires a warning label on toys with small parts for children between the ages of three and six. PIRG researchers, however, still found toys for children under three with small parts and toys with small parts for children under six without the statutory choke hazard warning. See Attachment A for a list of toys that may not meet the CPSC standards for choking hazards.

### - NEAR-SMALL PARTS MAY POSE CHOKING HAZARDS -



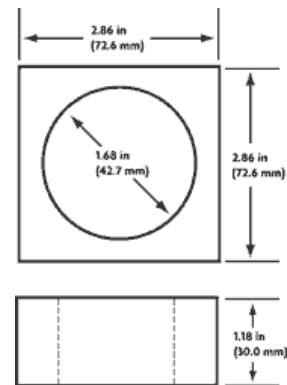
In September 2006, CPSC and Playskool voluntarily recalled about 255,000 Team Talkin' Tool Bench toys following the deaths of two young children. A 19-month-old West Virginia boy and a 2-year-old Texas boy suffocated when oversized, plastic toy nails sold with the tool bench toys became forcefully lodged in their throats.<sup>13</sup>

The toy was labeled for children three and older but did not include a choke hazard warning; the toy nails in question, measuring three inches in height, passed the small parts test. This tragic incident is a reminder that some toys may pose a choking or suffocation hazard even if they pass the small parts test.

In particular, toys shaped like corks or with spherical, hemispherical, or circular flared

ends and attached to a shaft, like the toy nails that caused the two suffocation deaths, could pose particular hazards, even if they pass the small parts test. To “address a potential impaction hazard,” the Standard Consumer Safety Specification for Toy Safety lays out requirements for toys with spherical ends that are intended for children under 18 months.<sup>14</sup> Under these specifications, toys of this design weighing less than 1.1 pounds, and intended for children up to 18 months of age, should not be capable of entering and penetrating past the full depth of the cavity of the supplemental test fixture, also used for some rattles and teethingers (Figure B). A similar standard for toys intended for children over 18 months does not exist.

Figure B. Supplemental Test Fixture for Rattles, Squeeze Toys, and Teethingers



### - BALLOONS ARE MARKETED TO YOUNG CHILDREN -

The 1994 CSPA requires that all balloons include a choke hazard warning alerting parents to the dangers of balloons and broken balloons for children under eight. Some balloons, however, are marketed for children under eight. For example, we found balloons marketed specifically for toddlers (e.g., “Baby’s First Birthday”) and balloons

depicting characters appealing to younger children (e.g., “Curious George” or “Bob the Builder”). Manufacturers and retailers should stop producing and selling balloons aimed at children under eight years old.

See Attachment A for some examples of these inappropriately marketed balloons.

#### - MANY TOYS ARE OVER-LABELED -

Some manufacturers are over-labeling their toys, placing choke hazard warnings on toys without small parts or small balls. This over-labeling dilutes the weight of the warning. In the words of Celestine T. Kiss, an engineering psychologist with the CPSC, speaking to a group of toy manufacturers:

*“It is...important that products not be over labeled. By that we mean, toys that do not need to have a label shouldn’t have a label. I know that may sound logical, but we see toys coming in that have the small parts label on it, when there aren’t any small parts. This creates a problem for the consumer, because then they don’t know when to believe the label or not. Some companies think they are protecting themselves from lawsuits by just slapping the label on all of their toys, but they really are not helping the consumer.”<sup>15</sup>*

#### - MATTEL IS USING A NON-STATUTORY AND VAGUE WARNING -

Mattel, a large toy manufacturer, now includes a non-statutory and vague warning on some of its toys, saying “Small parts may be generated.” Mattel often uses this warning on toys intended for children between the ages of three and six when the toys do not otherwise have the statutory choke hazard warning. For example, the

packaging of many Mattel Hot Wheels products, age labeled for 3+ or 4+, includes the “Small parts may be generated” warning on the back but not the statutory choke hazard warning. Mattel also uses this vague label on many Fisher Price toys intended for children over the age of three but without small parts that would require a choke hazard warning. If a toy contains small parts or can easily break into small parts that pose a choking hazard, the company should use the statutory warning. Toys without small parts should not include this confusing label.

#### - RECOMMENDATIONS -

We call on CPSC to:

- Enlarge the small parts test tube to be more protective of children under three.
- Consider extending the standard for toys with spherical ends to apply to toys intended for children under six years old instead of under 18 months. At minimum, consider special labeling for toys shaped like the toy nails that caused two children to suffocate.
- Change the small-ball rule to include small round or semi-round objects, not just “balls” in the strictest definition.
- Discourage manufacturers from over-labeling their products with choke hazard warnings, as this could reduce the effectiveness of labels on products that genuinely pose a choking hazard.
- Demand that Mattel stop using the confusing and vague “Small parts may be generated” warning on its toys.

Small but powerful magnets used in magnetic building toys and magnetic jewelry have come under increased scrutiny after CPSC received reports of several serious injuries and one death due to swallowing magnets.

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### **Dangers of Powerful Magnets**

Many magnetic toys on the market today use neodymium iron boron (NIB) magnets, which have increased in popularity with toy manufacturers as they have become available at lower cost from Chinese exporters. NIB magnets are most common in magnetic building sets, such as those manufactured under the brand names Magnetix and GeoMag, and magnetic jewelry, especially earrings and bracelets. The NIB magnets used in these toys are often the size of popcorn kernels, but slightly larger NIB magnets are so strong they can severely pinch fingers and other body parts and damage items ranging from credit cards to computers to pacemakers.

Dr. Marsha Kay of the Cleveland Clinic has stated: “Magnets are not like nickels and quarters, which simply pass through the digestive system. Magnets are much more serious. They should be treated like batteries or other foreign objects when they are swallowed.”<sup>16</sup> If swallowed, one magnet may pass through the digestive system without incident. If two or more magnets are swallowed, however, they can attract each other in the body. If one magnet is in the stomach and another is in the small

intestine, for example, they can cling together and quickly work their way through tissue, perforating the wall or creating a hole. Two or more magnets attracted to each other in the intestine also can create a bowel obstruction or perforation.<sup>17</sup>

As early as 2004, Dr. Alan E. Oestreich of Cincinnati Children’s Hospital’s Department of Radiology warned of the dangers of multiple magnet ingestion. In the journal *Radiology*, he wrote that “any time more than one magnet passes beyond the pylorus of a child (or, for that matter, an adult), an emergency danger of necrosis and perforation exists, and urgent surgical consideration is required. When two magnets lie in adjacent bowel loops, they may attract each other across the walls, leading to necrosis and eventually perforation and peritonitis.”<sup>18</sup> He also warned radiologists suspecting magnet ingestion to avoid using MRIs to diagnose, since the magnetic imaging could tear the magnets through tissue if they are present.

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### **MEGA Brands’ Magnetix Toys**

In March 2006, CPSC and Rose Art Industries (a subsidiary of MEGA Brands) announced a “replacement program” for almost four million Magnetix magnetic building sets. In the release announcing the replacement program, CPSC stated that tiny magnets inside the plastic building pieces and rods can fall out. At the time of the announcement, CPSC was aware of 34 incidents involving small magnets, including one death and three intestinal perforations.<sup>19</sup>



In August 2005, a four year old named William Finley of California swallowed three magnets from a Magnetix toy. After

he began experiencing extreme stomach pain, doctors found the powerful magnets he had swallowed had torn a hole in his intestine, causing bacteria to flow into his abdomen. In November 2005, a 21-month old boy named Kenneth Sweet Jr. died of blood poisoning and tissue necrosis; an autopsy showed that two separate sets of magnets had pinched parts of his small intestine.<sup>20</sup>

CPSC and Rose Art did not recall Magnetix toys on store shelves. Instead, Rose Art told consumers who are “uncomfortable having the product in your home” to return the sets to the company for a free replacement product suitable for children under the age of six.<sup>21</sup> As of September 30, 2006, MEGA Brands had received approximately 13,000 requests for replacements.<sup>22</sup> This means that most of the four million Magnetix toys sold before March 31 have not been returned and could remain in homes across the United States.

To address the design flaw that allowed the small magnets to fall out, the company reinforced the magnets with resin and instituted a quality control process at its manufacturing facilities, according to a company spokesman.<sup>23</sup> As of November 2006, it is unclear whether CPSC has investigated whether these design modifications solved the problem.

MEGA Brands also modified the toy’s packaging. The company now recommends the toys for children six or older, so standard Magnetix toys are no longer recommended

for three year-olds. In addition, the company started adding a new warning to Magnetix packaging that states: “CAUTION: Do not ingest or inhale magnets. Attraction of magnets in the body may cause serious injury and require immediate medical care.” Because the company did not issue a recall of the faulty toys already in stores, however, older stock may remain on shelves; as of early November, we were able to find Magnetix toys on store shelves without the design modification or new magnet warning.

In October 2006, the company settled a lawsuit with the families of 15 victims for \$13.5 million. Terms of the settlement, which include no admission of liability, are confidential.<sup>24</sup>

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## **Magnets in Jewelry**

In a 2002 article, four physicians from Sheffield Children’s Hospital (Sheffield, UK) discussed a rash of cases they had seen where children used magnetic jewelry to imitate pierced ears, noses, tongues and even penises. Some children they saw swallowed the magnets while attempting to use them, resulting in one near fatal surgical complication. Among the cases they saw:<sup>25</sup>

- A 10 year old boy presented with one magnet in each nostril, the magnetic force causing them to adhere tightly to the nasal septum. The magnetic attraction was so strong that even after only a few hours, an area of pressure necrosis (tissue death) had started developing around each magnet.
- After swallowing a number of small magnets over a period of time while imitating tongue piercing, a nine year old girl complaining of abdominal pain, vomiting,

and diarrhea was found to have five perforations in the small bowel and one in the cecum. She stayed in intensive care for one week and an additional week in the general ward.

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## **Standards for Magnets in Toys**

The CPSC has launched an ongoing investigation into magnetic toys and the dangers of NIB magnets in children's toys. In addition, a working group of ASTM International (formerly known as the American Society for Testing and Materials) is looking into the idea of labeling toys containing powerful magnets. At a September 2006 meeting, the working group, comprised mainly of representatives of toy

manufacturers, tentatively agreed to a draft label for certain magnetic toys. According to draft language, if the magnets can fall out of the toy or if the toy pieces are small enough to be swallowed, the ASTM guidelines would require a label warning of the potentially serious health impacts of swallowing magnets. CPSC has the authority to enforce the ASTM voluntary standards (once finalized) and exercises that authority at its discretion.

ASTM should adopt the most protective labeling guidelines possible with a clear warning for parents, stating: "Magnets can attach across intestines and cause injury and death. Seek immediate medical attention if a child swallows one or more magnets." CPSC should enforce the ASTM standard for all magnetic toys sold in the United States.

## Excessively Loud Toys

Between one-quarter and one-third of Americans with hearing loss can attribute it, at least in part, to noise.<sup>26</sup> Children are especially vulnerable to noise-induced hearing loss, which often happens gradually and without pain, from over-exposure to loud noises.<sup>27</sup> Almost 15 percent of children ages 6 to 17 show signs of hearing loss.<sup>28</sup> Noise-induced hearing loss can be caused by a one-time exposure to loud sound as well as by repeated exposure to sounds at various loudness levels over an extended period of time.<sup>29</sup>

The Occupational Safety and Health Administration reports that prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage.<sup>30</sup> The American Academy of Pediatrics and the National Campaign for Hearing Health also use 85 decibels as a threshold for dangerous levels of noise.

The symptoms of noise-induced hearing loss increase gradually over a period of continuous exposure. Sounds may become distorted or muffled, and it may be difficult for the person to understand speech. Even minor hearing loss in children can affect their ability to speak and understand language at a critical time in their development.

The following are the accepted standards for recommended permissible exposure time before hearing damage can occur. For every three decibels over 85 decibels, the permissible exposure time before possible damage is cut in half.<sup>31</sup>

### Decibel Exposure Time Before Hearing Damage Can Occur<sup>32</sup>

Continuous dB	Permissible Exposure Time
85 dB	8 hours
88 dB	4 hours
91 dB	2 hours
94 dB	1 hour
97 dB	30 minutes
100 dB	15 minutes
103 dB	7.5 minutes
106 dB	< 4 minutes
109 dB	< 2 minutes
112 dB	1 minute
115 dB	30 seconds

A report commissioned by the European Union about noise from toys concluded that children are unlikely to play with toys for more than three hours per day on average; they also are unlikely to be exposed to noise from toys for more than 1.5 hours per day. The report also notes, however, that children “are exposed to many sources of noise, not just toys, during everyday life. Any consideration of permissible noise exposures from toys, and of corresponding noise emission limits for toys, needs to take these other noise sources into account.”<sup>33</sup>

### Standards for Loud Toys

In November 2003, ASTM finalized new specifications for sound-producing toys that are “intended to minimize the possibility of hearing damage that might be caused by toys that are designed to produce sound.”<sup>34</sup> CPSC has the authority to enforce the

ASTM voluntary standards and exercises that authority at its discretion. These standards include the following:<sup>35</sup>

- Hand-held, table-top, floor, and crib toys should not produce continuous sound that exceeds 90 dB when measured from 25 centimeters.
- Close-to-the-ear toys should not produce continuous sound that exceeds 70 dB when measured from 25 centimeters.
- Toys with impact-type impulsive sounds should not produce a peak sound in excess of 120 dB when measured from 25 centimeters.
- Toys with explosive-type sounds should not produce a peak sound in excess of 138 dB when measured from 25 centimeters.

These standards, while a solid step in the right direction, may not be sufficient to ensure that loud toys will not harm children's hearing. Overall, the sound limits are too high, since exposure to sounds at 85-90 decibels over two hours and sounds at 120 decibels over just 30 seconds can cause hearing loss. Moreover, these standards are voluntary for toy manufacturers, not mandatory. CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority at its discretion. Finally, the standards are based on peak sound pressure levels measured from a distance of 25 centimeters. Children often play with toys at a much closer distance than 25 centimeters—even holding a toy up to their ears—and therefore could experience the noise at a more powerful level.<sup>36</sup>

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## **Toy Survey Findings: Loud Toys**

We measured the loudness of several toys, taking the readings from 25 centimeters (9.84 inches), 10 centimeters (3.94 inches) and 1 centimeter (.39 inches) to determine the range of noise to which a child playing with a toy could be exposed. We found that several toys currently on toy store shelves may not meet the ASTM standards for appropriately loud toys. In fact, some exceed 100 decibels when measured at close range. Our results are in Attachment A.

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## **Recommendations**

To protect children from loud toys, we offer the following advice for parents:

- If a toy seems too loud for you, then it is probably too loud for your child.
- Put tape over the speakers of any toys you already own that are too loud or remove the batteries.
- Report a loud toy to the CPSC.

CPSC should:

- Enforce the new ASTM standards to the fullest extent.
- Consider strengthening the standards to be more protective of children's delicate ears. Specifically, CPSC and ASTM should consider lowering the threshold for hand-held toys from 90 decibels to no higher than 85 decibels.

### Lead in Children's Jewelry

Health officials and children's health advocates have long sought to reduce children's daily exposure to lead, which can stunt mental and physical development. Lead-based paint is a common concern, but another hazard has come to the fore: lead in children's jewelry. Lead is used in pewter alloys and as a component in lower-grade tin commonly used in inexpensive and costume jewelry. Lead also may be present in plastic or polyvinyl chloride (PVC) jewelry components and in the paint used on fake pearls. Most of the lead-tainted jewelry sold in the United States originates from Asian manufacturing facilities, but some of it is manufactured domestically.

#### - THE DANGERS OF LEAD -

Exposure to lead can affect almost every organ and system in the human body, especially the central nervous system. Lead is especially toxic to the brains of young children. A child exposed to a single high dose of lead—such as by swallowing a piece of metal jewelry containing lead—can suffer permanent neurological and behavioral damage, blood poisoning, and life-threatening encephalopathy. Exposure to low doses of lead can cause IQ deficits, attention deficit hyperactivity disorder, and deficits in vocabulary, fine motor skills, reaction time, and hand-eye coordination.<sup>37</sup>

Children are more vulnerable to lead exposure than adults, since young children

often put their hands and other objects in their mouths; their growing bodies absorb more lead; and children's developing brains and nervous systems are more sensitive to the damaging effects of lead.

Scientists have not identified a "safe" level of lead exposure for children.<sup>38</sup> Research published in the *New England Journal of Medicine* in 2003 showed that children can lose IQ points at levels of lead in blood below the "official" level of concern as defined by the Centers for Disease Control.<sup>39</sup>

#### - FEDERAL STANDARDS FOR LEAD IN CHILDREN'S JEWELRY -

Two federal statutes address the lead content of toys. Under the Consumer Product Safety Act, regulations ban paint containing lead in a concentration of greater than 600 parts per million (0.06% by weight).<sup>40</sup> Under the Federal Hazardous Substances Act, CPSC may deem articles of metal jewelry as "hazardous substances" if they contain toxic quantities of lead sufficient to cause substantial illness as a result of reasonably foreseeable handling or use, including ingestion.<sup>41</sup> If such jewelry is intended for use by children and the toxic lead content is accessible by a child, then it constitutes a banned hazardous substance under the law.<sup>42</sup>

In February 2005, CPSC issued an interim enforcement policy for children's metal jewelry containing lead to give "manufacturers, importers, and retailers clear guidance on steps they should take to minimize the risk for children."<sup>43</sup> The policy

states that if the total lead concentration of any component of the metal jewelry exceeds 600 parts per million (0.06% by weight) and the accessible lead from the same component exceeds 175 micrograms, then CPSC staff will decide whether to perform a corrective action on a case by case basis. In making this decision, the staff will take into account the age grading of the jewelry, the level of accessible lead, the probable routes of exposure, and the number of items on the market.<sup>44</sup>

The Center for Environmental Health, a non-profit organization that has tested hundreds of jewelry items for lead since 2003, argues that the interim CPSC policy falls short of what is necessary to protect children, for several reasons, including:<sup>45</sup>

- The policy is premised on the false claim that the “scientific community generally recognizes a blood lead level of 10 micrograms per deciliter (ug/dl) of blood as a level of concern.”<sup>46</sup> In fact, CDC has concluded that “no ‘safe’ threshold for blood lead levels ... in young children has been identified.”<sup>47</sup> CDC also has rejected CPSC’s regulatory approach of modeling risk based on blood lead levels over 10 micrograms per deciliter.<sup>48</sup>

- The policy is based on “accessible” lead, which is more subjective than the total lead contained in a product. A child who swallows a metal pendant could be exposed to all of the lead in the item.

- The policy calls for testing *each* jewelry component but does not take into account potential exposure from multiple components. Under the CPSC policy, for example, each charm on a bracelet with multiple charms could contain up to 175

micrograms of accessible lead without triggering any agency action.

- The policy refers only to children’s “metal jewelry” even though PVC plastic and other materials used in children’s jewelry can contain lead.

- The policy is an “interim” guidance, not an agency rule, and therefore does not establish any new regulations or requirements for manufacturers or importers to test children’s jewelry.

Members of Congress have called for CPSC to take stronger action on lead in children’s products. In December 2005, Senator Barack Obama (IL) introduced the Lead Free Toys Act, which directs the CPSC to prescribe regulations classifying any children’s product containing lead as a banned substance under the Federal Hazardous Substances Act. This would include any product marketed or used by children under age six that contains more than trace amounts of lead.<sup>49</sup> Congressman Henry Waxman (CA) first introduced the legislation in the House in February 2005.<sup>50</sup>

#### - CPSC ISSUES VOLUNTARY RECALLS -

The CPSC has issued voluntary recalls of lead-containing jewelry, many stemming from incidents of lead-poisoning from the lead-tainted products. In 2004, the agency announced recalls of more than 150 million pieces of children’s jewelry sold in vending machines and retail stores.<sup>51</sup>

CPSC’s interim enforcement policy has not prevented jewelry with dangerous levels of lead from falling through the cracks. In

March 2006, CPSC recalled 300,000 Reebok heart-shaped charm bracelets. A four year-old child from Minneapolis died in February of acute lead poisoning after he swallowed a piece from one of these bracelets.<sup>52</sup> During autopsy, doctors removed the Reebok charm from the boy's stomach and learned that it contained 99% lead by weight.<sup>53</sup>

Since the February 2005 enforcement policy went into effect, CPSC has issued numerous additional recalls affecting millions of pieces of jewelry. In May 2006, for example, CPSC recalled 730,000 metal charms included as a free giveaway in certain Shirley Temple movie DVDs.<sup>54</sup>

#### **- LABORATORY TEST RESULTS: LEAD IN CHILDREN'S JEWELRY -**

In order to demonstrate how prevalent lead-tainted jewelry is, we set out to find and test several pieces of jewelry that could appeal to children. We did not attempt to perform an exhaustive search for children's jewelry containing lead; instead, looking in just a few stores, including major retailers and dollar stores, we found four lead-tainted pieces of jewelry. Specifically, we found lead at levels far exceeding CPSC's 600 parts per million (ppm) action level:

- A necklace sold at a dollar store with two metal charms (a cross and star) containing 34% lead (340,000 ppm);
- A necklace sold at a dollar store with a lead-tainted plastic cord and metal mushroom pendant, totaling 28% lead (280,000 ppm);
- A heart-shaped metal charm for a cell phone containing 9.9% lead (99,000 ppm); and

- A necklace (available in each letter of the alphabet) sold at Toys R Us with a charm containing 1.8% lead (18,000 ppm).

See Appendix A for photos of these jewelry items, Appendix C for the complete test results, and the methodology for a description of the testing protocol.

#### **- LITIGATION AND REGULATION AT STATE AND MUNICIPAL LEVELS -**

##### **Major Retailers Agree to Stop Selling Lead-Laden Jewelry**

The Center for Environmental Health (CEH) announced in January 2006 that 71 major retailers of children's jewelry, including Target, Kmart, Macy's, Nordstrom's, Claire's, Mervyn's, Sears, and Toys R Us, agreed to stop selling lead-laden jewelry, creating the first legally binding standards for lead in jewelry in the nation.<sup>55</sup> As of October 31, 2006, almost 100 retailers, manufacturers and others have joined the settlement.

CEH initiated legal action against the jewelry companies in late 2003 and, with the California Attorney General, sued the companies in June 2004.

The settlement states that metal components in and coatings on children's jewelry must contain less than 600 ppm of lead, while plastic (PVC) components can contain no more than 200 ppm. The agreement requires that companies stop shipping lead-tainted children's jewelry to retail stores by February 1, 2007; retailers must stop selling it by September 1, 2007.<sup>56</sup> The settlement is legally binding only in California, but since California is such a large market, most if not

all the companies likely will implement the settlement nationally.

In addition, on September 14, 2006, the Sierra Club sued the EPA to force the agency to use its authority under the Toxic Substances Control Act to address the problem of lead in toy jewelry.<sup>57</sup>

### Local and State Regulation of Lead-Tainted Jewelry

A new California law (AB 1681), signed by the governor on September 22, 2006, codified the standard set by settlement agreements between the California Attorney General's Office, the Center for Environmental Health and stakeholders in the jewelry industry.<sup>58</sup> California's action has spurred other states and localities to consider standards aimed at regulating lead in children's jewelry and other products. For example:

- The Baltimore Health Commissioner has proposed regulations for the sale of lead-containing jewelry in the city of Baltimore. The proposal would declare children's jewelry with excess levels of lead to be a nuisance, defining "excess levels" as any piece of children's jewelry in which any component part contains lead levels over 600 ppm.<sup>59</sup>
- In June 2006, the state of Illinois banned the sale of toys, furniture, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, or other articles used by or intended to be chewable by children if the lead content is more 0.06% lead by weight.<sup>60</sup>

## - RECOMMENDATIONS -

Lead-tainted jewelry should never end up on store shelves. The CPSC must enact mandatory requirements for manufacturers, retailers, and suppliers to test all jewelry for lead and step up enforcement of these standards.

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### **Phthalates in Products Intended for Small Children**

Phthalates are a family of chemicals, including diethyl phthalate (DEP), diethylhexyl phthalate (DEHP), dibutyl phthalate (DBP), butyl benzyl phthalate (BBP), diisodecyl phthalate (DIDP), diisononyl phthalate (DINP), di-n-octyl phthalate (DNOP), and many other distinct types. The polyvinyl chloride (PVC) plastic industry uses large amounts of phthalates as additives to improve the flexibility of its products, including home siding, flooring, furniture, food packaging, toys, clothing, car interiors, and medical equipment, including IV bags. In addition, other manufacturers use phthalates in personal care products such as soap, shampoo, deodorant, hand lotion, nail polish, cosmetics, and perfume, as well as industrial products like solvents, lubricants, glue, paint, sealants, insecticides, detergent, and ink.<sup>61</sup>

Phthalates are pervasive in the environment and in human bodies. In 2000, the Centers for Disease Control (CDC) found high levels of phthalates and their transformation products (known as metabolites) in every one of 289 adult Americans tested, including women of childbearing age.<sup>62</sup> A larger CDC study in 2003 again found high levels of phthalates in almost every person tested.<sup>63</sup>

## - PHTHALATE EXPOSURE LINKED TO HEALTH EFFECTS -

Numerous scientists have documented the potential health effects of exposure to phthalates in the womb or at crucial stages of development, including (but not limited to):

- **Reproductive Defects.** Scientists have demonstrated links between exposure to phthalates in the womb with abnormal genital development in baby boys and disruption in sexual development.<sup>64</sup> In October 2005, an independent panel of scientists convened by the National Institute of Environmental Health Sciences and the National Toxicology Program released its review of one type of phthalate, diethylhexyl phthalate (DEHP). The panel confirmed that DEHP poses a risk to reproductive and developmental health.<sup>65</sup>
- **Premature Delivery.** A study published in November 2003 suggests a link between exposure to phthalates and pre-term birth. The scientists found phthalates and their breakdown products in the blood of newborn infants, with higher levels leading to a higher incidence of premature delivery.<sup>66</sup>
- **Early Onset Puberty.** One study of Puerto Rican girls suggests that phthalates may be playing a role in trends toward earlier sexual maturity.<sup>67</sup> Scientists found that levels of DEHP were seven times higher in girls with premature breast development than levels in normal girls.
- **Lower Sperm Counts.** In 2003, Drs. Susan Duty and Russ Hauser of the Harvard School of Public Health published one of the first studies linking phthalate exposure with harm to human reproductive health.<sup>68</sup> Men who had monobutyl or monobenzyl phthalate in

their urine tended to have lower sperm counts, with the highest concentrations leading to the lowest sperm counts.

## - U.S. FAILS TO TAKE ACTION ON PHTHALATES -

In 1998, the state PIRGs and several other environmental and consumer groups petitioned the CPSC, asking the agency to ban polyvinyl chloride (PVC) plastic in all toys intended for children under the age of five because of the potential health hazards posed by diisononyl phthalates (DINP). While noting its position that “few if any children are at risk from the chemical,”<sup>69</sup> in December 1998 CPSC asked the toy and baby products industry to remove DINP from soft rattles and teethers. About 90 percent of manufacturers indicated at that time that they had or would remove DINP from soft rattles and teethers by early 1999. CPSC staff also asked the industry to find a substitute for phthalates in other products intended for children under three years old that are likely to be mouthed or chewed.<sup>70</sup>

CPSC also convened a Chronic Hazard Advisory Panel to examine the existing scientific data concerning the potential risks of phthalates to humans. In June 2001, the panel concluded that while the majority of children would not be adversely affected by diisononyl phthalate, “there may be a DINP risk for any young children who routinely mouth DINP-plasticized toys for seventy-five minutes per day or more.”<sup>71</sup>

Unfortunately, in February 2003, CPSC denied the state PIRGs’ petition to ban PVC plastic in toys for young children.<sup>72</sup>

Other countries have taken action, however, to protect children's health. In September 2004, the European Union (EU) agreed to impose wide restrictions on the use of six phthalates in toys and childcare products.<sup>73</sup> The EU banned three phthalates classified as reproductive toxicants - diethylhexyl phthalate (DEHP), butyl benzyl phthalate (BBP), and dibutyl phthalate (DBP) - in all toys and childcare articles. The EU banned three other phthalates - DINP, diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) - in toys and childcare articles intended for children under three years of age and that can be put in the mouth.<sup>74</sup>

#### **- SAN FRANCISCO TAKES ACTION, CHEMICAL INDUSTRY RESPONDS -**

In June 2006, the San Francisco Board of Supervisors unanimously adopted an ordinance prohibiting the sale, distribution or manufacture of toys and child care products intended for use by children under the age of three if they contain phthalates or bisphenol A. In October, the American Chemistry Council, California Retailers Association, California Grocers Association, Juvenile Products Manufacturers Association and others filed a lawsuit challenging San Francisco's ban, arguing that state law preempts the San Francisco ordinance.<sup>75</sup>

#### **- "PHTHALATE-FREE" PRODUCTS -**

Some manufacturers are beginning to label their baby products and toys as "phthalate-free," ostensibly giving parents the information they need to make educated purchasing decisions. The U.S. government, however, does not regulate the "phthalate-free" label or ensure that products labeled

"phthalate-free" actually do not contain phthalates. Since the U.S. government has not established any guidelines for what the label means, or established any standards for the phthalate content in children's products, consumers can only assume that it means phthalates are not present in the item.

In 2005, to test the reliability of the "phthalate-free" label, we commissioned STAT Analysis Corporation in Chicago, Illinois to test eight soft plastic toys labeled as not containing phthalates. Of the eight toys tested, six contained detectable levels of phthalates.<sup>76</sup> Based on these results, we asked the Federal Trade Commission (FTC) to investigate whether manufacturers' use of the "phthalate-free" label constitutes unfair or deceptive marketing practices when the product actually contains phthalates.<sup>77</sup>

With the results of the FTC investigation still pending, we once again commissioned STAT Analysis Corporation in the fall of 2006 to test 10 soft plastic toys labeled as not containing phthalates.<sup>b</sup> Of the 10 toys tested, just two contained detectable levels of phthalates. See Attachment D for more information.

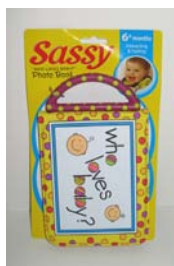
Some of the items that tested positive for phthalates last year did not this year. While this may be good news for consumers, nothing in U.S. law has changed to hold manufacturers accountable to their "phthalate-free" label or require them to stop using phthalates. Consumers still have no guarantee that the "phthalate-free" products

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<sup>b</sup> Eight of the toys were labeled "phthalate-free" on the packaging. One item was labeled "phthalate-free" on the manufacturer's website. For the last item, the manufacturer's website claimed not to use phthalates in any of its children's products.

they purchase truly are phthalate-free, as evidenced by our test results.

### Toys Labeled “Phthalate-Free” that Tested Positive for Phthalates (October 2006)



#### Who Loves Baby? Photo Book (Sassy, Item #844)

Product label says “This product is phthalate-free.” Lab tests found diethylhexyl phthalate (DEHP) and Di-n-butyl phthalate (DBP).



#### Just Animals! Purple Hippo (Small World Toys, Item #9111246)

Product label says “No DINP, No Phthalates.” Lab tests found diethylhexyl phthalate (DEHP), di-n-butyl phthalate (DBP), and di-n-octyl phthalate (DNOP).

issued guidance to manufacturers, retailers, and distributors about children’s products containing liquid chemicals. This guidance states that in order to “reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, the Commission requests manufacturers to eliminate the use of such chemicals in children’s products.”<sup>79</sup>

We found several examples of play cosmetic sets marketed for children with nail polish containing toxic chemicals, such as toluene, xylene, dibutyl phthalate and benzene. Since children are prone to putting their hands in their mouths, nail polish offers a direct route of exposure. Children could face additional exposure by inhaling vapors from the nail polish when applying the product. See Attachment A for a list of products found containing these chemicals.

### - RECOMMENDATIONS -

CPSC should ban the use of phthalates in all toys and products for children five years old and under. In addition, CPSC and the Federal Trade Commission should look into manufacturers’ use of the “phthalate-free” label and take action against manufacturers that may be misleading consumers.

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## Toxic Chemicals in Children’s Cosmetics

Play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetic Act.<sup>78</sup> In addition, the CPSC has

### - TOLUENE -

We found a children’s temporary tattoo set on store shelves containing toluene, a recognized developmental toxicant.<sup>80</sup> Human studies have reported developmental effects, such as central nervous system damage, attention deficits, and birth defects, in the children of pregnant women exposed to toluene by inhalation. Other studies have linked women’s exposure to toluene with an increased incidence of spontaneous abortions.<sup>81</sup> Exposure to low levels of toluene can cause confusion, weakness, memory loss, nausea, and hearing and color vision loss. Inhaling high levels of toluene in a short time can cause similar symptoms, unconsciousness and even death.<sup>82</sup>

### - XYLENE -

We found examples of play cosmetics containing xylene. Short-term exposure to high levels of xylene can cause irritation of the skin, eyes, nose, and throat; difficulty in breathing; impaired function of the lungs; delayed response to visual stimulus; impaired memory; and possible changes in the liver and kidneys. Both short- and long-term exposure to high concentrations of xylene also can affect the nervous system, causing headaches, lack of muscle coordination, dizziness, and confusion.<sup>83</sup>

Long-term exposure to low concentrations of xylene may harm the kidneys (with oral exposure) or the nervous system (with inhalation exposure). Children may be more sensitive to acute inhalation exposure than adults because their narrower airways are more sensitive to swelling effects.<sup>84</sup>

### - DIBUTYL PHTHALATE -

We also found examples of play cosmetics containing dibutyl phthalate, one of the phthalates recently banned by the European Union in all toys. OPI, Orly International, and Sally Hansen have pledged to remove dibutyl phthalate from their nail polishes. OPI and Orly already have started selling nail polish without dibutyl phthalate; Sally Hansen will start selling its reformulated products (free of dibutyl phthalate, toluene, and formaldehyde) in 2007.<sup>85</sup>

Researchers have observed birth defects in animals exposed to high levels of dibutyl phthalate during development. Death, low body weights, skeletal deformities, cleft palate, and damage to the testes have been observed in the offspring of animals ingesting large amounts of dibutyl phthalate.<sup>86</sup>

A 2004 study examined nail polishes and perfumes and concluded that the amount of exposure to dibutyl phthalate from these cosmetics is relatively small. The study cautioned, however, that total exposure to the chemical from multiple sources may be greater and requires further investigation.<sup>87</sup>

### - BENZENE -

Benzene is a known human carcinogen. Breathing in high levels of benzene can cause drowsiness, dizziness, rapid heart rate, headaches, tremors, confusion, and unconsciousness. Similarly, eating foods tainted with high levels of benzene can cause vomiting, dizziness, sleepiness, convulsions, rapid heart rate, and even death.<sup>88</sup>

Long-term exposure to benzene has a damaging effect on the blood, harming the bone marrow and causing anemia or leukemia.<sup>89</sup> Acute exposure to benzene in liquid or vapor form may irritate the skin, eyes, and upper respiratory tract in humans. Redness and blisters may result from dermal exposure to benzene.<sup>90</sup>

### - RECOMMENDATIONS -

Parents should read the labels of children's cosmetics carefully and purchase nail polish without these toxic chemicals. CPSC also should enforce its guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals and expand it to include other toxic chemicals that may expose children to hidden health hazards. The Food and Drug Administration, which has jurisdiction over cosmetics, should require manufacturers to remove the toxic chemicals listed in CPSC's guidance (at minimum) from products marketed for children.

## Water Yo-Yo Balls



The yo-yo water ball (or water yo-yo) emerged in 2003 as the latest toy fad. The toy is a liquid filled ball on a stretchy bungee cord string with a finger loop at the end, allowing a child to swing the toy around, stretching the string and bouncing back like a yo-yo. The ball also can be bounced and twirled like a lasso.

There are dozens of different types of yo-yo water balls distributed in the United States by many different companies, often without a brand name. Based on information from industry sources, CPSC believes that approximately 11-15 million yo-yo ball toys were distributed in the U.S. in 2003, selling for between \$1 and \$5.<sup>91</sup> As word has spread about the potential hazard associated with the toy, and as major retailers have stopped selling it, the toy is much harder to find than it was a few years ago.

### - DANGERS OF WATER YO-YOS -

Consumer safety agencies around the world have fielded complaints from parents reporting incidents in which water yo-yos wrapped tightly around their children's necks or caused other injuries to the eyes, face and head. The cord is made of a rubbery plastic, which extends approximately four feet. The toy is often difficult to control, as the water ball at the end of the toy is heavy enough to generate significant momentum when swung. Children between ages four and eight may be

most vulnerable to injury, since they have the strength to swing the yo-yo quickly but may lack the dexterity to control the toy's momentum. *Consumer Reports* tested more than a dozen of these toys, deeming the toy "Not Acceptable" because of the potential for the cord to wrap around a child's neck and restrict or cut off circulation. *Consumer Reports* also found that the elastic finger loop could stretch enough to fit over a child's head and around his or her neck.<sup>92</sup>

The CPSC has received about 400 injury reports related to water yo-yo balls since the end of 2002.<sup>93</sup> Parents have found their children suffocating with yo-yo balls wrapped multiple times around their children's necks. Parents report using knives, scissors, and even their teeth to cut the elastic cords of the tightly wrapped yo-yo balls. As recently as October 2006, a five year-old boy from Bellevue, Washington almost suffocated when a water yo-yo wrapped tightly around his neck three times.<sup>94</sup> Other reported incidents over the last few years include a child passing out and hitting his head so hard he fractured his skull; another child was found bleeding from his mouth and nose and needed CPR; and two other children have had to have lens implant surgery in their eyes because the toy snapped back with such force that it shattered the lens.<sup>95</sup> Since the end of 2003, complaints have dropped in number although not in severity, likely because many major retailers no longer sell the toys due to consumer concerns.<sup>96</sup>

## - REGULATORY ACTION -

The U.S. government has taken little action to remove the product from the market. In September 2003, CPSC announced the results of an investigation into the yo-yo water ball, finding that “there is a low but potential risk of strangulation from the yo-yo water ball toy.” At that time, the CPSC noted that it had received 186 reports of incidents in which the yo-yo ball toy’s cord wrapped around a child’s neck. According to the commission, there were no lasting injuries, although seven cases reported broken blood vessels affecting eyes, eyelids, cheeks, neck, scalp or the area behind the ears.<sup>97</sup> CPSC decided to not recall the product; instead, the agency advised parents to supervise use of the toy, cut its cord, or throw it away. The CPSC has not taken any additional action to remove the toy from the market or ban its sale in the United States. Most major retailers have stopped selling the toy;<sup>98</sup> however, the toy remains on some store shelves and widely available over the Internet.

In response to the CPSC’s inaction, both state and federal lawmakers have taken steps to ban the toy. At the national level, Congressman Robert Andrews (NJ) introduced a bill with Congresswoman Jan Schakowsky (IL) on September 13, 2005 to ban the sale of water yo-yos.<sup>99</sup> In June 2005, Illinois became the first state to ban the sale of water yo-yos. State legislatures in at least New Jersey, New York, and Wisconsin also have introduced bills to ban the toy.<sup>100</sup>

Injuries associated with the water yo-yo also have prompted strong action in countries around the world. In 2003, Canada’s Consumer Product Safety Bureau announced that “yo-yo type balls and similar products are prohibited from advertising, sale or

importation in Canada.”<sup>101</sup> The sale of yo-yo water balls also is banned in France, Switzerland, Australia, Luxembourg, Brazil and the United Kingdom.<sup>102</sup>



*Consumer Reports* also reported that variations of the water yo-yo pose additional hazards. Rather than a water-filled ball, some versions of this toy contain a battery and components to make it flash. During lab tests and real-life tests with supervised four-year-olds, the battery or other components fell out of the squishy material or tore through it in four of the six toys *Consumer Reports* tested. Kids could choke on the parts, and a battery could eat away at the esophagus or stomach lining. Some of these toys come in packaging with choke hazard warnings; others do not.<sup>103</sup>

## - RECOMMENDATIONS -

The growing numbers of injuries sustained by children playing with the yo-yo water ball are strong evidence that the toy should be banned in the United States. The CPSC should not wait until a child dies to protect children from the dangers posed by playing with this toy.

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### **Cords and Elastics in Toys**

ASTM maintains a voluntary standard for cords and elastics that may pose entanglement or strangulation hazards. It states that cords and elastics included with or attached to toys intended for children less than 18 months of age must be less than 12 inches long. If the cords or elastics can tangle or form a loop in connection with any part of the toy, such as beads at the end of

the cord, then the perimeter of the loop must be less than 14 inches.<sup>104</sup>

ASTM published a separate voluntary standard for pull toys, stating that “cords and elastics greater than 12 inches long for pull toys intended for children under 36 months of age shall not be provided with beads or other attachments that could tangle to form a loop.”<sup>105</sup> The cord could become tangled around a child’s neck and be locked into place by the knob.

CPSC has the authority to enforce the ASTM voluntary standards. Parents should remove beads or other attachments from elastics/cords on their children’s toys if the cords measure more than 12 inches.

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## **Crib Mobiles**

Crib mobiles present a special hazard for infants. Around the age of five months, children become more mobile and begin to push themselves up on their hands and knees. At that point, mobiles left within reach of a child become hazardous; a child may be able to entangle herself in them but lack the physical strength or motor skills to free herself. According to the voluntary standard published by ASTM, crib mobiles require labels with the following warning: “Caution: possible entanglement injury: keep toy out of baby’s reach. Remove mobiles from crib or playpen when baby begins to push up on hands and knees.”<sup>106</sup>

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## **Drawstring Clothing**

Drawstrings on children’s clothing can lead to deaths and injuries when they catch on such items as playground equipment, bus doors, or cribs.<sup>107</sup> From January 1985 through June 1997, CPSC received reports of 21 deaths and 43 incidents involving drawstrings on children’s upper outerwear.<sup>108</sup> In February 1996, CPSC issued guidelines to help prevent these injuries, which ASTM adopted as a voluntary standard in June 1997.<sup>109</sup> In the period since, CPSC has seen a marked decrease in fatalities and incidents.

CPSC recommends that parents remove drawstrings from all children’s upper outerwear sized 2T to 12 and buy clothing that has alternative closures, such as snaps, buttons, and Velcro.<sup>110</sup>

In May 2006, CPSC sent a letter to manufacturers and retailers of children’s upper outerwear, urging them to make sure that all clothing sold in the U.S. complies with the voluntary safety standard.<sup>111</sup> The letter also stated that CPSC “considers children’s upper outerwear with drawstrings at the hood or neck area to be defective” and subject to recall.

Since January 2006, CPSC has announced at least 13 recalls of children’s clothing items with drawstrings.<sup>112</sup>

### Projectiles

ASTM established standards governing projectile toys, defined as toys “intended to launch projectiles into free flight by means of a discharge mechanism in which the kinetic energy of the projectile is determined by the toy and not by the user.”<sup>113</sup> The standards state that projectiles intended to be fired from a toy “shall not have any sharp edges, sharp points, or small parts” that would fit inside the choke tube.<sup>114</sup> In addition, the standard states that rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).<sup>115</sup> Any protective tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.<sup>116</sup>

CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary.

See Appendix A for an example of a toy posing a projectile hazard.

### Scooters

Popular lightweight scooters, which first entered the U.S. market in 1999, continue to pose a serious threat of injury to children. Injuries from riding toys, including scooters, skyrocketed between 2000 and 2001, from 65,000 to 121,700 injuries. This number has fallen since 2001, with 71,100 injuries in 2004, but scooters and other riding toys still cause more injuries than any other category of toy (34 percent).<sup>117</sup> This decline is likely due in part to increased parental awareness of the dangers posed by scooters.

To prevent injuries while using both motorized and non-powered scooters, we join the CPSC in its recommendations to consumers:

- Wear proper safety gear, including a helmet that meets CPSC’s standard, knee and elbow pads, and wrist guards.
- Ride the scooters on smooth, paved surfaces without any traffic.
- Do not ride the scooter at night.
- Children under age 8 should not use non-powered scooters without close adult supervision.

# Holes in the Toy Safety Net

Despite improvements in toy regulations and labeling requirements, parents should remain vigilant. Consumers looking for toys still face an industry full of safety loopholes; once toys fall through, it is difficult to remove them from the market.

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## Loopholes in Toy Safety Regulation

### - NEAR SMALL PARTS -

Even when companies comply, current regulations do not address all choking hazards posed by toys. While the choke test cylinder eliminates most objects small enough to enter a child's lower throat and air passages, it does not eliminate all objects that can block the airway by obstructing the mouth and upper throat.

Children continue to choke on toys that do not technically violate the CPSC regulations. In September 2006, CPSC and Playskool voluntarily recalled about 255,000 Team Talkin' Tool Bench toys following the deaths of two young children. A 19-month-old West Virginia boy and a 2-year-old Texas boy suffocated when three-inch plastic toy nails sold with the tool bench toys became forcefully lodged in their throats.<sup>118</sup> Many toys with parts similar in size and shape to these toy nails remain on store shelves without choke hazard warning labels.

We call on CPSC to:

- Enlarge the small parts test tube to be more protective of children under three; and

- Consider extending the ASTM specification for toys with spherical ends to apply to toys intended for children under six years old instead of under 18 months. At minimum, CPSC should consider special labeling for toys shaped like the toy nails that caused the two children to suffocate.

### - ONLINE SHOPPING -

A new factor complicating toy safety is the growing popularity of online toy retailers. The convenience of online toy stores draws increasing numbers of consumers each year, yet these stores pose special difficulties for consumers. The CPSC has yet to require online retailers to include choke hazard warnings for toys with small parts on their websites. Last year, we surveyed 37 online toy retailers and found that two-thirds do not include any choke hazard labeling on their websites, even when the toy requires such labeling on the packaging.<sup>119</sup>

We call on CPSC to require Internet toy retailers to prominently display choke hazard warning labels next to toys that require such labeling on their packaging.

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## Ineffective Toy Recalls

Even though CPSC announces recalls publicly through the Internet, national television, toy stores and pediatricians' offices, many consumers still do not find out about recalled toys. For obvious reasons, companies do not like publicizing that they sold a defective product. CPSC has recorded

extremely low return rates on its recalls of toys and consumer products. The agency does not know if consumers who do not return the toys just throw them away or never heard of the recall in the first place.<sup>120</sup>

CPSC's hands often are tied as well. CPSC can say little about ongoing safety investigations; after a recall is announced, CPSC cannot disclose anything that the recalling company does not want released to the public.<sup>121</sup>

In addition, not all stores remove recalled products from their shelves. Most major retailers using computerized scanners can catch recalled products at the register, but stores relying on older registers, such as dollar stores, may allow consumers to purchase recalled items. PIRG researchers, for example, were able to purchase recalled pacifiers for sale at one dollar store in the Washington, DC metro area (see Appendix A).

Finally, many consumers may not know if they even own the product being recalled. The failure of toy manufacturers to label their products – not just the packaging – with contact information or even the name of the

manufacturer makes identifying recalled products difficult if not impossible. Manufacturers, on the other hand, rarely have any way of contacting consumers who have purchased their products. Few consumers fill out “warranty” cards provided with some products, because the questions asked are so clearly intended for marketing purposes, giving consumers legitimate privacy concerns.

We support the Consumer Federation of America (CFA) in its call for Consumer Registration Cards. In 2001, CFA petitioned CPSC, asking that the agency require all manufacturers (or distributors, retailers or importers) of children's products to provide a Consumer Registration Card that allows the purchaser to register information through the mail or electronically. These cards would allow manufacturers to contact consumers about recall and safety actions taken by the CPSC or the manufacturer of the product. The petition specified that the cards would collect only enough information to contact the purchaser (name and address or email address) and nothing for marketing purposes.<sup>122</sup>

**Choking hazards:** We categorized toys as a potential choking hazard if a) if a toy labeled for children under three contains small parts or breaks easily into small parts;<sup>c</sup> b) a toy contains small parts or small balls but is intended for children under three, regardless of age labeling if any; c) a toy contains small parts or small balls, is intended for children over three, but lacks the statutory choke hazard warning; or d) the toy is intended for children under six, lacks the statutory choke hazard warning and appears to fail the “use and abuse” test, breaking easily into small parts that fit in the choke tube.

**Noise hazards:** Using a digital sound level meter, we measured the loudness of each toy (in decibels) from 25 cm, 10 cm, and 1 cm. The toy (still in its packaging) was placed on a flat table with the sound meter placed on a tripod pointed at the toy. We tested each toy for 30 seconds and recorded the highest continuous maximum measurement, the loudest sound level recorded during a one second sampling period.

**Toxic chemicals in children’s cosmetics:** We did not test the children’s cosmetics identified in Attachment A of this report to determine their chemical content. We relied solely upon the list of ingredients provided on the product packaging.

**Testing of “phthalate-free” products:** STAT Analysis Corporation in Chicago, a laboratory accredited by the Illinois Environmental Protection Agency in accordance with the National Environmental Laboratory Accreditation Program, performed the phthalates testing. STAT Analysis followed standard procedures, using EPA Method 8270C and EPA Method 3580A.<sup>123</sup> The reporting/quantitation limits varied based on the product tested, as detailed in Attachment D.

**Testing of lead-tainted jewelry:** We purchased several items of jewelry from major retailers and dollar stores and used home lead testers available at most hardware stores to identify items potentially containing lead. We sent these items to STAT Analysis (see above) for additional testing. STAT Analysis used EPA Method 6020 (Inductively Coupled Plasma-Mass Spectrometry) and EPA Method 3050B (Acid Digestion of Sediments, Sludges, and Soils) to determine the quantity of lead in each item.<sup>124</sup>

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<sup>c</sup> If a toy broke into small parts with little effort or force, we assumed that the toy may not comply with CPSC use and abuse testing procedures.

# Attachment A. 2006 Summary of Toy Hazards and Examples of Potentially Dangerous Toys

## - Potential Choking Hazards -

### Standards

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Under the Child Safety Protection Act (CSPA) and Consumer Product Safety Commission rules:

- Toys intended for children under three are banned if they contain small parts or easily break into pieces that are small parts.
- Toys intended for children between the ages of three and six years old that contain small parts must include an explicit choke hazard warning with precise statutory language.
- Any small ball or toy that contains a small ball must meet a stricter safety test and include an explicit choke hazard warning.
- Marbles or toy with marbles must include an explicit choke hazard warning.
- All balloons must include a warning about the dangers of uninflated or broken balloons to children younger than 8 years of age.

### Examples of Toys that Pose Potential Choking Hazards

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#### - TOYS FOR CHILDREN UNDER 3 CONTAINING SMALL PARTS -

*Toys intended for children under three are banned if they contain small parts or easily break into pieces that are small parts.*



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Kid Connection Mini Activity Cube

**Manufacturer:** Wal-Mart Stores

**Item Number:** 31306

**Problem:** Shaped pegs that move along curves can come out, posing a choking hazard. Labeled for ages 2 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Play It Sharp Wooden Noise Maker

**Manufacturer:** Greenbrier International

**Item Number:** 864898

**Problem:** Wooden stick in middle of the toy breaks apart easily into small parts. Labeled for ages 2 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** You & Me Wintertime Baby

**Manufacturer:** Geoffrey

**Item Number:** 87406

**Problem:** Eyeglasses break into small parts that fit in the choke tube; toy also contains a small ball attached by a string. Labeled for ages 2 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Baby I'm Yours Doll Clothing

**Manufacturer:** Target Corporation

**Item Number:** 44459 55003

**Problem:** Pearls on baby booties fit in choke tube and are attached by a few threads; may fail "use and abuse" test. Labeled for ages 2 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** My First Baby Annabell

**Manufacturer:** Zapf Creations

**Item Number:** 760914

**Problem:** Pacifier fits in choke tube and is attached by a few threads; could fail "use and abuse" test. Child could put pacifier in mouth. Labeled for ages 1 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Playtime Babies Triplets (Dari, Danielle, & Darren)

**Manufacturer:** Cititoy Inc.

**Item Number:** 74351

**Problem:** Pacifiers fit in choke tube. Pacifiers are attached to dolls by a few threads; may fail "use and abuse" test. Child could put pacifier in her mouth. Labeled for ages 2 and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Sassy Pet Saks “Magic Carpet” and Assorted Others

**Manufacturer:** Douglas Company

**Item Number:** 2067

**Problem:** “Magic Carpet” Sassy Pet Sak has rhinestone sewn on with a few threads; may fail “use and abuse” test. Several varieties of the toy contain small parts sewn on to the bag. Labeled for ages 18 months and up.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** “I Love My...” (Rabbit, Puppy, Kitten, Duckling) foam books; “Dinosaur Loveables” (T-Rex, Stegosaurus, Velociraptor, Pterodactyl) foam books; “Loveable Learning” (Shapes, Colors, Numbers, Opposites) foam books

**Manufacturer:** Paradise Press

**Item Number:** “I Love My...” series (86943 00796); “Dinosaur Loveables” series (86943 00491); “Loveable Learning” series (86943 00492).

**Problem:** Foam velcro tabs rip off easily and fit in choke tube. Labeled with non-statutory choke hazard warning, but has play value for children under 3. According to the *Manufacturers’ Abbreviated Guide for Age Labeling Toys*, books with easy-to-turn cloth or cardboard pages with bright primary colors are appropriate for children as young as 7 months if they contain familiar objects.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Animal Pal Books (This Little Piggy, Itsy Bitsy Spider, Cuddles the Cow, Teddy Bear)

**Manufacturer:** Playmore Publishers and Waldman Publishing

**Item Number:** 70097 00215

**Problem:** Foam velcro tabs rip off easily and fit in choke tube. Labeled with non-statutory choke hazard warning, but has play value for children under 3. According to the *Manufacturers’ Abbreviated Guide for Age Labeling Toys*, books with easy-to-turn cloth or cardboard pages with bright primary colors are appropriate for children as young as 7 months if they contain familiar objects.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Bonnie Bear Magnetic Writing Board

**Manufacturer:** Bazic/Bangkit USA

**Item Number:** 1834

**Problem:** Small drawing tools fit in choke tube. Toy could have play value for children under 3. According to the *Manufacturers’ Abbreviated Guide for Age Labeling Toys*, chalkboards are appropriate for children as young as 25 months. The writing board is similar in concept to a chalkboard.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Music Machines Music Mic Set

**Manufacturer:** Symak Sales

**Item Number:** 9988

**Problem:** Whistle fits in choke tube. Toy has choke hazard warning, but toy could have play value for children under 3. According to the *Manufacturers' Abbreviated Guide for Age Labeling Toys*, rhythm instruments and novelty horns and whistles are appropriate for children as young as 25 months.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Magnetic Letters, Numbers, Shapes

**Manufacturer:** Greenbrier International

**Item Number:** 360248

**Problem:** Magnets come out and fit in choke tube; some letters fit in choke tube. Has choke hazard warning, but may have play value for children under 3. According to the *Manufacturers' Abbreviated Guide for Age Labeling Toys*, “simple...teaching toys for matching/sorting, shapes, colors, letters/sounds, numbers/concepts” are appropriate for children ages 25-36 months. (Note: This type of refrigerator magnet generally does not contain the powerful magnets discussed in the “Magnetic Toys” section of this report.)



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Foam Numbers

**Manufacturer:** Unknown

**Item Number:** KK603

**Problem:** Small parts of foam toy fit in choke tube. Toy has choke hazard warning, but toy could have play value for children under 3. According to the *Manufacturers' Abbreviated Guide for Age Labeling Toys*, “simple...teaching toys for matching/sorting, shapes, colors, letters/sounds, numbers/concepts” are appropriate for children ages 25-36 months. In addition, toys for the bathtub are “commonly recognized” for children under age 3.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Stick-N-Learn in the Tub Bath Book

**Manufacturer:** Greenbrier International

**Item Number:** 838882

**Problem:** Foam pieces break apart easily into small parts. Includes choke hazard warning, but may have play value for children under 3. According to the *Manufacturers' Abbreviated Guide for Age Labeling Toys*, books with easy-to-turn cloth or cardboard pages with bright primary colors are appropriate for children as young as 7 months if they contain familiar objects and animals. In addition, toys for the bathtub are “commonly recognized” for children under age 3.<sup>125</sup>



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Slinky Brand Party Set

**Manufacturer:** James Industries

**Item Number:** 8503

**Problem:** Play silverware breaks into small parts. Has choke hazard warning, but may have play value for children under 3. According to the *Manufacturers' Abbreviated Guide for Age Labeling Toys*, “unbreakable dishes” are appropriate for children between the ages of 13-18 months. Tea sets are most appropriate for children at least 19 months old.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** “Lovely Monkey” Rattle and Pull Toy

**Manufacturer:** Unknown

**Item Number:** KW9727

**Problem:** Ornaments on wheel fall off and fit in choke tube. Toy has a choke hazard warning, but rattles and pull toys are “commonly recognized” for children under 3.<sup>126</sup>



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Expressions 30 Piece Hair Accessory Set

**Manufacturer:** Almar Sales

**Item Number:** 878772

**Problem:** Hair clips fit in choke tube. Product is intended for infants and children under 3. Children’s accessories, such as barrettes, are exempt from the small parts regulation because they need to be small to perform their intended purpose.<sup>127</sup> These items, however, are marketed for infants without any warning that they could pose a choking hazard.



**Category:** May violate ban on small parts in toys intended for children under 3.

**Toy Name:** Assorted Claire’s Club Baby Hair Bands and Elastics (those with hard plastic jewels, hearts, and other attachments)

**Manufacturer:** CBI Distributing

**Item Number:** 91349-1, 37504-8, 47975-8, 91847-4

**Problem:** Plastic jewels, hearts, flowers and other attachments on hair bands can pop off and fit in choke tube. The CPSA exempts children’s accessories, such as barrettes, from the small parts regulation because they need to be small to perform their intended purpose.<sup>128</sup> These items, however, are marketed for infants (“Claire’s Club Baby”) and contain non-essential and decorative small parts without any warning that they could pose a choking hazard.

**- TOYS THAT MAY NOT MEET CSPA LABELING REQUIREMENTS -**

Toys intended for children between the ages of three and six years old that contain small parts must include an explicit choke hazard warning with precise statutory language. Any small ball or toy that contains a small ball must meet a stricter safety test and include an explicit choke hazard warning. Any marble must include an explicit choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Hot Wheels Rev-Ups Speed Shifters

**Manufacturer:** Mattel

**Item Number:** Asst. J7107

**Problem:** The rubber tires pop off easily and fit in the choke tube. The toy has play value for children under 6. Packaging includes a non-statutory choke hazard warning (“Small parts may be generated”).



**Category:** Potential CSPA labeling violation

**Toy Name:** Hot Wheels Monster Jam El Toro Loco

**Manufacturer:** Mattel

**Item Number:** 53533

**Problem:** Horns on the truck twist/break off; may fail “use and abuse” test. Labeled for ages 3 and up. Packaging includes a non-statutory choke hazard warning (“Small parts may be generated”).



**Category:** Potential CSPA labeling violation

**Toy Name:** Tonka Lights & Sound Rescue Helicopter

**Manufacturer:** Funrise International

**Item Number:** 5587

**Problem:** Silver hook comes off easily and fits in choke tube. Labeled for ages 3 and up. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Hot Zone Die-Cast Metal & Plastic Free Wheel (Yellow Truck with Crane)

**Manufacturer:** Maisto International/KB Holdings

**Item Number:** 15001

**Problem:** Hook at end of crane detaches easily and fits in choke tube. Labeled for ages 3 and up. No choke hazard warning.



**Category:** Potential CSPA labeling violation  
**Toy Name:** Disney “Cars” the Movie character car, “Mater”  
**Manufacturer:** Mattel  
**Item Number:** H6408

**Problem:** Rigging in back of truck breaks into small parts, may fail “use and abuse” test. Labeled for ages 3 and up. Packaging includes a non-statutory choke hazard warning (“Small parts may be generated”).



**Category:** Potential CSPA labeling violation  
**Toy Name:** Aurora Stuffed Dog “Fergie”  
**Manufacturer:** Aurora World  
**Item Number:** 30365

**Problem:** Pearl necklace and rhinestone on wrist corsage fit in choke tube. Has play value for children under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation  
**Toy Name:** Fisher Price Loving Family Laundry Room  
**Manufacturer:** Mattel/Fisher Price  
**Item Number:** H7216

**Problem:** Toy bears fit in choke tube; attached to string and piece of cloth that would not prevent choking. Labeled for ages 3 and up. Packaging includes a non-statutory choke hazard warning (“Small parts may be generated”).



**Category:** Potential CSPA labeling violation  
**Toy Name:** Build-a-Bear Workshop “Accessorize Me” Beary Princess  
**Manufacturer:** Creative Designs International  
**Item Number:** 87138

**Problem:** Heart locket detaches easily and fits in choke tube. Labeled for ages 3 and up. Packaging includes a non-statutory choke hazard warning (“Not suitable for children under 36 months due to small parts.”)



**Category:** Potential CSPA labeling violation  
**Toy Name:** 1<sup>st</sup> Note Kazoo  
**Manufacturer:** Trophy Music Company  
**Item Number:** FN120

**Problem:** Kazoo cap detaches easily and fits in choke tube. Packaging only says “Not intended for children under 3 years of age.” No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Claire's Rings and Bracelets

**Manufacturer:** CBI Distributing

**Item Number:** 81256-0

**Problem:** Rings fit in choke tube and have play value for children under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Claire's Novelty Rings

**Manufacturer:** CBI Distributing

**Item Number:** 16920-1, 30265-3

**Problem:** Rings fit in choke tube and have play value for children under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** 12 Pack Fancy Rings Party Favors

**Manufacturer:** Unknown

**Item Number:** PI-470

**Problem:** Toy rings fit in choke tube and have play value for children under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Nature Trail Butterfly Net (version with butterfly antennae on top)

**Manufacturer:** Ja-ru

**Item Number:** 475

**Problem:** Antennae twist off easily and fit in choke tube; may fail "use and abuse" testing. Labeled for ages 4 and up. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Sunny 102 Marbles

**Manufacturer:** Unknown

**Item Number:** 892096 279035

**Problem:** Toy contains marbles. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Skillfully-Connecting Links of Gears Creative Gear Set

**Manufacturer:** Unknown

**Item Number:** BL-3399

**Problem:** Some of the gears fit in the choke tube. Product labeled for ages 4 and up. No choke hazard warning.

## - TOYS THAT CONTAIN NEAR SMALL PARTS -

These products contain toy parts that almost fit in the choke test tube or spherical objects that fail the small ball test. Although these toys do not violate the letter of the law, these parts could block a child's airway given their shape and size. Children have died on similarly-sized toys that pass the choke tube test.



**Category:** Near Small Parts

**Toy Name:** Bob the Builder “Hard at Work” Collectible Character Pack

**Manufacturer:** RC2 Brands/Learning Curve

**Item Number:** 65121

**Problem:** Toy boulders are spherical and fail the small ball test. Labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the spherical boulders are not “balls” by definition.



**Category:** Near Small Parts

**Toy Name:** Home Depot Light & Sound Air Wrench

**Manufacturer:** Geoffrey

**Item Number:** 50158

**Problem:** Toy screws are similar in shape to Playskool plastic nails that became lodged in the throats of two children, causing their deaths.<sup>d</sup> Labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit in the choke test cylinder.



**Category:** Near Small Parts

**Toy Name:** Thomas & Friends “Cranky the Crane”

**Manufacturer:** RC2 Brands/Learning Curve

**Item Number:** LC76356

**Problem:** Orange cylinders barely pass small parts test. Toy is labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit entirely in the choke test cylinder. Includes non-statutory language that says: “Not suitable for children under 36 months, may contain small parts.”



**Category:** Near Small Parts

**Toy Name:** Thomas & Friends Timber Yard Portable Playset

**Manufacturer:** RC2 Brands/Learning Curve

**Item Number:** LC76503

**Problem:** Log halves barely pass small parts test. Toy is labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit entirely in the choke test cylinder. Includes non-statutory language that says: “Not suitable for children under 36 months, may contain small parts.”

<sup>d</sup> CPSC, “Playskool Voluntarily Recalls Toy Tool Benches after the Death of Two Toddlers,” September 22, 2006.



**Category:** Near Small Parts

**Toy Name:** Take Along Bob the Builder Muck the Dump Truck

**Manufacturer:** RC2 Brands/Learning Curve

**Item Number:** 65107A3

**Problem:** Magnetic timber log almost fits in choke tube. Toy is labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit entirely in the choke test cylinder.



**Category:** Near Small Parts

**Toy Name:** Just Like Home Play Food

**Manufacturer:** Geoffrey

**Item Number:** 96473

**Problem:** French fries barely pass small parts test. Children more likely to put play food in their mouths. Labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit entirely in the choke test cylinder.



**Category:** Near Small Parts

**Toy Name:** Haba Wooden Eggs and Other Play Food

**Manufacturer:** Haba

**Item Number:** 13688 (eggs), 13749 (tomato)

**Problem:** Toy eggs and tomato are spherical and fail the small ball test. Children more likely to put play food in their mouths. No choke hazard warning; CSPA does not require a warning because the spherical food items are not “balls” by definition.



**Category:** Near Small Parts

**Toy Name:** Lincoln Logs Frontier Firehouse, Frontier Sheriff's Office

**Manufacturer:** Hasbro

**Item Number:** 934, 932

**Problem:** Smallest log almost fits in choke tube. Toy is labeled for ages 3 and up. No choke hazard warning; CSPA does not require a warning because the toys do not fit entirely in the choke test cylinder.



**Category:** Near Small Parts

**Toy Name:** Baby Buddy Pacifier Holder

**Manufacturer:** Baby Buddies

**Item Number:** 100

**Problem:** Toy bear almost fit in choke tube; intended for use by infant.

## - BALLOONS -

All balloons must include a warning about the dangers of uninflated or broken balloons to children younger than 8 years of age.



**Category:** Balloons

**Toy Name:** 1<sup>st</sup> Birthday Girl/1<sup>st</sup> Birthday Boy/Happy 1<sup>st</sup> Birthday Balloons

**Manufacturer:** Amscan

**Item Number:** 111012 (Girl), 111016 (Boy), 117016 & 117017 (Happy 1<sup>st</sup> Birthday)

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. The product includes the statutory choke hazard warning, but these balloons are intended for use by children under 8 years old.



**Category:** Balloons

**Toy Name:** Curious George 8 Balloons

**Manufacturer:** Unique Industries

**Item Number:** 15865

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Product contains statutory balloon warning but features characters (Curious George) marketed for children under 8.



**Category:** Balloons

**Toy Name:** Rocket Balloons

**Manufacturer:** Toy Investments, Inc.

**Item Number:** 204 12 0757

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Product contains statutory balloon warning, but it also contains the small parts choking hazard warning for children ages 3 and up and is age-labeled for ages 5 and up. Could be confusing for parents.



**Category:** Balloons

**Toy Name:** Rocket Balloons

**Manufacturer:** Toymith

**Item Number:** 2681

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Product contains statutory balloon warning but also is labeled for ages 5 and up.



**Category:** Balloons

**Toy Name:** Water Bomb Sling Shot

**Manufacturer:** Star Imports, Manufacturer Unknown

**Item Number:** 30578

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Product does not contain statutory balloon warning, instead includes choke hazard warning for children under 3.



**Category:** Balloons

**Toy Name:** Groovy Soakers Water Balloons

**Manufacturer:** Pioneer National Latex

**Item Number:** 2352

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Product contains statutory balloon warning but also is labeled for ages 6 and up.

### - OVER-LABELED TOYS -

*Some manufacturers are placing choking hazard warnings on products that do not contain small parts. This dilutes the meaning of the warning for parents. These are just two examples of clearly over-labeled toys.*



**Category:** Over-labeled toys

**Toy Name:** Weapon Army of Zin Silent Arsenal Weapon Set

**Manufacturer:** Axiom International

**Item Number:** 42347

**Problem:** Labeled with choke hazard warning, but toy does not have any small parts. Over-labeling dilutes the effectiveness of the warning.



**Category:** Over-labeled toys

**Toy Name:** Water Bomb Balls

**Manufacturer:** Unknown

**Item Number:** 36427

**Problem:** Labeled with choke hazard warning, but toy does not have any small parts. Over-labeling dilutes the effectiveness of the warning.

## - Magnetic Toys -

### Standards

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Currently, no labeling or performance standards govern magnetic toys. ASTM is considering but has not yet finalized draft standards as of November 2006.

### Examples of Magnetic Toys

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**Category:** Magnetic toys

**Toy Name:** Magnetix (assorted)

**Manufacturer:** MEGA Brands

**Item Number:** Assorted

**Problem:** In March 2006, CPSC and MEGA Brands announced a “replacement program” for almost four million Magnetix Magnetic Building Sets, revealing that tiny magnets inside the plastic building pieces and rods can fall out. If a child swallows more than one magnet, the magnets can attract to each other and cause intestinal perforation or blockage. MEGA Brands has re-designed its product, but old stock may remain on store shelves and in consumers’ homes.



**Category:** Magnetic Toys

**Toy Name:** Claire’s Magnetic Earrings

**Manufacturer:** CBI Distributing

**Item Number:** 66058-9 (and other assorted)

**Problem:** If a child swallows more than one magnet, the magnets can attract to each other and cause intestinal perforation or blockage. Magnetic jewelry left in place for too long can damage surrounding tissue by obstructing blood flow.

## - Excessively Loud Toys -

### Standards

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In November 2003, ASTM finalized acoustics standards for toys that include the following:

- Hand-held, table-top, floor, and crib toys: Toys in this classification should not produce continuous sound that exceeds 90 dB when measured from 25 centimeters (cm).
- Close-to-the-ear toys: Toys in this classification should not produce continuous sound that exceeds 70 dB when measured from 25 cm.
- All toys with impact-type impulsive sounds: Toys should not produce an impact-type peak sound in excess of 120 dB when measured from 25 cm. This requirement also applies to all recorded impulsive sounds, such as those produced by video games, regardless of what was recorded (explosion or impact).
- All toys with explosive-type impulsive sounds except percussion caps: Toys should not produce an explosive-type peak sound in excess of 138 dB when measured from 25 cm.

### Examples of Excessively Loud Toys

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**Category:** Excessively loud toys

**Toy Name:** Frontline Defenders Assault Machine

**Manufacturer:** KB Holdings

**Item Number:** 2110KB

**Maximum Decibel Measurement:** 97 dB (25 cm), 100 dB (10 cm), 104 dB (1 cm)

**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.



**Category:** Excessively loud toys

**Toy Name:** Little Tikes Carry Along Musical Keyboard with Teaching Lights

**Manufacturer:** Little Tikes Company/Kids Station Toys Intl

**Item Number:** KSL8012

**Maximum Decibel Measurement:** 90 dB (25 cm), 93 dB (10 cm), 103 dB (1 cm)

**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.



**Category:** Excessively loud toys  
**Toy Name:** Elite Operations Astro Blaster Set  
**Manufacturer:** Geoffrey  
**Item Number:** 38393  
**Maximum Decibel Measurement:** 91 dB (25 cm), 98 dB (10 cm), 105 dB (1 cm)

**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.



**Category:** Excessively loud toys  
**Toy Name:** Tool Truck Cordless Impact Drill  
**Manufacturer:** New Bright Industrial  
**Item Number:** 1101  
**Maximum Decibel Measurement:** 92 dB (25 cm), 95 dB (10 cm), 98 dB (1 cm)

**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.



**Category:** Excessively loud toys  
**Toy Name:** Dream Dazzlers Stylin' Guitar  
**Manufacturer:** Geoffrey  
**Item Number:** 55013  
**Maximum Decibel Measurement:** 95 dB (25 cm), 103 dB (10 cm), 110 dB (1 cm)

**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.



**Category:** Excessively loud toys  
**Toy Name:** Boom Blasters Sax  
**Manufacturer:** Summit Products  
**Item Number:** BBSBT-NI  
**Maximum Decibel Measurement:** 91 dB (25 cm), 95 dB (10 cm), 100 dB (1 cm)  
**Problem:** Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 dB can cause hearing loss.

## - Potentially Toxic Toys -

### Standards

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- Toys or materials used in toys must conform to the Federal Hazardous Substances Act.
- If metal jewelry is intended for use by children and toxic lead content is accessible by a child, then it constitutes a banned hazardous substance under the law.
- Play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetics Act.
- CPSC has issued a guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals. This guidance states that manufacturers should eliminate the use of the following chemicals in children's products: mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals.

### Examples of Potentially Toxic Toys

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Qianqiao Necklace (Cross and Star)

**Manufacturer:** Unknown (Made in China)

**Item Number:** n/a

**Problem:** Laboratory tests show that the charms contain high levels of lead.



**Category:** Contains potentially toxic chemicals

**Toy Name:** Pacific Styles Necklace (Mushroom)

**Manufacturer:** Unknown (Made in Korea)

**Item Number:** n/a

**Problem:** Laboratory tests show that the necklace charm and cord contain high levels of lead.



**Category:** Contains potentially toxic chemicals

**Toy Name:** Diddle Letter Necklace

**Manufacturer:** Depesche USA

**Item Number:** 10932

**Problem:** Laboratory tests show that the charm contains lead.



**Category:** Contains potentially toxic chemicals

**Toy Name:** Heart Cell Phone Charm

**Manufacturer:** Unknown

**Item Number:** n/a

**Problem:** Laboratory tests show that the charm contains lead.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Claire's Nail Polish  
**Manufacturer:** CBI Distributing  
**Item Number:** Assorted (17791-5, 17746-9, for example)  
**Problem:** Some Claire's brand nail polish contains dibutyl phthalate.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Blah Blah Makeup Kit  
**Manufacturer:** Zalan Products  
**Item Number:** 9304  
**Problem:** Nail polish contains dibutyl phthalate.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Slumber Party Nail Polish  
**Manufacturer:** Unknown  
**Item Number:** 26942 65056  
**Problem:** Nail polish contains xylene.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Dream Girl Princess Pouch  
**Manufacturer:** Dream Cosmetics LLC  
**Item Number:** GG10031  
**Problem:** Nail polish contains xylene.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Chikz Make Up Play Set  
**Manufacturer:** Greenbrier International  
**Item Number:** 864763  
**Problem:** Nail polish contains Carbomer (Benzene Containing)



**Category:** Contains potentially toxic chemicals  
**Toy Name:** I-Tattoo Electronic Tattoo Pen  
**Manufacturer:** Spin Master Ltd.  
**Item Number:** 70953  
**Problem:** Tattoo stencils contain toluene.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Who Loves Baby? Photo Book  
**Manufacturer:** Sassy  
**Item Number:** 844  
**Problem:** Product contains phthalates but labeled “phthalate free.”



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Just Animals! (Purple Hippo)  
**Manufacturer:** Small World Toys/IQ Baby  
**Item Number:** 9111246  
**Problem:** Product contains phthalates but labeled “phthalate free.”

## - Projectiles -

### Standards

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ASTM established voluntary standards governing projectile toys, which are toys that children can launch into free flight. The standards state:

- Projectiles intended to be fired from a toy should not have any sharp edges, sharp points, or small parts that would fit inside the choke tube described in the previous section.
- Rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).
- Any protective tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.

### Example of a Dangerous Projectile

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**Category:** Projectiles  
**Toy Name:** Arrow Rifle (spelled Riele on packaging)  
**Manufacturer:** Shuang Huan  
**Item Number:** 399  
**Problem:** Suction cups of arrows pop off easily, revealing sharp points. Gun can shoot the projectiles with some force.

## - Strangulation Hazards -

### Standards

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- Cords and elastics included with or attached to toys intended for children younger than 18 months (excluding pull toys) should be less than 12 inches long. If the cords/elastics can tangle or form a loop, or both, in connection with any part of the toy, including beads or other attachments on the ends of cords/elastics, the perimeter of the loop should be less than 14 inches.

- For pull toys intended for children under 36 months of age, cords and elastics over 12 inches long should not have beads or other attachments that could tangle to form a loop.

### Example of a Strangulation Hazard

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**Category:** Strangulation

**Toy Name:** Water Yo-Yo Ball

**Manufacturer:** Assorted

**Item Number:** Assorted

**Problem:** The stretchy cord of the toy can wrap around a child's neck when the child swings the toy overhead like a lasso.

## - Recalled Products on Store Shelves -

Some stores, particularly dollar stores, fail to remove recalled items from store shelves. This is one example of a recalled children's product that we found for sale at a dollar store in the Washington, DC area.



**Category:** Recalled products on store shelves

**Toy Name:** Baby 2 Pack Pacifiers

**Manufacturer:** Kole Imports (KI), Importer/Distributor

**Item Number:** BI194

**Problem:** The pacifier's nipple can easily detach from the guard, posing a serious choking hazard to young children. CPSC recalled these pacifiers in May 2006,<sup>c</sup> but we found them at least one dollar store in October 2006.

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<sup>c</sup> CPSC, "Baby 2 Pack' Pacifiers Recalled for Choking Hazard," press release, May 25, 2006.

## Attachment B. Toy-Related Deaths, 1990-2004

### Toy-Related Deaths (Children Under 15): 1990-2004<sup>f</sup>

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Total
<b>Choking Deaths</b>																
Balloons	6	3	6	6	6	8	7	6	4	4	1	4	3	3	1	68
Balls	2	2	3	6	4	2	0	3	1	4	2	1	2	5	4	41
Marbles	0	2	1	0	0	1	0	0	0	0	1	0	0	0	0	5
Toy Or Toy Part	6	6	1	4	3	1	3	2	3	1	2	4	3	2	2	43
<b>Total</b>	<b>14</b>	<b>13</b>	<b>11</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>9</b>	<b>6</b>	<b>9</b>	<b>8</b>	<b>10</b>	<b>7</b>	<b>157</b>
<b>Riding Toys, Scooters</b>																
<b>Total</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>13</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>73</b>
<b>Toy Chests</b>																
<b>Total</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>
<b>Strangulation</b>																
<b>Total</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>12</b>
<b>Other</b>																
<b>Total</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>17</b>
<b>TOTAL TOY DEATHS</b>	<b>23</b>	<b>25</b>	<b>22</b>	<b>25</b>	<b>18</b>	<b>21</b>	<b>13</b>	<b>13</b>	<b>14</b>	<b>16</b>	<b>17</b>	<b>25</b>	<b>13</b>	<b>11</b>	<b>16</b>	<b>272</b>
<b>% BY CHOKING</b>	<b>61%</b>	<b>52%</b>	<b>50%</b>	<b>64%</b>	<b>72%</b>	<b>57%</b>	<b>77%</b>	<b>85%</b>	<b>57%</b>	<b>56%</b>	<b>35%</b>	<b>36%</b>	<b>62%</b>	<b>91%</b>	<b>44%</b>	<b>58%</b>

Source: CPSC. Data for 2004 available at <http://www.cpsc.gov/library/foia/foia06/os/toymemo04.pdf>. Historical data available from CPSC at “Consumer Product-Related Statistics,” <http://www.cpsc.gov/library/data.html>.

<sup>f</sup> Data for 2005 was not available at the time of publication of this report.

## Attachment C. Lead in Children's Jewelry: Test Results

Test results are in milligrams per kilogram (mg/kg), or parts per million.

Product Name	Manufacturer	Item Number	Purchased at	Test Results	Notes
Diddle Letter Necklace	Depesche USA	10932	Toys R Us	18,000 mg/kg	Charm contained 1.8% lead by weight.
Heart Cell Phone Charm	Unknown	n/a	Specialty toy store	99,000 mg/kg	Charm contained 9.9% lead by weight.
Pacific Styles Necklace (Mushroom)	Unknown (Made in Korea)	n/a	Dollar store	280,000 mg/kg	Necklace contained 28% lead by weight.
Qianqiao Necklace (Cross and Star)	Unknown (Made in China)	n/a	Dollar store	340,000 mg/kg	Charms contained 34% lead by weight.

## Attachment D. Putting the “Phthalate-Free” Label to the Test: Laboratory Test Results

Test results are in micrograms per kilogram (ug/kg), or parts per billion.

Toy Name	Item Number	Manufacturer	Labeled		Diethylhexyl phthalate (DEHP)	Butyl benzyl phthalate (BBP)	Disononyl phthalates (DINP)	Di-n-butyl phthalate (DBP)	Di-n-octyl phthalate (DNOP)	Diethyl phthalate (DEP)	Dimethyl phthalate (DMP)
Just Animals! (Purple Hippo)	91464 01124	Small World Toys/IQ Baby	No DINP, No Phthalates		50,000	<9,300	<9,300	50,000	55,000	<9,300	<9,300
Who Loves Baby? Photo Book	844	Sassy	This product is phthalate-free.		340,000	<10,000	<10,000	23,000	<10,000	<10,000	<10,000
Rub a Dub 3 Duckies in the Tub	889W	ALEX	Phthalate Free.		<9,400	<9,400	<9,400	<9,400	<9,400	<9,400	<9,400
Soft Popsicle Freezer Teether	222	Cool Baby	PVC Free		<10,000	<10,000	<10,000	<10,000	<10,000	<10,000	<10,000
Cool Ring Teething Soother	78293	Gerber	Per website: Gerber no longer makes toys from PVC. <sup>129</sup>		<9,500	<9,500	<9,500	<9,500	<9,500	<9,500	<9,500
Baby Dolphins Bath Book and Dolphin Bath Toys	1-58476-490-2	iBaby/Innovative Kids	Dolphin: Phthalate free PVC		<9,300	<9,300	<9,300	<9,300	<9,300	<9,300	<9,300
Luv n' Care Kool Soothers	350	Luv n' Care	Per website: Phthalate and PVC free. <sup>130</sup>		<9,700	<9,700	<9,700	<9,700	<9,700	<9,700	<9,700
Fun Ice Chewy Teether	35282 74001	Munchkin	This product does not contain PVC with phthalates.		<9,500	<9,500	<9,500	<9,500	<9,500	<9,500	<9,500
Bristle Buddy Teether	1453	RC2 Brands/The First Years	PVC-Free. This product does not contain polyvinyl chloride or phthalates.		<9,500	<9,500	<9,500	<9,500	<9,500	<9,500	<9,500
Rubber duck	19649 21236	Schylling	Phthalate Free		<8,800	<8,800	<8,800	<8,800	<8,800	<8,800	<8,800

A measurement of <9,500, <10,000, etc. indicates that phthalates were not detectable at that quantitation limit. See the methodology for a full description of the testing protocol.

- <sup>1</sup> Memo from Joyce McDonald, Consumer Product Safety Commission (CPSC), "Toy Related Deaths and Injuries, Calendar Year 2004," dated October 13, 2005.
- <sup>2</sup> 16 CFR 1501.2(b)
- <sup>3</sup> 16 CFR 1501.2(a)
- <sup>4</sup> 16 CFR 1501.3
- <sup>5</sup> 16 CFR 1501.4(b)(2)
- <sup>6</sup> 16 CFR 1500.19
- <sup>7</sup> 16 CFR 1500.18(a)(17)
- <sup>8</sup> 16 CFR 1500.18(a)(17)
- <sup>9</sup> 16 CFR 1500.19(b)(3)
- <sup>10</sup> 16 CFR 1500.19(a)(2)
- <sup>11</sup> 16 CFR 1500.19(a)(4)
- <sup>12</sup> 16 CFR 1500.19(a)(8)
- <sup>13</sup> CPSC, "Playskool Voluntarily Recalls Toy Tool Benches after the Death of Two Toddlers," press release, September 22, 2006.
- <sup>14</sup> ASTM International, "Standard Consumer Safety Specification for Toy Safety," F963.4.33.
- <sup>15</sup> Statement of Celestine T. Kiss, Engineering Psychologist, CPSC, at the CPSC Premium Toys Seminar, Bethesda, MD, January 9, 2001. Accessed October 30, 2006 at <http://www.cpsc.gov/businfo/celstalk.pdf>.
- <sup>16</sup> Dr. Marsha Kay, Cleveland Clinic, "Magnetic Toys: When Attraction is a Health Problem," *Health Extra Newsletter*, accessed October 28, 2006 at <http://www.clevelandclinic.org/health/health-info/docs/4000/4024.asp?index=12952>.
- <sup>17</sup> Dr. Marsha Kay, Cleveland Clinic, "Magnetic Toys: When Attraction is a Health Problem," *Health Extra Newsletter*, accessed October 28, 2006 at <http://www.clevelandclinic.org/health/health-info/docs/4000/4024.asp?index=12952>; L. Suk-Koo, B. Nam-seon, K. Hyun-Hahk, "Mischievous magnets: unexpected health hazard in children," *J Pediatr Surg* 1996;31:1694-5; M. Honzumi, C. Shigemor, H. Ito et al, "An intestinal fistula in a 3-year-old child caused by the ingestion of magnets: report of a case," *Surg Today* 1995;25:552-3.
- <sup>18</sup> Alan E. Oestreich, MD, "Multiple Magnet Ingestion Alert", Letters to the Editor, *Radiology* 2004; 233:615. Accessed October 28, 2006 at <http://radiology.rsna.org/cgi/content/full/233/2/615>.
- <sup>19</sup> CPSC, "Child's Death Prompts Replacement Program of Magnetic Building Sets," press release, March 31, 2006, accessed October 20, 2006 at <http://www.cpsc.gov/cpsc/pub/prere/06/06127.html>.
- <sup>20</sup> Osborn Machler, "Family Sues Toy Manufacturer for Child's Death," press release, March 15, 2006, accessed November 2, 2006 at <http://www.osbornmachler.com/documents/sweetpressrelease.pdf>; Reiner, Simpson, Timmons & Slaughter, LLP, "Injured Calif. Child's Family Alerted Toy Maker Before Death of Another Child," press release, April 10, 2006. See also <http://magnetscankill.spaces.live.com/>, a blog about magnetic toys maintained by the friend of the mother of the boy who died after swallowing magnets from a Magnetix toy.
- <sup>21</sup> Mega Bloks, "Magnetix Replacement Program," accessed October 20, 2006 at [http://www.megabloks.com/en/customerservice/magnetix\\_safety\\_information.php](http://www.megabloks.com/en/customerservice/magnetix_safety_information.php).
- <sup>22</sup> Personal communication with Alex Radmanovich, Mega Brands, October 23, 2006.
- <sup>23</sup> Personal communication with Alex Radmanovich, Mega Brands, October 23, 2006.
- <sup>24</sup> "Company to pay \$13.5 million to settle toy magnet complaints," *Associated Press*, October 25, 2006; Mega Brands, "Mega Brands Settles Virtually All Product Liability Lawsuits and Claims," press release, October 25, 2006.
- <sup>25</sup> S. McCormick, P. Brennan, J. Yassa1 and R. Shawis, "Children and mini-magnets: an almost fatal attraction," *Emerg Med J* 2002; 19:71-73.
- <sup>26</sup> See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2006; National Institute on Deafness and Other Communication Disorders, National Institutes of Health, "Noise Induced Hearing Loss," accessed November 1, 2006 at <http://www.nidcd.nih.gov/health/hearing/noise.htm>.
- <sup>27</sup> Karen A. Bilich, "Protect Your Child's Hearing," *American Baby*, August 9, 2001.

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- <sup>28</sup> AS Niskar et al, "Prevalence of hearing loss among children 6 to 19 years of age: The Third National Health and Nutrition Examination Survey," *JAMA* 1998; 279: 1071-1075.
- <sup>29</sup> See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2006; also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, "Noise Induced Hearing Loss," accessed November 1, 2006 at <http://www.nidcd.nih.gov/health/hearing/noise.htm>.
- <sup>30</sup> OSHA Noise Exposure Standard, 39 FR 23502 (as amended) section 19010.95
- <sup>31</sup> See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2006; also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, "Noise-Induced Hearing Loss," accessed November 1, 2006 at <http://www.nidcd.nih.gov/health/hearing/noise.htm>.
- <sup>32</sup> See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2006.
- <sup>33</sup> MC Lower, BW Lawton, ME Lutman ME and RA Davi, ISVR Consultancy Services, University of Southampton, *Noise from toys and its effect on hearing*, 1997, Report #5304 R02.
- <sup>34</sup> ASTM F963, Section 4.5.
- <sup>35</sup> ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).
- <sup>36</sup> Analysis based on a conversation with Rachel Weintraub, Assistant General Counsel at the Consumer Federation of America, October 29, 2003. Ms. Weintraub sat on the ASTM committee drafting the new acoustics standard.
- <sup>37</sup> ATSDR, *Case Studies in Environmental Medicine: Lead Toxicity*, October 2000; American Academy of Pediatrics, "Lead Exposure in Children: Prevention, Detection and Management," *Pediatrics*, 1036-1048 (October 2005).
- <sup>38</sup> Centers for Disease Control and Prevention, *Preventing Lead Poisoning in Young Children*, August 2005.
- <sup>39</sup> Richard L. Canfield, Ph.D., Charles R. Henderson, Jr., M.A., Deborah A. Cory-Slechta, Ph.D., Christopher Cox, Ph.D., Todd A. Jusko, B.S., and Bruce P. Lanphear, M.D., M.P.H., "Intellectual Impairment in Children with Blood Lead Concentrations below 10 µg per Deciliter," *New England Journal of Medicine*, April 17, 2003, Volume 348:1517-1526.
- <sup>40</sup> 16 CFR 1303.
- <sup>41</sup> 15 U.S.C. 1261(f)(1)
- <sup>42</sup> 15 U.S.C. 1261(q)(1)
- <sup>43</sup> CPSC, "CPSC Announces New Policy Addressing Lead in Children's Metal Jewelry," press release, February 3, 2005.
- <sup>44</sup> CPSC, Office of Compliance, "Interim Enforcement Policy for Children's Metal Jewelry Containing Lead," February 3, 2005. Accessed October 30, 2006 at <http://www.cpsc.gov/businfo/pbjewelgd.pdf>.
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- <sup>47</sup> Centers for Disease Control and Prevention, *Preventing Lead Poisoning in Young Children*, August 2005.
- <sup>48</sup> Centers for Disease Control and Prevention, *Preventing Lead Poisoning in Young Children*, August 2005.
- <sup>49</sup> Office of Senator Barack Obama, "Obama Asks Congress to Deliver Law Banning Dangerous Lead in Toys in Time for the Holiday Season," press release, December 1, 2005. The bill, S. 2048, is available at <http://thomas.loc.gov/>.
- <sup>50</sup> The bill, HR 668, is available at <http://thomas.loc.gov/>.
- <sup>51</sup> CPSC, Office of Compliance, "Interim Enforcement Policy for Children's Metal Jewelry Containing Lead," February 3, 2005. Accessed October 30, 2006 at <http://www.cpsc.gov/businfo/pbjewelgd.pdf>.
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- <sup>54</sup> CPSC, "Metal Charms Sold with Twentieth Century Fox DVDs Recalled for Toxic Lead Hazard," press release, May 5, 2006.
- <sup>55</sup> Center for Environmental Health, "Major Retailers Agree to Eliminate Lead Risks from Children's Jewelry," press release, January 27, 2006. Accessed October 30, 2006 at <http://www.cehca.org/jewelry.htm>.

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- <sup>57</sup> Sierra Club, “Sierra Club Asks Court to Help Protect Kids from Toxic Toys,” press release, September 14, 2006.
- <sup>58</sup> The text of AB 1681 is available at <http://www.assembly.ca.gov>.
- <sup>59</sup> Baltimore City Health Department, “Proposed Regulatory Action on Lead in Children’s Jewelry: Request for Public Comment,” August 14, 2006. Accessed November 5, 2006 at <http://www.baltimorecity.gov/government/health/press/ProposedRegulationJewelry.pdf>.
- <sup>60</sup> Illinois General Assembly, Lead Poisoning Prevention Act of 2006, Public Act 094-0879.
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