

TROUBLE IN TOYLAND: THE 2000 PIRG SURVEY OF DANGEROUS TOYS

SUMMARY

This 2000 Trouble In Toyland report is the fifteenth annual PIRG toy safety survey. PIRG uses results from its survey to educate parents about toy hazards and to advocate passage of stronger laws and regulations to protect children from toy hazards.

In particular, PIRG focuses on choking, the leading cause of toy deaths. Our survey found that stores continue to carry numerous potentially dangerous toys and that despite the implementation of the 1994 Child Safety Protection Act, publicity from PIRG, other groups and the media and intensified efforts by the Consumer Product Safety Commission ("CPSC") and the U.S. Customs Service, the number of deaths and injuries from toys in 1999 remained the same as in 1998, although the number of dangerous toys on shelves appears to be less than in previous years. However, PIRG researchers found many examples of labeling violations this year. Overall, we commend most manufacturers for complying with toy safety standards.

This survey also focuses on the recently identified hazard of toys containing significant amounts of toxic chemicals, especially teething toys intended for children under three years old. Specifically, many soft polyvinyl chloride (PVC) plastic toys contain chemicals called phthalates – which are probable human carcinogens and known to cause chronic health effects including liver and kidney abnormalities.

FINDINGS

- Toy manufacturers make toys that may pose choke hazards, yet are barely large enough to pass the small parts ban test designed to protect children under three.
- Toy manufacturers and retailers fail to label unwrapped small toys or toys containing small parts within bins. They also fail to label bins that contain unlabeled unpackaged toys that pose choke hazards, as required by law.
- Even though more than five years have passed since the Child Safety Protection Act (CSPA) went into effect, retailers are still selling toys with obsolete warning labels including toys manufactured after the Act.
- One of the most dangerous toys, balloons, continues to be manufactured and marketed in shapes and colors that are attractive to very young children and continues to be sold unlabeled in bins that are accessible to children.
- Toy manufacturers are over-labeling toys by placing choke hazard warnings on toys that do not contain small parts. We are concerned that this will water down the meaning of the labels and hence be less useful to parents.
- Independent tests have shown that many plastic toys, including common teething toys, contain as much as 40% by weight of toxic phthalates, which may leach into children's bodies. The chemicals are probable human carcinogens and have been shown to have some of the characteristics of "endocrine disrupters" – chemicals that cause reproductive abnormalities.
- No major online toy retailer displays hazard warning labels otherwise required on product packaging, on the internet, putting online shoppers at a disadvantage when trying to shop for safe toys on the Internet.

RECOMMENDATIONS:

TO TOY BUYERS AND PARENTS: Be vigilant this holiday season and remember:

- (1) The CPSC does not test all toys;
- (2) not all toys on the shelves meet CPSC regulations;
- (3) toys that meet all CPSC tests may still pose hazards, ranging from choking to toxic chemical exposure; and
- (4) online toy shopping does not provide the same safety warnings that by law must appear on toy packaging.

TO THE CPSC:

- (1) Reexamine the parameters by which toys are judged for age appropriateness.
- (2) At a minimum, ban toxic phthalates from toys intended for children ages 3 and under, as other jurisdictions have already done. Preferably, as PIRG and other groups requested in a 1998 petition, ban toxic phthalates from toys intended for children 5 and under.
- (3) Change small-ball rule to include ball-like rounded objects.
- (4) Continue to encourage online toy retailers to display necessary safety warnings otherwise required on product packaging.

TO TOY MAKERS:

- (1) Manufacturers should do more to comply with toy regulations.
- (2) Toy makers should add stickers to obsolete packages to comply with the CPSC's regulations and improve warnings on new packages to meet the spirit, not merely the letter, of the law.
- (3) Eliminate toxic phthalates from toys intended for children under 5 years old, or at a bare minimum eliminate toxic phthalates from toys intended for children under 3 years old as some companies have already done. Clearly disclose the use of toxic phthalates and other chemicals in other toys appropriate for older children.
- (4) Reexamine the parameters with which toys are judged for age appropriateness.
- (5) Display hazard warnings on online web retail sites.

TO TOY STORES:

- (1) Clearly label bins as well as the toys within bins containing small parts.
- (2) Carefully consider the height of bins containing toys with small parts. Make sure that they are high enough so that children under 3 can not reach them.
- (3) Make sure all balloons are packaged with a CPSC warning requirement. Never place loose balloons in bins. Do not sell age-inappropriate balloons.

INTRODUCTION: TOYS CAN KILL

Toys should provide a creative and happy outlet for children; yet too often they bring pain and sometimes death. According to the most recent data from the CPSC, at least 16 children, none older than 11, died in 1999 playing with toys. Moreover, of the estimated 152,600 persons treated in hospital emergency rooms in 1999 for toy-related injuries, 69,600 or 46%, were under 5 years old. One tragic incident that occurred this year is the death of a 5-month-old girl in El Paso, Texas who choked to death on a small ball attached to a pull toy. The toy was shaped like a caterpillar and had small balls attached as antennas. The CPSC had also received reports of two children starting to choke on balls from this toy. The CPSC and the manufacturer voluntarily recalled the toy in July 2000.

Since 1986, the PIRGs have conducted toy safety research and education projects to avoid such senseless deaths. The PIRGs have also lobbied the CPSC, state legislatures and Congress to protect children from death and injury due to unsafe toys. PIRG's advocacy has focused on the leading cause of toy deaths: choking. Since 1990, 117, or 62% of the 190 reported toy-related deaths, were caused by choking. In 1999, 9 of 16 total toy deaths (56%) were caused by choking on balloons (4), balls (3) and small toys and toy parts (2).

The CPSC's principal responsibility is to ensure that toys (and other products) are safe. Yet, from 1980 to 1992, the CPSC and Congress did little to protect children from dangerous products. In 1994, things began to change for the better. First, President Clinton appointed long-time child safety advocate Ann Brown as chair of the CPSC. Second, after years of battles with the powerful toy lobby, Congress finally passed PIRG's priority child safety proposal, the Child Safety Protection Act ("CSPA"), which took effect in January 1995. For the first time, warning labels were required on toys that contained banned small parts, if intended for older children, and on balloons, small balls and marbles. The CSPA also increased the size of banned small balls, because round objects pose particular choking hazards.

Yet, despite the CPSC leadership and the regulations in place, parents should remain vigilant. First, the CPSC often lacks the resources to adequately monitor the thousands of new toy products introduced nationally. Second, many companies do not adequately comply with the specifics of the law and allow potentially dangerous toys to be produced, marketed and sold. Third, even when the CPSC does announce a recall of dangerous toys, many toys remain on the shelves or in homes because manufacturers and retailers do not do an adequate job of complying with the recall.

Indeed, because such dangerous toys continue to be sold despite the CPSC's efforts, the state PIRGs conducted a national field study in October and November of 2000 in search of hazardous toys.

The PIRGs have a well established record as watchdogs for identifying unsafe toys. PIRG toy safety reports over the last fourteen years have directly led to at least 68 corrective actions by CPSC and manufacturers.

TOY HAZARDS CONTINUE TO KILL AND INJURE CHILDREN

Despite federal regulations designed to reduce deaths from choking associated with toys, at least 287 children have choked to death on children's products since 1980. This is an average of about 15 deaths every year. These deaths continue to occur for several reasons:

1) Some toy manufacturers and importers do not comply with the regulations. Every year, the PIRGs find toys on the shelves that violate the small parts ban and other toy safety rules.

Every year, toy manufacturers and importers sell toys for children under three that violate the small parts regulations. For example between September 1996 and November 2000, the CPSC recalled 112 toys. At least 61 of these toys posed a small parts hazard. The CPSC enforces numerous additional "stop sale" and other corrective actions.

Party stores, drug stores, discount stores and dollar stores are the most common places where toys are found that fail the small parts test. Yet, leading toy stores and specialty stores also carry toys which are or contain small parts hazards.

2) The current regulations do not address all of the choking hazards posed by toys. Tragically, children continue to choke to death on children's products that comply with the current regulations.

In March 1990, the CPSC knew of at least five deaths caused by toys larger than the choke test cylinder -- three of those caused by Fisher Price Little People -- yet still voted at the time not to increase the size of the test cylinder. In 1996, one 13-month-old child choked on one-half of a plastic sphere described as similar to the type of container in which children's toys are sold in vending machines. These objects are larger than the choke test cylinder. Although the test cylinder eliminates most objects small enough to enter through to the child's lower throat and air passages, it does not eliminate all objects which can enter the mouth and block the airway by obstructing the mouth and upper throat. Children continue to choke on toys that do not technically violate the CPSC regulation.

For example, one toy listed in last year's report, a construction site, is age labeled for children eighteen months and up. It contains traffic cones that barely miss failing the small parts test. These traffic cones, and many other toys larger than the choke tube, still pose choking hazards and should be larger. In this year's report, plastic food, particularly a plastic peach slice, is barely larger than the small parts test. Another part from this toy, a ball-like plastic egg, would fail the small ball test except that the test applies only to balls. These parts are especially hazardous because they are pretend-food and are more likely to be put in the mouth.

3) Not all manufacturers are in full compliance with the CSPA warning label requirements. Many older toys are still on toy shelves. Unfortunately, neither Congress nor the CPSC require manufacturers to add stickers containing new warnings to these older packages.

This year, PIRG researchers continued to find innumerable toy packages that do not yet meet the express warning requirements of the CSPA. Unfortunately, the agency interprets the law to only apply to packages printed after the effective date of regulations, August 28, 1995, not to all packages on shelves after that date. We also find overlabeled toys, such as toys labeled with a small parts warning even though they contain no small parts. We also found toys dated after 1995, without the proper CPSC warning.

TOY SHOPPING ON THE INTERNET

Consumers are increasingly using the internet to purchase toys. Online toy sales grew from \$45 million in 1998 to \$425 million in 1999. While the internet offers consumers the convenience of avoiding crowded toy stores and the possibility of making a purchase at any time of the day or night, the web lacks many safeguards that toy packaging must by law, prominently display. Hazard labels required by law on toy packages, such as the choke hazard warning or the balloon warning, are not visible on the web. Many internet sites that sell toys do include age recommendations but not one of ten that we reviewed displayed a Child Safety Protection Act choke hazard warning that in-store shoppers would see prominently.

The CPSC has already encouraged toy retailers to put safety warnings on retail web sites. Thus far, one toy retailer, Toys R Us, is preparing to add necessary safety warnings on its web site. However, no such hazard labels appear at this time even though, according to the CPSC, Toys R Us has conveyed that making the hazard labels prominent on web sites will benefit toy retailers by diminishing the number of returns from toy buyers who bought an inappropriate toy for a particular child and by eliminating the problem of unhappy customers who bought something that they did not know was hazardous.

PIRG encourages manufacturers to voluntarily display hazard warnings on the internet if the toy is otherwise required to display a specific hazard warning by law. Product packaging is labeled to make consumers aware of potential hazards associated with particular products at the time and place they are deciding to purchase the product. However, toy shoppers who purchase toys on the internet are not alerted to these potential dangers when they are deciding to buy the toy. Toys must be labeled properly when the consumer receives the toy, but the decision to purchase the toy has already been made.

We offer the following tips to consumers when shopping on the internet:

- Consumers must be extra cautious when buying toys on the web. It is impossible to examine the toy for potential dangers.
- Hazard labels that must be on toy packages by law are not provided on the web. If it seems likely that the toy has small parts, do not purchase it for a child under three.

- Remember that many manufacturers and retailer web sites offer developmental age labels. A developmental label is **not** a safety label, rather it only indicates that the characteristics of a toy are matched to a particular age category's motor skills. It does not warn consumers of potential hazards associated with particular toys. Parents often presume "advanced" younger children can use toys with higher-aged developmental labels.
- Some toys on the web may be manufactured by companies that are unfamiliar with toy safety regulations. Also, be wary that you may purchase toys that have been previously recalled by the CPSC. Check the CPSC web page, www.cpsc.gov for recalled toys and other consumer products.

PIRG commends the CPSC for recommending that warning labels appear on web sites just as clearly as they do on toy packaging. We urge the CPSC to monitor compliance with their request and to urge manufacturers to comply as soon as possible. We urge the CPSC and Congress to support proposals that would make hazard warnings mandatory on the internet for toys that must otherwise display such warnings.

HISTORY OF TOY SAFETY LEGISLATION

In 1979, the CPSC banned the sale of toys containing small parts if intended for use by children under the age of three, regardless of age labeling. However, the absence of an explicit labeling requirement for other toys with small parts still caused safety hazards. Some manufacturers attempted to circumvent the small parts ban by mislabeling products actually intended for children under three with "Ages 3 and up" labels. This led parents to misinterpret these vague labels as a developmental warning, and purchase such toys anyway -- despite the small parts -- for children under three. Moreover, no CPSC regulation required warnings on the worst choking hazard, balloons, which were exempt from the 1979 small parts ban.

Throughout the 1980s, consumer groups lobbied Congress and the 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.

The powerful toy lobby stymied the enactment of a federal small parts hazard labeling law and so the PIRGs turned to the states. In 1992, following a campaign led by ConnPIRG and other child safety advocates, Connecticut passed a tough choke hazard warning label law that took effect on January 1st, 1993. One result was that some large manufacturers complied with the Connecticut law on a national basis, rather than label products separately for the Connecticut market. More importantly, passage of the Connecticut law forced the toy industry to the bargaining table in Congress.

Nevertheless, the Toy Manufacturers of America (TMA), representing the multi-billion dollar toy industry, unsuccessfully attempted to overturn the law in federal court. The TMA argued that Connecticut's action to protect its consumers was preempted by federal law, even though no federal law required choke hazard labels.

Defeated at trial and in the appellate courts, and facing even broader proposals from other state PIRGs, TMA capitulated and agreed to negotiate with Congress and consumer groups over federal legislation. The result was the 1994 Child Safety Protection Act, which required hazard labels on toys, balloons and marbles intended for children under six and increased the size of the small ball from 1.25 inches to 1.75 inches.

The Child Safety Protection Act, Public Law 103-267, was signed by the President on June 16, 1994 and took effect January 1, 1995. Final CPSC regulations took effect August 28, 1995.

SMALL PARTS HAZARDS: 1979 SMALL PARTS BAN AND 1994 CHILD SAFETY PROTECTION ACT

The 1979 CPSC regulations codified that toys containing small parts are banned if intended for children under three. A toy is intended for children under three if it is determined by CPSC guidelines to have "play value" for children under three, i.e., it has bright colors, rounded edges, simple construction, and is easy to understand. It is illegal for a manufacturer to make a toy that is obviously intended for a child younger than three and use a label that says "For children three and older" in order to circumvent the small parts regulation. If a toy has "play value" for children under three, it may not have any separate small parts (and all attached parts are subject to "use and abuse" testing to ensure that small parts do not break off the toy.)

Toys are tested with the choke test cylinder. This test device, specified in the 1979 regulations, is a hollow truncated cylinder with an interior diameter of 1.25 inches and a slanted bottom with a depth ranging from 1 to 2.25 inches. If the entire product, or any component of the product which separates during use and abuse testing, fits entirely within the cylinder, the product is banned for children under three. Since 1995, toys intended to be used as balls, even if not precisely round, are tested with a larger, 1.75 inch diameter template. However, other rounded objects not intended to be used as balls are still subject to the less stringent small parts test.

Problems resulted from the CPSC's failure to require warning labels on toys intended for older children that contained banned small parts. The 1994 Child Safety Protection Act addresses several of these problems. Many parents misinterpreted weak manufacturer labels (e.g., "3 and up") as developmental advice, rather than as choke hazard warnings. They purchased toys with dangerous small parts for their 1-2 year olds, not realizing that the manufacturer's vague label was a circumvention of the small parts ban, not an invitation to buy this toy for an advanced child. Since many families with 1-2 year olds also had 3-6 year old children, infants choked to death on unlabeled toys containing small parts intended for older siblings. The laws also failed to appropriately address balloons or small balls as serious potential choking hazards to children.

(1) The 1994 CSPA requires the following explicit choke hazard warning on all toys intended for children between three and six years old that contain small parts.



Warning: CHOKING HAZARD: Small Parts. Not For Children Under 3.

Toys that have play value for children under three are banned, if they contain small parts.

(2) The 1994 CSPA Increases The Size of Banned Small Balls

Small balls often pose serious choking hazards. Round objects have a greater tendency to cause choking problems because a child's airway can be completely blocked. The small parts test cylinder has a diameter of 1.25 inches, yet children have choked to death on balls as large as 1.75 inches. The 1994 law increases the size of banned small balls to 1.75 inches, if intended for children under three years old.

(3) The 1994 CSPA Requires Warnings On Small Balls and Marbles:

Parents believe that balls are safe for young children, but at least 67 children have choked to death on small balls since January 1980. Children choke on small balls that are larger than the small parts test cylinder. Since 1980, at least 12 children have choked to death on balls sized between 1.25" and 1.75" in diameter, the respective sizes of the old and new small ball test.

Any small ball intended for children older than three must include the following warning:



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

Any toy intended for children between three and eight years old that contains a small ball must include the following warning:



WARNING: CHOKING HAZARD--This toy contains a small ball. Not for children under 3 yrs.

Any marble intended for children older than three must include the following warning:



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

(4) The 1994 CSPA requires choke hazard labels on all balloons.

Balloons pose a grave choking hazard to children, causing more choking related deaths than any other children's product. Almost half of the choking fatalities reported to the Commission have involved balloons. At least 56 children have died in this tragic way since 1990. And, in

calendar year 1998, four children, whose ages ranged from seventeen months to eleven years old, choked to death on balloons. This year's list of dangerous toys includes balloons marketed for young children as well as unlabeled balloons that are still on store shelves.

It is totally inappropriate to market balloons to toddlers. Balloons marketed for toddler birthdays (Baby's First Birthday!) or containing such child-friendly figures as Winnie the Pooh are inappropriate. Parents should avoid balloons altogether for children under eight, and even then they should use extreme caution. While children younger than three are most at risk from choking hazards, older children are also at risk from choking on uninflated balloons or parts of balloons.

The CSPA requires a warning on the front of all balloon packages:



CHOKING HAZARD -- Children under eight yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required. Keep uninflated balloons from children. Discard broken balloons at once.

(5) The 1994 CSPA requires choke hazard labels on bins and vending machines.

If toys or small balls required to be labeled are sold in vending machines, or in bins without packaging, those vending machines and bins must contain these same statutory warnings. It is very common, even in national chain toy stores, that bins contain cheap unpackaged toys and balls yet required bin warnings are missing.

TOXIC TOYS IDENTIFIED

WARNING: DON'T BUY PLASTIC TOYS CONTAINING TOXIC CHEMICAL PHTHALATES

Parents and toy givers should not purchase soft plastic polyvinyl chloride (PVC) toys for children 5 years old and under that contain phthalate chemicals. PVC is hard and brittle, so phthalates are added as "plasticizers," or softeners. Testing has shown that some children's teething and other toys contain up to 40% phthalates--a class of chemicals that has been linked to chronic hazards, including liver and kidney damage. The chemicals are probable human carcinogens and have been shown to have some of the characteristics of "endocrine disrupters" – chemicals that cause reproductive abnormalities. Testing has also shown that these chemicals are not "bound" to the plastic, but leach out of it over time. Chewing and sucking on toys during play can increase the rate at which these toxic chemicals are leached, and increase exposure by children.

BACKGROUND

Toxic chemicals permeate our daily lives. More than 70,000 synthetic chemicals are used and produced today, and an estimated 1,000- 2,000 new chemicals are added to the market each

year.¹ These chemicals are released into the air and water, used in the workplace, transported through our communities, and contained in the products we buy. Many common industrial chemicals can cause cancer and birth defects, as well as significant environmental damage such as ozone depletion and pollution of drinking water.

Increasing attention is being paid around the world to the potential risks children face from exposure to toxic chemicals in toys. To date, the greatest concerns, and actions taken, have focused on toys intended for children under 3, especially toys intended to be put in the mouth.

DEHP, a type of phthalate voluntarily phased out by U.S. toy manufacturers in 1986, is a probable human carcinogen. Yet, its replacement in toys, the phthalate DINP, contains the following warning when purchased for scientific laboratory use:

"May cause cancer; harmful by inhalation, in contact with skin, and if swallowed; possible risk of irreversible effects; avoid exposure; and wear suitable protective clothing, gloves, and eye/face protection."

When a parent purchases a toy containing the same DINP, he or she usually gets no warning, or often sees a label reading: "non-toxic." A few toy companies are beginning to label their teething rings and rattles as PVC and phthalate free. For the vast majority of toys, however, the only effective way to determine if the toy has PVC and phthalates is to call the company directly (see toy company chart below) or to rely on tests commissioned by organizations such as Greenpeace.

In scientific tests commissioned by Greenpeace, common children's toys, including teething rings, were found to contain as much as 40% by volume of DINP. Nearly all of the 63 soft PVC toys in one recent round of tests contained 10-40% by weight of phthalates. Yet, virtually no phthalate-containing PVC plastic toy (or other plastic product) contains any hazard warning or even an ingredient list. In fact, many toys containing phthalates routinely are labeled, "non-toxic." [For more information on the latest Greenpeace tests, see their November 1998 report "Children at Risk: Toxic Chemicals in Vinyl Children's Toys."]

Numerous scientific agencies have conducted tests with results similar to those of Greenpeace.

- In 1998, the European Scientific Committee concluded that the levels of chemical plasticisers leaching from soft PVC toys exceed safety limits and give reason for concern.
- On November 10, 1999, the European Union proposed an emergency ban of sales of mouthing toys made from PVC. The permanent ban would outlaw the use of six phthalates

¹ *Generations at Risk: How Environmental Toxins May Affect Reproductive Health in Massachusetts*, Greater Boston Physicians for Social Responsibility (GBPSR) and the Massachusetts Public Interest Research Group (MASSPIRG) Education Fund, July 1996, at xi.

in toys for children under 3 years old, while other toys for older children would be required to have a label warning parents not to let young children put these toys in their mouths.

- On July 6, 2000 the European Parliament plenary voted to permanently ban the use of all phthalate-softeners in all soft PVC toys and childcare articles which can be mouthed by children. The plenary demanded that all phthalates in all soft PVC toys and childcare articles which can be put into the mouth be banned and that phthalate-containing soft PVC toys and childcare articles for children between the ages of three and six carry a health warning label. The issue will now go to Council which has to decide on a Common Position.

In December of 1998, the U.S. Consumer Product Safety Commission called for further study to “adequately assess” phthalate toxicity following the filing of a petition by PIRG, Greenpeace, Consumer Federation of America and other consumer groups on November 19, 1998, which urged the U.S. CPSC to ban toys containing PVC and phthalates intended for children five years of age and under. That initial CPSC study concluded that few if any children are at risk from the chemical because the amount that they ingest does not reach a level that would be harmful.

In response to the petition filed by consumer groups, the CPSC took two additional actions. First, the CPSC authorized a Chronic Hazard Advisory Panel (CHAP) to assess the existing scientific data concerning the potential risks of phthalates to humans and to specifically assess whether phthalates pose a cancer risk to humans. However, existing scientific analysis has been inconclusive and plagued with uncertainty. While there is insufficient evidence to conclude that phthalates are a human carcinogen, there is enough data to take precautions to protect small children who are at a most vulnerable stage of development. The CHAP panel is relying on testimony by PIRG, Greenpeace and other consumer groups and studies from the CPSC, Europe, and the chemical industry. The CHAP is expected to complete their report in February of 2001.

The CPSC’s second action in response to the petition filed by PIRG and other groups was to request that the toy industry voluntarily remove phthalates from rattles and teething rings only, even though the petition filed by PIRG and other groups requested that the CPSC ban the use of phthalates in all toys for children five years old and under.

Most toy companies have complied with the CPSC request. Many toy companies are planning to or already have eliminated phthalates from production surpassing the CPSC’s voluntary ban. A recent example is Mega Bloks, a manufacturer of preschool building blocks. In an October 16, 2000 press release, a Mega Bloks spokesman said, “Parents should be reassured that their infants will not be exposed to any phthalates or PVC while playing with Mega Bloks construction toys.” PIRG commends Mega Bloks and other manufacturers for protecting children from potentially toxic chemicals.

Some companies are using substitutes such as ethylene vinyl acetate (“EVA”) as a replacement for soft PVC. EVA does not have the safety concerns attributed to phthalates. Most significantly, it can be used without a plastic softener, thus eliminating the use of

potentially harmful phthalates. Some toy companies have discontinued manufacturing teethers and rattles. No toy company, however, has recalled mouthing toys containing phthalates. These toys are still on the shelves and available to consumers.

Toy companies assert that they have eliminated phthalates from production due only to "consumer concern" and not due to any danger from the phthalate itself. In addition, toy companies and the CPSC have used only a narrow definition of mouthing toys -- referring only to teethers and rattles. Children mouth on many more toys other than merely teethers and rattles, such as vinyl books and soft blocks. PIRG urges the CPSC and the toy industry to expand their definition of mouthing toys. We request that phthalates be immediately eliminated from all mouthing toys as a prerequisite to the CPSC enacting the full ban proposed in our 1998 petition.

While the U.S. CPSC has not yet recommended actions as strong as those proposed by its international counterparts, PIRG has always taken a more conservative posture concerning exposure to toxic chemical hazards through embracing the precautionary principle.

THE PRECAUTIONARY PRINCIPLE AND THE RIGHT TO KNOW

The toxicity of most toxic chemicals is unknown or inconclusively studied. Of the more than 70,000 synthetic chemicals currently in use, only a small fraction has been adequately examined for toxic effects in humans.² The CPSC's preliminary report on phthalates, according to Greenpeace experts, is largely based on biased industry data. Yet, it still finds potential risks to children that require more study.

Unfortunately, toxicological information is often incomplete. Animal testing usually looks at health effects using one chemical at a time. This strategy fails to provide information about interactive effects which may occur with exposure to more than one chemical. Moreover, animal tests often fail to examine for subtle, delayed, or difficult-to-diagnose conditions. Epidemiological (human) studies are often limited by inaccurate exposure assessments and incomplete information about health outcomes. Further complicating matters, the federal government is reducing its support for research and information analysis. Corporate funding is filling the void, providing an opportunity for bias in study design and data interpretation.

Laws which regulate human and environmental exposure to hazardous substances generally take one of two possible approaches -- "better safe than sorry" or "innocent until proven guilty." PIRG believes, especially when it comes to children's risks and exposure, that a "better safe than sorry," or **precautionary principle**, should guide risk management and regulatory decisions. This means that the issue of safety should be thoroughly considered **before** human and environmental exposures are permitted. No hazardous substance should be allowed to slip through the cracks because of a lack of information, time, or funding. Where there is some evidence of human or environmental toxicity, the precautionary approach

² *Generations at Risk: How Environmental Toxins May Affect Reproductive Health in Massachusetts*, Greater Boston Physicians for Social Responsibility (GBPSR) and the Massachusetts Public Interest Research Group (MASSPIRG) Education Fund, July 1996, at vi.

demands that exposures be avoided or minimized. In our view, the troubling findings of Greenpeace and numerous international safety agencies call for immediately limiting children's exposure to phthalates. PIRG urges parents to keep toys known to contain phthalates away from children under three. This is especially true for teething and mouthing toys.

All members of the public, in the home, school and workplace, have the **right to know** and to be fully informed about the chemicals that they are likely to come in contact with and the potential health hazards associated with exposures. PIRG supports enactment of the Children's Environmental Protection and Right To Know Act, H.R. 1657, introduced by Representatives Waxman (D-CA) and Saxton (R-NJ), to ensure that risks of toxic exposure to children are minimized. This bill has 146 cosponsors and requires facilities that use toxic chemicals to report what type of chemical and how much is used in products. This bill also creates a publicly accessible database, regulated by the CPSC, of the toxic chemicals being used by manufacturers and importers.

Moreover, individuals who are adequately informed of the presence and toxicity of hazardous materials will be more prepared and able to minimize exposures at home and in the workplace. Yet, the toy industry does not label its toys that contain toxic phthalates. Until it does, or is required to do so, parents and toygivers must rely on independent scientific testing, as conducted by Greenpeace and numerous other organizations.

OTHER TOY SAFETY CONCERNS

In the past, PIRG has identified two other hazards – a toluene-containing nail polish and pull toys posing a strangulation hazard. This year, these hazards were not identified by PIRG researchers, however, this does not mean that they are off the shelves. Consumers should be aware of these potential hazards. A new hazard we are focusing on this year is the threat of injury posed by scooters.

(1) TOLUENE IN CHILDREN'S PRODUCTS IS UNACCEPTABLE: According to the State of New Jersey Right To Know Chemical Data Sheets, which can be found online at <http://www.state.nj.us/health/eoh/rtkeb/1866.pdf> toluene has the following health effects [Note-if you get an error, type "toluene" in the search engine]:

HAZARD SUMMARY

- * Toluene can affect you when breathed in and by passing through your skin.
- * Toluene may cause mutations. Handle with extreme caution.
- * It may damage the developing fetus.
- * Toluene is a **FLAMMABLE LIQUID** and a **FIRE HAZARD**.
- * Exposure can irritate the nose, throat, and eyes. Higher levels can cause you to feel dizzy, lightheaded, and to pass out. Death can occur.
- * Repeated exposures can damage bone marrow causing low blood cell count. It can also damage the liver and kidneys.
- * Toluene can cause slowed reflexes, trouble concentrating, and headaches.
- * Prolonged contact can cause a skin rash.

PIRG opposes unnecessary exposure to toxic chemicals. PIRG urges parents to read the label and only purchase non-toxic nail makeup kits, craft kits and other products, especially for children.

(2) PULL TOYS WITH WOODEN KNOBS AT END OF PULL CORD POSE CHOKE AND STRANGULATION DANGERS:

The American Society for Testing and Materials' ("ASTM") voluntary standard for pull toys states that in "pull toys intended for children under 36 months, cords and elastics greater than 12 inches long shall not be provided with beads or other attachments that could tangle to form a loop." The CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary. The CPSC has recalled pull toys in the past, some of which were listed in our previous toy reports as a strangulation hazard to children.

The pull toys included in last year's report have pull cord lengths of over 20 inches, a wooden knob at the end of the cord, and play value for children under 3 years old. A pull cord of over 12 inches with a knob attached to its end poses a strangulation hazard to children. The cord could get entangled around a child's neck and be locked into place by the knob.

Parents should remove beads, knobs, or other attachments from their child's pull toy cord if the cord is over 12 inches long. Last year, PIRG worked with the manufacturer to eliminate the strangulation hazard. The manufacturer removed the knob and the toy no longer poses a strangulation hazard to children.

(3) THE RISK OF INJURY ASSOCIATED WITH SCOOTERS.

Popular lightweight scooters, which first went onto the market in the United States last year are posing a serious threat of injury to children. According to CPSC data released in September of 2000, scooters are responsible for more than 9,400 injuries in the first nine months of 2000. CPSC data shows that there were more than 4,000 scooter-related injuries treated in hospital emergency rooms in August alone. Almost 90% of the injuries are to children younger than 15 years old. Most injuries were the result of falling off of the scooter. 29 percent of the injuries were fractures and dislocations mostly to arms and hands.

The scooters, totaling \$200 million in sales this year, are different than their 1950 predecessor. The new scooters are made of lightweight aluminum, with small low-friction wheels similar to those of in-line skates. Scooters weigh less than ten pounds and fold up easily. Scooters are available at toy stores across the country as well as specialty stores.

To prevent injuries while using scooters and in-line skates, PIRG joins the CPSC in their recommendations to consumers:

- Wear proper safety gear including a helmet that meets CPSC's standard, and knee and elbow pads. Also wear wrist guards for skating.

- Ride the scooters and use the skates on smooth, paved surfaces without any traffic. Avoid streets, or surfaces with water, sand gravel or dirt.
- Do not ride the scooter or use the skates at night.

POSITIVE SIGNS IN 2000

We note that in 2000, fewer choke hazard toys appear on shelves. Parents should still be vigilant, especially for balloon hazards. PIRG attributes improvements to the following factors:

- Since implementation of the 1994 Act, fewer obsolete-labeled or banned toys remain on shelves, due to stock depletion.
- The intensive joint CPSC/U.S. Customs Import Surveillance Program conducted at ports of entry has prevented more than half a million defective and non-compliant toys from entering the United States in 1994 alone. This effort has resulted in substantial injury prevention and greater compliance by manufacturers and importers with safety regulations.
- Under pressure to improve their toys, responsible manufacturers have worked with the American Society for Testing and Materials (ASTM) on a voluntary standard for small action figures that took effect in 1996, requiring such pre-school figures to not only be larger than the choke tube, but also be blocked by a 1.68 inch diameter hole in a template. Figures no longer resemble the old “peg” or wine-cork shape of the older Fisher Price Little People. This year PIRG did not find any of these older “little people” on the shelves.
- Continued education by the media, consumer groups and the CPSC has helped to increase public awareness.
- Despite failure of the Congress and CPSC to require that warnings appear in a certain type, size, and color, fewer toys are inconspicuously and improperly labeled.
- Many toy manufacturers have complied with the CPSC’s request to voluntarily remove PVC and phthalates from teething rings and rattles, although old stock remains on shelves.
- A few toy companies are beginning to label their toys as PVC and phthalate free.
- At least one online toy retailer, Toys R Us, has agreed to clearly display hazard warnings on the internet, even though the hazard warnings are not yet on the web site.

ATTACHMENTS

ATTACHMENT 1: The 2000 PIRG Trouble In Toyland Potentially Hazardous Toy List These toys are examples of dangerous toys found on toy shelves. The list is not all-inclusive.

ATTACHMENT 2: Deaths From Toys 1990-99: Chart based on CPSC reports.

ATTACHMENT 3: List of Toys Recalled as a Result of PIRG Trouble in Toyland Reports – 1988-2000 Includes recalls and other remedial actions taken by CPSC, manufacturers and retailers.

ATTACHMENT 4: Chart of Toy Companies and their Policies Regarding Phthalates A list of some toy companies, their phone numbers and their policies and actions taken regarding the use of phthalates, primarily in mouthing toys. This information is based on a telephone survey conducted by PIRG during October and November 2000. All toxic toys on toy list are based on manufacturer representations. For additional information on phthalates in toys, see the Greenpeace web site <http://www.greenpeace.org>.

ATTACHMENT 5: PIRG's Tips For Toy Safety. A quick summary of other CPSC toy regulations and ideas for parents and other toy buyers.