TROUBLE IN TOYLAND

The 28th Annual Survey of Toy Safety

November 2013

U.S. PIRG Education Fund

TROUBLE IN TOYLAND

The 28th Annual Survey of Toy Safety

U.S. PIRG Education Fund

November 2013

Acknowledgements

Written by Jenny Levin, Public Health Advocate with U.S. PIRG Education Fund.

Cover design by: Alec Meltzer

Cover photo by: polica/iStockphoto

The authors would like to thank our U.S. PIRG and State PIRG colleagues, Mike Russo, Ed Mierzwinski, Jon Lubin, and Jon Fox for their help in research and production of the report. Special thanks to the Colston Warne program of Consumer Reports for supporting our work on consumer protection issues.

With public debate around important issues often dominated by special interests pursuing their own narrow agendas, U.S. PIRG Education Fund offers an independent voice that works on behalf of the public interest. U.S. PIRG Education Fund, a 501(c)(3) organization, works to protect consumers and promote good government. We investigate problems, craft solutions, educate the public, and offer meaningful opportunities for civic participation.

For a copy of this report, visit our website or send a check for $30 made payable to U.S. PIRG Education Fund at the following address:

U.S. PIRG Education Fund
218 D Street SE
Washington, DC 20003
(202) 546-9707
www.uspirgedfund.org

Table of Contents

Executive Summary 1

Introduction 4

Lead and Other Toxic Metals in Toys 6

Phthalates in Toys 9

Magnet Toys and Jewelry..... 10

Choking Hazards..... 12

Excessively Loud Toys..... 16

Strangulation Hazards 18

Recommendations 19

Methodology..... 21

Attachment A: 2013 Summary of Toy Hazards
and Examples of Potentially Dangerous Toys..... 22

Attachment B: Toy-Related Deaths, 2001-2012..... 34

End Notes 35

Executive Summary

The 2013 Trouble in Toyland report is the 28th annual U.S. Public Interest Research Group (PIRG) survey of toy safety. In this report, U.S. PIRG provides safety guidelines for consumers when purchasing toys for small children and provides examples of toys currently on store shelves that may pose potential safety hazards.

Over the past twenty-eight years, our report has identified hazards in toys and children's products that could cause acute injuries, from choking hazards from toys with small parts, to strangulation hazards from cords on pull toys, to laceration hazards from edges that are too sharp, to toxic hazards posed by chemicals in toys. Our report has led to more than 150 recalls and other regulatory actions over the years, and has helped educate the public and policymakers on the need for stronger public health and consumer safety standards to protect children from unsafe products. This report continues to help keep children - particularly babies and toddlers - safe, as the majority of all injuries happen to children in the 0-2 age range.

The enactment of the Consumer Product Safety Improvement Act (CPSIA) of 2008 made great strides in toy safety and strengthened the ability of the Consumer Product Safety Commission (CPSC) to protect consumers, including the littlest consumers—children. Although policymakers delayed implementation of its most stringent lead standard rules and enacted some narrow exceptions in 2011, on the whole the law has been protected from attempts to undermine it. However, we remain vigilant as a variety of regulatory threats to the CPSC's tools and authority remain under consideration by policymakers.

We Looked For Common Hazards in Toys

We visited numerous national toy stores, malls and dollar stores in September, October, and November 2013 to identify potentially dangerous toys. Our researchers examined the CPSC notices of recalls and other regulatory actions to identify trends in toy safety. Our investigation is focused on toys that posed a potential toxic, choking, strangulation or noise hazard.

Our Key Findings Include:

Lead Continues to be a Hazard in Toys

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 and can cause permanent mental and developmental impairments; it has no business being in children's products.

The current federal legal lead standard is 100 parts per million (ppm), though the American Academy of Pediatrics recommends a lead limit of 40 ppm. We found two toys that violate the CPSC's lead standard of 100 ppm. Most notably, the Captain America Soft Shield, for ages two and up, was found to contain 29 times the standard (2900 ppm) for lead.

Other Toxics in Toys

The current federal legal standard limits six kinds of phthalates to 1,000 ppm, and limits the amount of antimony and arsenic, cadmium and other elements that can leach out of toys. We found toxic chemicals including phthalates, antimony, and cadmium. The Ninja

Turtles Pencil Case was found to contain 150,000 ppm of one of six phthalates banned from toys, as well as excessive levels (600 ppm) of the toxic metal cadmium.

Choking Hazards

Choking - on small toy parts, on small balls, on marbles and on balloons - continues to be the major cause of toy-related deaths and injuries. Between 2001 and 2012, more than 90 children died from choking incidents.

This year we found several toys that contained small parts or "near small part" toys. The toys containing small parts contained improper labels and might be mistakenly purchased for children under 3. The toys containing near small parts support our argument that the small parts test should be made more protective by making the test cylinder larger.

We also found some toy foods including both near small parts and other rounded ball-like foods that would fail the small ball test although they are technically subject to the less-stringent small parts test. Toy foods pose a special hazard, because they look to small children like something that should be eaten.

Magnets

Magnet toys made with neodymium iron boron magnets, such as the Buckyball magnets that are the subject of a CPSC court action, are still available and continue to cause accidents. CPSC staff have estimated that between 2009 and 2011 there were 1,700 emergency room cases nationwide involving the ingestion of high powered magnets. More than 70% of these cases involved children between the ages of 4 and 12.

We also found ellipsoid toy magnets that nearly fit in the small parts cylinder, and are classified as a novelty "finger-fidget" toy. These magnets are smooth and shiny and sold in pairs; striking them together causes them to vibrate and produce a singing sound, making them appealing to children. CPSC has reported gastroenterological injuries associated with ellipsoid magnets. If the magnet had fit in the small parts test cylinder, it would be banned for sale to children under 14. These, instead, were labeled "8 and up."

Noisy Toys

Research has shown that a third of Americans with hearing loss can attribute it in part to noise. The third National Health and Nutrition Examination Survey showed that one in five U.S. children will have some degree of hearing loss by the time they reach age 12. This may be in part due to many children using toys and other children's products such as music players that emit loud sounds. The National Institute on Deafness and Other Communication Disorders advises that prolonged exposure to noise above 85 decibels will cause gradual hearing loss in any age range. Toys that are intended to be held close to the ear are not to exceed 65 decibels. Toys that held within close range (in a lap or on a table) are not to exceed 85 decibels.

We found toys on store shelves that exceeded the limit of 65 decibels for toys held close to the ear. The Chat & Count Smart Phone, for example, produces sound measuring higher than 85 decibels when measured at 2.5 centimeters, and children may hold such toys pressed up against the ear.

Recommendations for Policymakers

- Policymakers must ensure that the Consumer Product Safety Commission (CPSC) is given the resources it needs to effectively protect consumers.
- Policymakers must also continue vigorous oversight of implementation and enforcement of the law.
- Policymakers should require manufacturers to provide all hazard and health-impact information to the state and federal government so agencies can begin to assess the thousands of chemicals currently on the market for which little or inadequate data are available.

- There is overwhelming evidence showing that the Toxic Substances Control Act is failing our most vulnerable consumers: pregnant women, babies and children. Policymakers should take steps to ensure that the American people are better protected from toxics in products.

- Policymakers should reject well-funded special interest efforts to weaken the ability of regulatory agencies to conduct rulemakings or enforce rules designed to protect public health and safety.

For the Consumer Product Safety Commission

- The CPSC should continue to vigorously enforce the current (100 ppm) lead limits in toys. The CPSC should also move to using the more stringent lead standard of 40 ppm recommended by the American Academy of Pediatrics.

- The CPSC should continue to vigorously enforce the current (1000 ppm) limit on phthalates in toys, make the interim ban on DINP, DIDP and DNOP permanent, and expand the ban on all six to include all products for children 12 and under.

- The CPSC should ban from toys any chemicals that may to provoke cancer, change genetic information or harm reproduction, so-called CMR (Carcinogenic, Mutagenic or toxic for Reproduction), as well as fragrances which have a strong allergenic potential.

- The CPSC should review and, where necessary, expand its definition of a "small part" or "small toy" to include parts and toys that are larger than the current standard, but have been shown to pose a choking hazard to children. In particular, the CPSC should examine whether rounded toys that are not balls and toy food shaped like balls should be regulated under the more stringent small ball test.

- The CPSC should proceed with rulemaking to regulate high powered magnets.

- The CPSC must continue to ensure that new third-party testing programs meet CPSIA standards. As the CPSC continues to implement its new publicly accessible toy and other product incident database at www.saferproducts.gov, it must ensure that it provides the information consumers need to make informed choices in the marketplace.

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.

- There is no comprehensive list of potentially hazardous toys. Examine toys carefully for potential dangers before you make a purchase. Shop with U.S. PIRG's Toy Safety Tips available at www.ToySafetyTips.org and on our website, www.uspirg.org.

- Parents should continue to be vigilant about metals in toys as they may contain lead or cadmium above the mandatory safety limits. The Centers for Disease Control (CDC) recommends that all children be screened for exposure to lead. A simple and inexpensive blood test can determine whether or not a child has a dangerous level of lead in his or her body. The test can be obtained through a physician or public health agency.

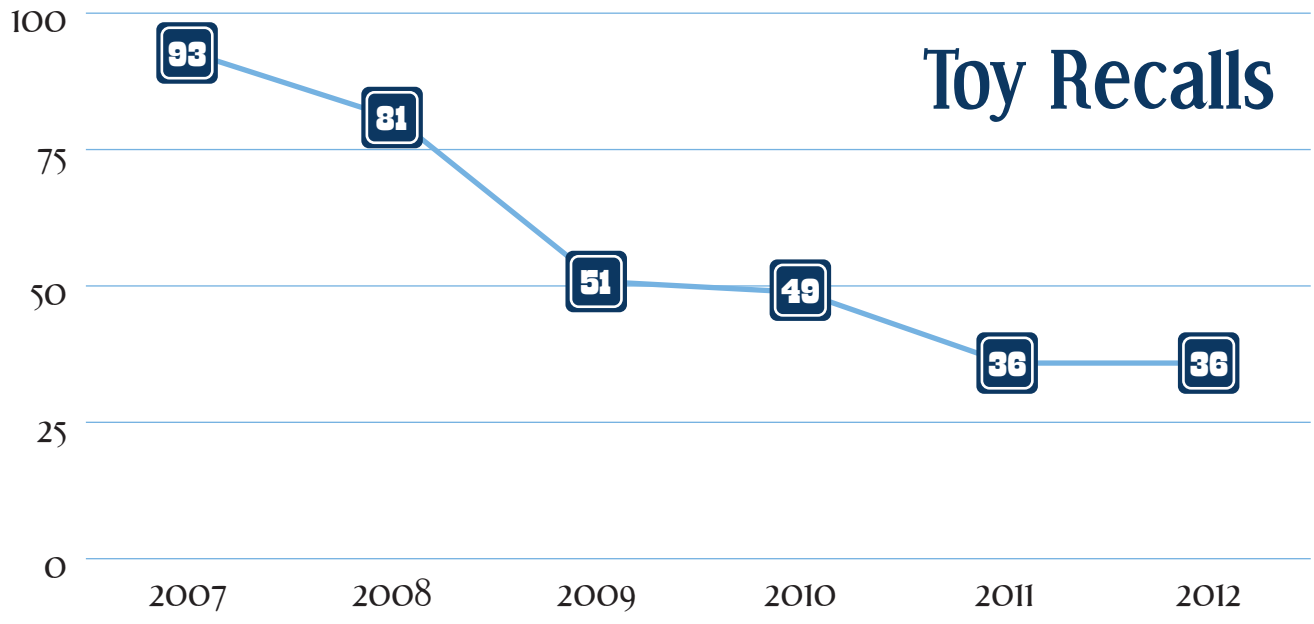
- Report unsafe toys or toy-related injuries to the CPSC at www.cpsc.gov and www.saferproducts.gov or call the CPSC at 1-800-638-2772.

Introduction

Toys should entertain and educate children, but poorly designed and constructed toys can cause injury and even death. In 2007, children's product recalls reached an all-time high with 231 recalls of 46 million toys and 15 million other children's products.[1] Twelve of the recalls involved more than one million units, causing the media and Consumer Reports to dub 2007 the "Year of the Recall." Popular toy manufacturers, such as Mattel, were forced to recall millions of units due to violations of existing limits on lead or dangerous small parts.

Congress responded by passing the landmark Consumer Product Safety Improvement Act (CPSIA), which was the first major overhaul of product and toy safety since the early 1970's. The CPSIA expanded the budget of the Consumer Product Safety Commission (CPSC), gave it explicit tools to hold toy manufacturers accountable and speed up recalls, and moved toward banning certain toxic chemicals in toys and children's products. The act also greatly improved import surveillance, which is vital since we import toys from all over the world, including from countries where consumer safety regulations and public health standards are not as rigorous.

Over the past five years, provisions of the CPSIA have begun to take effect. The law's restrictions on lead and phthalates began to take effect in February 2009 and final lead limits took effect in 2011. Additionally, part of the groundbreaking legislation required the creation of a new consumer complaints website,www.saferproducts.gov, which went live in March 2011. This website is an invaluable resource for parents and caregivers as it allows them to provide reports on incidents affecting their own families or to review incidents involving thousands of toys and other products that may be hazardous.



While some toys are still slipping through the cracks, the number of toy recalls has declined in recent years.[2] As of November, there have been just 31 toy recalls in 2013.

In passing the CPSIA, Congress endorsed the leading international Toy Safety Standard (ASTM F963) and the process under which it is developed and continually reviewed and revised. The ASTM F963 Toy Safety Standard requirements were all made mandatory by the now 5 year old CSPIA, preventing innumerable injuries and toxic exposures to children. Since the CPSIA, thousands of products and millions of units of dangerous toys have been prevented from entering the U.S.[3]

U.S. PIRG is committed to safeguarding America's youngest consumers. Our 28th report comes at a time when toy and product safety is being threatened by potential rollbacks to consumer safety regulations and public health protections. The saferproducts.gov database faces legal as well as political assaults.[4] In 2012 a U.S. judge issued a ruling that "Company Doe," the firm suing to prevent the CPSC from posting a report on saferproducts.gov about a consumer injury allegedly related to its product, could remain anonymous, even as several consumer groups seek to unseal the record.[5] In October, the Fourth Circuit, U.S. Court of Appeals heard oral argument in the appeal by three consumer groups: Consumers Reports, Consumer Federation of America and Public Citizen.[6]

Policymakers are considering even broader proposals that may eat away at our consumer and public health safety standards and require the CPSC to conduct unnecessary and duplicative cost-benefit analyses, which will slow down development of consumer safety standards.

This report is a continued progress report on the implementation of the Consumer Product Safety Improvement Act and an examination of the marketplace and recalls for common toy hazards.

Lead and Other Toxic Metals in Toys

Children are especially vulnerable to metals, and are already exposed to metals through the air, water, and food. Children—usually those under six—often mouth objects, which can cause the release of metals. Toys and children's jewelry can contain dangerous levels of metals for several reasons: metals may be used as pigment in paint, as stabilizers, or they may be a contaminantfrom recycled plastic.[7]

While the CPSIA and stronger enforcement by the CPSC have taken major steps forward in limiting toy hazards, much more remains to be done. The CPSIA only regulates fourteen specific chemicals in certain toys and other children's products. There are more than 85,000 industrial chemicals on the market today, most with little or no testing for their effects on human health. In toys, the leading toxics that can be found are lead, cadmium and phthalates.[8]

Lead

Lead is a highly toxic substance that was banned in paint, in children's products, and in dishes or cookware in the U.S. in 1978. Lead exposure can have detrimental effects on children's health.[9] According to the CDC there is "no known threshold below which adverse effects of lead are absent."[10] Children with high levels of lead in their blood are at increased risk for learning disorders, behavior problems, and hearing problems and delayed growth.[11] Later in life, they might also suffer from hypertension and kidney disease.[12] Lead also affects the central nervous system, kidneys, and the reproductive system. Children are especially vulnerable to lead in the environment, even more so than adults. This is because children play on floors where lead dust accumulates and more often put their hands in their mouths. Children's small bodies are also more sensitive to the effects of lead.[13] It is especially critical to be vigilant because the symptoms associated with lead poisoning are often not immediately visible.[14]

Lead is widely used in other countries and can be found in imported toys. It is used to soften plastic and make it more flexible, but when the plastic is exposed to sunlight, air, and detergents, the chemical bond between the lead and plastics breaks down and forms a dust, which children can inhale. Lead can also be found in jewelry, metal toys, and paint and surface coatings.

Federal Standards for Lead

Prior to enactment of the CSPIA in 2008, the Federal Hazardous Substances Act enabled the CSPC to consider products, such as metal jewelry, as "hazardous substances" if they contained toxic quantities of lead.[15] The quantity of lead needed to be sufficient to cause illness as a result of handling or use, including ingestion. We now know any exposure to lead which could involve mouthing or ingestion to be potentially dangerous.[16]

Toys and children's products containing lead in excess of 100 parts per million (ppm) are now banned as hazardous substances. These products can no longer be manufactured or imported for sale. However, existing inventories of products that meet a less-stringent 300 ppm standard can be sold.

While this new, lower limit represents progress, it still does not match with the recommendations made by

the American Academy of Pediatrics (AAP). They recommend all products intended for use by children contain no more than trace amounts of lead. The AAP defines a "trace" amount of lead as no more than 40 ppm, which is the upper range of lead in uncontaminated soil.[17]

Cadmium

Cadmium, like lead, is a toxic metal that can harm children's health. Cadmium is a known carcinogen that, also like lead, can delay brain development in young children, leading to learning disabilities. Research also shows that long-term exposure can cause kidney problems.[18] In 2011 researchers at Harvard University found by studying 2,000 children that those exposed to cadmium were three times more likely to have learning disabilities. [19]

Cadmium's primary use is in nickel-cadmium batteries, but it can also be used as a pigment, and as a stabilizer for PVC plastics.

The U.S. toy jewelry industry saw 6 recalls in 2010 because of the unacceptably high levels of cadmium in their products. Retailers including Claire's and Wal-Mart pulled Miley Cyrus and The Princess and the Frog jewelry from shelves after the Associated Press found more than 100 pieces of children's jewelry with over 90 percent cadmium. McDonald's voluntarily recalled 12 million Shrek cups because they contained cadmium. [20] Consumer groups also took retailers and suppliers of children's jewelry and toy jewelry to court to set strict limits on cadmium.[21]

Federal Standards for Cadmium

The 2008 CPSIA requires toys to comply with the ASTM F963-11 toy standard limit of 75 parts per million (ppm) for maximum soluble migrated cadmium.

Antimony

Antimony trioxide is classified as a carcinogen in the state of California and has been listed as a possible human carcinogen by both the European Union and the International Agency for Research on Cancer. Low levels of antimony have been linked to eye irritation, hair loss, lung damage, and heart problems in animals. Animal studies have also shown a link between higher levels of antimony and fertility problems and lung cancer. It is used by plastic manufacturers as a catalyst, and can also be used in paints or other pigments.[22]

Federal Standards for Antimony:

The CPSIA made the ASTM F-963 toy safety standard for antimony in the surface coating or substrate of a children's product (60 ppm maximum soluble migrated antimony) mandatory.

Findings: Lead and other toxic metals

This year, we found a vinyl toy, the Marvel Super Hero Squad Soft Shield, to contain 2,900 ppm lead – 29 times the legal limit. We also found toy rings with lead paint exceeding the 90 ppm limit, ranging up to 200 ppm.

We found the Ninja Turtles Pencil Case to contain 600 ppm cadmium. The Lamaze brand mat by Tomy tested at 900 ppm antimony. We found the Monster High Skelita Halloween Costume wig to contain 80 ppm antimony. These three items were tested in a lab for their total metal content. Further testing would be required to determine if the products meet federal standards for limits on the amount of cadmium or antimony that may migrate from the product during a solubility test, which mimics digestion. Unlike lead, cadmium and antimony in toys are only subject to a limit on the amount of the soluble migrated content in the toy, not the total chemical content of the toy.

The high content of toxic metals in these products doesn't necessarily mean that they violate the law, though it is a reason for parents to worry.

Recommendations: Lead and other toxic metals

Lead-tainted children's products should never end up on store shelves or in the home. The CPSC should continue to vigorously enforce the CPSIA's bans on lead and lead paint in any toys, jewelry or other articles for children. In addition, lead limits for toys and children's products should be lowered to 40 ppm, the level recommended by the American Academy of Pediatrics.

Like lead, children are not exposed to cadmium, antimony and other toxic metals only through ingesting items. They also may be exposed by handling and mouthing toys, or ingesting household dust containing chemicals that have migrated out of products. The CPSC should establish stronger mandatory guidelines for total content of cadmium, antimony and other toxic metals in children's toys, products and child care articles.

Phthalates in Toys

Phthalates are a group of chemicals used to soften and increase the flexibility of plastic and vinyl. The polyvinyl chloride (PVC) plastic industry uses large amounts of phthalates as additives to improve the flexibility of it products. Phthalates are also used in personal care products such as hand lotion, nail polish, cosmetics, and perfume, as well as industrial products like solvents, lubricants, glue, paint, sealants, detergent, and ink.[23]

Research has documented the potential health effects of exposure to phthalates in the womb or at crucial stages of development, reproductive defects,[24] premature delivery,[25]and early puberty.[26]

Federal standards for phthalates

The CPSIA banned three phthalates (called DEHP, DBP and BBP) in toys and child care articles at levels greater than 1,000 ppm. The law also established an interim ban on three other phthalates – DINP, DIDP and DNOP – in toys and children's articles.[27] In August 2011, Congress modified the bans slightly to provide an exception for inaccessible parts.

The interim ban on DINP, DIDP and DNOP continues, awaiting the findings of a scientific review, which is expected shortly.

These six phthalates have been banned in European toys for nearly 10 years, and other countries, including Argentina, Japan, Israel, and Mexico have also banned phthalates from children's toys. In addition, states have enacted stronger regulations. Washington, Vermont, and California have more broadly restricted phthalate use in toys and childcare products.[28] As of January 1, 2012 all manufacturers, importers, and private labelers of children's toys and certain child care articles are required by law to subject their products to third party testing for phthalates under CPSIA.

Finding: Phthalates

We tested several toys for phthalates and found them to be compliant with federal standards for phthalates. However we found one item containing very high levels of the phthalate DEHP. The Ninja Turtles Pencil Case was found to contain 150,000 ppm of DEHP, or 150 times the 1,000 ppm federal standard. Because phthalates including DEHP are only banned in toys and child care articles, the Ninja Turtles Pencil Case likely does not violate federal standards for phthalates.

Although this children's product is not a toy subject to either the CPSIA's phthalates or toxic metals limits, these hazards should be eliminated from all children's products.

Recommendations: Phthalates

The CPSC should vigorously enforce the CPSIA's ban on the use of phthalates in all toys and child care articles that are "physically exposed" to a child and continue to monitor use of phthalates in components of children's toys and products. The interim ban on DINP, DNOP, and DIDP should also be made permanent. CPSC should expand the ban on phthalates to include all children's products.

Magnet Toys and Jewelry

Small but powerful magnets used in various toys, magnetic building toys and magnetic jewelry have come under scrutiny in recent years. Many magnet toys on the market today use powerful neodymium iron boron (NIB) magnets which have increased in popularity with toy manufacturers as they have become readily available from Chinese exporters. They are commonly used in magnetic sets and magnetic office toys and jewelry, especially earrings and bracelets. They are also appearing in dollar store toys. The NIB magnets used in these toys are often the size of unpopped popcorn kernels. Slightly larger NIB magnets are so strong they can severely pinch fingers and other body parts.

Child safety advocates are concerned that once the magnets are removed from their carrying cases or packets, the warnings may be forgotten. Children who are playing with the magnets may not know there are warnings on how to use them.[29]

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 can create a bowel obstruction or perforation. Using MRIs to diagnose the problem is very dangerous, since the magnetic fields used in imaging could tear the magnets through tissue if they are present.[30]

Hazardous magnets are a product that consumer advocates have been concerned about for years, and unfortunately they continue to put children in danger. In January of this year, a 2 year old swallowed 62 rare earth magnets and suffered intestinal perforation.[31] CPSC staff have estimated that between 2009 and 2011 there were 1,700 cases involving the ingestion of high-powered magnets treated in hospitals nationwide. More than 70% of these cases involved children between the ages of 4 and 12.[32]

In August 2012, the CPSC took the rare step of suing the Buckyballs maker, Maxfield and Oberton, to stop the company from selling the product, even with labels stating that the toy was for use of persons older than 14. In its legal filing,the CPSC argued that warnings alone are not effective, alleging that "Buckyballs and Buckycubes contain a defect in the design, packaging, warnings, and instructions, which pose a substantial risk of injury to the public."

The case between the CPSC and Maxfield and Oberton is still being weighed by an administrative law judge, who will decide if Buckyballs and Buckycubes pose a hazard and warrant a recall. Separate from the recall action, the CPSC is continuing with rulemaking to ban small high powered magnets from the market.[33]

Federal Standard for Magnets

The ASTM F-963 toy standard bans hazardous magnet toys for children under 14 if they fit in the small parts cylinder. There is an exception for magnets included in certain "hobby, craft, and science kit-type items" intended for children 8 and up, provided the products comply with special magnet hazard disclosures.

Findings: Magnets

This year we continue to find dangers from Buckeyballs and magnet desk toys similar to Buckyballs sold by retailers online (although a number of retailers have recalled the products).[34] This year we also found ellipsoid Sizzlers magnets that nearly fit in the small parts cylinder and are sold in pairs. They are not a construction toy and are classified as a novelty "finger-fidget" toy. They are smooth and shiny and striking them together causes them to vibrate and produce a singing sound, making them appealing to children. The CPSC asserts that there have been gastroenterological injuries associated with similar ellipsoid magnets. [35] The Sizzlers are marketed for "8 and up."

Recommendation for Magnets in Toys

The CPSC should continue rulemaking and litigation to ban the sale of high-powered magnets and stop new novelty high-powered magnet products from reaching the market.

Choking Hazards

Choking - on small toy parts, on small balls, on marbles and on balloons - continues to be the major cause of toy-related deaths and injuries. Between 2001 and 2012, more than 90 children died from choking incidents.[36]

In 1979, the 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 the approximate size of a fully expanded throat of a child under three years old. If the toy or 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. In 1994, the Child Safety Protection Act established a more protective standard for small balls in children's toys.

The CPSC uses three factors to determine whether a toy is intended for children under three years old, including the manufacturer's stated intent in the age labeling; the advertising and marketing of the product; and if the toy is "commonly recognized" as being intended for a child under three years old.[37] Some items commonly recognized for children under three include squeeze toys; teether 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.[38]

Balloons, articles made of paper, writing materials such as crayons and chalk, modeling clay, finger paints, watercolors and other paint sets 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 subjected to use and abuse testing. 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.[39] 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.[40]

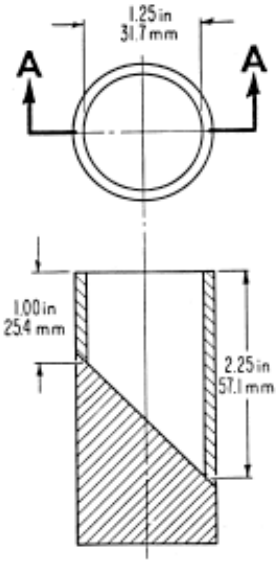


Figure A. Choke Test Cylinder

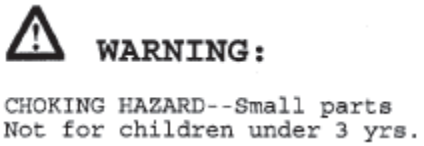
Labels for Toys with Small Parts for Children Over Age 3

The CPSC's 1979 regulations were not entirely effective - manufacturers attempted to circumvent the small parts ban by labeling products intended for children under three for "ages three and up." Parents misinterpreted these labels as recommendations, rather than warnings, and purchased these toys for children under three. The 1979 regulation also exempted a significant choking hazard, balloons, from warnings or regulations. It also became apparent that small balls that passed the small parts test could still pose a choking hazard and completely block a child's airway.

Throughout the 1980s, consumer groups urged 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. Eventually a campaign to make toys safer led by ConnPIRG and child safety advocates resulted in the choke hazard warning label that you now see regularly on toys. The Connecticut law laid the foundation for a federal standard and in 1994, Congress passed the Child Safety Protection Act.

Federal Standards for 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:[41]



Federal Standard for Small Balls

The 1994 CSPA established a new test for small balls, more restrictive than the previous 1.25 inches in diameter small parts test. Since 1994's law, balls with a diameter smaller than 1.75 inches are banned for children under three years old.[42] The law defines a ball as "any spherical, ovoid, or ellipsoidal object designed or intended to be thrown, hit, kicked, rolled, dropped, or bounced." In addition, the term "ball" includes any multisided object formed by connecting planes into a generally spherical ovoid, or ellipsoidal shape that is designated or intended to be used as a ball.[43] According to this definition, other toys that are spherical or

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

have spherical parts, but are not intended for use as a ball do not have to meet this test.

Any small ball intended for children over the age of three must include the following warning:[44]

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.

Federal Standards for Balloons

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children's product. In 2012 (the latest year for which the CPSC has published data), there were two deaths involving balloons.

More than 40 percent of the choking fatalities reported to the CPSC between 2001 and 2012 involved balloons. The 1994 law requires the following choke hazard warning on all balloons:[45]

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.

Federal Standard for Bins and Vending Machines

Finally, the CSPA 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.[46]

Findings: Choking Hazards

Our shoppers surveyed toy stores in the fall of 2013 and observed that most toys are safe and properly labeled. Overall, manufacturers and toy retailers are appropriately marketing and labeling small balls, balloons, small toys and toys with small parts. Most toys for children under three years old do not have any small parts. However, toys intended for older children can still be found without labels or improper labels, especially in dollar stores. We observed the following trends that shoppers looking for toys for young children should be aware of:

- SOME TOYS MAY NOT MEET CPSC LABELING 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. This year we found several toys that may violate the CPSC's small parts labeling standard. We found dollar store toys that could have play value for small children that lacked the appropriate labeling. The Little Pet Shop Collection by Hasbro has some items that lack the required labeling. Toys that are labeled for children 4 to 6 must still have the choking hazard warning symbol and precise language if they contain small parts. We found several Littlest Pet Shop toys that contain small parts that fit inside the small parts cylinder but do not display the small parts warning symbol and language required. These toys are not only round and small enough to choke a child, the Candyswirl Dreams Collection of Littlest Pet Shop toys also comes in a plastic package that looks like a candy, and the small ball-like part itself has an image of candy on it. Because the packaging lacks a choke hazard label and is labeled 4 +, the product fails to provide parents with the appropriate guidance.

- SMALL BALL-LIKE TOYS, TOY PARTS AND ROUNDED FOOD TOYS POSE CHOKING HAZARDS

U.S. PIRG recommends that round, ball shaped toys pass not just the small parts test but the small ball test. We continue to find rounded toy foods that pass the small parts test but fail the small ball test. For example the Just Like Home Super Play Food Set, available at Toys-R-Us and labeled for ages 3 and up, several rounded food toys that pass the small parts test but fail the small ball test.

- NEAR-SMALL PARTS MAY POSE CHOKING HAZARDS

We found toys that represent dangerous "near small parts"—or toy parts that barely pass the small parts test. The Fisher- Price Outdoor Barbecue, for example, is intended for ages 3 and up, but contains a circular plate of food that barely passes the small parts test. We also found high powered magnet toys called "Sizzlers" that nearly fit inside the small parts test cylinder, as pictured in Attachment A.

- BALLOONS MAY BE MARKETED TO CHILDREN UNDER 8

We found all balloons products to provide the required warning sign and language warning that children under eight can choke on balloons and balloon parts. However we continue to find balloons marketed to children under eight. We also found balloons labeled for ages 5 and up.

Recommendations

We call on the CPSC to:

- Enlarge the small parts test tube to be more protective of children under three.
- Round objects are more likely to choke children, because they can completely block a child's airway. Change the small-ball rule to include small round or semi-round objects, not just "balls" in the strictest definition.
- Vigorously enforce the small parts warning label requirements for toys.
- Discourage marketing of balloons to children under eight years of age.

Excessively Loud Toys

Between one-quarter and one-third of Americans with hearing loss can attribute it, at least in part, to noise.[47] Children are especially vulnerable to noise-induced hearing loss, which often happens gradually and without pain from over-exposure to loud noises.[48] Almost 15 percent of children ages 6 to 17 show signs of hearing loss.[49] 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.[50]

The Occupational Safety and Health Administration reports prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage. The American Academy of Pediatrics and the National Campaign for Hearing Health use 85 decibels as a threshold for dangerous levels of noise.[51]

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.[52]

Decibel Exposure Time Before Hearing Damage Can Occur[53]

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

Standards for Loud Toys

In September 2011, ASTM finalized new specifications that are an improvement on its 2003 standards for sound-producing toys. The CPSC has the authority to enforce the ASTM voluntary standards. Positively, in May 2013 the CPSC issued its first recall under the strengthened standard, finding that a "Chicken Dance" music player posed a "hearing damage hazard."[54]

The standards include the following:[55]

- Hand-held, tabletop, floor, and crib toys should not produce continuous sound that exceeds 85 dB when measured from 25 centimeters (about 10 inches).

- Close-to-the-ear toys should not produce continuous sound that exceeds 65 dB when measured from 2.5 centimeters (about 1 inch).

- Toys with impact-type impulsive sounds should not produce a peak sound in excess of 115 dB when measured from 25 centimeters.

- Toys with explosive-type sounds should not produce a peak sound in excess of 125 dB when measured from 25 centimeters.

These standards, while a solid step in the right direction, may not prevent loud toys from harming children's hearing. 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. 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. [56] This is especially important for toy cell phones, earphones and musical toys.

Toy Survey Findings: Loud Toys

We measured the loudness of several toys using a hand held digital sound level meter, taking the readings from 25 centimeters and 2.5 centimeters to determine the range of noise to which a child playing with a toy could be exposed. We found three toys that may not meet the ASTM standards for loud toys.

The Leap Frog Chat & Count Smart Phone, labeled for ages 18 months an up, is clearly intended to be held close to the ear, but exceeds not only the 65 decibels at 2.5 cm but reaches over 85 decibels at 2.5 cm. The Leap Frog Lil'Phone Pal, labeled 6 to 18 months, also exceeds 85 decibels at 2.5 cm, yet is also clearly intended to be held close to the ear. The Fisher Price Laugh & Learn Remote, labeled for ages 6 to 36 months, was measured above 85 decibels at 2.5 cm, and may also be held close to the ear.

Recommendations: Loud Toys

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.

- Free sound meter apps available for smart phones are a helpful tool to measure a toy's noise level before purchasing it.

- Put tape over the speakers of toys you already own that are too loud or simply remove the batteries.

- Report a loud toy to the CPSC website, www.saferproducts.gov.

CPSC should:

- Enforce the new ASTM sound standards to the fullest extent.

Strangulation Hazards

Strangulation from children's products has been on the decline since CPSC issued new guidelines in the late 1990s. However, hazards still exist in children's drawn string clothing, corded baby monitors, cords from blinds and beaded curtains and the CPSC continues to take action.

Drawstrings - Clothing

Drawstrings on children's clothing lead to deaths and injuries when they catch on playground equipment, bus doors, or cribs.[57] From January 1985 through June 1997, the CPSC received reports of 21 deaths and 43 incidents involving drawstrings on children's upper outerwear.[58] In February 1996, CPSC issued guidelines to prevent these injuries, which ASTM adopted as a voluntary standard in June 1997.[59] The standard has resulted in a marked decrease in fatalities and incidents.

Nevertheless, companies continue to violate the law. CPSC routinely recalls products for failure to comply with the rules and also issues civil penalties for violations. CPSC recommends parents remove drawstrings from all children's upper outerwear sized 2T to 12 and buy clothing with alternative closures, like snaps, buttons, and Velcro.[60]

Recommendations

For Policymakers

- Policymakers must ensure that the Consumer Product Safety Commission (CPSC) is given the resources it needs to effectively protect consumers.
- Policymakers must also continue vigorous oversight of implementation and enforcement of the law.
- Policymakers should require manufacturers to provide all hazard and health-impact information to the state and federal government so agencies can begin to assess the thousands of chemicals currently on the market for which little or inadequate data are available.
- There is overwhelming evidence showing that the Toxic Substances Control Act is failing our most vulnerable consumers: pregnant women, babies and children. Policymakers should take steps to ensure that the American people are better protected from toxics in products.
- Policymakers should reject well-funded special interest efforts to weaken the ability of regulatory agencies to conduct rulemakings or enforce rules designed to protect public health and safety.

For the Consumer Product Safety Commission

- The CPSC should continue to vigorously enforce the current (100 ppm) lead limits in toys. The CPSC should also move to using the more stringent lead standard of 40 ppm recommended by the American Academy of Pediatrics.
- The CPSC should regulate the total content of toxic metals such as cadmium and antimony in all toys, children's products and children's jewelry rather than in the surface coating of toys alone.
- The CPSC should continue to vigorously enforce the current (1000 ppm) limit on phthalates in toys, make the interim ban on DINP, DIDP and DNOP permanent, and expand the ban on all six to include all products for children 12 and under.
- The CPSC should ban from toys any chemicals that may to provoke cancer, change genetic information or harm reproduction, so-called CMR (Carcinogenic, Mutagenic or toxic for Reproduction), as well as fragrances which have a strong allergenic potential.
- The CPSC should review and, where necessary, expand its definition of a "small part" or "small toy" to include parts and toys that are larger than the current standard, but have been shown to pose a choking hazard to children. In particular, the CPSC should examine whether rounded toys that are not balls and toy food shaped like balls should be regulated under the more stringent small ball test.

- The CPSC should proceed with rulemaking to regulate high powered magnets.

- The CPSC must continue to ensure that new third-party testing programs meet CPSIA standards. As the CPSC continues to implement its new publicly accessible toy and other product incident database at www.saferproducts.gov, it must ensure that it provides the information consumers need to make informed choices in the marketplace.

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.

  There is no comprehensive list of potentially hazardous toys. Examine toys carefully for potential dangers before you make a purchase. Shop with U.S. PIRG's Toy Safety Tips available at www.ToySafetyTips.org and on our website, www.uspirg.org.

  Parents should continue to be vigilant about metals in toys as they may contain lead or cadmium above the mandatory safety limits. The Centers for Disease Control (CDC) recommends that all children be screened for exposure to lead. A simple and inexpensive blood test can determine whether or not a child has a dangerous level of lead in his or her body. The test can be obtained through a physician or public health agency.

- Report unsafe toys or toy-related injuries to the CPSC at www.cpsc.gov and www.saferproducts.gov or call the CPSC at 1-800-638-2772.

Methodology

Testing of toys and other children's products for lead, cadmium, antimony, and phthalates: We purchased toys and children's jewelry from major retailers and dollar stores. We sent these items to STAT Analysis Corporation in Chicago, a laboratory accredited by the Illinois Environmental Protection Agency in accordance with the National Environmental Laboratory Accreditation Program, for testing.

For lead, cadmium, and antimony testing STAT Analysis tested for heavy metals using EPA Method SW 6020 (Inductively Coupled Plasma-Mass Spectrometry) to determine the quantity of the toxic substance in each item.[61]

For phthalates STAT Analysis followed standard procedures, using EPA Method 8270C.

Choking hazards: We categorized toys as a potential choking hazard if a) a toy labeled for children under three contains small parts or breaks easily into small parts; b) a toy contains small parts or small balls, but is intended for children under three, regardless of age labeling; c) a toy contains small parts or small balls, is intended for children over three, but lacks the statutory choke hazard warning or the choke hazard warning is obscured or too small; 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, or e) contains "near small parts," which are slightly larger than the choke test cylinder but may pose similar hazards.

Noise Toys: We measured the loudness of toys, taking the readings from 25 centimeters and 2.5 centimeters to determine the range of noise exposure for a child playing with these toys.

Attachment A: 2013 Summary of Toy Hazards and Examples of Potentially Dangerous Toys

Potential Choking Hazards

Standards

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

- Toys intended for children under 3 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 uninflected or broken balloons to children younger than 8 years of age.

Examples of Toys that Pose Potential Choking Hazards

TOYS CONTAINING SMALL PARTS

Product name:	Princess Wand
Label on toy:	None
Type of hazard:	Choking
Why toy is a problem:	A small heart that fits inside the small parts cylinder detaches easily.
Manufacturer/Distributor:	Greenbrier International
Item # (if known):	
Store:	Dollar Tree
Price paid:	$1.00

TOYS CONTAINING SMALL PARTS WITH LABEL VIOLATIONS

Product name:	Bead Kit
Label on toy:	5+
Type of hazard:	Choking
Why toy is a problem:	No small parts warning, which is required for toys intended for children between 4 and 6 that contain small parts.
Manufacturer/Distributor:	Greenbrier International
Item # (if known):	
Store:	Dollar Tree
Price paid:	$1.00

Product name:	Littlest Pet Shop- #2744 Horse
Label on toy:	4+
Type of hazard:	Choking
Why toy is a problem:	Bottom half of pony easily detaches and fits within the small parts cylinder. There is no small parts warning, which is required for toys intended for children between 4 and 6 that contain small parts.
Manufacturer/Distributor:	Hasbro
Item # (if known):	A0467
Store:	Kmart
Price paid:	$3.99

Product name:	Littlest Pet Shop – Candyswirl Dreams Collection #3313
Label on toy:	4+
Type of hazard:	Choking
Why toy is a problem:	The bottom of the toy animal easily detaches and both the head and bottom fit within the small parts cylinder. There is no small parts warning, which is required for toys intended for children between 4 and 6 that contain small parts.
Manufacturer/Distributor:	Hasbro
Item # (if known):	98751 LPS BLIND BAG
Store:	Wal-Mart
Price paid:	$4.49

Product name:	Littlest Pet Shop- Sunil Nevla
Label on toy:	4+
Type of hazard:	Choking
Why toy is a problem:	The bottom of the toy animal easily detaches and fits within the small parts cylinder. There is no small parts warning, which is required for toys intended for children between 4 and 6 that contain small parts.
Manufacturer/Distributor:	Hasbro
Item # (if known):	
Store:	Wal-Mart
Price paid:	$3.99

Product name:	Littlest Pet Shop-Candyswirl Dreams Collection #3317
Label on toy:	4+
Type of hazard:	Choking
Why toy is a problem:	The round head of the seal easily detaches from the tail and both parts fit within the small parts cylinder.
Manufacturer/Distributor:	Hasbro
Item # (if known):	98751 LPS BLIND BAG
Store:	Wal-Mart
Price paid:	$4.49

Product name:	Littlest Pet Shop- Seal and Dolphins
Label on toy:	4+
Type of hazard:	Choking
Why toy is a problem:	The round head of the seal easily detaches and barely passes the small parts test but fails the small ball test.
Manufacturer/Distributor:	Hasbro
Item # (if known):	
Store:	Kmart
Price paid:	$4.49

SMALL BALL-LIKE TOYS, TOY PARTS AND ROUNDED FOOD TOYS POSE CHOKING HAZARDS

Product name:	Gobble Gobble Guppies
Label on toy:	2+
Type of hazard:	Choking
Why toy is a problem:	The round fish are bigger than choke tube but smaller than small ball tester.
Manufacturer/Distributor:	SwimWays
Item # (if known):	12031
Store:	Kmart
Price paid:	$14.99

Product name:	Super Play Food Set
Label on toy:	Statutory Small Parts Warning
Type of hazard:	Some food objects are small parts—other rounded food objects are bigger than choke tube but smaller than small ball tester.
Why toy is a problem:	Toy food poses a special hazard because it looks as if it should be eaten
Manufacturer/Distributor:	Geoffrey LLC
Item # (if known):	#80001
Store:	Toys-R-Us
Price paid:	$19.99

NEAR-SMALL PARTS MAY POSE CHOKING HAZARDS

Product name:	Fisher-Price Loving Family Outdoor Barbeque
Label on toy:	3+
Type of hazard:	Choking
Why toy is a problem:	The toy has circular near small part and also looks like something that should be eaten.
Manufacturer/Distributor:	Mattel
Item # (if known):	12031
Store:	Kmart
Price paid:	$22.99

BALLOONS MARKETED TO CHILDREN UNDER 8

Product name:	Punch Balloons
Label on toy:	Statutory balloon warning; 5+
Type of hazard:	Choking
Why toy is a problem:	Balloons are dangerous for children under 8, but this toy is labled for 5+
Manufacturer/Distributor:	Toy Investments, Inc.
Item # (if known):	66106
Store:	Toys R Us
Price paid:	$ .98

Potentially Toxic Toys: Lead and Other Toxic Chemicals

Standards

The Consumer Product Safety Improvement Act of 2008 bans lead in toys and children's products on a phase-out schedule outlined below. After the effective dates, these products cannot be manufactured, imported for sale or sold.

- **February 2009:** Toys and children's products containing lead in excess of **600 parts per million (ppm)** became banned hazardous substances.
- **August 2009:** The maximum allowable amount of lead in paint decreased from **600 ppm to 90 ppm.**
- **August 2009:** Toys and children's products containing lead in excess of **300 ppm** became banned hazardous substances.
- **August 2011:** Toys and children's products containing lead in excess of **100 ppm** which were manufactured after August 14th, 2011, became banned hazardous substances.

The CPSIA made mandatory the previously voluntary ASTM F-963-07 standards, including limits on maximum soluble migrated content for eight metals in children's products, as outlined in the table below:

Metal	Maximum soluble migrated content
Antimony (Sb)	60 ppm
Arsenic (As)	25 ppm
Barium (Ba)	1000 ppm
Cadmium (Cd)	75 ppm
Chromium (Cr)	60 ppm
Lead (Pb)	90 ppm
Mercury (Hg)	60 ppm
Selenium (Se)	500 ppm

The CPSIA includes a ban on childcare products and children's toys containing the phthalates DEHP, DBP, and BBP in concentrations higher than 0.1% per phthalate (1,000 ppm), and on childcare products and children's toys that can be put in a child's mouth containing the phthalates DINP, DnOP, and DIDP in concentrations higher than 0.1% per phthalate (1,000 ppm).

Examples of Toys and Children's Products Containing Lead and other Toxic Chemicals

Product name:	Captain America Soft Shield
Label on toy:	2+
Type of hazard:	Lead poses chronic health hazards to children
Why toy is a problem:	Tested at 2900 ppm lead
Manufacturer/Distributor:	Disguise, Inc.
Item # (if known):	37074
Store:	Toys R' Us
Price paid:	$8.99

Product name:	Rings
Label on toy:	Statutory small parts warning; Ages 3 and up
Type of hazard:	Lead poses chronic health hazards to children
Why toy is a problem:	All rings tested positive for lead, ranging up to 200 ppm
Manufacturer/Distributor:	Greenbrier International
Item # (if known):	43487
Store:	Dollar Tree
Price paid:	$1.00

Product name:	Teenage Mutant Ninja Turtles Pencil Case
Label on toy:	
Type of hazard:	Cadmium and phthalates pose chronic health hazards to children
Why toy is a problem:	Tested at 150,000 ppm DEHP and 600 ppm cadmium. Although this children's product is not a toy subject to either the CPSIA's phthalates or toxic metals limits, these hazards should be eliminated from all children's products.
Manufacturer/Distributor:	Innovative Design, LLC
Item # (if known):	7247NT
Store:	Toys "R" US
Price paid:	$4.99

Product name:	Lamaze Take and Tidy Activity Mat
Label on toy:	
Type of hazard:	Antimony poses chronic health hazards to children
Why toy is a problem:	Tested at 900 ppm Antimony (Sb). Although this product may or may not not violate the CPSIA's soluble Antimony limit (60ppm), its total antimony of 900ppm puts infants at risk for exposure.
Manufacturer/Distributor:	TOMY
Item # (if known):	LC27156
Store:	Babies "R" US
Price paid:	$39.99

Product name:	Monster High Skelita Holloween Costume
Label on toy:	
Type of hazard:	Antimony poses chronic health hazards to children
Why toy is a problem:	Tested at 80 ppm Antimony (Sb) on the wig. Although this product may or may not not violate the CPSIA's soluble Antimony limit (60ppm), its total antimony of 80ppm puts children at risk for exposure.
Manufacturer/Distributor:	Rubie's Costume Co
Item # (if known):	
Store:	Toys "R" US
Price paid:	$29.99

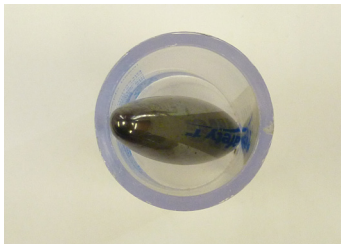
Magnets

Standards

Toys shall not liberate a hazardous magnet or a hazardous magnetic component after use and abuse testing. A hazardous magnet is a powerful magnet (flux > 50) that fits in the small parts choke test cylinder. A hazardous magnet is banned for children < 14. Hobby, craft, and science kit-type items intended for children over 8 years of age, where the finished product is primarily of play value, that contain a loose as-received hazardous magnet or a loose as-received hazardous magnetic component are exempt from the requirements provided they comply with the requirements for safety labeling.

Examples of Potentially Hazardous Magnet Toys

Product name:	Sonic Sound Sizzlers Noise Magnets
Label on toy:	8+
Type of hazard:	Ingestion
Why toy is a problem:	The toy contains two high powered magnets that are near small parts. If the toy was a small part, it would be banned for children <14.
Manufacturer/Distributor:	JA-RU Inc
Item # (if known):	
Store:	Family Dollar
Price paid:	$1.00



Noise Hazards

Standards

In September 2011, ASTM finalized new specifications that are an improvement on its 2003 standards for sound-producing toys. The CPSC has the authority to enforce the ASTM standards. These standards include the following:

- Hand-held, tabletop, floor, and crib toys should not produce continuous sound that exceeds 85 dB when measured from 25 centimeters (about 10 inches).
- Close-to-the-ear toys should not produce continuous sound that exceeds 65 dB when measured from 2.5 centimeters (about 1 inch).
- Toys with impact-type impulsive sounds should not produce a peak sound in excess of 115 dB when measured from 25 centimeters.
- Toys with explosive-type sounds should not produce a peak sound in excess of 125 dB when measured from 25 centimeters.

Examples of Potential Noise Hazards

Product name:	Chat & Count Smart Phone
Label on toy:	
Type of hazard:	Noise
Why toy is a problem:	The toy tests at above 85+ decibels and is intended to be held close to the ear.
Manufacturer/Distributor:	Leap Frog Enterprises, Inc
Item # (if known):	19145
Store:	Babies R Us
Price paid:	$17.99

Product name:	Lil' Pal Phone
Label on toy:	
Type of hazard:	Noise
Why toy is a problem:	The toy tests at above 85+ decibels and is intended to be held close to the ear.
Manufacturer/Distributor:	Leap Frog Enterprises, Inc
Item # (if known):	19222
Store:	Babies R Us
Price paid:	$9.99

Product name:	Fisher Price Laugh & Learn Remote
Label on toy:	
Type of hazard:	Noise
Why toy is a problem:	The toy tests at above 85+ decibels and may be held close to the ear.
Manufacturer/Distributor:	Mattel
Item # (if known):	W9739
Store:	Babies R Us
Price paid:	$12.99

Attachment B: Toy-Related Deaths, 2001-2012

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Choking/Asphyxiation Deaths												
Balloons	4	3	3	3	3	3	4	2	2	5	5	2
Balls	1	2	5	4	9	4	5	2	0	3	0	0
Marbles	0	0	0	0	0	0	0	0	0	0	0	0
Toy or Toy Part	3	3	3	0	0	4	2	1	2	2	0	1
Total	**8**	**8**	**11**	**7**	**11**	**11**	**11**	**5**	**4**	**10**	**5**	**3**
Riding Toys, Scooters	**13**	**5**	**0**	**5**	**8**	**11**	**8**	**10**	**8**	**1**	**4**	**7**
Toy Chests	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**2**	**1**	**0**
Other	**2**	**0**	**0**	**10**	**7**	**6**	**5**	**9**	**4**	**6**	**7**	**1**
Total Toy Deaths	**25**	**13**	**11**	**22**	**26**	**28**	**24**	**25**	**17**	**19**	**17**	**11**
% By Choking/Asphyxia	**32%**	**62%**	**100%**	**31%**	**42%**	**39%**	**46%**	**24%**	**29%**	**63%**	**29%**	**27%**

Source: Consumer Product Safety Commission

End Notes

1 Kids in Danger, February 2008. The Year of the Recall http://www.kidsindanger.org/docs/reports/2008_year_of_the_recall.pdf. Accessed November 9 2011.

2 CPSC Recalls. http://www.cpsc.gov/en/Recalls/

3 Levin, Jenny. Celebrating the mandatory toy safety standard-an important provision of the Consumer Product Safety Improvement Act. Aug. 7, 2013. www.uspirg.org.

4 Dini El Boghdady, The Washington Post, "CPSC database faces first legal challenge", October 18th 2011. http://www.washingtonpost.com/business/economy/cpsc-database-faces-first-legal-challenge/2011/10/18/gIQAtpKivL_story.html. Accessed October 18 2011.

5 News release," Federal judge lets company stay anonymous in suit over CPSC complaint data," October, 23, 2012 on the Consumer Reports magazine website. See http://news.consumerreports.org/safety/2012/10/federal-judge-lets-company-stay-anonymous-in-suit-over-cpsc-complaint-data.html

6 Brian Wolfman, "More on "Company Doe" suit in Fourth Circuit," blog post of 11 November 2013 available at http://pubcit.typepad.com/clpblog/2013/11/more-on-company-doe-suit-in-fourth-circuit.html (last visited 12 November 2013)

7 Guney, Mert & Zagury, Gerald. Contamination by Ten Harmful Elements in Toys and Children's Jewelry Bought on the North American Market. Environmental Science & Technology. 2013, 47, 5921-5930.

8 Centers for Disease Control and Prevention, February 2011. National Report on Human Exposure to Environmental Chemicals, http://www.cdc.gov/exposurereport/.__Accessed on October 19 2011.

9 Environmental Protection Agency, http://www.epa.gov/lead/pubs/learn-about-lead.html#exposed, accessed 26 June 2012.

10 Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention Report of the Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention. January 4, 2012. http://www.cdc.gov/nceh/lead/acclpp/final_document_030712.pdf

11 Centers for Disease Control, CDC's Lead Poisoning Prevention Program, downloaded from www.cdc.gov/nceh/lead/factsheets/leadfcts.htm, 23 August 2005.

12 Centers for Disease Control, "Blood Lead Levels—United States, 1999-2002," Morbidity and Mortality Weekly Report, 27 May 2005.

13 Environmental Protection Agency, http://www.epa.gov/lead/pubs/learn-about-lead.html#exposed, accessed 26 June 2012.

14 Centers for Disease Control, http://www.cdc.gov/nceh/lead/, accessed 26 June 2012.

15 15 U.S.C. 1261(f)(1)

16 Guney, Mert & Zagury, Gerald. Contamination by Ten Harmful Elements in Toys and Children's Jewelry Bought on the North American Market. Environmental Science & Technology. 2013, 47, 5921-5930.

17 Dana Best, September 20 2007. American Academy of Pediatrics, Protecting Children From Lead Paint Imports, http://www.aap.org/advocacy/washing/Testimonies-Statements-Petitions/09-20-07-Lead-Tainted-Imports-Testimony.pdf . Accessed October 24 2011.

18 US EPA. Toxic Transfers Website. http://www.epa.gov/ttnatw01/hlthef/cadmium.html. Accessed November 5 2011

19 Clarke, Emily. Why Do Toys Contain Toxic Cadmium? EWG Enviro Blog. Aug 5, 2010. http://www.ecy.wa.gov/programs/swfa/cspa/chcc.html

20 Clarke, Emily. Why Do Toys Contain Toxic Cadmium? EWG Enviro Blog. Aug 5, 2010.

21 Center for Environmental Health. September 6 2011. Settlement Ends Health Threat-from Cadmium Tainted Jewelry. Accessed November 1 2011.

22 Rationale for Reporting List of Chemicals of High Concern to Children Prepared by the Washington State Department of Health for the Children's Safe Product Act – 4/18/2011

23 Phthalate Esters Panel of the American Chemistry Council, "What are Phthalates", April 2004, www.phthalates.org. Accessed October 24 2011.

24 Shanna H. Swan et al, "Decrease in anogenital distance among male infants with prenatal phthalate exposure," Environmental Health Perspectives 113: 1056-1061, August 2005; LE Gray et al, "Prenatal Exposure to the Phthalates DEHP, BBP, and DINP, but not DEP, DMP, or DOTP, Alters Sexual Differentiation of the Male Rat," Toxicological Science 58: 350-365, December 2000; Vickie Wilson et al, "Phthalate Ester-Induced Gubernacular Lesions are Associated with Reduced Insl3 Gene Expression in the Fetal Rat Testis," Toxicology Letters 146: 207-215, 2 February 2004; JS Fisher et al, "Human 'Testicular Dysgenesis Syndrome': A Possible Model Using in-utero Exposure of the Rat to Dibutyl Phthalate," Human Reproduction 18: 1383-1394, 2003.

25 G Latini et al. 2003. In-Utero Exposure to Di-(2-ethylhexyl)- phthalate and Human Pregnancy Duration, Environmental Health Perspectives 111:1783-1785.

26 I. Colon, D Caro, CJ Bourdony and O Rosario. 2000. Identification of Phthalate Esters in the serum of Young Puerto Rican Girls with Premature Breast Development" Environmental Health Perspectives 108: 895-9000. Accessed November 10 2011.

27 See this CPSC summary page for descriptions of these phthalates, http://www.cpsc.gov/info/toysafety/phthalates.html

28 Lisa Stiffler, March 16 2008. Seattle Pi, Toy-safety measure may trigger a lawsuit. http://www.seattlepi.com/local/article/Toy-safety-measure-may-trigger-a-lawsuit-1267348.php. Accessed November 10 2011.

29 http://pulse.seattlechildrens.org/magnets-pose-an-increasing-risk-to-children/

30 Trouble in Toyland 2007 U.S. PIRG

31 Saferproducts.gov

32 Magnet Rulemaking: How You Can Be Involved. By CPSC Blogger on August 27, 2012

33 Stout, Hilary. Buckyball Recall Stirs a Wider Legal Campaign. The New York Times. Oct. 31, 2013.

34 CPSC Recall Database.

35 Staff responses to Questions about the Notice of Proposed Rulemaking for Harzardous Magnet Sets. CPSC document.

36 Toy Injury Statistics. CPSC Injury Statistics. http://www.cpsc.gov

37 16 CFR 1501.2(b)

38 16 CFR 1501.2(a)

39 16 CFR 1501.3

40 16 CFR 1501.4(b)(2)

41 16 CFR 1500.19

42 16 CFR 1500.18(a)(17)

43 16 CFR 1500.18(a)(17)

44 16 CFR 1500.19(b)(3)

45 16 CFR 1500.19(a)(2)

46 16 CFR 1500.19(a)(8)

47 See Dangerous Decibels. A Project of Oregon Hearing Research Center at the Oregon Health & Science University, http://www.dangerousdecibels.org/education/information-center/noise-induced-hearing-loss/ National Institute on Deafness and Other Communication Disorders, National Institutes of Health, "Noise Induced Hearing Loss," http://www.nidcd.nih.gov/health/hearing/pages/noise.aspx

48 Karen A. Bilich, "Protect Your Child's Hearing," American Baby, August 9, 2001.

49 AS Niskar et al.1998. 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.

50 See Dangerous Decibels. A Project of Oregon Hearing Research Center at the Oregon Health & Science University, http://www.dangerousdecibels.org/education/information-center/noise-induced-hearing-loss/ also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Noise Induced Hearing Loss, http://www.nidcd.nih.gov/health/hearing/pages/noise.aspx

51 OSHA Noise Exposure Standard, 39 FR 23502 (as amended) section 19010.95

52 See Dangerous Decibels. A Project of Oregon Hearing Research Center at the Oregon Health & Science University, http://www.dangerousdecibels.org/education/information-center/noise-induced-hearing-loss/ also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, "Noise-Induced Hearing Loss," http://www.nidcd.nih.gov/health/hearing/pages/noise.aspx

53 See Dangerous Decibels. A Project of Oregon Hearing Research Center at the Oregon Health & Science University, http://www.dangerousdecibels.org/education/information-center/noise-induced-hearing-loss/

54 CPSC News Release, Fred Meyer Recalls "Chicken Dance" Easter Chicks Due to Hearing Damage Hazard," 30 May 2013.

55 ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).

56 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.

57 CPSC. Guidelines for Drawstrings on Children's Upper Outerwear, http://www.cpsc.gov/CPSCPUB/PUBS/208.pdf. Accessed November 10 2011.

58 CPSC, May 19 2006. Letter to Manufacturers, Importers and Retailers of Children's Upper Outerwear, http://www.cpsc.gov/BUSINFO/Drawstring.pdf. Accessed November 10 2011.

59 ASTM F1816-97, "Standard Safety Specification for Drawstrings on Children's Upper Outerwear."

60 CPSC, Guidelines for Drawstrings on Children's Upper Outerwear, http://www.cpsc.gov/CPSCPUB/PUBS/208.pdf. Accessed November 10 2011.

61 A technical description of EPA Test Method 6020 is available at U.S. EPA, "Inductively Coupled Plasma-Mass Spectrometry,"http://www.epa.gov/osw/hazard/testmethods/sw846/pdfs/6800.pdf