

House bans lead from children's toys

A local boy's death from lead poisoning sparked move for product safety.

July 30, 2008

By KEVIN DIAZ and H.J. CUMMINS, Star Tribune
WASHINGTON

The House passed sweeping toy-safety legislation Wednesday, two years after 4-year-old Jarnell Brown of Minneapolis died from swallowing a heart-shaped charm made almost entirely of lead.

The bill, which virtually bans lead from toys, passed 424 to 1. It is expected to pass by another big margin in the Senate, possibly as soon as today.

Although the bill covers a wide range of consumer products, from All Terrain Vehicles to cribs, it is likely to be remembered best for its lead ban, a provision penned by Minnesota Democrat Amy Klobuchar, who was running for the Senate when Brown died.

"This is historic legislation that will protect our children," Klobuchar said. "I hope [it] will give parents some peace of mind that the toys in their children's hands are safe."

The Minneapolis boy's death on Feb. 22, 2006, sparked the nationwide movement for better product safety protections.

"We took a terrible loss, and this is not going to bring my son back, but it can help others," Juanna Graham, Jarnell's mother, said Wednesday, hours before the vote. "I don't want other kids to suffer from lead poisoning, from anything they eat or wear or play with."

Jarnell swallowed part of a charm bracelet that came with his mother's new Reebok sneakers. Doctors said his lead levels were three times the danger level. His death caused Reebok to recall 300,000 bracelets and eventually pay federal regulators a \$1 million settlement.

Other provisions

While the lead ban was hardly controversial, much else in the bill was, particularly provisions banning six types of phthalates, chemicals that make vinyl soft and flexible. Industry groups such as the American

Chemistry Council opposed the ban, arguing that there was no scientific basis to restrict phthalates from toys and children's products.

Some studies have linked the chemicals to reproductive problems in rats, and the European Union has banned all six varieties.

The White House also has objected to parts of the bill but has made no veto threats in the face of broad, bipartisan support.

GOP support for a potential veto evaporated with the decision of Texas Rep. Joe Barton, a leading Republican negotiator on the bill, to personally look into the phthalates concerns. "There should be a prohibition," he said during Wednesday's floor debate.

Klobuchar also was a negotiator on the bill, which she chose to make a signature issue of her first year in the Senate. The final legislation includes Klobuchar's provisions to ban lead in children's products, prevent the resale of toys that have been recalled, and require toy manufacturers to stamp batch numbers on children's products and packaging so parents and retailers can identify toys that have been recalled for safety reasons.

Republicans also have rallied around the bill, including Sen. Norm Coleman of Minnesota. "As both a senator and a father, I believe it is imperative that the [Consumer Product Safety Commission] have all the necessary tools to ensure that toys and other products are safe," he said. "This bill strengthens their ability to protect the American public from unreasonable risks of serious injury, and I am pleased we are close to sending this bill to the president's desk."

Momentum for bill

Political momentum for the toy safety bill came from highly publicized tragedies like Jarnell's, as well as from a spike in product recalls as a greater number of children's toys come from abroad, particularly from China.

Last year saw 45 million toys and children's products recalled, including 30 million from China.

More recently, the government announced it was recalling 320,000 cribs manufactured by Jardine Enterprises because of 42 reported incidents of broken components and injured infants.

"What's a parent to do?" said House Speaker Nancy Pelosi, a mother of five and grandmother of seven. "Dangerous toys. Think of that. Shouldn't that be an oxymoron?"

The growing number of recalls and the percentage of foreign-made products has also put pressure on government regulators, who have been criticized for lax supervision and cozy relations with manufacturers.

The bill bans industry-paid travel, an issue Klobuchar championed after news reports last year that Consumer Product Safety Commission (CPSC) staff had taken dozens of trips worth thousands of dollars paid for by industries with business before the commission.

CPSC gains new authority

The bill doubles the CPSC's budget over the next six years and gives it new authority to impose civil penalties. It also provides new whistleblower protections and paves the way for a publicly searchable government database that would serve as a clearinghouse for consumer complaints.

A coalition of business executives in the National Association of Manufacturers raised concerns about the database in a letter to Senate leaders, saying it could unduly alarm consumers, harm companies and serve as a deterrent to the sharing of information companies now provide voluntarily.

At the same time, however, the bill's toy safety provisions have won support from major toy retailers, who have been rocked by the recalls of toys and other child products. Among Klobuchar's allies in passing the bill was Toys 'R' Us chief executive Gerald Storch, a former executive at Minnesota-based Target Corp.

"We want to reassure the American public that their products are safe," he told the Star Tribune recently.

For Graham, Jarnell's mom, it has been a hard two years. But she has continued to speak out against the dangers of lead, including an appearance before the CPSC a year ago. She also carries with her many happy memories of Jarnell's short life.

"He was just a beautiful little boy, and so smart, I could never be mad at him," Graham said. "Maybe God put him here for a purpose, to spread the word about lead poisoning."