



Consumer Federation of America

October 18, 2010

Office of the Secretary
U.S. Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814

Via: www.regulations.gov
Docket No. CPSC-2010-0087

Comments of Consumer Federation of America to the U.S. Consumer Product Safety Commission on “Petition Requesting Regulations Restricting Cadmium in Children’s Products”

Introduction

On May 28, 2010, CPSC received a petition from the Empire State Consumer Project, Sierra Club, Center for Environmental Health, and Rochesterians Against the Misuse of Pesticides urging the Commission to issue regulations to ban cadmium in toy jewelry under the Federal Hazardous Substances Act.

The Commission, in docketing this petition¹ has invited comments concerning the petition.

Background

Cadmium has been recently identified in numerous children’s products beginning in January 2010. CPSC has issued five recalls and one warning about six products that contained

¹ Consumer Product Safety Commission, “Petition Requesting Regulations Restricting Cadmium in Children’s Products, Docket No. CPSC-2010-0087, Federal Register, Vol. 75, No. 160, Thursday, August 19, 2010 at 51246.

high levels of cadmium.² Five of these recalls/warnings involved children's jewelry while one involved a drinking glass.

According to the Agency for Toxic Substances and Disease Registry, cadmium affects the following organ systems:

Cardiovascular (Heart and Blood Vessels), Developmental (effects during periods when organs are developing), Gastrointestinal (Digestive), Neurological (Nervous System), Renal (Urinary System or Kidneys), Reproductive (Producing Children), Respiratory (From the Nose to the Lungs)³

According to the Agency for Toxic Substances and Disease Registry, cadmium is a known human carcinogen.⁴ Toxic materials should not be present in children's products and children should not be exposed to dangerous heavy metals when they play with toys, drink from a glass or engage in dress up play.

Recommendations

Since cadmium has increasingly been identified in children's products and since cadmium is known to be a toxic material, CFA urges CPSC to initiate a mandatory rulemaking process to ban cadmium under the Federal Hazardous Substances Act.

CFA recommends that as CPSC initiates steps to limit cadmium in children's products, it should consider the following suggestions.

CPSC should begin a mandatory rulemaking and issue a mandatory standard limiting the cadmium content in children's products. A mandatory standard is necessary as voluntary

² See, CPSC Press Releases announcing recalls of products with excessive levels of cadmium:

<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10162.html>;
<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10297.html>;
<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10287.html>;
<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10227.html>;
<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10257.html>; and
<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml10/10127.html>.

³ Agency for Toxic Substances and Disease Registry, toxic substances- cadmium,
<http://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=15>

⁴ Agency for Toxic Substances and Disease Registry, toxic substances- cadmium,
<http://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=15>

guidances have proven to be ineffective in prohibiting the use of toxic chemicals in consumer products. Further, a mandatory standard enables CPSC to use enforcement tools to ensure compliance with the standard. Finally, mandatory standards provide clear rules for industry to follow as they seek to comply with CPSC rules.

The scope of CPSC's efforts to ban the use of cadmium should be focused on children's products as defined in the Consumer Product Safety Improvement Act. Initially, as CPSC begins to limit cadmium in consumer products, CPSC should focus on product categories that are known to be of risk to children: children's jewelry; children's dinnerware, and children's toys.

In addition, the ban on cadmium should be based upon a total cadmium level which offers clarity and consistency to manufacturers, CPSC, and testing bodies and offers public health protections to consumers.

CPSC should examine efforts in states such as California, Washington, Connecticut, Illinois, and Minnesota that have restricted cadmium in children's jewelry. While these laws tend to focus on solubility standards rather than total cadmium content and also focus on children's jewelry rather than children's products, they serve a useful guide. Since laws have passed in five states and with bills pending in at least five other states, it is clear that consumers are asking for and in favor of mandatory rules to limit cadmium in children's products.

Finally, we urge CPSC to utilize the work it is undertaking to ban cadmium to address bans of other toxic heavy metals in children's products. We hope CPSC efforts effectively stem the tide of substituting one heavy metal for another and curb the use of heavy metals in the manufacturing of children's products.

Conclusion

In conclusion, CFA supports CPSC efforts to ban cadmium in children's products. Children should not be exposed to hazardous substances when they play with toy jewelry and drink from children's cups. CPSC efforts should result in a mandatory standard, include children's products and institute a total cadmium level standard. CFA looks forward to working with the Commission to limit cadmium in children's products.

Respectfully submitted,



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