



Print Services: [Subscribe](#) | [e-Edition](#) | [Home Delivery](#)

Web: [Sign In](#) | [Register](#) | [New letters](#) | [Mobile Edition](#) **MS**

MercuryNews.com
The Mercury News Silicon Valley

PART OF THE BAY AREA NEWS GROUP

SEARCH

Site Web Search powered by **YAHOO!** SEARCH

HOME | NEWS | BUSINESS | TECH | SPORTS | ENTERTAINMENT | LIFE & STYLE | OPINION | MY CITY | HELP | JOBS | CARS | REAL ESTATE | CLASSIFIED | SHOPPING | PLACE AD

San Jose, CA Now :49°F High:49°F Low :40°F 5-day forecast

Get weather for: city or zip

Most Viewed Most Emailed

- (From the last 12 hours) [RSS](#)
1. [New video shows BART officer shooting Hayward man in the back](#)
 2. [Results: California companies planning layoffs](#)
 3. [Home sales are up but prices are falling; who's buying houses?](#)
 4. [Kawakami: Weekend's lessons include loosening of Al Davis' grip](#)
 5. [Steve Jobs has hormone imbalance, will remain Apple CEO](#)
 6. [Alaska trooper, union: Politics stalled drug case of Palin family...](#)

Top Classifieds

[RENTALS](#) [JOBS](#) [REAL ESTATE](#) [AUTOS](#)

GreatLakes
Click for Details

ALL LISTINGS

[Reprint](#) [BOOKMARK](#) [Print](#) [Email](#) [Font Resize](#)

Toymakers: Lead-testing law will ruin biz

By Suzanne Bohan
Contra Costa Times
Posted: 12/24/2008 06:01:17 PM PST

Santa's little helpers got a gift of hope Wednesday from the federal government, in the form of proposed rules that could ease new lead-testing requirements that small U.S. toy manufacturers say endanger their industry.

Hundreds of toymakers around the country fear the effects of a new federal law taking effect Feb. 10, which requires costly third-party testing for lead in children's products, as well as tracking labels showing where and how they were made. These toymakers say the testing and labeling costs will drive them out of business, at least as the law is now written.

The proposed exemptions, however, offer a way out of the dilemma, if they're approved in early 2009.

"I'm very relieved that there's going to be some common sense application" of the new law, said Kathleen McHugh, president of American Specialty Toy Retailing Association, of the proposed rules. Her organization represents independent toymakers.

President George W. Bush signed the Consumer Product Safety Improvement Act in August after congressional approval of the legislation nine months after its introduction. The bill, which imposes the toughest lead level laws worldwide, followed an outcry from parents and health advocates over the recall of 45 million toys last year for excess lead, many of which were made in China for large toy manufacturers.

Mattel, Eveready Battery Co. and several other toymakers, for example, earlier this month settled a lawsuit by the California Attorney General's office over high lead content in children's products they sold. The manufacturers agreed to begin adhering on Dec. 1, 2008 to the laws that take effect Feb. 10, which govern lead levels in products geared for children aged 12 and younger. The state lawsuit followed extensive — and well-publicized — testing for lead content in children's products in recent years by environmental groups, such as the Center for Environmental Health in Oakland.

Lead, which accumulates in the body, can cause severe health damage even at low levels, especially in the brain and central nervous system.

But the proposed rules are just that, and even if approved in their entirety won't address all the concerns of small businesses involved in manufacturing and selling children's products, said a spokeswoman with the Consumer Product Safety Commission, which issued the proposed rules on Wednesday.

"There is limited flexibility in how the commission can address those concerns," said Julie Vallese, spokeswoman for the commission. "Congress is very specific about what the agency can and cannot do."

The proposed rules are "at least an attempt to recognize and respond to those concerns," Vallese said.

The agency is asking for explicit exemptions to the new law for products made from unprocessed material that don't contain lead, or only in amounts that don't exceed the new federal limits, such as 100 percent cotton or silk, raw wood, feathers and gemstones.

The requested rules would also allow exceptions for lead-containing components that are inaccessible, or are critical to the functioning of electronics in the children's products. Another proposed rule would spell out how manufacturers can seek the exemptions.

The stability of a beloved cottage industry rests on these exemptions taking effect, said McHugh. From 1,500 to 2,000 independent toymakers operate in the United States, she added.

Click photo to enlarge



Colorful tiles from the Selecta toy company's VariaLand game are photographed at The Ark toy...

1 | 2 | »

Advertisement

DIAMOND CERTIFIED

Need a Top-Rated Contractor, Car Repair Home Service? **FREE!**

Click here to find one

A Season of Giving

Help provide for those in need today!

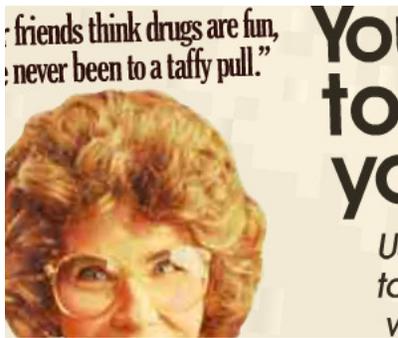
click here **cityteam**

Microsoft

Shop now and get cashback on every purchase.

Live Search **cashback**
Search that pays you back.

Search now for: **LCD TV's**



Toymakers: Lead-testing law will ruin b...

The law as it stands is "putting a whole segment of the market potentially out of business," she said.

Mark Nutter, owner of the Wood Toy Shop in Portland, Ore., which sells its products online and through a few retailers, said the cost of testing his wooden toys, which are made from benign materials, threatens his home-based company's existence.

"There's a very strong possibility I may no longer be a toymaker," Nutter said. "It's kind of sad that the effort to make toys safer will get rid of some of the safer toys." At the Ark Toy Co. in Berkeley, manager Ash Webb said one of her favorite toymakers, Selecta Spielzeug, a German firm that produces wooden toys, dollhouses, games and other toys that use vegetable dyes and other benign ingredients, will stop selling in the U.S. market due to the cost and ambiguities of the lead-testing requirement.

"That's one company I'm pretty devastated about," Webb said. "They make really lovely, wonderful things, and we're not going to be able to carry them anymore."

Julia Chen, owner of the Play Store in Palo Alto, said she hasn't "had the heart" to tell some of her vendors, like one who makes wooden high chairs, that she likely can't buy their products after Feb. 10. Chen predicts a sharp drop in variety of the products she sells, absent a change to the law.

"The legislation is written so that, realistically, only large manufacturers can survive," Chen said. "And it was those very companies that violated the public trust to begin with."

Caroline Cox, research director for the Center for Environmental Health, said the federal lead testing law passed in August was never meant to endanger the viability of small U.S. toymakers.

"It's certainly not the intent of the law," she said. "And if that's what happens, then the law wasn't implemented in the way that it was intended."

The proposed rules issued Wednesday will be debated in the coming weeks, and Vallese said the product safety commission plans to issue a decision on them before the lead testing law, which also sets tight new limits on phthalate levels in children's products, takes effect in February.

Chen said she's guardedly optimistic that exceptions that protect small toymakers will prevail.

"I'm just hoping this law will get amended, and in a timely manner, and that common sense will prevail," she said.

Reach Suzanne Bohan at 510-262-2789 or sbohan@bayareanewsgroup.com.

TOXIC-FREE TOYS

A federal law that gradually phases out lead in children's products starts taking effect next year. It also sharply limits levels of six phthalates, a type of chemical linked to health hazards.

The following timeline is in effect:

Feb. 10, 2009: No product intended for use by children aged 12 and younger may contain lead levels in excess of 600 parts per million. Levels above 0.1 percent of six types of phthalates are also banned.

Aug. 14, 2009: No children's products may contain lead levels in excess of 300 ppm. Allowable levels of lead in paint or similar surface coatings used in children's products drops from 600 ppm to 90 ppm.

Aug. 14, 2011: No children's products may contain lead levels in excess of 100 ppm.

Web resources

Visit www.cpsc.gov/about/cpsia/cpsia.html for more information on the Consumer Product Safety Improvement Act, and www.handmadetoyalliance.org for information on the Handmade Toy Alliance, which represents small toymakers seeking exemptions to the new federal law.

Reprint BOOKMARK Print Email Font Resize Return to Top

Comments

We are pleased to let readers post comments about an article. Please increase the credibility of your post by including your full name and city in the body of your comment.

[FAQ: Article commenting how-tos and tips](#)

Recent Comments

"Toy makers say lead-testing law will drive them out of business".... LIKE WE SHOULD FEEL SORRY FOR THEM? OH, ...
[Read More »](#)

Post Your Comment

To post comments on article pages, please use a browser other than Chrome. With this browser, visit the [Comments on the News](#) section of our forums to read and add comments on articles.

Breaking News

- Sunnyvale farm temporarily closes farm stand
- San Francisco police arrest woman in fatal stabbing of teen
- East Palo Alto police investigate shooting
- Robinson to replace Starkey as 49ers' radio play-by-play man
- Obama picks Leon Panetta for CIA director
- Obama, Dems' proposal includes \$500 tax cuts for most
- Ford's December U.S. car sales drop 32 percent, Toyota's 37 percent
- Fed begins purchasing mortgage securities

Ads by Yahoo!

CLIA Waived Lead Test

ESA Lead Test Kit... Three-Minute Point-of-Care Test Lead Care II.
www.CLIAwaived.net

Lead Testing

MAS is a leader in industrial hygiene and specialty analysis.
www.mastest.com

Local Inspections

Chicago lead paint testing Call today for a free quote.
www.ECGMidwest1.com

1/5/2009

Toymakers: Lead-testing law will ruin b...



Copyright © 2009 - San Jose Mercury News

[Help/Contact](#) | [Site Map](#) | [Advertise](#) | [Home Delivery](#) | [Copyright](#) | [Privacy Policy and Terms of Use](#) | [About MediaNews Group](#) | [RSS](#) | [Ethics Policy](#) | [About Bay Area News Group](#) | 

