Toy Industry Association, Inc.

TESTIMONY
of

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HOUSE ENERGY AND COMMERCE COMMITTEE
SUBCOMMITTEE ON COMMERCE, TRADE AND CONSUMER PROTECTION

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Mr. Chairman and members of the Committee, I'm Gary Klein, Senior Vice President, Government, Legal and Regulatory Affairs, for the Toy Industry Association, Inc. (TIA). Thank you for providing TIA an opportunity to testify in this hearing on Child Product Safety: Do Current Standards Provide Enough Protection?

TIA

The Toy Industry Association, Inc. is a New York City-based not-for-profit trade association composed of more than 400 members, including manufacturers whose aggregate sales at the retail level exceed $24 billion annually (regular members), as well as product design firms, toy testing labs, product safety consultants, and others (associate members). The U.S. Toy Industry leads the world in the innovative, cost-effective design and sale of toy products. We are in the business of developing fun, innovative products with which children can play and learn. TIA members account for 85% of domestic toy sales and, global in character, approximately 50% of all toys sold worldwide.

TIA emphasizes the importance play has in all children's' lives. Not only is it fun and educational, but a necessary part of growing up. However, to ensure that all children have a positive play experience, TIA's primary concern is that play is safe. Together with the U.S. government, TIA and its members have led the world in the development of toy safety standards by investing heavily in child development research, dynamic safety testing, quality assurance testing, risk analysis and basic anthropometric studies of children. Moreover, since the 1930's, TIA has established a tradition of working with others to ensure the manufacture and distribution of safe toys.

TIA is proud of its record of significant accomplishments in the area of toy safety over many decades through relationships with the National Safety Council (NSC), National Bureau of Standards (NBS), American National Standards Institute (ANSI), ASTM International (formerly American Society for Testing and Materials, ASTM), International Organization for Standardization (ISO), and, of course, with the U.S. Consumer Product Safety Commission. We have also worked in collaboration with consumer organizations and other not-for-profits to promote the well-being of children. This includes among others, the International Consumer Product Health and Safety Organization (ICPHSO) and National SAFE KIDS Campaign, to advocate the need for product safety initiatives in both the U.S. and internationally.

This commitment to toy safety continues today, and in 1999, TIA launched the first, year-round, toy industry consumer website to assist consumers with questions and concerns about toy safety. Comprehensive and accurate information is available any time of day,

through a specially-designed area on the TIA website:

http://www.toytia.org/Content/NavigationMenu/Parents/Toy_Safety/Toy_Safety.htm

Voluntary ASTM Consumer Safety Specification on Toy Safety is the "Gold" Standard

Under the auspices of NBS, TIA led in the development of the first comprehensive safety standard in 1976, and in 1986, the standard was revised and designated under ASTM International. The current standard is the *ASTM F963-03 Standard Consumer Safety Specification for Toy Safety*, published in January 2004.All of the federal toy safety regulations, which appear in the Code of Federal Regulations Title 16-Commercial Practices, are referenced in ASTM F963, and additional requirements and test methods are included. The standard is reviewed and revised every five years, at a minimum, and on an ad hoc basis to address newly identified hazards. ASTM is one of the largest voluntary standards development organizations in the world. And while, technically, ASTM F963 is a "voluntary" standard, that really is a misnomer. Not only is adherence to the standard required for TIA membership; toy manufacturers know that compliance with the ASTM standard is essential to consumer safety, required by virtually all toy retailers, and enforced by the Consumer Product Safety Commission. Further, it serves as a model for other standards worldwide.

In addition, TIA works regularly with the CPSC to review voluntary standards and to monitor and address, as necessary, any potential hazards associated with toys already on the market. The standards are an example of the various ways TIA works to ensure the safety of its consumers.

Age Appropriateness

Any product, toy or not, can pose a potential hazard in the hands of a child for whom it was not intended. For this reason, almost all toy packages include a suggested age range for use. A child's actual age, physical size, skill level and maturity, as well as safety, are all taken into consideration when developing age labels for different types of toys. To help manufacturers reach a greater degree of consistency in age grading practices and age labeling toy packages, CPSC publishes a guide for age labeling toys.

Since children develop at different rates and vary in their interests and skills, age labeling on packages is intended to give the consumer a general guideline on which to base toy selections. Typical designations might be "Recommended for children from eighteen months to three years" or "Not recommended for children under three years of age." Additional specific cautionary labeling requirements specified by ASTM F963 or by CPSC regulations cover products such as crib gyms, electrically operated toys, chemistry sets, swim-aids and such toy features as functional points and edges (i.e. paper doll scissors and toy sewing kit needles).

The standard also contains cautionary labeling requirements, as mandated by the U.S. Consumer Safety Protection Act relating to potential choking hazards to children under three years of age from toys or games *intended* for children ages three through under six years, which contain a small part, any small ball, marble or balloon. TIA supported this 1994 legislation. Regardless of labeling, however, there is simply no substitute, at any age, for appropriate adult supervision.

The toy industry's active participation in these efforts helps make toys among the safest consumer products in the home.

How the Industry Tests Its Toys for Safety

There are more than 100 separate tests and design specifications included in ASTM F963 and the federal regulations to reduce or eliminate hazards with the potential to cause injury under conditions of normal use or reasonably foreseeable abuse. These tests and design specifications include use-and-abuse tests, testing for accessible sharp points and edges, and measuring for small parts, wheel-pull resistance and projectiles. There are also tests for flammability, toxicity, electrical and thermal requirements, and acoustics. Several manufacturers, especially larger ones, have their own in-house testing laboratories sophisticated enough to ensure that products meet standards for safety. Those without safety facilities on site use independent testing laboratories. Manufacturers producing toys overseas test them before shipping, and then sample production lots again once they arrive in the United States. TIA and its members are vitally interested in developing reputations as "safety conscious" companies.

Toy Industry Priority is the Safety of its Young Consumers

TIA and its members recognize that standards, alone, are not enough and take additional measures to ensure the safety of their products in young consumers' hands. For years, TIA has had in place an extensive, multi-faceted Safety Assurance Program. Under this program, TIA informs consumers on how to select age appropriate toys and the importance of adult supervision through its *Fun Play, Safe Play* guide (distributed

free of charge, in both English and Spanish, upon request, and on the TIA website); publishes a guide to play for children with special needs, and conducts regular educational seminars for industry to keep them abreast of standards, testing and potential issues.

Childhood Risks Defined

To consider the question of whether current standards appropriately protect consumers, it is necessary to first identify the risks to which children are exposed. In spite of remarkable progress that dramatically improved the length and quality of children's lives in the U.S. over the past century, today's children still face significant, *real* risks. For example, often-avoidable unintentional injuries take the lives of more than 1 out of every 10,000 children in the U.S. annually.

Estimated Annual Mortality Risk for Children Under Age 10 (Number of deaths per million children)[1]

Motor vehicles	46	Guns	5
Drowning	20	Poisoning	2
Suffocation	17	Bicycles	2
Fire	16	Medical care	2

In addition, statistics that show other significant risks to young people include[2]:

- 16% of American children under the age of 18 live in families with incomes below the poverty level
- 4% live in households experiencing food insecurity with moderate to severe hunger
- 69% live in two-parent families, down from 77% in 1980
- Birth rate for females (age 15-17) around 26 per 1000
- Substance use rates are high

[1] Harvard University School of Public Health, Kids Risk Symposium, March 26-27, 2003 (Kimberly Thompson, M.S. SCP, Assoc. Professor of Risk Analysis and Decision Science, Children's Hospital Boston, Harvard Medical School Co-Founder/Director of Research Center on Media and Child Health; Director HSPH Kids Risk Project.

[2] Based on 1997 data from: (1) the National Center for Injury Prevention & Control, Centers for Disease Control and Prevention and population estimates from Statistical Abstract of the United States for 1997.

- 21% of 12th graders smoke daily
- 30% of 12th graders have at least 5 drinks in a row at least once in the previous 2 weeks
- 25% of 12th graders report illicit drug usage in past 30 days

- 14% of young adults age 18-24 have not completed high school
  8% of youths age 16-19 are not in school or working

Clearly, our young people are at risk. But, as you can see, toys do not figure prominently in much of the data. The actual rates for toys when compared to other incidents relating to children demonstrate that such toy related incidents are extremely rare![1] Important work in creating tools to benchmark and catalogue risk is being undertaken and should be supported by this Committee, CPSC, industry and others concerned with the safety of our children.

Compare these childhood risks with the handful of "toy-related" deaths per year of children from birth to approximately age 13 (primarily balloons and ride-on toys like scooters), or to CPSC's own annual report that indicates that of fifteen commonly used household products, toys had among the lowest number of incidences of injuries and deaths. Although there are risks associated with some toys, they are clearly very small by comparison, and it is remarkable that media attention continues to focus on the small risks associated with toys while some very *big risks* remain underappreciated and unaddressed. In a world where perception is reality, where misinformation often drives perception, and where *some* advocacy groups and the media focus on uncertain hazards, frightening without providing context, it is no wonder that policy makers and parents lack context for understanding and managing children's risks. Unfortunately, the net result is that we often collectively waste scarce financial resources on hypothetical hazards at the expense of allocating them efficiently to make children's lives measurably safer. Further, this perpetuates a lack of coordination between groups that are all arguably committed to

helping children; focuses on individual issues and agendas instead of *children themselves*; and competition rather than cooperation for the resources to truly protect children. This is true at all levels, and anecdotal evidence includes a scenario in which, despite years of safe use with no real, measurable effects on children, a commonly used chemical in plastic toys became the focus of major new stories, needlessly frightening parents and politicians worldwide. The wealth of independent, scientific research conducted both here and abroad determined that vinyl toys were safe.[3]

CPSC's extensive NEISS injury data (National Electronic Injury Surveillance System) do not usually give the details of the circumstances in which the injury took place. Therefore, when examining the data it's not always possible to determine whether the particular toy-associated injury was the result of the accident (e.g., a child tripping over toys left on the stairs), unintended misuse of the toy, or a fault in the toy's design, material content, construction or performance. Studies of NEISS data by the CPSC have shown that most toy-related injuries appeared to be minor, with hospitalization occurring less than half as frequently as the overall average for injuries. Again, as illustrated by the CPSC data, the industry's commitment to designing and producing safe toys and emphasizing the importance of adult supervision and appropriate selection of playthings has made toys one of the safest products in the home.

Child Product Safety: Do Current Standards Provide Enough Protection?

[3] The American Council on Science and Health (ACSH), a panel headed by former Surgeon General Dr. C. Everett Koop stated that, "Consumers can be confident that vinyl toys… are safe." This same conclusion was reached this year by the Consumer Product Safety Commission after considering a report of the Chronic Hazard Advisory Panel (CHAP), a body of experts nominated by the American National Academy of Sciences.

We are gathered here today to address the question of "Child Product Safety: Do Current Standards Provide Enough Protection?" If by "enough protection" one means "perfect, zero risk protection," I would suggest that when viewed from that perspective, they *do not, nor could they.* The data tells us that clearly standards, alone, are not enough. Tragically, children are still injured and killed in traffic accidents, despite tough car seat and seatbelt laws and state-of-the-art car seat technology. Children drown in backyard pools and riding their trikes into traffic. Standards – and legislation – can only do so much. And while we may never get to zero risk for children – we must continue to *try*; to look for new ways to address the true threats to the safety of our children. I believe that education holds the key and TIA has long recognized the importance of education in product safety. We must focus on the *true hazards* and use our resources accordingly to get the message out. There is no substitute, ever, for adult supervision and it is the shared role of industry, consumer organizations and CPSC to educate consumers as to the real risks out there and appropriate behavior to protect children. In doing so, we will have provided parents with the necessary *tools* to effect change and ensure the safety of our most cherished resource – our nation's children.