

Crafty Baby®



February 28, 2010

To: Senator Scott Franz Scott.Frantz@cga.ct.gov
Senator Andrew McDonald amcdonald@pullcom.com
Representative Jim Shapiro Jim.Shapiro@cga.ct.gov

Re: H.B. No. 5314 - An Act Concerning Child Safe Products and Banning Cadmium in Children's Products

My family run, hand crafted children's accessories business has been operating for 11 years within the state, providing safe and beautiful fabric items for children. My desire to provide an alternative to mass produced products, while crafting safe and high quality goods have been guiding principles in my business model.

The last year has been a difficult one indeed. In addition to managing the obvious hurdles that we have all needed to overcome due to the economy, I have had the additional hardship of understanding and complying with the Consumer Product Safety Improvement Act (CPSIA) of 2008. After the many toy recalls in 2007 and 2008 from products primarily made overseas in China, Congress took action. This well intentioned law, though, put unfair testing burdens on small, micro businesses such as mine - treating my company the same as one would treat Mattel or Fisher Price. While I whole-heartedly agree with the intent and the safety precautions in the legislation, I have been actively engaging my CT representatives in Congress and the Consumer Product Safety Commission (CPSC) for common sense changes and allowances for small producers of children's products.

While I agree that cadmium has no place being added to children's products, I do have a number of concerns with the legislation currently being considered at the state level. It should be noted that cadmium is already addressed by the federal government. The CPSC has the authority to regulate cadmium in children's jewelry under the Federal Hazardous Substances Act (FHSA). When asked last month by the Product Safety Letter whether the CPSC needed Congressional action to deal with cadmium, CPSC Chair Inez Tenenbaum, an appointee of President Obama, replied: "Well, we have the Federal Hazardous Substances Act, and we regulate cadmium under that act for children's jewelry. Also, under the CPSIA, we will adopt the ASTM toy standard, F96. That has limits of cadmium in surface coatings. So we have the tools to regulate cadmium and we are already testing materials." Indeed, the CPSC has already issued recalls for the jewelry cited by the AP in their original story.

In addition, the Senate has already introduced federal legislation to address concerns regarding cadmium in children's products. To create competing mandates at the state level on this issue would undermine the CPSC's efforts, creates confusion in the marketplace, and unnecessarily increases costs to manufacturers, retailers, and consumers.

I am also concerned about the wording of H.B. 5314 as it bans the existence of cadmium completely in all children's products. Because cadmium is a naturally occurring substance, not allowing for a testable level (such as the CPSIA allows for lead at 300 parts per million), could quite possibly eliminate certain products from the market, even though there is little or no risk of cadmium exposure from the product. In addition, the third party testing requirement is extremely cost prohibitive for small businesses such as mine (often running between \$300- \$4000 per product tested). Cadmium can be detected by an XRF scanning devise – a testing procedure that is easily accessible, much more affordable and routinely used by the CPSC.

I understand the desire to do something about the troublesome issue of cadmium in children's jewelry in particular and children's products in general. I wish to remind the legislature, however, that this problem was found only in mass market discount chain stores. I strongly believe that any effort to address this problem should therefore support small batch manufacturers and independent retailers rather than punish them. Since the CPSC is already taking steps to address this problem, the only legislation I would recommend at the state level would be to empower the state Attorney General with the discretion to prosecute violations of federal law. This authority already exists under the CPSIA, but a legislative affirmation would contribute to instead of undermining the CPSC's efforts and support the overall goal of ensuring a global supply of safe children's products.

Best Regards,

Jill Chuckas
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