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Efforts to crack down on lead paint thwarted by China, Bush Administration

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WASHINGTON — The Bush administration and China have both undermined efforts to tighten rules designed to ensure that lead paint isn't used in toys, bibs, jewelry and other children's products.

Both have fought efforts to better police imported toys from China.

Now both are under increased scrutiny following last week's massive toy recall by Mattel Inc., the world's largest toymaker. The recalls of Chinese-made toys follow several other lead-paint-related scares since June that have affected products featuring Sesame Street characters, Thomas the Train and Dora the Explorer.

Lead paint is toxic when ingested by children and can cause brain damage or death. It's been mostly banned in the United States since the late 1970s, but is permitted in the coating of toys, providing it amounts to less than six hundred parts per million.

The Bush administration has hindered regulation on two fronts, consumer advocates say. It stalled efforts to press for greater inspections of imported children's products, and it altered the focus of the Consumer Product Safety Commission (CPSC), moving it from aggressive protection of consumers to a more manufacturer-friendly approach.

"The overall philosophy is regulations are bad and they are too large a cost for industry, and the market will take care of it," said Rick Melberth, director of regulatory policy at OMBWatch, a government watchdog group formed in 1983. "That's been the philosophy of the Bush administration."

Today, more than 80 percent of all U.S. toys are now made in China and few of them get inspected.

"We've been complaining about this issue, warning it is going to happen, and it is disappointing that it has happened," said Tom Neltner, a co-chairman of the Sierra Club's national toxics committee.

The recent toy recalls — along with the presence of lead in vinyl baby bibs and children's jewelry — are prompting the Bush administration to take a deeper look at the safety of toys and other imported products.

President Bush has asked the Department of Health and Human Services to report in September on ways to better ensure safe imports. He's also asked the Centers for Disease

Control and Prevention to consider responses to lead paint threats to children.

But as recently as last December, the Sierra Club sued the Bush administration after the Environmental Protection Agency rebuffed a petition to require health and safety studies for companies that use lead in children's products. The EPA and Sierra Club settled out of court in April, with the administration agreeing to write a letter to the CPSC that expressed concern about insufficient quality control on products containing lead.

The Sierra Club's interest in lead paint in children's products grew out of the largest-ever CPSC-conducted recall. That action on July 8, 2004, targeted 150 million pieces of Chinese-made children's jewelry sold in vending machines across the United States. Since 2003, the commission has conducted about 40 recalls of children's jewelry because of high levels of lead.

In March 2006, a 4-year-old Minnesota boy died of lead poisoning after swallowing a metal charm that came with Reebok shoes. The charm was found to contain more than 90 percent lead.

From 1994 until 2001, Ann Brown headed the CPSC under Presidents Clinton and Bush. She didn't push for an outright ban on lead in all children's products, partly because China's rise to export prowess hadn't yet unfolded.

"Today, I would say there should be an outright ban in any lead in any toy product," she said in a telephone interview. "If I were at CPSC now, I'd say that trying to recall (tainted products) is like picking sand out of the beach — it's just not possible."

Before leaving her post, Brown unsuccessfully pushed for pre-market testing of children's products. The idea largely died when the Bush administration took over, said Brown, who's working with Sen. Hillary Clinton's presidential campaign. The CPSC has only 100 field inspectors to police problems with all products sold to more than 301 million Americans. None of the inspectors are stationed in China or anywhere else abroad.

China remains very much under the microscope. It's fighting a CPSC proposal to bring the lead restrictions in children's jewelry to the same levels as those imposed on toys and furniture — six hundred parts per million, which effectively amounts to a ban.

"We have done recall after recall since 2003. We would like to move towards a ban and make the marketplace safe," said Scott Wolfson, a commission spokesman.

But in a March 12 filing, China was the only one of 48 interested parties to tell the panel that it opposed new restrictions on lead paint in children's jewelry. Guo LiSheng, the deputy director of a Chinese global trade agency, warned against "unnecessary obstacles to trade" and advocated international rules that allow some lead content. He added that good product labeling was sufficient.

"We agree with the viewpoint of USA of protecting the children's healthy and safety. And we consider that the method of stick warning mark on the children's metal jewelry ... may be more efficient than setting the limit of lead content," LiSheng wrote from Beijing.

Of the 400 or so product recalls this year, about 60 percent involve products made in China, according to commission statistics.

In response to the toy recalls and tainted products, China announced last Friday the creation of a government panel on product safety. The government appointed Wu Yi, the vice premier and China's top problem-solver, to head the panel.

Outside a Toys-R-Us store in Maryland's capital city of Annapolis, Bruce Waskmunski suggested it was a no-brainer that lead should be completely banned from children's products. He's angry about the June recall of a Chinese-made Thomas the Train wooden toy that he bought his son.

"The only thing lead paint is in now (in the United States) is 40- or 50-year-old buildings," he grumbled. "We've known about lead paint for years, but we're giving away the penny to China."

To read Sierra Club's initial request for the Bush administration to monitor lead, click here: [Sierra Club request](#).

To read the EPA's settlement with Sierra Club, click here: [EPA settlement](#).

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