

United States Senate

WASHINGTON, DC 20510

March 27, 2024

The Honorable Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G St. NW
Washington, D.C. 20548

Dear Mr. Dodaro,

Every year, the Consumer Product Safety Commission (CPSC) recalls or seizes dozens of children’s products because they contain unsafe levels of lead or other toxic substances. A child’s exposure to lead can damage their brain and nervous system, slow their development and growth, and cause life-long learning or behavioral problems.¹ Other substances known to cause long-term harm to children include certain phthalates used to make flexible plastics and other heavy metals like cadmium that can be present in a toy’s coating.²

Federal requirements for laboratory testing of children’s products play an important role in preventing unsafe children’s toys from reaching the market in the first place. Specifically, the Consumer Product Safety Improvement Act of 2008 (CPSIA) included new requirements that all products intended for children 12 years and younger must undergo third-party testing by a laboratory accredited by CPSC. Further, based on this testing, manufacturers must certify that the product meets relevant safety standards—such as CPSC standards that limit lead and prohibit certain phthalates in toys. To be accredited by CPSC, a third-party assessment laboratory cannot be managed, owned or controlled by the manufacturer unless it meets conditions under which it is considered to be “firewalled” against the possibility of undue influence.

Since CPSIA’s enactment more than 14 years ago, CPSC has taken steps to implement its heightened safety regime for children’s toys. Despite these improvements, questions remain about the effectiveness of the laboratory testing and certification regime in preventing toxic toys from reaching children. Additionally, as more is learned about the harm that can result from certain heavy metals and other substances that can be present in toys, it is critical for CPSC to revisit the adequacy of its current safety standards.

¹ 2023, October. American Academy of Child & Adolescent Psychiatry. Available at: https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Lead-Exposure-In-Children-Affects-Brain-And-Behavior-045.aspx#:~:text=Even%20when%20exposed%20to%20small,brain%20damage%20and%20even%20death.


² 2009, July 27. Phthalates and other additives in plastics: human exposure and associated health outcomes. National Library of Medicine. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2873014/>

In light of these concerns, we would like GAO to report on the following:

1. How does CPSC monitor and assess safety hazards and incidents related to lead, phthalates, and other potentially toxic substances in children's toys?
2. How does CPSC oversee compliance with third-party lab testing requirements related to lead, phthalates and other toxic substances in children's toys? How has it assessed the effectiveness of these oversight efforts?
3. How many "firewalled" testing laboratories have been accredited by CPSC annually since CPSC began implementing the third-party testing requirements? How does CPSC oversee compliance with the "undue influence" requirement for firewalled labs?
4. To what extent has CPSC assessed the need to update its toy safety standard or third party testing requirements to strengthen safety protections related to lead, phthalates and other toxic substances in children's toys?

Thank you for your timely attention to this request.

Sincerely,



Jon Ossoff
United States Senator
Chairman
Subcommittee on Human
Rights and the Law