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House panelists rip Mattel over safety negligence

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WASHINGTON - Toy giant Mattel Inc. was blasted in Congress on Wednesday for failing to detect the recent flood of lead-paint contamination in Chinese-made Barbie dolls, Thomas and Friends train sets and millions of other toys. Democrats and Republicans alike accused Mattel of negligence as the House Energy and Commerce consumer protection subcommittee convened a two-day hearing on tainted toys.

Several also charged the company with obstructing a congressional investigation into how the toys made their way into the hands of U.S. children.

"Mattel chose to gamble with our children's health, apparently for a few extra dollars," said Rep. Jan Schakowsky, D-Ill.

The company, she said, "has forfeited the right to expect any parent to trust them."

Since August, Mattel and other companies have recalled millions of toys made in China because of excessive levels of lead and small magnets that may detach and pose a choking hazard.

Roughly 86 percent of all toys sold in the U.S. are manufactured in China.

Jeffrey **Killino**, the Philadelphia-based attorney for a Fontana couple in a class-action lawsuit against Mattel, is paying close attention to the hearings.

"I'm absolutely on top of it," **Killino** said Wednesday.

He is representing Adrian and Michael Powell in the suit.

The Powells' suit was filed Aug. 20 in Los Angeles County Superior Court.

Killino said he has been in contact with "hundreds of families" about the suit.

"Many children have tested positive for lead," **Killino** said.

Killino did not know if the Fontana couple's children had tested positive for lead, and the family declined comment.

Killino said the Consumer Product Safety Commission and Congress should mandate all products undergo third-party testing and the commission should perform random testing themselves.

"If the manufacturer knows its being tested, they'll think twice before they put the toy on the shelf," **Killino** said.

At the congressional subcommittee meeting Wednesday, Mattel CEO Robert Eckert unveiled a draft of new safety measures, including independent inspections of all Chinese-made toys.

He said he hopes to win back the confidence of America's parents.

"My No. 1 goal is to make sure that this holiday season's toys are the safest ever," Eckert told the committee.

Los Angeles County Economic Development Corp. chief economist Jack Kyser said the safety implications are widespread.

With China as the Los Angeles customs district's largest trading partner, he said, lingering concerns about product safety could hurt other industries, like apparel manufacturers that import dyes, or furniture and lighting designers that also import parts.

"It's not just toys that have safety concerns. There are a lot of ramifications for everybody who is

importing from China," Kyser said. "A lot of people are watching."

Rep. Jane Harman, D-El Segundo, joined Wednesday's hearing to note that Mattel alone employs more than 2,000 people in her district and to praise Eckert for the company's actions since the lead crisis came to light.

But she also issued a warning.

"Employees lose jobs if employers don't behave responsibly," she said.

She urged Mattel to bring its manufacturing back to the United States, as did other lawmakers.

Mattel didn't get all the blame Wednesday for the tainted toy crisis.

Several lawmakers pointed to the underfunded and understaffed Consumer Product Safety Commission. Thirty years ago, about 800 people worked to ensure product safety. Today the agency employs about half that number.

Acting commission Chairwoman Nancy Ord and Commissioner Thomas H. More urged Congress to give the agency more funding to modernize outdated labs and the tools to regulate products made with lead.

Currently, the commission cannot regulate lead unless its presence in a product may cause "substantial personal injury."

And while the agency has negotiated an agreement with Chinese officials that includes strict new safety measures, lawmakers questioned whether it will be enforceable.

Ord agreed that the agency has no mechanism to impose sanctions or other consequences if Chinese officials fail to meet new safety standards and suggested that the market itself will enforce the regulations.

"Frankly," she said, "at the end of the day, economics counts for everything."

Chinese officials now know, she contended, that if safety measures aren't met "people won't buy their products."

Staff writer Wes Woods contributed to this report.

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