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“The Handmade Toy Alliance reacts to the CPSC settlement with Mattel and Fisher-Price”

Stamford, CT June 6, 2009 – Friday, the Consumer Product Safety Commission (CPSC) announced a settlement with Mattel Inc., of El Segundo, CA and its wholly owned subsidiary, Fisher-Price Inc., of East Aurora, NY in the amount of \$2.3 million for violating the federal lead paint ban. Enacted in 1978, the Consumer Product Safety Act (CPSA) prohibited toys and other children’s articles from having more than 0.06 percent lead (by weight) in paints or surface coatings. In 2007, about 95 Mattel and Fisher-Price toy models were determined to have exceeded this limit. As a broad reaching reaction, Congress enacted and President Bush signed into law the Consumer Product Safety Improvement Act (CPSIA) in August of 2008.

“One of the biggest frustrations with this issue is that Mattel and Fisher-Price broke a law that was already on the books, but the Congress reacted by writing another law that doesn’t improve the safety of children’s products on the market,” Mary Newell of Terrapin Toys (OR) states. “Instead, small companies get penalized for not having the capital to third party test their safe products, and Mattel and Fisher-Price get a financial slap on the wrist.” Members of the Handmade Toy Alliance (HTA) have received quotes from certified third party testing facilities that range from \$300 to over \$4000 to test one batch of product that has often already been shown, via component certification and/or natural material exemptions, to be safe as per the CPSIA guidelines. HTA manufacturers typically work in small batches, ranging from 10 -100 products in a batch in contrast to the 100,000+ product that larger product manufacturers may create in factories.

With the stepping down of Nancy Nord as acting Chairperson at the CPSC and the inevitable confirmation of a new Chairperson in the foreseeable future, there is hope that some of the specific issues that plague small businesses regarding the CPSIA may soon be addressed. “But, the law continues to ignore the general principles of risk assessment and is just an example of government ineffectively trying to fix a problem without looking at the practical application of the law to small business,” Rob Wilson of Challenge & Fun (MA) discusses. “The fact remains that Mattel and Fisher-Price violated a well established law and rather than looking at ways to improve enforcement of the law on the books, [Congress] enacted new, overly broad reaching legislation that could serve to destroy some of the most safety conscious children’s product manufacturers out there.”

The Handmade Toy Alliance is a grassroots alliance of 366 toy stores, toymakers and children's product manufacturers from across the country, who want to preserve consumer access to unique handmade toys, clothes and children's goods in the USA. They are parents, grandparents and consumers who are passionate about their businesses as well as the safety of the children in their lives. While in support of the spirit of the law, the unintended consequences of the CPSIA have motivated members of the HTA to work to enact change at a federal level.

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