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## Lawmakers Agree to Ban Toxins in Children's Items

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Congressional negotiators agreed yesterday to a ban on a family of toxins found in children's products, handing a major victory to parents and health experts who have been clamoring for the government to remove harmful chemicals from toys.

The ban, which would take effect in six months, would have significant implications for U.S. consumers, whose homes are filled with hundreds of plastic products designed for children that may be causing dangerous health effects.

The rare action by Congress reflects a growing body of scientific research showing that children ingest the toxins by acts as simple as chewing on a rubber duck. Used for decades in plastic production, the chemicals are now thought to act as hormones and cause reproductive problems, especially in boys.

It also signals an important crack in the chemical industry's ability to fend off federal regulation and suggests that the landscape may be shifting to favor consumers. The movement to ban the toxins accelerated last year when California prohibited their use in children's products.

Earlier this year, the country's largest retailer, [Wal-Mart](#); the biggest toy seller, Toys R Us; and Babies R Us told their suppliers that they will no longer carry products containing the chemicals, known as phthalates, as of Jan. 1, 2009. Toys containing these chemicals, however, will still be on many retail shelves during the holiday season.

[White House](#) spokesman [Tony Fratto](#) said that [President Bush](#) opposes the ban but that it is too early to say whether he will veto the measure, which is part of popular legislation to reform the [Consumer Product Safety Commission](#). Among other things, the legislation would ban lead in children's products and would give consumers access to a new database of complaints or accident reports for goods. The measure also allows stiffer fines for violations and enhanced enforcement of consumer safety laws.

Under language finalized yesterday, House and Senate lawmakers agreed to permanently ban three types of phthalates from children's toys and to outlaw three other phthalates from products pending an extensive study of their health effects in children and pregnant women.

Phthalates make plastics softer and more durable and also are added to perfumes, lotions, shampoos and other items. They are so ubiquitous that in one 1999 study, the [Food and Drug Administration](#) found traces in all of its 1,000 subjects.

The measure had wide support in the Senate, but it bogged down in the House, where the chemical industry waged a costly battle to defeat it. The campaign was led by [Exxon Mobil](#), which manufacturers diisononyl phthalate, or DINP, the phthalate most frequently found in children's toys. The company spent a chunk of its \$22 million lobbying budget in the past 18 months to try to prevent any ban.

Daryl Ditz, senior policy adviser at the Center for International Environmental Law, said industry viewed the ban as a benchmark that might signal a shift in Congress's willingness to toughen restrictions on toxins.

"The great fear is that if a big, established chemical like this can be driven from the market, what's next?" he said.

Said Andy Igrejas of the [Pew Charitable Trusts](#): "The debate over this one set of chemicals is a referendum on a broken system. Congress saw just how screwed up the system is in protecting people from chemicals, especially children."

[Sen. Dianne Feinstein](#) (D-Calif.), who sponsored the measure, said yesterday that the action is a first step toward moving the United States closer to the European model, where industry must prove the safety of a chemical before it is allowed on the market.

"Chemical additives should not be placed in products that can impact health adversely until they are tested and found to be benign," she said.

U.S. companies manufacture \$1.4 billion worth of phthalates annually, and less than 5 percent of that is used in children's products, according to the [American Chemistry Council](#), which represents chemical makers.

Sharon Kneiss, a vice president at the trade group, said Congress acted prematurely. "There is no scientific basis for Congress to restrict phthalates from toys and children's products. With over 50 years of research, phthalates are among the most thoroughly studied products in the world, and have been reviewed by multiple regulatory bodies in the U.S. and Europe," she said.

Exxon Mobil contended that banning phthalates may inadvertently expose children to greater risks, because manufacturers will be forced to use substitute chemicals that may be even more hazardous.

"What's at stake is, in fact, children's safety," said Elissa Sterry, a vice president at Exxon Mobil Chemicals. "If DINP is replaced by alternative products, that's a potential risk to children."

The industry's position was repeated by Keith Hennessey, director of Bush's Economic Policy Council, who wrote to the Senate saying that a ban could hurt children.

"Banning a product before a conclusive, scientific determination is reached is short-sighted and may result in the introduction of unregulated substitute chemicals that harm children's health," he wrote.

Most research on phthalates has been performed on rodents, and chemical makers say there is no evidence that humans are similarly affected. They also contend that children are exposed to phthalate levels far below the doses administered to laboratory rats.

But the first study involving human babies in 2005 raised questions about those arguments. Federally funded research by the Center for Reproductive Epidemiology at the University of Rochester Medical School found that male babies born to women with high levels of phthalates in their blood exhibited changes related to low sperm count, undescended testicles and other reproductive problems. In that study, the infants were exposed to phthalate levels way below the doses administered in rat experiments. Other studies have connected some phthalates to liver and kidney cancer.

Health experts argue that dangers may be more significant from cumulative exposure, because phthalates surround babies not only in toys and products but also in breast milk if the mother has been exposed to the chemicals.

The [European Union](#) banned six phthalates from children's products in 1999 and more than a dozen other countries have done the same.

California's ban has been followed by legislation in Washington state and Vermont.

*Staff writer Annys Shin contributed to this report.*

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