

Testimony of Lisa A. Lipin
Submitted for the Subcommittee on Commerce, Trade and Consumer Protection
Hearing on October 6, 2004
“Child Product Safety: Do Current Standards Provide Enough Protection?”

Chairman Stearns and Ranking Member Schakowsky and members of this committee, I want to thank you for the opportunity to address you today. My name is Lisa Lipin. I am a Chicago mother who started a grass roots campaign to get the Yo-Yo Water Ball banned for sale in the United States after my then, 5yr.old son, Andrew was strangled by the cord. Thankfully, I was home to save Andrew from what I believe could have been a fatal incident.

These toys are being imported from overseas without any government regulation as to the safety of the product. Yo-Yo Water Balls were included in the 2003 lists of dangerous toys released by both U.S. Pirg and W.A.T.C.H. (World Against Toys Causing Harm). The toy is a rubber type liquid filled ball attached to a stretchy rubber cord. The toy is inexpensive selling for \$1-\$2. Most often the toy is packaged in a clear plastic bag without any warning label. The cord of the toy can stretch several feet posing a strangulation risk to children. The liquid inside the ball has also been proven by some to be toxic and flammable. This toy has been banned for sale in countries around the world. But in the United States it is still available.

I am concerned about the way in which the CPSC has addressed the safety concerns of this toy. I contacted the CPSC on 7/23/03 to file an incident report. I was dumbfounded to

find out that the CPSC was aware of the potential strangulation hazard. I asked when the CPSC planned on making the public aware of the dangers of the toy and was told that a public statement would not be made until their investigation was complete. I expressed my dissatisfaction with the CPSC's decision to not make this important child safety information available to the public. I feared that a child was going to be seriously if not fatally injured. Thus, I decided that I would take action by bringing this issue to the public. I contacted the media, various retailers, consumer advocates and politicians. I spoke with parents around the country whose children had been injured. One parent, Tina Schreffler, a NJ mother, recently testified for the NJ Assembly Consumer Affair Committee regarding a proposed state ban. Together, Tina & I have worked to bring this issue to parents around the country by designing a dedicated website to the Dangers of the Yo-Yo Water Ball.

I contacted CEO's of major corporations to ask them to remove the toy from their inventory. Most told me they rely heavily on the CPSC to determine the safety of a toy. Some companies were unaware there was a safety issue related to the toy. Because of the limited action taken by the CPSC these companies considered the toy safe. I provided these companies with documentation of the severity and true number of injuries. This was information that was gleaned from documents that I had received from the CPSC. My efforts persuaded 7-Eleven Corp. to issue an advisory to 5300 stores that this toy could not be sold. eBay, which initially told me that they relied on the CPSC for direction and therefore would not prohibit the sale of the toy, reversed their decision 2 days later after

receiving my documentation. K-mart has recently agreed to stop selling the toy. KB Toys has agreed to cancel all future orders.

I contacted my Congresswoman, Jan Schakowsky, about my concerns and to ask for congressional assistance. She promptly got involved with this issue by writing letters to Chairman Stratton about our shared concerns. Most recently, she spearheaded a letter to retailers urging them to remove the toy from store shelves.

My son, Andrew and I testified in front of the Illinois Senate's Health & Human Services Committee earlier this year. At my urging, there has been a bipartisan effort in the state of Illinois in the writing of a Resolution urging the CPSC to ban the toy. Democratic State Senator Jeffrey Schoenberg and Republican State Representative Elizabeth Coulson sponsored this Resolution.

I receive monthly updates from the CPSC on injuries pertaining to this toy. The CPSC has been very cooperative in providing the information that I've requested. To date, there have been 392 reported injuries, 279 of those were strangulations. The CPSC issued a mild advisory stating that there were no lasting injuries and seven cases had reported broken blood vessels and that the toy posed only a "low but potential risk of strangulation". This advisory failed to mention the true nature of reported injuries. Parents have reported that they have found their children unconscious, lifeless, gasping for air, foaming at the mouth, red, blue, and purple in color. Children have gone to emergency rooms and some hospitalized for strangulation. One child that passed out

suffered a skull fracture. Some children have sustained permanent eye injuries requiring them to have lens implant and glaucoma surgery. I have continuously tried to get the CPSC to ban the toy and issue a new advisory stating the true nature of injuries, both of which the CPSC has refused to do.

A major concern with the CPSC is the manner in which important safety information is disseminated to the public. The parents that I contacted were not aware of the CPSC Advisory. Parents told me that while a CPSC investigator was sent to their home, there was no additional follow-up as promised.

It appears to me that the response of the CPSC is perfunctory. They don't seem to look past their statutory mandate to expose real dangers that they know exist. The consumer believes that when they call and report an incident that it will be counted as an actual occurrence. They are not told that they must return a signed copy of their report if it is to be considered "confirmed" by the CPSC. If the report is not returned there is no follow-up. Then the CPSC acts as if the incident did not occur. Another problem is with the CPSC's current reporting system. When new incidents about the Yo-Yo Water Ball have been reported the consumer receives a generic form letter stating that the CPSC will look into the matter leading the consumer to believe that their incident may be isolated.

Another administrative concern is seemingly the CPSC's inability to have all of the data collected about a particular product in one place. When I requested a summary of all

incidents reports, my own report was not included due to the way it was coded. How many other reports are misplaced in the data base?

Lastly, the CPSC has a tendency to minimize the severity of the reported injuries by using the term “partially strangled”. The issue is one of being strangled; the fact that death did not occur does not lessen the injury. It must be remembered that children have been injured, not partially injured, some even permanently injured. It appears, whether true or not, that the CPSC attempts to minimize the risks of at least this toy. This seems more apparent as other countries have banned the toy with far less injuries.

The CPSC claims that a proposed “ban” does not meet congressionally mandated standards. I believe that the CPSC should itself be bringing this concern to congress. A product is not any less dangerous to children just because it does not meet the current congressional standard. This country needs to change the guidelines for determining the safety of all children’s products including toys.

Thank you for your time.