



**TESTIMONY OF KYRAN QUINLAN, MD, MPH, FAAP
ON BEHALF OF THE AMERICAN ACADEMY OF
PEDIATRICS**

**SENATE APPROPRIATIONS SUBCOMMITTEE ON
FINANCIAL SERVICES AND GENERAL GOVERNMENT**

**A Discussion of Magnetic Toys, the Safety of Consumer Products,
and Proposals to Improve the Statutory Authority of the Consumer
Product Safety Commission**

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Good morning. I appreciate this opportunity to testify today before the Appropriations Subcommittee on Financial Services and General Government at this hearing to discuss magnetic toys, the safety of consumer products, and proposals to improve the statutory authority of the Consumer Product Safety Commission (CPSC). My name is Kyran Quinlan, MD, MPH, FAAP, and I am proud to represent the American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults. I am a member of the American Academy of Pediatrics' Committee on Injury, Violence and Poison Prevention. I am a clinical associate in General Pediatrics at the University of Chicago and Medical Director of the Injury Free Coalition for Kids at the University of Chicago.

Magnetic Toys Pose a Hazard to Children

The introduction of so-called "rare earth" magnets in children's toys has given rise to a new injury hazard for children. Simply stated, these are not your parents' magnets. Rare earth magnets are approximately ten times stronger than even the strongest ferrite magnets. As a result, they are able to exert a powerful attractive field even through human tissue.

A child may ingest a single magnet without suffering adverse consequences. If more than one magnet is swallowed, however, the results can be disastrous. Magnets can connect to each other inside the body through sections of the bowel, leading to potentially fatal perforations, infection and sepsis. In December 2006, the Centers for Disease Control and Prevention (CDC) published a report that documented one death and 19 cases requiring gastrointestinal surgery after ingestion of these small, powerful magnets.¹ In April 2007, the Consumer Product Safety Commission noted that it was aware of "one death, one aspiration and 27 intestinal injuries."² It is notable that the age of children affected is higher than typically seen with foreign body ingestion - the mean age of affected children is 5.5 years and 80% are 3 years or older.

The injuries caused by these magnets are especially pernicious because they are not immediately evident. Children present at the doctor's office or hospital with abdominal pain, vomiting, or diarrhea. These symptoms may not be ascribed to the correct cause quickly, leading to further deterioration of the child's condition. These magnets can be extremely small, meaning that parents may not be aware that they have fallen out of a toy or been swallowed by a child. Together, these factors result in a unique and serious health hazard for children.

Toys containing small magnets continue to proliferate on the store shelves. A quick survey reveals several varieties of magnetic building sets, dolls with magnets embedded in them, numerous forms of jewelry, and more. These toys are not limited to any particular age group, developmental level, or geographic area. Moreover, many toys designed for older children are also accessible to their younger siblings at home.

Strong Magnets in Toys Must Be Regulated Appropriately

The AAP has been actively engaged in efforts by ASTM International to develop a voluntary standard for magnets used in toys. The AAP was not satisfied with the proposed standard and registered concerns with ASTM regarding the proposal's provisions on safety labels, the size and strength of the magnets to which the standard would apply, and issues surrounding the fact that older children as well as young children have been documented to ingest these magnets. The AAP did not block the adoption of the standard in order to allow some standard to take effect as soon as possible. We are, however, pressing ASTM to strengthen these provisions to ensure that children's safety is the top priority.

In addition to our work with ASTM, AAP is engaged in dialogue with the CPSC about how best to educate families about the dangers of magnets in toys and remove unsafe products from store shelves. AAP is participating in today's staff forum at the CPSC headquarters, which was designed to solicit input toward possible solutions that can be used to protect children from serious magnet ingestion injuries. A number of steps are necessary to improve CPSC's ability to police the marketplace for dangerous versions of these toys, some of which would require changes to the agency's underlying statute.

Recalls Must Be Improved

To date, the CPSC has issued at least 6 major recalls involving toys with small magnets totaling approximately 6.5 million units. In some cases, these recalls produced great confusion among parents. In March 2006, CPSC recalled 3.8 million Magnetix building sets due to the hazard posed by small magnets coming loose from the plastic building pieces. Consumers were instructed to return the sets to the manufacturer for a free replacement product suitable for young children under the age of 6. The notice also stated, however, "The replacement program does not include sets at retail."

In April 2007, the CPSC expanded the Magnetix recall to cover all sets "except those sold since March 31, 2006" and those that contained a particular cautionary label. It is unclear how that label made those sets dramatically safer. It also seems unreasonable to assume that all unsafe products had been removed from store shelves as of March 31. Consumers were instructed to return sets to the manufacturer to receive "a comparable set." Again, it is unclear how or why a comparable set might be safer for children than the one being returned.

Similarly, in November 2006, the agency recalled 2.4 million "Polly Pockets" play sets because the tiny rare earth magnets in the sets were prone to falling out. CPSC cited 170 reports of the small magnets coming out of these recalled toys, including three reports of serious injuries to children who swallowed more than one magnet and suffered intestinal perforations that required surgery. However, that recall also stated, "Polly Pocket

magnetic play sets currently on store shelves are not included in this recall. It is unclear why the unsold versions of these toys were considered safe.

The upshot of these confusing recalls is that unsafe toys remain in children's homes and are able to continue causing severe preventable injuries. The AAP urges Congress to examine the Consumer Product Safety Commission's authority to issue clear, compelling, effective recalls that are easily understood by parents and consumers.

Families and Health Care Providers Must Be Educated About The Hazards of Small Magnets

The AAP recognized early the hazards of small magnets in toys, in part due to our strong working relationship with the CPSC. Each month, the AAP publishes selected CPSC recall notices involving toys, children's products, and children's clothing in our news magazine, *AAP News*. In January 2007, *AAP News* published a major article on the hazards of small magnets in toys. Pediatric experts discussed this issue with members of the media and parent-oriented publications. Nevertheless, it was difficult for this issue to penetrate the public consciousness.

The parents I encounter daily are almost always unaware of the danger from these toys. Even if they have noticed magnets falling out of the toys, it never occurs to them that they could pose a health hazard. We must do more to assist parents in accessing vital health information on product recalls, health hazards, and the steps they can take to protect their children from these entirely preventable injuries.

CPSC Must Be Strengthened

As an agency, the CPSC has never been given the tools it needs to fulfill its mission. Since its creation, the agency has been routinely underfunded and undermined by successive Congresses and Administrations:

- CPSC staff has gone from a high of 978 in 1980 to just 400 today, even as the consumer marketplace has burgeoned with new products.
- The President requested a budget of \$63.2 million for CPSC in Fiscal Year 2008, which would require the agency to cut an additional 19 employees. This budget is insufficient to even allow the agency to continue current programs, much less expand its efforts. At its founding, the CPSC budget was \$39 million. If the budget had kept pace with inflation, it would be \$138.2 million today, more than double its requested allocation.
- The CPSC has been without a voting quorum of commissioners since January 2007, meaning it cannot take many regulatory, enforcement and other actions. The President's recent nominee to chair the commission withdrew from consideration after a public outcry regarding his qualifications. An appropriately qualified chair must be nominated and approved in a timely fashion.
- The authority of the agency to issue mandatory recalls and provide full information to consumers must be strengthened.

Conclusion

The American Academy of Pediatrics commends you, Mr. Chairman, for holding this hearing today to call attention to the hazards of rare earth magnets in toys. The AAP will continue working to educate pediatricians and families about these hazards and to prevent any more needless tragedies due to magnet ingestion. In addition, we look forward to working with Congress to strengthen the CPSC and ensure it has all the tools necessary to protect children and families from dangerous products. I appreciate this opportunity to testify, and I will be pleased to answer any questions you may have.

¹ Gastrointestinal Injuries from Magnet Ingestion in Children – United States, 2003-2006. *MMWR Weekly*, Dec 2006 55(48); 1296-1300.

² Consumer Product Safety Commission recall notice, "Magnetix Magnetic Building Set Recall Expanded," April 19, 2007, <http://cpsc.gov/cpscpub/prere/prhtml07/07164.html>.