

The Honorable Bobby L. Rush

Senate Field Hearing ó June 18, 2007

Consumer Product Safety Commission and Magnetix

I want to thank my friend for recognizing me and for inviting me to participate in this Senate field hearing. As Chairman of the Subcommittee on Commerce, Trade and Consumer Protection of the House Energy and Commerce Committee, I have held two hearings on children's safety and the Consumer Product Safety Commission, including one that addressed the Magnetix case. My subcommittee's jurisdiction is multi-faceted and covers a broad area. But there is nothing more important than our mission to look out for our children. If the federal government cannot deliver on this basic responsibility to help parents keep their children away from avoidable hazards, then we are not doing our job.

The Chicago Tribune articles on Magnetix are disturbing ó to say the least ó and they depict the worst nightmare of any parent come true. A 20-month old child, Kenny Sweet, Jr., swallowed numerous, powerful tiny magnets that fell out of a popular toy kit called Magnetix. Inside the toddler's stomach, these magnets stuck together and cut a hole through his bowels. Unbeknownst to his parents, these tiny magnets had blended in with the carpet, only to be found and swallowed by the young toddler. Kenny Sweet, Jr., died on Thanksgiving Day, 2005. He died of what was equivalent to a gun shot wound to the stomach.

This child's death is tragic. What is even more tragic is the possibility that Kenny's death was preventable.

According to the Tribune articles, both the company that manufactures Magnetix, Rose Art, and the Consumer

Product Safety Commission were notified of the loose magnets and the possible dangers they posed to young children. But neither acted in time and in a manner to prevent Kenny's death.

In my hearing on this subject matter, we tried to discover why it took the Chicago Tribune to do a thorough, investigative story on Magnetix to finally get this product off the shelves. The story made clear that the toys were still in some stores as it went to press and subsequent editions of the Tribune reported that the product was STILL on store shelves. I want to know why it wasn't the Rose Art company or the CPSC that was taking the necessary steps to protect our children.

I don't think we should engage in a blame game, and I don't believe we should initiate a consumer product witch hunt. I fully appreciate the efforts of the Consumer

Product Safety Commission, and I am not attributing incompetence or negligence to their staff or to Acting Chairman, Nancy Nord. The Commission did the best it could do given the resources they have. However, I do think we should determine how the system broke down, and more importantly, how to fix the problem. From this Senate field hearing as well as the hearings we have held in my House subcommittee, hopefully we will come away with an idea of what steps Congress should take to ensure that something like this doesn't happen again.

I am not naïve to think that we can protect ALL children from ALL the dangers that lurk in the world. But I do know that the regulatory regime we have set up under the CPSC can be improved.

I look forward to working with my friend, Senator Durbin, and the other members of this subcommittee to

make the necessary reforms at the Consumer Product Safety Commission so that the number of preventable, future deaths are minimized. I've already publicly said that one of my priorities as chairman is to write a reform bill that overhauls the CPSC's underlying, enabling statute. Kenny Sweet should still be alive today.

Again, I want to thank Senator Durbin for graciously inviting me to this hearing, and with that, I yield back the balance of my time.