

New rules on toys could spell doom

By Lea Ann Overstreet Allen and Clay Carey, USA TODAY

Looming federal regulations that could force used-item retailers and thrift stores to trash many children's toys and clothing are getting a second look from the Consumer Product Safety Commission.

The regulations, passed under the Consumer Product Safety Improvement Act in August and set to go into effect Feb. 10, are aimed at eliminating lead-tainted products designed for children 12 and younger. They require all such products — clothes, toys and shoes — be tested for lead and phthalates, the chemicals used to make plastics pliable.

The main issue for retailers is the costly testing, which can run from about \$400 for a small item to thousands of dollars for larger toys with multiple pieces, according to Kathleen McHugh, president of the American Specialty Toy Retailing Association.

Products not tested would be deemed hazardous whether they contain lead or not, under the wording of the law.

Abby Whetstone, owner of Twice as Nice Kids in Denver, said consignment stores such as hers would not be able to afford expensive lead tests.

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"It would affect every piece of inventory we have," Whetstone said. "We're a little terrified at this point."

The Consumer Product Safety Commission voted this week to work on exemptions to the regulations and evaluate the way they could impact sales from consignment shops, online retailers and even yard sales.

"We are working on a 30-day comment period where we will hear from consumers, manufacturers, retailers, anybody affected by the act," commission spokesman Scott Wolfson said. The review won't be finished by Feb. 10, but the law will still go into effect that day, he said.

Wolfson said there are some obvious holes in the act, which the commission will seek to fill.

Lara Lang, who has helped run consignment sales which raise between \$25,000 and \$30,000 a year for the Hermitage United Methodist Church preschool in Nashville, says the concept of protecting children is good, but she was critical of the act.

"How on earth are they going to enforce that? They can't. There are people who have yard sales. Are they going to police those?" she asked.

The changes would also affect toy wholesalers and distributors such as Challenge & Fun, a Massachusetts-based company that imports most of its products from Europe. Company co-owner Rob Wilson said he'd have to cut his 500-product line to 20 or 30 to meet the requirements. "Even there, if I have to spend \$20,000 or \$30,000 on testing, that's a big hit," he said.

Goodwill Industries International, among the charities that could be affected, is waiting for clarification before it starts changing the way it does business, spokeswoman Charlene Sarmiento said.

Carrie Weir, who owns Web-based Los Pollitos Dicen, a children's clothing line specializing in T-shirts, would be hit both as a clothing designer and a parent.

"We all want regulations to make sure our children are safe, but this law goes too far," Weir said.

Overstreet Allen and Carey report for The Tennessean in Nashville