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May 4, 2007

The Honorable Mervyn M. Dymally
Chair, Assembly Committee on Health
State Capitol, Room 6005
Sacramento, CA 95814

RE: AB 1108

Dear Assemblyman Dymally:

On behalf of the Toy Association of Southern California (TASC), I am writing to express our opposition to AB 1108 – a broadly-drafted bill which seeks to ban a wide range of consumer products that are intended for use by children. This issue is one that our industry has faced before, and as before, science has continued to demonstrate that the proposed ban unnecessarily targets plastics used to make safe and durable children's products.

TASC is a non-profit business association dedicated to promoting the welfare of the toy industry in Southern California. We occupy a unique niche as an industry group by representing a broad range of companies – manufacturers, importers, exporters, wholesalers, distributors and others – that includes small businesses as well as large corporations. According to a Dun & Bradstreet report of October 2005, the greater Los Angeles area alone is home to over 2,500 toy manufacturers, wholesalers, and retailers, which together employ over 19,000 with an annual sales volume of approximately \$2.5 billion.

Many of the programs and workshops TASC conducted over the years have focused on toy safety, a prime concern of our members. In cooperation with the U.S. Consumer Products Safety Commission and U.S. Customs Service, TASC has addressed issues like age-appropriateness, hazardous substances, small parts regulations, recalls and other key areas of product safety and liability in the toy and consumer products arenas.

TASC strongly opposes AB 1108 because the bill erroneously targets substances used to make vinyl toys and other consumer products based on misinformation and unfounded “research”. The primary phthalate in children’s toys (diisononyl phthalate, or DINP) has been safely used for more than 40 years. The U.S. Consumer Product Safety Commission (CPSC) conducted a peer-reviewed health risk study on DINP and determined, after extensive testing, that children are not at risk from plastic toys that contain DINP. The CPSC further noted that DINP has been widely studied and that alternatives might result in more brittle plastics that could break and create choking and other hazards.

AB 1108 also targets products made from commonly used materials such as polycarbonate plastic, which are made from Bisphenol-A (BPA). This chemical has also been studied extensively throughout the world and has been determined to be safe for use in polycarbonate plastic. Its use is essential to thousands of consumer products, including many that were *specifically developed to enhance safety and protect children* from hazards posed by small parts and broken plastics. For example, BPA is essential for shatterproof bottles and reusable food containers, lifesaving medical devices and sports safety equipment. Extensive reviews by the U.S. National Toxicology Program, the U.S. Food and Drug Administration, government agencies in other countries, and independent scientists under the Harvard Center for Risk Analysis have all determined that BPA used in consumer products does not pose a risk to human health.

Based on the foregoing, AB 1108 should not be allowed to proceed. If enacted, it will result in the needless abandonment of safe plastics, thereby *increasing risk* to consumers for products made with less durable and less tested alternate materials. Furthermore, the deleterious impact to the California toy industry, which has already been significantly impacted by foreign competition and a challenging retail environment, from the passing of AB 1108 will be irreversible. This is not consistent with TASC member’s commitment to producing safe products for children and families in our state and country. In light of the above, TASC and its members respectfully ask that you vote to defeat AB 1108. Thank you for this opportunity to present our position on this very important matter.

Sincerely,

Leeton H. Lee

Leeton H. Lee
President
Toy Association of Southern California