Lead Paint Issues Rise Again: Are We Ready?
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For many of us, lead poisoning is a thing from the past. Everyone knows lead paint is bad, and that small children will put anything and everything into their mouths. It is so obviously a potential hazard that we assume it either is not happening anymore or that the laws have been passed regarding the types of paint to be used in residences and lead poisoning have addressed this problem.

The news this summer has proven that denial can only last so long. In June 2007, RC2 Corp. recalled approximately 1.5 million Thomas & Friends \textsuperscript{TM} toys after discovering lead paint had been used on the surface of these toys.\textsuperscript{2} The truly astonishing part of this story is not just that lead paint is still an issue and an issue for children of all economic conditions, but that the toys recalled were sold from January 2005 though June 2007,\textsuperscript{3} an almost two and a half year period. Parents and relatives of small children were shocked again on August 2, 2007 when news hit that Fisher-Price was recalling 83 types of toys due to lead paint issues.\textsuperscript{4} The toys included Elmo, Big Bird, Dora, and Diego related items.\textsuperscript{5} Again the toys involved were sold as early as January 2005.\textsuperscript{6} The two cases also have a common source – the parts in question were manufactured in China.\textsuperscript{7}

Following the Thomas recall, Sen. Dick Durbin, D-Ill., and Sen. Bill Nelson, D-Fl., introduced S.1847, which would reauthorize and expand the Consumer Product Safety Act.\textsuperscript{8} The bill establishes appropriations for the Consumer Product Safety Commission; repeals the Commission’s quorum requirements; reduces the time for manufacturers and private labelers to disclose information from 30 to 10 days; allows the Commission to immediately disclose information if it determines that the disclosure is needed to prevent unreasonable risk to health and safety and the manufacturer or labeler is not cooperating, which is defined as not providing required information within “a reasonable amount of time;” and adjusts the minimum and maximum civil penalty amounts.\textsuperscript{9}

While this approach will undoubtedly aid the Commission in its mission, it would not prevent the type of cases we have seen this summer where products at issue were sold not 30 days ago but 600 days ago. In an era of increasing paranoia about terrorist attacks from abroad, we are somehow failing to perform random sample tests on imported children’s toys for something as basic as lead paint, allowing such toys to be sold for over

\textsuperscript{1} Tex. Health & Safety Code, Chapter 88.
\textsuperscript{3} Id.
\textsuperscript{5} Id.
\textsuperscript{6} Id.
\textsuperscript{7} Id., US Consumer Product Safety Commission, supra note 2.
\textsuperscript{8} Consumer Product Safety Modernization Act of 2007, S. 1847, 110\textsuperscript{th} Cong. (1\textsuperscript{st} Sess. 2007).
\textsuperscript{9} Id.
two years. Despite the importance of national security and the potential threat of a man-made epidemic, missing the forest for the trees – or the lead paint for the anthrax – also leaves Americans vulnerable.