

## Which Toys Are Okay? Don't Ask the Safety Police.

By Robin Ingle  
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In December 1998, I went to work for the safety police. That was when I woke up to the true danger in toys and other consumer products. I would stand in the aisle at the mega toy store, knowing what wasn't being regulated, unwilling to buy my nephews gifts that might send them to the emergency room. Every toy screamed potential danger; I saw broken bones and concussions waiting on every shelf.

This holiday season, the big alarm is over lead-tainted toys from China. Congress is demanding to know how this happened. Where was the Consumer Product Safety Commission (CPSC), which is responsible for protecting consumers from unsafe goods? Can't we trust our government not to allow dangerous items to end up under our Christmas trees?

I certainly thought I could, until I got an inside look at our top safety agency -- and learned that it has lost the will to perform the function it was created for in 1972.

No product is completely safe, not even those bought specifically with safety in mind. Window bars that keep out burglars may also trap someone inside a burning house. A 2-year-old could be poisoned if she gets into Grandpa's pill case. Even a blaring smoke alarm may fail to wake a sleeping teenager.

But none of the resulting fatalities is inevitable. Many injuries and deaths can be anticipated through research. If CPSC can determine whether there are any trends in injuries and deaths, and the underlying causes of those trends, it can regulate industry to minimize a product's effect on public health. Without the research, there's no basis for regulation. But over the past decade, the agency has turned its back on such vital research. Worse, it no longer has the backbone to stand up to industry and demand that it change.

One of my first projects as a statistician in the Directorate for Epidemiology at CPSC was to generate statistics on injuries and deaths associated with all-terrain vehicles. I read hundreds of police reports and autopsies of children and adults who had died when their ATVs rolled onto them or when they crashed into trees because the vehicles were too big and powerful to control.

Each spring for five years, I sat at my desk behind stacks of fatality reports that rose higher than my head. One year I hung a wall map by my desk and put dots at the location of each death: red for children, yellow for adults. By my third year on the project, West Virginia was obliterated by the tiny dots. Eventually I realized that there were too many deaths to track on a map, and it was too depressing.

In the 1990s, the industry had been bound by strict regulatory agreements with CPSC, but they had expired in 1998. Since then, the deaths and injuries have skyrocketed: In 1999, an estimated 536 people died on ATVs. By 2004 that number had climbed to 767. If current trends continue, the number of ATV deaths will soon exceed 900. In 2005, U.S. emergency rooms treated an estimated 136,700 ATV-related injuries. Last year they treated even more. A quarter to a third of the dead and injured were children.

Industry representatives suggest that the increase in injuries and deaths is the result of higher sales, but CPSC's own statistical research -- what little of it the agency has released -- shows that other factors are at work.

Every year newspapers would report the main findings of CPSC's annual ATV report, but in the past

decade, in the anti-regulatory environment of the Bush administration, the agency has issued no mandatory regulations for ATVs (and indeed few for any industry).

By 2004, consumer groups had been pressuring CPSC for two years to regulate ATVs. Deaths and injuries had grown to such alarming numbers that my supervisor, a meticulous statistician, asked me to recalculate them several times. They were correct -- the numbers were higher than they had been in the 20 years that CPSC had been publishing the report. We sent it upstairs for clearance, and several layers of management, including the executive director, signed off on it.

But the agency's then-general counsel, a former lawyer for the ATV industry, didn't release it for three months, during which 191 people died and an estimated 31,000 were injured. In a tense meeting, the general counsel tried to force my supervisor and me to insert language into the executive summary saying that the risk of riding ATVs was decreasing, even though the findings did not support this. We stood our ground. We wanted the information to be accurate. Because consumer groups were clamoring for it, the report was finally released in January 2005.

In a chillingly similar fashion, CPSC has so far refused to release this year's report. ATVs are among the deadliest and most controversial products under the agency's jurisdiction, but I found this pattern of suppressing scientific research to be the agency's standard operating procedure on many issues.

Even in the agency halls, there's a defeatist anti-regulation atmosphere, despite the staff's desire to put research to good purpose. My co-workers would ask me what I was working on and say, "Oh, are you still on ATVs? What a shame. The commission is never going to do anything about that." Everyone knew it was a hopeless cause. Even I wondered at times whether my work would ever have an effect as long as the industry had a friend like the former general counsel in place.

ATVs aren't the only problem. One of CPSC's long-term goals is to reduce the number of deaths from carbon monoxide poisoning, many of them associated with portable generators, which have become a popular household item because of snowstorms in the North and hurricanes in the South. For years, CPSC has wrung its hands while generator-related deaths increased.

I once asked an engineer co-worker why the manufacturers couldn't do more to prevent such deaths. She told me that they know how to make a generator that doesn't emit carbon monoxide -- thus eliminating the hazard altogether -- but it would add \$25 to the cost of buying a generator. CPSC would not require the manufacturers to start making these safer models.

On the other hand, some of my colleagues studied hydroxides, a chemical in certain hair products and drain cleaners. Some hydroxides can cause horrific internal burns if swallowed, so products containing them may merit child-resistant packaging -- which, CPSC research shows, would cost manufacturers about 2 cents more per package. CPSC's upper management has for several years not even allowed the research on hydroxides to be presented to the commission.

I'm not a disgruntled former employee. I loved working at CPSC, and my job there was the most rewarding I've ever had. I was commended as an outstanding worker, and it broke my heart to leave. When I did so at the end of 2006, it was of my own accord. If I'd thought that staying there to crunch numbers could have saved a single person's life, I would have stayed. But I came to realize that, unfortunately, that wouldn't happen unless the agency finds a way to change.

After working at CPSC, I lost my naive confidence that Uncle Sam would do the right thing. I also made changes in my home. I have no toaster. No curling iron, no turkey fryer, no gas oven. I unplug my hair

dryer after every use, check the burners on my stove nightly, replace the batteries in my smoke alarms and carbon monoxide detector several times a year.

One year -- admittedly in a moment of overzealousness -- I gave my parents a fire extinguisher for Christmas. I'm acutely aware that I'm responsible for my own safety and that no one else is looking out for me -- perhaps least of all CPSC.

It's easy to be outraged because the agency has allowed dangerous products to be imported from China, or because its chairman has taken trips paid for by the industries she regulates. But it's important to look more closely at CPSC and ask what really drives it and what currency it deals in. The agency was formed for one reason: to save lives. People of all ages die every day in incidents associated with some of the 15,000 products that it's meant to oversee. The agency should listen to its own scientists and stop silencing the life-saving research happening in its buildings.

Think about the gifts you're giving your loved ones this holiday season. Do you think they're as safe as they could be?

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