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Mexican health inspectors scrutinized lead-tainted Mattel toys before they were destroyed last month at a toxic waste disposal plant near Mexico City. Below, workers with a can of lead paint at a toy factory in Guangdong Province in China.

The Recalls' Aftershocks

Lead-Tainted Items Still Around, in Quarantine or on Store Shelves

By LOUISE STORY and DAVID BARBOZA

Wondering what happened to all the lead-tainted products that have been recalled recently?

One company that recalled 350,000 lead-tainted journals and bookmarks plans to burn them in an incinerator. In



the meantime, it is storing the hazardous parts in 55-gallon drums near its headquarters.

Toy makers are investigating whether they need to treat their tainted products with stabilization chemicals or if they must seal the toys in giant polyethylene bags. Mattel has decided to recycle some of its recalled toys into items like park benches — after it fights pending litigation. In China, meanwhile, several of Mattel's recalled toys can still be found on store shelves.

A few toys have even shown up on eBay and on Web sites that sell products in bulk. And some children's jewelry, heavily laden with lead, may be legally shipped to other countries for resale.

But that's only counting what is actually returned. Most of the unsafe toys and other products, it turns out, may still be in the hands of consumers.

"The first step is the product is recalled," said Rachel Weintraub, director of product safety at the Consumer Federation of America. "The second step is the manufacturer gets some of the product back. And the third step is: what happens next?"

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After Recalls, Lead-Tainted Items Are Found in Quarantine, and on Shelves

From First Business Page

American companies face strict federal regulations for disposing of recalled toys, but they are only responsible for the toys that show up. The other products left out there — and in many cases, that is more than 80 percent — fall out of their purview, a crack in the recall system that consumer advocates say leaves a giant question mark over the trail of recalled toys.

Consumers are never told precisely how many products are returned, whether some are shipped abroad to be resold, or even which factory supplied the toys and whether companies are continuing to use that factory.

Executives at companies involved in recent recalls answered questions about their returned toys, but they were not eager to discuss the whereabouts of the toys that have not come back.

"If they're out of their control but they don't know where they are, I don't think the companies care," said Pamela Gilbert, a partner at the law firm of Cuneo Gilbert & LaDuca, and the former executive director of the Consumer Product Safety Commission.

Mattel and RC2, the maker of Thomas & Friends toys, are both holding onto the returned toys while they fight off lawsuits accusing them of harming children with those products. After the cases are resolved, Mattel says, it will try to recycle parts, like pieces of the Polly Pocket magnetic toys, safely into items like park benches.

Companies like Jo-Ann Stores, Tween Brands, and Toys "R" Us say they are holding the returned toys in warehouses until they come up with a disposal plan.

"It's not like it's a real threat, just sitting in our warehouse," said Robert Atkinson, a spokes-

man for Tween Brands. "It's not going to leach into the soil or anything like that."

The Environmental Protection Agency requires companies to test their returned products for an aggregate level of lead to determine a disposal plan. If the tests come in at higher than 5 parts per million, companies must take extra steps to make sure the lead will not contaminate the environment. If the average is under that level, the toys can go in normal landfills.

Mattel, for example, recently received test results back from Waste Management, which found that Mattel's mass of toys could be sent to regular landfills or recycled, rather than stored in toxic waste sites.

With the exception of RC2, which says it has received 60 percent of its Thomas toys back, most companies have not received many products back.

As of late November, buyers had returned just over 1,100 of the roughly 100,000 children's gar-

dening tools Jo-Ann Stores sold and recalled in October. And Kahoot Products, which recalled 1.6 million Cub Scout badges in early October, said it had not received any back nearly two months later — though some may be with Cub Scout leaders.

It has long been the case that product recalls generate dismal results. In the past, recalls have brought back 18 percent of products, on average, but low-priced toys and trinkets are returned at even lower rates — often less than 5 percent.

Research firms found that some toys recalled this summer have appeared this fall on auction Web sites like eBay and other sites that sell products in bulk to businesses, including Made-in-China.com. Aubrey Liu, who works in Made-in-China's Web operations department, said in an e-mail message that it was difficult for her department to pick out recalled products on her site because the Consumer Product Safety Commission does not include the names of manufacturers in recall notices.

Instead, the commission lists the importer or United States-based company that is distributing the product. The Web site has asked the commission for a list of the Chinese manufacturers behind the recalls, though it has not received it yet, Ms. Liu said.

There is no federal law or regulation against reselling recalled toys — a loophole that some legislators are trying to close. Still, eBay, among others, has agreed to try to keep recalled products off the market.

Companies are also allowed to export products they recalled to resell in other countries, if the recall was based on a voluntary standard.

Companies cannot export toys with lead paint, since it is banned on toys in the United States. But they can export lead jewelry and some of the metal trinkets that have been part of recent recalls. Companies must notify the product commission if they want to export such products.

Outside the United States, re-

called products still show up in some stores but it is difficult to know how they got there. In the past few weeks, a reporter for The New York Times in China bought three Mattel items that were supposed to be recalled from stores in Shanghai and at a Beijing shopping mall. The items — along with one other toy not purchased but on the shelves — all carried labels with product identification numbers that matched those on the recall list. The purchased toys included the Barbie Kitchen Gift Set and the Barbie and Tanner magnetic set.

Store clerks in China seem to be largely unaware of toy recalls and in one instance, a manager at the Shanghai shop, which carries a Fisher-Price label, insisted that the company's warehouse contained many of the recalled items and that they could still be purchased.

But a day later, after a reporter for The New York Times presented questions to Mattel's Shanghai representative about the recalled items, the store manager said the items were not available and repeatedly requested the return of another recalled item that was bought from the store.

A clerk at another store selling Fisher-Price toys said she would alter the date of manufacture on toys for customers to whatever dates they requested.

These products could have been on sale in China before the recall, or they might have come from factories there that did not want to destroy tainted products after the recall.

A spokeswoman for Mattel in the United States said that the toys appeared to be part of the recalls and must have come from a toy store's old inventory. Mattel, she said, was no longer distributing recalled toys anywhere in the world.

Adding to the confusion, some recalled toys are still on shelves in the United States. A Times reporter in Chicago found a Polly Pocket LimoScene toy on the shelves of a Wal-Mart there, but when she tried to buy it, the cash

register blocked the purchase. She found the toy still on the shelves in three later visits. Wal-Mart says the cash register is a backup to make sure recalled toys are not sold.

After Mattel recalled toys this fall, retailers shipped all of the affected lines back to the toy maker, Mattel said. Then, Mattel determined which toys were manufactured during the dates covered in the recall and isolated them. Mattel put stickers with new bar codes and product numbers on the other toys and sent them back to stores.

Shoppers today can buy Mattel products and peel stickers off them to see the product codes of recalled toys. Mattel says the toys with the stickers are safe.

Confusion and inaction on the trail of recalled toys.

Companies are also trying to get their suppliers in China to shoulder some of the recall costs. Toy World Group/Chun Tat Toys, for example, has agreed to pay the costs incurred by Toys "R" Us in the Elite Operations recall in October. But other American importers say they will come out of the process at a loss.

The Antioch Company in Ohio found the lead problem on parts of its bookmarks and journals when it ordered tests after seeing Mattel's recalls in August. Tom Rogers, the president of Antioch Publishing, a unit of the company, says he now wonders how many other companies ordered tests, found problems but then hid them rather than issuing a recall. Antioch will be burning the charms and clips on its products that contain excess lead.

"It's a painful process," Mr. Rogers said. "Nobody wants to produce a product that is unsafe. But nobody wants to see their business brought to its knees."



GREG SAILOR FOR THE NEW YORK TIMES

Brian Wilson tossed items with lead into a drum at Antioch Publishing in Ohio. The company will burn the parts with lead.

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