



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814  
COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN ON FLOCKED TOYS**

**May 6, 2021**

The U.S. District Court of New Mexico last week [concluded](#) that undersized flocked toys and their accessories are banned hazardous substances as matter of law.<sup>1</sup> In reaching its conclusion, the court relied on CPSC's own regulation and precedents which support a per se violation. I welcome this finding and believe the Commission can, and should, act now to address this hazard.

For too long, CPSC has dragged its feet on robust enforcement with respect to these products and the choking hazard they present.

I have been asking the Commission to bring enforcement actions in this product category for months. I raised this issue in the agency's most recent [Priorities Hearing](#). At that hearing, several witnesses testified that flocked toys and their accessories are, in fact, subject to the small parts standard, and expressed their view that the Commission must act to protect children.

There is no ambiguity that these flocked toys are dangerous. Delaying even further enforcement action against these products unnecessarily puts children's lives at risk.

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<sup>1</sup> *Schmidt v. Int'l Playthings LLC*, No. 1:2019 Civ. 00933, Doc. 172 at 99-101 (D.N.M. 2021) (relying on CPSC's own guidance to reach its conclusion).