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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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August 22, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCHILD, CHIEF COUNSEL

Cmdr. Paul W. Essex  
Army and Air Force Exchange Service  
3911 S. Walton Walker Blvd.  
Dallas, TX 75236-1598

Dear Commander Essex:

The Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce plans to hold a hearing in September on how to address the problem of children's products, imported to the United States from China, that contain lead exceeding lawful safety standards. We are concerned that such products have flooded stores across America and pose a health risk to our children. The Subcommittee will explore all avenues, including legislative remedies, to ensure that lead-tainted children's products do not cross our borders.

The Consumer Product Safety Commission (CPSC) issued a recall for some of your company's products on May 23, 2007. The products, the "Invincibles Transport Converters Toy Sets," contained lead paint that exceeded the lawful consumer product safety standard. As part of our inquiry and to help us draft any responsive legislation, we request that you respond to the following questions by September 6, 2007.

1. In addition to the approximately 3,000 Invincibles Transport Converters Toy Sets recalled by the CPSC in May, please provide detailed information on any toys or other products imported by your company with lead paint or lead content that exceeds lawful safety standards.
2. Please provide information detailing the level of lead in the recalled toys and children's products, if available.
3. Please provide the name and location of the company and facility in China that manufactured the Invincibles Transport Converters Toy Sets.
4. Are there provisions in your agreements with the Chinese or other manufacturers banning

the use of lead and lead paint or limiting its use to lawful safety standards in the manufacture of the products your company imports?

5. What steps does your company take to test and inspect imported toys or other children's products before they are sent to retail outlets in the United States to ensure compliance with lead level safety standards?
6. How and when did your company discover the lead paint on the imported Invincibles Transport Converters Toy Sets Toys that led to the recall announcement by the CPSC on May 23, 2007? When did you first contact the CPSC about the Invincibles Transport Converters Toy Sets?
7. Please provide details of the recall action undertaken by your company, including steps to inform retailers and consumers of the recall because of the lead hazard posed by the Invincibles Transport Converters Toy Sets. Did you provide information in a language other than English? Did you take any specific steps to provide information to your retail partners located in underserved communities?
8. Please provide details on the consumer response to the recall since the recall announcement, including how many Invincibles Transport Converters Toy Sets have been returned for a refund.

Thank you for your cooperation and attention to our request. We look forward to reviewing your responses. If you have questions or wish to discuss this matter, please contact Judith Bailey or Andrew Woelfling with the Committee majority staff at (202) 225-2927, or Brian McCullough or Shannon Weinberg with the Committee minority staff at (202) 225-3641.

Sincerely,



Bobby L. Rush  
Chairman  
Subcommittee on Commerce, Trade,  
and Consumer Protection



Cliff Stearns  
Ranking Member  
Subcommittee on Commerce, Trade,  
and Consumer Protection

cc: The Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce

The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce