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April 16, 2010

Mr. Michael Duke
President and Chief Executive Officer
Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716-8611

Dear Mr. Duke:

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are examining the safety of certain products intended for children. A recent news account revealed the presence of cadmium in various children's jewelry items sold by several retailers throughout the United States.¹ Cadmium is a known cancer-causing agent that can hinder brain development in children.² *The Associated Press* (AP) tested 103 items purchased in New York, Ohio, Texas, and California, and reported that 12 percent of the pieces of jewelry contained at least 10 percent cadmium.³ According to the news account, some of the jewelry containing cadmium was purchased at Wal-Mart. For example, three flip flop bracelet charms sold at Wal-Mart contained between 84 and 86 percent cadmium.⁴ In addition, pendants from "The Princess and The Frog" necklaces purchased at Wal-Mart contained between 25 and 35 percent cadmium.⁵

¹ AP: *Feds Probe Cadmium in Kids' Jewelry from China*, The Washington Post (Jan. 10, 2010).

² Centers for Disease Control and Prevention, *National Report on Human Exposure to Environmental Chemicals* (Dec. 15, 2009), at http://www.cdc.gov/exposurereport/Cadmium_FactSheet.html.

³ AP: *Feds Probe Cadmium in Kids' Jewelry from China*, The Washington Post (Jan. 10, 2010).

⁴ Id.

⁵ Id.

We understand that Wal-Mart has discontinued selling the flip flop bracelets identified in the AP investigation. Recently, the Chairman of the U.S. Consumer Product Safety Commission, Inez Tenenbaum, issued a statement to the Asia-Pacific Economic Cooperation (APEC) Toy Safety Initiative Open Dialogue on Toy Safety in Hong Kong warning toy manufacturers and children's product manufacturers not to substitute cadmium, antimony, or barium in place of lead.⁶ We applaud these actions. However, we remain concerned that unscrupulous manufacturers may substitute other hazardous materials for lead in products intended for children.

To assist the Committee with its ongoing oversight, we request that Wal-Mart officials brief Committee staff on the company's activities to identify, address, and prevent hazardous materials, such as heavy metals, from being used in children's jewelry and other products intended for children. In addition to the briefing, we ask that you provide a written response containing the following information:

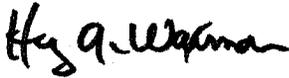
1. All Wal-Mart policies and procedures related to preventing the sale of products intended for children that contain hazardous materials;
2. A list of all manufacturing and distribution companies that supply Wal-Mart with children's jewelry and products intended for children. Please identify which of these companies manufactured and distributed items containing cadmium, including the items that were identified in the AP's investigation (i.e., flip flop bracelet charms and "The Princess and The Frog" necklaces);
3. A written explanation of the steps Wal-Mart takes to confirm that products intended for children are safe. This should include:
 - a. All Wal-Mart policies and procedures related to ensuring that products intended for children do not contain hazardous materials.
 - b. All steps taken to ensure the safety of products intended for children at every stage of the supply chain, prior to Wal-Mart's receipt of the product, including steps taken by manufacturers, suppliers, and distributors.
4. All changes to Wal-Mart policies and procedures since January 10, 2010, to ensure that products intended for children do not contain hazardous materials.

⁶ CPSC Chairman's Statement on Cadmium in Children's Products, U.S. Consumer Product Safety Commission (Jan. 11, 2010), at <http://www.cpsc.gov/trans/apec.html>.

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Please contact Committee staff by April 23, 2010, to schedule the requested briefing, and please produce the requested written response by April 30, 2010. If you have any questions regarding this letter, please contact David Levis or Julia Elam with the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

- cc: The Honorable Joe Barton
Ranking Member
- cc: The Honorable Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations