



Good afternoon, my name is Jolie Fay. I am the owner of Skipping Hippos. I make children's ponchos in my home in Portland, Oregon. I am testifying on behalf of the 619 Handmade Toy Alliance members. We are the people knitting hats on the train, we are the mothers in line with you at the store, and we are the people from your church and home towns who have grown up in families that craft. We are your neighbors, your families and your constituents and we need your help to bring common sense changes to the CPSIA.

Our businesses were born from the desire for safe children's products. We make them with care and attention, most often from materials purchased from our local craft stores. Our dreams were to build heritage products that will be cherished and remembered, and saved for generations.

Our broad membership experiences the unintended consequences of the CPSIA in different ways.

Micro-sized businesses that craft and retail toys and children's products make up half of our membership. Often, these businesses are family or single owner businesses with no employees who produce and sell products in very small batches. The CPSIA makes no provision for these businesses to be able to operate. People crafting in their homes are expected to third party test the same way as mass market manufacturers. The costs of 3rd party testing for lead and ASTM standards are prohibitive in very small batches, tracking and labeling requirements are too burdensome and these micro-businesses find the law and its requirements too complex to interpret, understand and apply.

For example, at the Hollywood Senior Center in Portland, there is a small retail shop. The items in the shop are exclusively made by their members. Handmade trucks and planes are made by retired loggers in their 70's and 80's. They are on an incredibly small fixed income and would never be able to afford a single ASTM laboratory test. The workmanship that has developed over a lifetime helps contribute a small, but very substantial supplement to their monthly income. These projects keep them active and give them meaning to each day. These are artisans, but this law makes them criminals.

Another segment of HTA members are small batch businesses, producing multiple items and selling in boutiques and on line. They also are not able to absorb the testing costs for their products as the CPSIA makes no provision for these entities to continue to be economically viable after absorbing the costs of full CPSIA compliance. Again, they are

treated equivalent to mass market manufacturers. Companies, who create only 20 or so products, producing in batches of 10 and 20 units, simply can not absorb the testing costs and still expect to charge a reasonable price for the added expense.

Representing 19% of our membership, a third group hurt by the CPSIA is small specialty toy retailers. These are the “mom and pop” toy stores tucked into towns all across America. The CPSIA removes the ability for them to sell almost all of the safe local products and many international products. Loss of specialty products from Europe, particularly, tilts the children’s products marketplace in favor of mass produced items and removes an opportunity for specialty retailers to differentiate themselves. Without the ability to offer products unique, which sets their store apart from the competition, there is little reason for the existence of the small specialty toy retailers. So the CPSIA limits consumer choice unnecessarily and creates a regulatory barrier to international small batch manufacturers.

The final group is specialty toy importers, representing 2% of our membership. It is a small percentage, but a big component in the culture of specialty toys in America. Within this “melting pot” culture that we live in, these importers provide access to many safe products from our ancestors’ and countries of origin, enriching the value of play and helping the specialty market survive. The CPSIA treats these small scale importers as if they were mass market manufacturers and therefore they suffer alongside USA based small batch manufacturers.

I grew up in Wyoming, where my great grandparents were homesteaders. For generations, my family has made clothes, toys, saddles, and belts for their children. I cherish these items because they are from my family, and they were made with care, just like what I make. Our members are people like me, from all across the country, making safe products that we simply cannot afford to third party test. I am here today because I want my children to understand and learn from our entrepreneurial spirits. Crafting gives them joy, selling it gives them reward.

While the HTA has worked closely with the CPSC – submitting comments on pending rules, attending CPSC sponsored workshops, regular email and phone contact with CPSC staff - we feel strongly that the current legislation does not grant the CPSC the flexibility to address our members’ needs. Our membership is in need of a legislative fix that only you, in Congress, can give.

Solving the problems of the CPSIA is not only for our members’ immediate financial relief, but will save generations of future handmade products. For thousands of years, cultures have been studied through their handcrafted toys. In every museum around the world, there are artifacts of handmade toys –connecting the cultures of the past to societies of today. What will our legacy be if the CPSIA destroys our generations’ ability to share in this piece of history?

Thank you for the opportunity to speak before you today. Please note that in my written testimony, I have shared some of our ideas to rectify the unintended consequences of the CPSIA.