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United States Senate

WASHINGTON, DC 20510

July 12, 2010

The Honorable Inez Moore Tenenbaum
Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

I write today to share serious concerns raised with me about the recent McDonald's Corporation voluntary recall, in cooperation with CPSC, of 12 million "Shrek" drinking glasses.

I am aware of the toxicity of metal cadmium used in children's toys, and am a proud co-sponsor of New York Senator Schumer's Children's Toxic Metals Act. I want to reiterate the concerns I expressed in my letter to you dated January 26, 2010. I continue to urge the promulgation of regulatory standards for cadmium content in children's articles so that voluntary recalls like these are made with strong scientific and safety rationales.

However, it is my understanding that with respect to this particular recall, it is important to distinguish between metallic cadmium, which can be highly toxic, and vitrified cadmium, which becomes an oxide. Because most cadmium containing pigments are TCLP (Toxicity Characteristic Leaching Procedure) rated, metallic cadmium is removed from the pigment during processing. Furthermore, the decoration on the Shrek drinking glasses was incorrectly referred to as "paint", when in fact it is produced with ceramic enamels provided by an Ohio company and vitrified through a firing process so that it becomes part of the glass. It is my understanding that the decorations are fully compliant with state and federal laws because there is no leaching of cadmium above the limits set by the FDA.

Federal standards for all consumer products should be based on sound science so that companies can make informed recall decisions. It is of utmost importance to protect Americans consumers and ensure that the products they buy for their children are safe. In this instance, however, it appears that the recalled products do not create a product safety hazard. If this is the case, consumers have been misled and the various businesses involved in the production and decoration of these glasses have been unjustifiably harmed. Such harm would not only extend to the Shrek glasses, but to the real possibility that demand for future glassware will be adversely affected by this action.

I appreciate you evaluating the concerns that have been shared with me. I look forward to your response.

Sincerely,



Sherrod Brown
United States Senator