

April 17, 2019

The Honorable Ann Marie Buerkle, Acting Chairman
The Honorable Robert Adler, Commissioner
The Honorable Dana Baiocco, Commissioner
The Honorable Peter Feldman, Commissioner
The Honorable Elliot Kaye, Commissioner

U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Acting Chairman Buerkle and Commissioners Adler, Baiocco, Feldman and Kaye:

The American Academy of Pediatrics (AAP), Consumer Federation of America (CFA), Consumer Reports (CR), Kids In Danger (KID), North American Society for Pediatric Gastroenterology, Hepatology and Nutrition (NASPGHAN), and the U.S. Public Interest Research Group (PIRG) write to urge the U.S. Consumer Product Safety Commission (CPSC) to prioritize high-powered magnet sets for its Fiscal Year 2020 agenda. High-powered magnet sets represent a substantial product hazard to children and should be removed from the market.

To prevent the known harms associated with high-powered magnet sets, we urge the CPSC to establish a strong safety standard for small rare-earth magnet sets without delay. A strong mandatory standard would prevent the widely recognized child harms from small magnets – up to and including death – *before* they occur. High-powered magnet sets are composed of tiny high-powered magnet balls or cubes, often with 200 or more magnets to a set. When two or more magnets are swallowed, their attractive force (flux) allows them to find each other across or between different segments of the digestive system. For example, connections (fistulas) can develop between the stomach and the small intestine or between the small intestine and the colon, putting any person who swallows them at high risk for an abdominal catastrophe.

Our groups applauded the 2013 recalls of these dangerous products by the CPSC¹ and Health Canada² as well as the CPSC's 2014 safety standard that effectively banned the sale of small rare-earth magnet sets after children suffered critical injuries and even died due to ingesting these magnets.

¹ <https://www.cpsc.gov/Recalls/2013/high-powered-magnet-balls>.

² <https://www.canada.ca/en/health-canada/services/consumer-product-safety/advisories-warningsrecalls/lettersnoticesinformation-industry/information-manufacturers-importers-distributors-retailers-products-containing-smallpowerfulmagnets.html>.

Recent research shows that government efforts to limit dangerous high-powered magnet sets in the marketplace were working to protect children. Researchers set out to study the impact of Canada's recall by comparing data on magnet ingestions during the two years before the recall (2011 and 2012) to the two years after the recall (2014 and 2015).³ In the two early years, there were 22 multiple magnet ingestions, six operations to repair bowel, and nine endoscopic procedures. In the two years after the recall, there were five ingestions, one operation and four endoscopic procedures. "Government regulations are one of the strongest instruments in the policy toolbox to effect change," the researchers wrote. "... Our study shows that in this particular case, the policy intervention appears to have quickly mitigated the threat of multiple magnet ingestions."⁴ It is unlikely that an education campaign alone could have had the same impact as a recall.

We were therefore deeply dismayed with decisions by the Tenth Circuit Court of Appeals and the Federal District Court of Colorado, which vacated the magnet sets rule and a recall order, respectively. We urge the CPSC to re-issue the recall order and work quickly to finalize a strong safety standard that addresses the court's concerns, as sufficient data exists demonstrating the safety hazard that high-powered magnet sets pose.

Unfortunately, these life-threatening magnets have found their way back into the hands of children. Anecdotally and via media reports, pediatric gastroenterologists and other physicians have expressed an increase in high-powered magnet ingestions following their re-entry into the U.S. market. On April 1, 2019, CBS News published a story about the significant harms these tiny high-powered magnets can cause when ingested⁵ – risks that are not intuitive or easily understood by the average consumer. A recently-published study in the journal *Pediatrics* found that the number of children who went to U.S. emergency rooms because they swallowed small objects, including high-powered magnets, nearly doubled from 1995 to 2015.⁶ Importantly, 71.1 percent of children who swallowed more than one magnet required hospitalization. Products like high-powered magnets pose a particular risk to children because of the level of injury that can result from their ingestion.

We urge the CPSC to move expeditiously to help prevent further injury and death from high-powered magnet sets by issuing a strong mandatory safety standard for them.

Sincerely,

American Academy of Pediatrics
Consumer Federation of America
Consumer Reports
Kids In Danger
North American Society for Pediatric Gastroenterology, Hepatology and Nutrition
U.S. Public Interest Research Group

³ [http://www.jpeds.com/article/S0022-3476\(17\)30187-7/fulltext](http://www.jpeds.com/article/S0022-3476(17)30187-7/fulltext).

⁴ <http://www.aappublications.org/news/2017/04/21/Magnets042117>.

⁵ <https://www.cbsnews.com/news/doctors-sound-the-alarm-on-the-dangers-of-kids-swallowing-magnets/>

⁶ Orsagh-Yentis D, McAdams RJ, Roberts KJ, McKenzie LB. Foreign-Body Ingestions of Young Children Treated in US Emergency Departments: 1995-2015. *Pediatrics*. 2019. Epub ahead of print.