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The dangers of “safety”

On the regulation of children’s books by the Consumer Product Safety Improvement Act of 2008.

Of course, you needn’t complain that a book is unfair to Muslims to prevent it getting around. The house of political correctness has many mansions. Consider, for example, the lunatic provisions of something called the “Consumer Product Safety Improvement Act of 2008.” Never heard of it? You will. As the Manhattan Institute’s Walter Olson points out in “The New Book Banning” (available on the *City Journal* website), this latest effort to protect us from ourselves stipulates that

children’s books published before 1985 should not be considered safe and may in many cases be unlawful to sell or distribute. Merchants, thrift stores, and booksellers may be at risk if they sell older volumes, or even give them away, without first subjecting them to testing—at prohibitive expense. Many used-book sellers, consignment stores, Goodwill outlets, and the like have accordingly begun to refuse new donations of pre-1985 volumes, yank existing ones off their shelves, and in some cases discard them en masse.

Really, you cannot make it up.

Among its other provisions, CPSIA imposed tough new limits on lead in any products intended for use by children aged 12 or under, and made those limits retroactive: that is, goods manufactured before the law passed cannot be sold on the used market (even in garage sales or on eBay) if they don’t conform. The law has hit thrift stores particularly hard, since many children’s products have long included lead-containing (if harmless) components: zippers, snaps, and clasps on garments and backpacks; skateboards, bicycles, and countless other products containing metal alloy; rhinestones and beads in decorations; and so forth. Combine this measure with a new ban (also retroactive) on playthings and child-care articles that contain plastic-softening chemicals known as phthalates, and suddenly tens of millions of commonly encountered children’s items have become unlawful to resell... . Penalties under the law are strict and can include \$100,000 fines and prison time, regardless of whether any child is harmed.

Tocqueville, who warned that democracy was particularly susceptible to this sort of regulatory frenzy, would be shaking his head sadly were he here to witness this piece of legislative insanity. That fact is, as Olson points out, that “no one seems to have been able to produce a single instance in which an American child has been made ill by the lead in old book illustrations.” The question is: how much more of this nonsense will we stand for?

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