

In an **announcement covered by the Associated Press**, the federal Consumer Product Safety Commission (CPSC) yesterday caved in to industry and declined to set mandatory limits on cadmium. Cadmium is a toxic metal that was the focus of a recall of 12 million 'Shrek' glasses at McDonald's earlier this year, among other product recalls.

The CPSC decided to allow 'self policing.' The industries that use cadmium to manufacture consumer goods like glasses and children's fake jewelry essentially said, 'Trust us to do the safe and right thing and everything will be fine.'

Now, the cadmium industry will set its own 'voluntary' standards for this toxin that detrimentally affects brain functioning and is especially dangerous to children. Under the new 'voluntary' limits on cadmium, which will be three times higher than the current level considered 'safe,' the Shrek glasses would not have been recalled.

The main concern with toxic metals like cadmium is that they can accumulate in the body over years. One positive outcome of the CPSC's decision is that cadmium exposure will be measured for a 24-hour period rather than the two-hour test that is in effect in Europe. But 'daily cadmium absorption' fails to focus on the total cadmium content – an approach favored by four states in the U.S. – and instead assumes how much a child may be exposed to cadmium in a wide variety of situations.

The bottom line is that, with 'self policing,' the safety of consumers and their children depends on companies always voluntarily doing the right thing. This is an unreasonable expectation that has failed us time and time again in manufacturing, banking and a wide variety of other sectors.

Consumer and personal injury lawyers are the last line of defense. We are there when an industry's failure to do the right thing results in someone getting hurt. A better approach is to have strong regulation of health risks coupled with the right to civil justice when regulations are violated.