

Exhibit E

Letter from Senator Barbara Boxer to Cheryl A. Falvey, General Counsel, Consumer Product Safety Commission (Nov. 21, 2008)

November 21, 2008

Ms. Cheryl A. Falvey
General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Ms. Falvey:

Your recent opinion that purports to interpret the Consumer Product Safety Improvement Act of 2008 to allow the continued sale of children's toys and child care products that contain harmful phthalates beyond February 10, 2009 violates the clear language of that Act.

The Feinstein-Boxer provision of the law is clear: "Beginning on the date that is 180 days after the date of enactment of this Act, it shall be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States any children's toy or child care article that contains concentrations of more than 0.1 percent" of certain types of phthalates (section 108 (a) & (b) (1)).

I can assure you it was the intent of Congress to ban the sale of any children's toy or child care article containing certain phthalates after 180 days post-enactment. Any other interpretation has no basis in fact.

The ban clearly includes toys and child care articles produced both before and after the enactment date of the legislation. Allowing these harmful products to remain on store shelves places children in danger and does a disservice to the American consumer.

Given the importance of this critical health and safety issue, I am asking that you immediately withdraw your opinion rather than put our children at risk.

Please alert me of your intentions by contacting Sean Moore of my staff at 202-224-8131.

Sincerely,

Barbara Boxer
United States Senator