

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE)
COUNCIL, INC., and PUBLIC CITIZEN,)
INC.,)

Plaintiffs,)

v.)

08 Civ. 10507 (PGG)

U.S. CONSUMER PRODUCT)
SAFETY COMMISSION,)

Defendant.)

DECLARATION OF FRANCESCA OLIVIERI

I, Francesca Olivieri, declare as follows:

1. I have been a member of the Natural Resources Defense Council since 2006.
2. I live at 1230 Park Avenue, Apt. 15E, New York, NY 10128.
3. I have three children. My sons are eight and six years old, and my daughter is three years old.
4. I buy toys from various stores in New York and online. I am concerned about phthalates in toys and my children’s exposure to them because I have read that phthalates are hormone disruptors and can affect boys in their genital and testicular area and have also been associated with breast cancer. I’ve observed how children chew on toys and put them in their mouth. Toys get broken and ingested. It seems like what’s in them will get into the children. I often don’t know if the toys I buy contain phthalates. Some products claim that they have no phthalates, but I’m not sure how much to believe that. It’s often impossible to figure out what contains phthalates and what doesn’t.

5. I don't have enough information about which toys contain phthalates to be confident in my purchasing decisions. It is very confusing. As a consumer, it is really hard to make good choices because I don't know if the manufacturers are following any guidelines in making the products or if anyone is testing the products to make sure they are safe. So, I buy wooden toys as much as possible. But it is impossible to completely avoid plastic toys, and my children can be exposed to other toys and products outside our home.

6. I try to really be aware of the companies whose products I buy. I am more likely to purchase toys from a company if it comes out with a really strong statement that its toys do not contain phthalates or to buy European toys, which state that they are phthalate-free. I would feel a lot safer purchasing toys if I knew that sales of all toys that contain phthalates were banned. For instance, I have bought bath toys and bought them only because they said they were phthalate-free.

7. I also run an online business where I sell baby products. I sell only locally-made wooden toys so that parents don't have to worry about what is in the toys and know where they are made. I would like to expand the products available for sale, but have chosen not to carry plastic toys and many other plastic products because it is too hard to tell which products contain phthalates and which don't. Carrying the other products would mean more sales and income, but the point of the store is to offer safe, healthy, non-toxic products. The implementation of the Congressional ban on phthalates in all toys would give me the confidence I need to sell other products.

8. The Consumer Product Safety Commission should protect the consumer, not the toy manufacturers. It should follow the Congressional ban and take toys with phthalates off the

shelves or it will lose our respect and trust, and our children will continue to be put at risk from exposure to phthalates.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

Dated: New York, New York

Dec 8, 2008

Francesca Olivieri
Francesca Olivieri