



Federal Grinches spoil Christmas: Column

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As thoughts of pilgrims, turkey and stuffing and football games turn to dreams of sugarplums and stockings laid out with care, federal regulators tasked with protecting the public from dangerous consumer goods continue their Grinch-like confiscation of things millions of people safely enjoy at Christmastime and through the rest of the year.

In 2014, the Consumer Product Safety Commission (CPSC) banned the sale of “pre-lit artificial trees, wreaths, menorahs, lawn figures, light sculptures, and other decorative outfits and accessories incorporating light sets.”

Doing the math, an American citizen was about 3.43 times more likely to be killed by a near-Earth object, such as an asteroid or meteorite, than from the supposedly deadly “[products] painted in colors to suggest a holiday theme or a snow covering.”

According to national health statistics, five out of every 100 million Americans are injured by these products the regulatory agency says present an “unreasonable” risk to consumers.

Over the past three years, CPSC has also crusaded against toy magnets, almost completely eradicating the production and sale of the educational construction toys. According to the federal government, telling people not to eat toys was not enough to prevent the 100 who were reportedly hospitalized after eating toy magnets — or the one fatality.

Currently, only one major magnetic ball company, Zen Magnets, remains open for business. The company’s founder, Shihan Qu, is fighting CPSC for the right to sell things people have fun playing with.

According to Qu, CPSC’s crusade is predicated on the idea consumers are literally too stupid to live without constant government intervention in every aspect of their lives.

In an open letter posted on his company's website, Qu writes, "The paramount issue in this case is the CPSC's argument that warnings don't work, alleging that 'no warnings or instructions could be devised that would effectively communicate the [ingestion] hazard so that the warnings and instructions could be understood and heeded by consumers to reduce the number of magnet ingestion incidents.'" "

In 2014, CPSC issued new regulations banning importing or manufacturing magnets or toy magnet sets with field strengths exceeding 50,000 gauss, or about 50 times the strength of some consumer-grade permanent magnets. Such magnets are often marketed for use in sculpture building sets, puzzles and as stress relievers.

Banning such remote risks is evidence CPSC has outlived its usefulness.

According to Walter Olson, a senior fellow at the Cato Institute's Center for Constitutional Studies, CPSC bans, such as the toy magnet ban and the Christmas light ban, are what happens when people think an agency is useless.

"The CPSC — like other agencies — has an interest in justifying its own existence," Olson said. "Part of the politics of the CPSC is that, after decades, rule-making kind of became an embarrassment for advocates at the agency. Critics were saying, 'Look at you; you don't have any rule-making; you're not an independent agency; we should throw you back into the Department of Commerce.'"

"They've become somewhat truculent from all the criticism," Olson said, which explains why CPSC throws armies of lawyers and rule-makers at the rampant problem of too-tiny Christmas lights.

Reduced to persecuting toy-magnet magnets and banning Christmas lights, CPSC should declare victory and fold up shop, leaving the stealing of Christmas toys and trimmings to the Grinch.