

108TH CONGRESS
2D SESSION

H. R. 5172

To direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous product.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. ANDREWS (for himself, Mr. PORTMAN, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous product.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) Yo-Yo Waterballs (also known as water yo-
6 yos) are inexpensive, easily accessible toys that pose
7 a strangulation hazard and threaten the health of
8 children.

1 (2) Yo-Yo Waterballs are banned in France, the
2 United Kingdom, Luxembourg, Australia, Brazil,
3 and Canada, and Germany and New Zealand have
4 issued warnings concerning Yo-Yo Waterballs.

5 (3) The New York State Consumer Protection
6 Board has issued 2 warnings calling Yo-Yo
7 Waterballs serious hazards to kids, and the Massa-
8 chusetts Office of Consumer Affairs and Business
9 Regulation calls Yo-Yo Waterballs a great risk to
10 children.

11 (4) Consumer Reports magazine rated Yo-Yo
12 Waterballs as “not acceptable” in the December
13 2003 issue.

14 (5) World Against Toys Causing Harm labeled
15 Yo-Yo Waterballs as one of the 10 Worst Toys of
16 2003.

17 (6) On July 2, 2003, a petition from New
18 York’s Empire State Consumer Association reported
19 that the fluid inside the balls is toxic and flammable.

20 (7) The United States Consumer Product Safe-
21 ty Commission has reported that Yo-Yo Waterballs
22 pose a potential risk of strangulation.

23 (8) According to the Consumer Product Safety
24 Commission, as of September 29, 2004, Yo-Yo
25 Waterballs were responsible for 394 reported health

1 incidents, 281 of which were coded as causing “suf-
2 focation or strangulation”.

3 (9) Of those 193 incidents, 52 resulted in seri-
4 ous breathing difficulties that rendered the child un-
5 conscious and lifeless after suffering from a lack of
6 oxygen or broken blood vessels.

7 (10) The Consumer Product Safety Commission
8 reported that 24 children reported allergic reactions
9 to the fluid and it caused some to have trouble
10 breathing.

11 (11) In spite of evidence concerning the danger
12 to children caused by Yo-Yo Waterballs, the Con-
13 sumer Product Safety Commission has refused re-
14 peated attempts towards banning these dangerous
15 toys.

16 **SEC. 2. DECLARATION OF YO-YO WATERBALL TOY A**
17 **BANNED HAZARDOUS PRODUCT.**

18 Not later than 90 days after the date of enactment
19 of this Act, the Consumer Product Safety Commission
20 shall promulgate a rule pursuant to section 9 of the Con-
21 sumer Product Safety Act (15 U.S.C. 2058) declaring the
22 Yo-Yo Waterball toy a banned hazardous product under
23 such Act.

1 **SEC. 3. DEFINITION.**

2 For purposes of this Act, the term “Yo-Yo Waterball
3 toy” includes the Yo-Yo Waterball, and any similar water
4 yo-yo that contains a rubber ball filled with liquid and at-
5 tached to a rubber cord.

○