



NEW YORK STATE SENATOR

Liz Krueger

New Statewide Recall of Unsafe Toys Announced

LIZ KRUEGER December 8, 2007

Toy Safety Campaign Reveals Improved Compliance but Some Toys Remain on the Shelves
Calls on Federal Government to Issue National Recall

Governor Eliot Spitzer today announced that the state Consumer Protection Board's (CPB) Safe Toys NY Campaign found that toys with unsafe lead levels remain on store shelves across the state. The findings resulted from the Governor's call for a statewide investigation of toys being sold in New York and revealed retail practices are in need of improvement in order to protect consumers. While inspections found increased compliance with recall requirements, toys with unsafe lead levels were still being sold. The Governor is also calling on the federal Consumer Product Safety Commission (CPSC) to immediately issue a national recall of newly identified products found during investigations and is calling for the CPB to draft legislation to create and improve standards in the industry and better inform and protect consumers.

"It is startling to learn that tainted toys are still lingering on our shelves," said Governor Spitzer. "I am calling on retailers to ensure that dangerous toys are removed from store shelves, and am strongly urging the CPSC to issue an immediate national recall of the products we identified, so that all kids can be protected and consumers can have confidence in the toys they purchase. The federal government, through the CPSC, has the responsibility

to protect the public from unsafe toys, but a lack of funds and inadequate staffing hamper their ability to act in a timely manner. That leaves us with no choice but to act on our own to protect New Yorkers as soon as we become aware of a safety hazard, in this case, lead paint on toys.”

In August of this year, with mounting recalls of toys and other products, Governor Spitzer directed the state CPB to launch a full-scale campaign around toy safety, and announced initiatives to help keep lead-contaminated and hazardous toys off store shelves. The CPB, with the help of the Departments of Health (DOH) and Agriculture and Markets, then conducted sweeps of more than 2,800 stores looking for recalled products. Approximately 620 recalled toy items were still found on the shelves.

In addition, following strict protocols, a random sampling of toys was collected in three rounds from retail outlets in Albany and in New York City and tested by DOH's Wadsworth Center. The Center performed chemical analysis of the paint from each toy for lead content. The CPB was then able to track distributor information so that the appropriate actions could be taken.

The three tainted toys, all bought in dollar stores and made in China, had paint that exceeded the federal standard of lead levels allowed in paint, which is 600 parts per million (0.06 wt% lead). The three toys are:

- 1) “Army Force” Car Set, which are green and black, Lot # ES35146, UPC Code 6010785146, and are imported by Encore Sales, Concord, Ontario, Canada;
- 2) “Sprite Tractor Trailer” toys, which are green and orange and have no identifying information on the packaging; and
- 3) “Wrestle Mania” action figures, which are multicolored and distributed by AA of America from New Jersey.

The toys also had no identification numbers on the packaging.

CPB's Chairperson and Executive Director Mindy A. Bockstein said: "As soon as we received the test results, I dispatched staff to the store where the tainted products were found to seek their immediate removal. The store owner was quick to comply and we are continuing to work with distributors to assure that these toys will no longer be available in our State. The CPB is a strong advocate for product safety and, as a state designee of the CPSC, assists in assuring the removal of recalled products from store shelves."

New York State Health Commissioner Richard F. Daines, M.D., today issued a Summary Order under Public Health Law requiring that these newly found lead-tainted toys be removed from store shelves and their distribution stopped in the state. CPB and DOH will conduct random inspections at "dollar stores" and other retailers to assure compliance with the Order.

Health Commissioner Richard F. Daines, M.D., said: "I am issuing this Summary Order to assure the health and safety of New York children. Testing done in our Wadsworth Labs measured how much lead would be absorbed in children's bodies from playing with these toys or putting them in their mouths. This is the most accurate way to test toys. Home testing kits or X-ray guns are meant to test for lead in house paint, not toys. These tainted products must be immediately removed from our stores to protect the health of our children."

About 5,000 children a year are diagnosed with lead poisoning in New York State – mostly from lead paint in older housing. Lead exposure in children and unborn children can cause brain and nervous system damage, behavioral and learning problems, slowed growth, hearing problems and headaches. Most children with lead poisoning usually do not look or feel sick. The Public Health Law requires health-care providers to screen all children by blood

testing for lead exposure at ages 1 and 2. Elevated levels of lead in blood occur when children put paint chips, lead paint dust, lead-painted toys, or other objects in their mouths.

--Governor Spitzer has also asked the state's Consumer Protection Board to draft proposed legislation, which would do the following:

--Impose penalties against businesses that sell recalled products;

--Require recalled products distributed in New York State to be disposed of appropriately;

--Call for manufacturers to certify their disposition to prevent the items from surfacing on the Internet or at a second-hand stores;

--Require certain manufacturers to establish a notification system when recalling products and mandating that retailers post recall notices in a conspicuous fashion; and,

--Require product labeling to identify product manufacturer as well as the distributor and/or importer.

State Senator Liz Krueger said: "When parents buy presents for their children they do so to entertain them, or to stimulate them mentally, not place them in danger. Children are particularly vulnerable to toxins such as lead or loose parts they can choke on. Hectic schedules and the stress the holiday season creates can easily cause parents to unknowingly buy dangerous toys. So it is vital that despite the distractions, parents take extra care in knowing what they are buying for their children. The State is doing a better job this year at catching toys that don't make the grade, but bad toys are still making their way onto store shelves across New York."

Congresswoman Carolyn B. Maloney said: "The Bush administration seems to think the federal government should just close its eyes and hope that Santa makes sure our children's toys are safe. But Governor Spitzer and I think the best gift for American families is to ensure that the Consumer Product Safety Commission gets unsafe toys off store shelves."

State Senator Bill Perkins said: “It is outrageous, even criminal that after all of the knowledge we have about the permanent damages and harmful effects of lead paint poisoning, toys continue containing lead products in them are being sold to us. They should not even be manufactured let alone reach the shelves of our stores. Lead contaminated toys and other unsafe toys of this nature should be removed from our stores immediately. Toys for our children should not be allowed to be sold unless they have passed certain safety standards. Our children should not be put at risk. I applaud Governor Spitzer’s efforts and support his position.”

Assembly Member Micah Z. Kellner said: “As a member of the Assembly Committee on Consumer Affairs and Protection, I commend Governor Spitzer for taking the issue of toy safety so seriously. It is outrageous that when parents shop for Hanukkah and Christmas presents they should have to be worry about toys that contain lead or other toxins. Safe Toys NY is an excellent first step to ensuring that retailers only stock safe toys this holiday season.”

New York City Council Member Jessica Lappin said: “Children should not be playing with unsafe toys. I commend Governor Spitzer for taking steps to keep lead-contaminated and hazardous toys off store shelves and out of tiny New Yorkers’ hands. These toys should be recalled immediately.”

The CPB, DOH and CPSC continue to urge consumers not to use home lead test kits to evaluate products for potential lead hazards. Studies have shown that none of these methods consistently detected lead in products, particularly if the lead was covered with a non-leaded coating. CPSC found that tests based on chemical reactions involving rhodizonate ion or sulfide ion did not detect lead when it was there (false negatives) and sometimes indicated lead was present when it was not (false positives). Use of X-ray fluorescence (XRF) for screening for lead in paint and other products also yields inconsistent

results. XRF detectors require training for use and have limited depth of penetration, so it is possible that the surface coating can mask the presence of potentially hazardous leaden metal underneath.

The CPB is empowering consumers with information and innovative tools to track recalled products, urging manufacturers to conduct independent testing before they bring toys to the marketplace, changing retailers' practices so that they immediately remove recalled items from store shelves and conspicuously post recall updates and information in their premises. In November, to assist consumers in discerning the safety of toys, the CPB launched Safe Toys NY, a massive public awareness campaign, to educate consumers, inform toy makers and retailers about safety issues, and ensure that recalled toys were removed from store shelves. The CPB sent letters to retailers, including thrift stores, urging this segment of the marketplace to be extra-vigilant, evaluate all toys being sold or donated against recall lists, and post recall notices conspicuously in their stores. The CPB also called for auction sites to bar the posting and sale of recalled toys.

In addition, the CPB has partnered with community organizations, consumer groups and members of the media who are assisting in providing information to consumers.

Rabbi Potasnik, Executive Vice President, New York Board of Rabbis and Member of Commission of Religious Leaders (CORL) said: "Action to protect and educate consumers is critical to assuring the health and safety of New Yorkers. The many faith-based organizations of the Commission of Religious Leaders applaud Governor Spitzer's and the CPB's efforts to enhance public awareness of product hazards, as to increase knowledge is to ultimately increase consumer safety. Sacred space is safe space. May the lights of the holidays, be they candles or on a tree, burn brightly and safely as, working together, we make a difference in the lives of the New Yorkers we are so privileged to represent."

Dolores Swirin, Chief Executive Officer the Girl Scouts of Greater New York said: “The Girl Scouts organization is proud to be working with the Consumer Protection Board to raise awareness about recalls and other consumer information. Scouts are participating in the CPB’s Jr. Consumer Crusaders Program by looking at store practices around recalls, rebates, refunds and rain checks, and, through this program, learning about toy safety while they develop skills to become good civic leaders. The Girl Scouts of Northeastern NY took the lead in this initiative and, based on the reaction of their participants, we are encouraging our fellow NY State Girl Scout Councils to join the program.”

Information about recalls and the entire Safe Toys NY program is available on the CPB’s website at www.nysconsumer.gov, which is updated daily. The public is urged to participate in the program by providing recall feedback to recallfeedback@nysconsumer.gov or e-mailing the CPB at toystesting@consumer.state.ny.us to advocate for toy testing by manufacturers, retailers and others. CPB also encourages the public to become a “Consumer Crusader” by using the Agency’s Toy Safety Inventory Checklist to catalog their toys so they can be better prepared in advance of a recall. Recalls are also posted on the DOH website at www.health.state.ny.us.