

STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ELIOT SPITZER, GOVERNOR

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**GOVERNOR SPITZER ACTS TO PROTECT NEW YORK CHILDREN  
FROM LEAD-POISONING THREAT IN TOYS**

With more than 9 million toys under recall worldwide from major manufacturers, Governor Eliot Spitzer today announced initiatives to keep lead-contaminated and hazardous toys off store shelves, raise public awareness, and institute further safety measures.

The current voluntary recall required by the federal Consumer Product Safety Commission (CPSC) does not require retailers to remove dangerous toys from store shelves.

“The federal government’s limited powers of enforcement and voluntary recalls are not enough to protect our children from the dangers of lead poisoning and other hazards,” said Governor Spitzer. “In the absence of federal laws requiring that hazardous toys be removed from store shelves and further circulation, New York is prepared to launch a series of initiatives to better protect children from toys that are known to be unsafe.”

The current recall required by the federal Consumer Product Safety Commission (CPSC) is on a voluntary basis. Because the CPSC is woefully understaffed and underfunded, they are not able to adequately monitor the voluntary recall, leaving some of the dangerous toys on shelves throughout New York State.

The Governor announced the following actions to deal with this issue:

**Mandatory, not voluntary removal:** The State Health Department (DOH) will take summary action under existing Public Health Laws to ensure that recalled toys are removed from New York stores, returned to manufacturers and appropriately destroyed. State Health Department and the state Consumer Protection Board (CPB) staff will inspect retailers to make sure that they comply. In the past 24 hours, the state has found numerous of the recalled toys still on shelves throughout the state.

**Day care providers:** The state Health Department and the Office for Children and Family Services are coordinating efforts to direct all day care providers to check their toys against the recall list and remove those toys immediately. Day care providers should advise parents to contact their health-care practitioner to assess the need for blood lead testing.

**Alert to physicians:** Pediatricians and family physicians will receive an electronic health alert today from the Health Department to remind them to talk with parents about the health risks to children of the recalled toys, as well as the possible need for blood lead testing.

**Better notices to parents:** The CPB has a recorded message on its toll-free hotline number, available 24 hours a day and has consumer advisors available to assist parents in navigating the recall process during business hours. The Agency also has a toy inventory checklist on its website to help parents and guardians take stock of their toys in their home. In addition, Governor Spitzer called on toy manufacturers, their subsidiaries and their retailers to place notices prominently on their home pages when a recall is issued because of lead-poisoning dangers. Fisher-Price, a Mattel subsidiary, has no recall information on its home page, despite its recall on August 2. Retailers should also prominently display toy manufacturers' posters when a toy is recalled due to a lead threat or other danger.

**Toy Testing Days:** The CPB, DOH and other appropriate state agencies will work with retailers to conduct Toy Testing Days around the state, especially during the month of November, toy safety awareness month.

**Recall Information in multiple languages:** Governor Spitzer called on toy manufacturers to create and distribute educational posters in multiple languages for physician offices, retail stores and schools, and note prominently on their web sites that parents should contact their children's health care provider to assess the need for testing. (This press release and its attachments are being translated into Spanish, Russian and Chinese for distribution to ethnic media).

**Legislative actions:** The Governor will direct the CPB to draft legislation that would impose stiff civil and criminal fines against those who sell recalled products; require recalled products distributed in New York State to be destroyed and for manufacturers to certify their destruction to prevent the items from surfacing on the Internet or at a second-hand stores; require manufacturers to establish a notification system when recalling products and mandating that retailers post recall notices in a conspicuous fashion.

**Quick and easy refunds:** The state Consumer Protection Board (CPB) is urging Mattel and its Fisher-Price subsidiary to improve its return policy by instantly refunding the price of the product at the point of purchase, rather than relying on the companies' cumbersome mail-in voucher process. Currently, Mattel is instructing customers to mail back recalled toys for a voucher which they will receive within 6 to 12 weeks and is good for purchase of only a Mattel product. Yesterday, CPB Chairperson Mindy Bockstein sent a letter demanding that the company institute a recall procedure typical for other defective and dangerous products.

Commissioner of Health Richard Daines, M.D. said: "The national recall of many popular children's toys reminds us that all children are at risk of lead poisoning. Toys are making headlines right now and rightfully so, but we should not lose sight of the fact that about 5,000 children a year are diagnosed with lead poisoning in New York State – mostly from lead paint in older housing. Lead poisoning is a serious health matter and the state must do everything possible to restrict children's exposure."

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 only sure way to know whether a child has lead poisoning is to get a blood lead test.

New York State Public Health Law requires health-care providers to screen all children by blood testing for lead exposure at ages 1 and 2. All children at risk for lead exposure – especially those who live in housing built before 1978 – should be tested at least once a year up to age 6. Elevated levels of lead in blood occur when children put paint chips, lead paint dust, lead-painted toys, contaminated imported medicines and foods, or other objects in their mouths.

CPB Chairperson Mindy Bockstein said: “The measures announced today are important safety measures. We will assist retailers in identifying and removing toys that are part of this recall, and we will work to make sure that these toys do not resurface in thrift stores and flea markets.”

Websites for the Consumer Protection Board ([www.consumer.state.ny.us](http://www.consumer.state.ny.us)) and the Department of Health (<http://www.nyhealth.gov/environmental/lead/recalls/index.htm>) contain updated information on the toy recall. For consumers without Internet access, information on the Mattel recall is available by calling the CPB at 1-800-697-1220 or Mattel at 1-800-697-1220.

Parents are also encouraged to register with U.S. Consumer Product Safety Commission's website ([www.recall.gov](http://www.recall.gov)) for free e-mail alerts about future product recalls.

Governor Spitzer has a long history of protecting children from lead poisoning as Attorney General. In 2005, then-AG Spitzer forced Wal-Mart and Target to stop selling children's lunch boxes that contained high levels of lead. He led a multi-state effort that resulted in paint manufacturers agreeing to place warning labels on all paint products to explain the risks of disturbing and preparing lead-contaminated surfaces. As Attorney General, Spitzer also investigated several New York health maintenance organizations (HMOs) that were not testing children for lead poisoning at an acceptable rate and subsequently developed “best practices” to help HMOs and doctors test more children for lead poisoning.

In his first Executive Budget, Governor Spitzer proposed and the Legislature agreed to spend an extra \$3 million on childhood lead-poisoning prevention.

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