

FOR IMMEDIATE RELEASE  
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## **NYC DEPARTMENT OF CONSUMER AFFAIRS (DCA) COMMISSIONER JULIE MENIN URGES FEDERAL GOVERNMENT TO INVESTIGATE TOXIC CHEMICALS IN CHILDREN'S PRODUCTS**

***Commissioner Menin Announces DCA Petition to the U.S. Consumer Product Safety Commission Urging Study of 66 Chemicals of "High Concern"***

### ***U.S. Senator Gillibrand Letter to Feds Backs DCA Petition***

NEW YORK – With the holiday shopping season in full swing, New York City Department of Consumer Affairs (DCA) Commissioner Julie Menin sent a strongly-worded petition today to the Consumer Product Safety Commission (CPSC) in Washington, urging that body to investigate 66 chemicals of "high concern," and ban those chemicals in children's products if evidence exists that the hazards of the chemicals lead to adverse health effects. U.S. Senator Kirsten Gillibrand released a letter to the CPSC Commissioner supporting the petition.

"It is highly disturbing that products our children use everyday can legally contain harmful quantities of toxins," said **DCA Commissioner Menin**. "I am grateful to Senator Gillibrand for her ongoing work and leadership on this important issue. We must protect our most vulnerable consumers, young children, from toxins that can have devastating effects for years to come. I urge the CPSC to take a serious look at the chemicals in the petition and to respond quickly if they find them to be toxic. In the meantime, we want all parents to take care in making purchases for their children and I hope our tips will help them in choosing a gift for a child at this special time of the year."

"This holiday season, New York families deserve to know that the toys their children are playing with are safe," said **Senator Gillibrand**. "When families go to the toy store, the last thing on their mind should have to be whether the toys that give their children so much joy and excitement could also someday make them sick. Because of weak federal laws on the books, we must do more to ensure that products on the shelves are free of toxic chemicals that threaten the health and safety of our children. I am grateful for Commissioner Menin's leadership on behalf of City Hall in addressing this issue head-on with this common sense petition to ban products that contain harmful substances like arsenic, mercury and formaldehyde that should have no place in our kids homes."

DCA has been investigating the issue of toxic chemicals in children's products for the past six months. The DCA petition identifies chemicals that have been shown by numerous scientific studies to pose a significant risk to children. Though a small number

of these chemicals are regulated in toys, thus far, the United States government has failed to ban these chemicals from all children's products, forcing states to take action.

One such state is Washington, which has passed a law requiring manufacturers to publicly report the presence of 66 chemicals of "high concern," if they are used in children's products. DCA's petition uses the Washington State list, which has been fully vetted by scientists in numerous peer-reviewed studies. Included in this list are formaldehyde, benzene and parabens.

- Formaldehyde is a carcinogen associated with cancers of the respiratory tract and mouth. It is found adhesives coatings and finishing treatments in a variety of products.
- Benzene is a carcinogen in all forms of exposure as well as a toxin that can alter fetal maturation. It is found in the manufacture of plastics, dyes and synthetic rubber.
- Parabens are a suite of five different chemicals shown to alter the development of hormones in children of both genders. Parabens are used as preservatives in many children's products.

The petition also calls for the CPSC to investigate and potentially ban the use of those chemicals that pose a serious risk to the health of children, particularly considering the potential for continued inconsistent chemical bans by the states and the high probability of a patchwork of different requirements for manufacturers and retailers of children's products.

"CEH's work has proven that government rules have gone a long way to eliminating lead poisoning threats to kids," said **Ansje Miller, Eastern States Director for the Center for Environmental Health**, "but there are still dozens of toxic chemicals in children's products. It's time for CPSC to take action to protect kids' health from harmful chemicals."

"Washington State's reporting law reveals tens of thousands of uses of toxic chemical in children's products. Our testing here in New York confirms toxic heavy metals in a wide range of items, including jewelry, clothing, and toys. We applaud Senator Gillibrand and Commissioner Menin for their commitment to children and their petition to the Consumer Product Safety Commission," said **Bobbi Chase Wilding, Deputy Director of Clean and Healthy New York**, who conducted the testing for recent reports on toxic chemicals in children's products. "It is not enough to know toxic chemicals are there, we need to get them off store shelves and away from our children."

Below is DCA's full petition and then Senator Gillibrand's letter to the CPSC:

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December 15, 2014

U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

Elliot F. Kaye  
Chairman

Robert S. Adler  
Commissioner

Ann Marie Buerkle  
Commissioner

Joseph Mohorovic  
Commissioner

Marietta S. Robinson  
Commissioner

Dear Chairman Kaye and Commissioners Adler, Buerkle, Mohorovic, and Robinson:

Toxic chemicals pose a serious threat to the health of children and infants in New York City and throughout the country. Children are especially vulnerable to harmful substances in products because they are affected by smaller quantities of chemicals than adults, because their bodies are developing, and because young children are prone to putting objects in their mouths.[1] According to a recent report from the Icahn School of Medicine at Mount Sinai Hospital, scientific evidence is strong that toxic chemicals and other hazards in the modern environment are notable causes of diseases in children.[2] Despite this grave threat, current regulations continue to permit the sale of toys and other children's products that contain chemicals that are known to be toxic.[3]

Given the gravity of this issue and the urgency of acting before more children are exposed to dangerous products, the New York City Department of Consumer Affairs ("DCA") petitions the United States Consumer Product Safety Commission ("CPSC"), pursuant to the Administrative Procedures Act, 5 U.S.C. § 553(e), and the regulations of the CPSC, 16 C.F.R. Part 1051, to launch an investigation into all of the following chemicals ("Subject Chemicals"), to assess how the hazards of the following chemicals in children's products might lead to adverse health effects, and to issue rules banning the sale of any children's product that contains any of the Subject Chemicals in sufficient concentrations to result in adverse health effects. On this list of chemicals are several chemicals which the federal government already regulates when used in children's toys in general, children's toys that can specifically be placed in a child's mouth, and child care articles, but not all children's products. For these products, the CPSC should investigate their use in all children's products.

- Formaldehyde
- Aniline
- N-nitrosodimethylamine
- Benzene
- Vinyl chloride
- Acetaldehyde
- Methylene chloride
- Carbon disulfide
- Methyl ethyl ketone
- 1,1,2,2-Tetrachloroethane
- Tetrabromobisphenol A
- Bisphenol A
- Diethyl phthalate
- Dibutyl phthalates
- Di-n-Hexyl phthalate
- Phthalic Anhydride
- Butyl benzyl phthalate
- N-Nitrosodiphenylamine
- Hexachlorobutadiene
- Propyl paraben
- Butyl paraben
- 2-Aminotoluene
- 2,4-toluenediamine
- Methyl paraben
- p-Hydroxybenzoic acid
- Ethylbenzene
- Styrene
- 4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3
- para-Chloroaniline
- Acrylonitrile
- Ethylene glycol
- Toluene
- Phenol
- 2-Methoxyethanol
- Ethylene glycol monoethyl ester
- Tris(2-chlorethyl) phosphate
- Di-2-ethylhexyl phthalate
- Di-n-octyl phthalate (DnOP)
- Hexachlorobenzene
- 3,3'- Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine
- Ethyl paraben
- 1,4-Dioxane
- Perchloroethylene
- Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone
- 4-tert-Octylphenol; 1,1,3,3-Tetramethyl-4-butylphenol

- Estragole
- 2-Ethylhexanoic acid
- Octamethylcyclotetrasiloxane
- Benzene, pentachloro
- C.I. Solvent Yellow 14
- N-Methylpyrrolidone
- 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209
- Perfluorooctanyl sulphonic acid and its salts; PFOS
- Phenol, 4-octyl-
- 2-Ethyl-hexyl-4-methoxycinnamate
- Mercury & mercury compounds including methyl mercury
- Molybdenum & molybdenum compounds
- Antimony & Antimony compounds
- Arsenic & Arsenic compounds
- Cadmium & Cadmium compounds
- Cobalt & Cobalt compounds
- Tris(1,3-dichloro-2-propyl)phosphate
- Butylated Hydroxyanisole; BHA
- Hexabromocyclododecane
- Diisodecyl phthalate
- Diisononyl phthalate

## **I. Interest of Petitioners**

This petition is brought by the New York City Department of Consumer Affairs. The agency is charged with empowering consumers and businesses to ensure a fair and vibrant marketplace by enforcing the city's consumer protection laws and engaging in proactive outreach targeted at consumers and businesses in New York City.[iv] DCA works to protect consumers from deceptive and illegal practices, including practices that are harmful or injurious to the health of consumers. For example, DCA regulates the sale of box cutters, laser pointers, and toy guns[v], all of which pose serious health and safety risks if misused by minors.

Pursuant to DCA's broad jurisdiction to protect New Yorkers from illegal practices, the agency regulates the sale of permissible and prohibited tobacco products.[vi] According to the American Lung Association, among adults who smoke, 68 percent began smoking at or before the age of 18 and 85 percent began smoking at or before 21.[vii] As such, preventing youth tobacco usage can potentially have positive long-term effects. To prevent such usage, DCA both licenses cigarette retailers in New York City[viii] and also enforces City and State laws that prohibit the sale of tobacco to minors.[ix] DCA runs one of the most robust and comprehensive enforcement programs to prevent sales of tobacco to underage consumers. This program, which pairs inspectors with undercover minors, inspects nearly ten thousand City cigarette retail dealers every year to ensure they do not sell tobacco products to underage youth.

The agency also licenses and regulates New York City's 836 secondhand auto dealers. According to the National Highway Traffic Safety Administration ("NHTSA"), approximately 52 million cars have been recalled this year in the U.S., beating a previous record of 30.8 million set in 2004.[x] To protect New Yorkers from potentially fatal defects in used cars, DCA has launched an investigation into the City's secondhand auto dealerships, seeking to identify the extent to which they are selling unrepaired recalled cars. As part of this investigation, DCA has issued subpoenas to 200 dealers, compelling them to provide their policies on selling unrepaired recalled cars, to reveal how many such vehicles they have sold in the past year and whether or not the consumer was notified at the time of sale.[xi] DCA seeks to ensure that any dealer found to have sold a recalled car that was not repaired at time of sale in the past year notifies the customer, makes any repairs that are necessary at the dealers' expense, and does not sell unrepaired recalled used cars in the future.

Another example of the breadth of DCA's work to protect New Yorkers is its enforcement of New York City's Earned Sick Time Act[xii], which requires covered employers to offer paid sick leave to their employees.[xiii] Paid sick leave is a fundamental benefit to employers, employees, and to the public that leads to healthier employees with better morale, less employee turnover, and lower healthcare costs in the long-term. DCA has implemented comprehensive outreach, mediation, and enforcement programs to successfully implement this historic law[xiv], which now covers more than one million New Yorkers who previously did not have access to sick leave. In addition to this work on youth tobacco, unrepaired recalled cars, and paid sick leave, DCA also regulates disclosures of the presence of harmful chemicals in products.

Though DCA has a broad mandate to protect consumers from illegal business practices, this mandate has its limits. In order for the agency to ensure that the children of New York are not being harmed by toxins in toys, DCA will need legislation or rules to enforce. A CPSC rule regarding the Subject Chemicals would allow DCA to enforce established New York City rules prohibiting false advertising, if children's products that contain prohibited toxic chemicals are marketed as safe.

## **II. CPSC Authority**

The Consumer Product Safety Act ("CPSA") authorizes the CPSC to conduct research and investigations on the safety of consumer products and to test consumer products.[xv] In addition, the CPSC has the authority to promulgate consumer product safety standards regarding the amount of chemicals contained in children's products.[xvi] The CPSA authorizes the CPSC to promulgate rules declaring children's products with toxic chemicals banned hazardous products.[xvii] Specifically, the CPSC is statutorily authorized to promulgate a rule declaring a product to be a banned hazardous substance if it finds that a consumer product is being distributed in commerce that presents an unreasonable risk of injury and no feasible consumer product safety standard would adequately protect the public from the unreasonable risk of injury associated with such product.[xviii]

### III. Statement of Grounds

The United States government has thus far failed to mandate the elimination of many toxic chemicals from children's products. The Consumer Product Safety Improvement Act of 2008 ("CPSIA") established federal standards for the use of 14 chemicals in specific subgroups of children's products – namely, children's toys, toys that can be placed in a child's mouth, and certain child care articles.[xix] The statute defines a children's toy as a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.[xx] If any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed, not just licked, it is categorized as a toy that can be placed in a child's mouth.[xxi] A child care article is defined as a consumer product designed or intended by the manufacturer for a child who is 3 years old or younger, to facilitate sleeping or feeding, or to help a child who is sucking or teething.[xxii]

However, federal standards do not sufficiently regulate the use of harmful chemicals in all children's products (defined as consumer products designed or intended primarily for children 12 years of age or younger[xxiii]). In addition, federal standards do not currently sufficiently address the breadth of chemicals that can have potentially harmful impacts on children.

Absent robust and comprehensive federal standards for the broad range of harmful chemicals found in all children's products, not just toys or child care articles, individual states have taken action. States have enacted or proposed legislation requiring manufacturers to report the existence of the Subject Chemicals in children's products or banning the Subject Chemicals from children's products.[xxiv] So far, four states: Washington, Maine, California, and Minnesota, have passed comprehensive legislation addressing toxic chemicals in children's products.[xxv] Numerous other states are considering chemicals legislation as well, including New York, where legislators have attempted to ban several of the Subject Chemicals from children's products altogether.[xxvi] According to Washington State Department of Ecology reporting data, the Subject Chemicals are present in thousands of children's products, including children's tableware, toys, clothing and footwear, bedding and baby products.[xxvii] The harmful effects of the Subject Chemicals have been documented by scientists and international organizations, and state and international governments.

The list of Subject Chemicals that pose a significant health risk to children was developed by the Washington State Department of Ecology and Department of Health, as required by the Washington Children's Safe Products Act.[xxviii] The State of Washington enlisted the expertise of Dr. Catherine Karr, a nationally-recognized expert in children's health with the University of Washington Pediatric Environmental Health Specialty Unit, to develop a framework that qualitatively evaluated the evidence for toxicity and potential for exposure for each of the chemicals being considered for the list based upon a weight-of-evidence approach. This approach is a framework that involves the assessment of the relative "weights" of different pieces of evidence – strengths and weaknesses – to reach a decision about the quality and relevance of each primary

study.[xxix] In this case, the toxicity evaluation focused on the strength and weight of evidence for key toxicological endpoints.[xxx]

The resulting list of 66 chemicals includes chemicals classified as carcinogens by authoritative sources including the International Agency for Research on Cancer; the U.S. National Toxicology Program; the U.S. Environmental Protection Agency; the European Commission's Joint Research Center - Institute for Health and Consumer Protection; and the State of California List of Chemicals Known To the State to Cause Cancer or Reproductive Toxicity. The list also includes endocrine disruptors, as determined based upon reviews of the Washington State Department of Health and the University of Washington Pediatric Environmental Health Specialty Unit. All chemicals that were included in the list only because of endocrine disruption only have been shown to disrupt the endocrine system based on the results of one or more relevant assay.

The Subject Chemicals' presence in children's products is dangerous because children as a group, due to a variety of factors, are more sensitive to chemicals than adults.[xxxi] The chemicals reported to Washington State over the first six-month period of reporting include carcinogens, endocrine disruptors, and developmental and reproductive toxicants.[xxxii] Exposing our children to these harmful chemicals is an unreasonable risk of injury that we cannot afford.

These types of harmful chemicals are serious concerns that merit the CPSC's immediate attention. Research demonstrates that exposure to carcinogens can lead to cancer.[xxxiii] Endocrine disruptors interfere with the body's endocrine system (which regulates metabolism, growth and development, tissue function, sexual function, reproduction, sleep, and mood, among other functions) can produce adverse developmental, reproductive, neurological, and immune effects in both humans and wildlife.[xxxiv] Reproductive and developmental toxicants can impair reproductive capabilities and interfere with proper growth or health among children, resulting in adverse effects like genetic defects, infertility, birth defects, developmental disorders, and childhood cancers.[xxxv] Chemicals that cause these types of serious effects have no place in consumer products that are used by children.

Given the potential serious risks posed to children, the CPSC should act now to investigate the hazards of the Subject Chemicals in children's products and, where sufficient scientific evidence exists, to further investigate whether the presence of Subject Chemicals in children's products presents a potential for adverse health effects, and, if adverse health effects are found, to ban the sale of children's products containing these chemicals. On this list of chemicals are several chemicals which the federal government already regulates when used in children's toys in general, children's toys that can specifically be placed in a child's mouth, and child care articles, but not all children's products. For these products, the CPSC should investigate their use in all children's products not subject to current regulatory restrictions.

#### **IV. Examples of Children's Products Containing Toxic Chemicals**

## **Charms & Angels Bracelet-Making Kit**[xxxvi]

### **Toxin found: Cadmium**

Cadmium is a naturally-occurring metal used in batteries and found in cigarette smoke. You can be exposed to cadmium by breathing or ingesting it. Children may be exposed through toys, jewelry or enameled crafts. Exposure may come from inhaling cadmium dust or fumes or ingesting contamination on your hands.[xxxvii] Cadmium and cadmium compounds are listed as carcinogens in the Thirteenth Report on Carcinogens published by the National Toxicology Program because they are known to cause cancer. Long-term exposure to high levels of cadmium can cause lung cancer.[xxxviii] There also may be an association between exposure to cadmium and cancer of the prostate, kidney, and bladder.

Breathing high levels of cadmium can severely damage the lungs and may cause death. Eating food or drinking water with very high levels of cadmium can severely irritate the stomach, leading to vomiting and diarrhea, and sometimes even death.[xxxix]

Ingestion of cadmium salts can cause severe and sometimes fatal poisoning. Inhaling cadmium dusts and fumes may cause acute poisoning. Long-term exposure to lower levels of cadmium can lead to a buildup of cadmium in the kidneys and possible kidney disease. Other long-term health effects include lung damage, emphysema, bronchitis, fragile bones, pulmonary edema, difficult breathing, anemia, rhinitis, and discoloration of teeth.[xl]

Long-term inhalation of cadmium dust or fumes can cause chronic cadmium poisoning that includes chest pains, headache, and weakness. Long-term inhalation of cadmium salts can lead to cadmium poisoning that includes convulsions, headache, muscular cramps, and vertigo. Short-term inhalation of cadmium dust or fumes may cause cough, headache, chest pain, irritability, and throat and nose irritation.[xli]

## **Toddler Boy Batman Costume**[xlii]

### **Toxin found: Phthalates**

Phthalates are a family of chemicals used in plastics and many other products. They are used to soften and increase the flexibility of plastic and vinyl. Phthalates are used in hundreds of consumer products including flexible plastic and vinyl toys.[xliii] They have been used to make pacifiers, soft rattles, and teething rings but at the request of the CPSC, U.S. manufacturers have not used phthalates in those products since 1999.[xliv] Children can be exposed to phthalates by chewing on soft vinyl toys or other products made with them, and by breathing household dust that contains phthalates.

Phthalates are often classified as endocrine disruptors; they disrupt the normal functions of our bodies' hormones.[xlv] Exposure to phthalates has caused birth defects such as cleft palate in laboratory animals.[xlvi] Exposure to small amounts of phthalates causes undescended testes.[xlvii]

### **DA Fashion Hair Clip (paisley purple)**<sup>[xlviii]</sup>

#### **Toxin found: Cobalt**

Cobalt is a hard, lustrous, gray metal, and chemical element. It is a naturally occurring element found in rocks, soil, water, plants, animals and humans. Cobalt-containing products include corrosion and heat-resistant alloys, hard metal, magnets, cutting tools, pigments, fertilizers, varnishes, inks, colored glass, surgical implants, batteries.<sup>[xlix]</sup>

Chronic exposure to cobalt-containing hard metal (dust or fume) can result in a serious lung disease called "hard metal lung disease", which is a type of pneumoconiosis (lung fibrosis).<sup>[i]</sup> Some cobalt compounds are classified as probable carcinogens by authoritative sources.<sup>[ii]</sup><sup>[iii]</sup> Inhalation of cobalt compounds can induce lung and other cancers in rats and mice.<sup>[iii]</sup> Furthermore, inhalation of cobalt particles can cause respiratory sensitization, asthma, shortness of breath, and decreased pulmonary function.<sup>[iv]</sup> Occupational studies are not conclusive but do indicate that cobalt may be an agent of lung cancer in humans.<sup>[v]</sup> Oral exposures to soluble cobalt compounds are associated with testicular atrophy and reduced fertility in male rodents.<sup>[vi]</sup> <sup>[vii]</sup>

### **P'Kolino Little Reader Chair**<sup>[lviii]</sup>

#### **Toxin found: TDCPP (chlorinated Tris)**

TDCPP was a flame retardant used in children's pajamas in the 1970s until it was eliminated from that use due to adverse health effects.<sup>[lix]</sup> Now, TDCPP is a widely used flame retardant added to polyurethane foam in furniture and baby products.<sup>[x]</sup>

According to a 2011 study looking at the presence of various flame-retardants in baby products, TDCPP was the most common additive.<sup>[xi]</sup> Over time, TDCPP escapes from the foam and mixes with dust in our homes. The dust lands on household surfaces, including toys and food, and some of it is ingested.<sup>[xii]</sup> Young children are the most likely to be exposed because of their tendency to put toys and their hands into their mouths.

TDCPP has been found to cause negative health impacts in animals, including increased cancer rates, DNA mutations, and reproductive effects.<sup>[xiii]</sup> TDCPP has been listed as a known carcinogen under California's Proposition 65. ACPSC assessment concluded it increases cancer risk.<sup>[xiv]</sup> Men with higher levels of household TDCPP had lower sperm counts and altered hormone levels. In men attending infertility clinics, exposure to TDCPP was linked with changes in hormone levels.<sup>[xv]</sup>

## **V. Conclusion**

For the reasons stated above, the Petitioner requests that the CPSC use its authority under the Administrative Procedures Act, 5 U.S.C. § 553(e) and the regulations of the CPSC, 16 C.F.R. Part 1051 to launch an investigation to launch an investigation into all of the following chemicals ("Subject Chemicals"), to assess how the hazards of the following chemicals in children's products might lead to adverse health effects, and to

issue rules banning the sale of any children's product that contains any of the Subject Chemicals in sufficient concentrations to result in adverse health effects. On this list of chemicals are several chemicals which the federal government already regulates when used in children's toys in general, children's toys that can specifically be placed in a child's mouth, and child care articles, but not all children's products. For these products, the CPSC should investigate their use in all children's products.

Thank you for your consideration of this petition and we look forward to your response.

Sincerely,

Julie Menin  
Commissioner

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[1] See, e.g., Testimony of Phillip J. Landrigan, MD, MSc, FAAR, Icahn School of Medicine at Mount Sinai, Before the US. House of Representatives Subcommittee on Energy and the Economy (March 12, 2004), stating that "Infants and children, and most especially unborn children in the womb, are exquisitely sensitive to toxic chemicals." See also, Centers for Disease Control, "Principles of Pediatric Health: Why Are Children Often Especially Susceptible to the Adverse Effects of Environmental Toxicants?" (January 17, 2013), noting that "Beginning before conception and persisting throughout childhood, children are often more susceptible to environmental toxicants compared to adults."

[2] Analysis of the Washington State ACToR database, as cited in Children's Environmental Health Center at the Icahn School of Medicine at Mount Sinai, New York State's Children and the Environment (December 2013).

[3] Note: In certain instances, very low concentrations of otherwise toxic chemicals in a product may not be particularly accessible or may be present in concentrations unlikely to cause harm.

[iv] New York City Charter §2203

[v] New York City Administrative Code § 10-134.1; New York City Administrative Code § 10-134.2; New York City Administrative Code § 10-131

[vi] Relevant laws and rules available at

[http://www.nyc.gov/html/dca/downloads/pdf/retail\\_cigarette\\_dealer\\_law\\_rules.pdf](http://www.nyc.gov/html/dca/downloads/pdf/retail_cigarette_dealer_law_rules.pdf).

[vii] Centers for Disease Control and Prevention. National Center for Health Statistics. National Health Interview Survey (2008). Analysis by the American Lung Association, Research and Program Services Division using SPSS software. Available at <http://www.lung.org/stop-smoking/about-smoking/facts-figures/children-teens-and-tobacco.html>.

[viii] New York City Administrative Code § 20-202

[ix] See, e.g., <http://www.nyc.gov/html/dca/html/initiatives/preventing.shtml>.

[x] See, e.g., Jim Gorzelany, "What to Do (And How To Find Out) If Your Car Is Being Recalled", Forbes (October 23, 2014). Available at

<http://www.forbes.com/sites/jimgorzelay/2014/10/23/what-to-do-if-your-car-is-being-recalled/>.

[xi] See [http://www.nyc.gov/html/dca/html/pr2014/pr\\_073014.shtml](http://www.nyc.gov/html/dca/html/pr2014/pr_073014.shtml)

[xii] New York City Administrative Code §§ 20-911 through 20-925

[xiii] Employers with five or more employees who are employed for hire more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with fewer than five employees must provide unpaid sick leave.

[xiv] See, e.g., [www.nyc.gov/paidsickleave](http://www.nyc.gov/paidsickleave).

[xv] 15 U.S.C. § 2054(b)

[xvi] 15 U.S.C. § 2056

[xvii] 15 U.S.C. § 2057

[xviii] 15 U.S.C. § 2057

[xix] Public Law 110–314 sets standards for 14 chemicals. Lead, DEHP, DBP, BBP, DINP, DIDP, DNOP, Antimony, Arsenic, Barium, Cadmium, Chromium, Mercury, and Selenium.

[xx] CPSIA, Public Law 110–314, § 108(e)(1)(B)

[xxi] CPSIA, Public Law 110–314, § 108(e)(2)(B)

[xxii] CPSIA, Public Law 110–314, § 108(e)(1)(C)

[xxiii] CPSIA, Public Law 110–314, 16 CFR § 1200.2(a)

[xxiv] See <http://www.saferstates.com/bill-tracker>

[xxv] Revised Code of Washington, §§ 70.240.010 to 70.240.060; Maine Revised Statutes, §§ 1691 to 1699-B; California Code of Regulations, § 69.502; Minnesota Statutes, §§ 116.9401 to 116.9407.

[xxvi] See <http://open.nysenate.gov/legislation/bill/S4614-2013>

[xxvii] Washington Toxics Coalition, “What’s On Your List? Toxic Chemicals in Your Shopping Cart” (February 2014).

[xxviii] <http://www.ecy.wa.gov/programs/swfa/cspa/pdf/cspa-rationale-intro.pdf>,  
<http://www.ecy.wa.gov/programs/swfa/rules/pdf/CSPAexsum.pdf>

[xxix] See, e.g.,

<http://www.strath.ac.uk/aer/materials/8systematicreview/unit10/evidence/>

[xxx] See <http://www.ecy.wa.gov/programs/swfa/rules/pdf/p2text.pdf>

[xxxi] See, e.g., Testimony of Phillip J. Landrigan, MD, MSc, FAAR, Icahn School of Medicine at Mount Sinai, Before the US. House of Representatives Subcommittee on Energy and the Economy (March 12, 2004), stating that “Infants and children, and most especially unborn children in the womb, are exquisitely sensitive to toxic chemicals.” See also, Centers for Disease Control, “Principles of Pediatric Health: Why Are Children Often Especially Susceptible to the Adverse Effects of Environmental Toxicants?” (January 17, 2013), noting that “Beginning before conception and persisting throughout childhood, children are often more susceptible to environmental toxicants compared to adults.”

[xxxii] Washington Toxics Coalition, “What’s On Your List? Toxic Chemicals in Your Shopping Cart” (February 2014).

[xxxiii] See, e.g.,

<http://www.cancer.org/cancer/cancercauses/othercarcinogens/generalinformation/aboutcarcinogens/known-and-probable-human-carcinogens>.

[xxxiv] See, e.g., <http://www.niehs.nih.gov/health/topics/agents/endocrine/>.

- [xxxv] See, e.g.,  
[https://extranet.fhcrc.org/EN/sections/ehs/hamm/chap3/section12/12.14\\_toxins.html](https://extranet.fhcrc.org/EN/sections/ehs/hamm/chap3/section12/12.14_toxins.html).
- [xxxvi] Information provided to DCA by the Center for Environmental Health on December 11, 2014.
- [xxxvii] See [http://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=63](http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=63)
- [xxxviii] See <http://ntp.niehs.nih.gov/pubhealth/roc/roc13/index.html>
- [xxxix] See [http://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=63](http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=63)
- [xl] See [http://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=63](http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=63)
- [xli] See [http://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=63](http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=63)
- [xlii] Information provided to DCA by the Center for Environmental Health on December 11, 2014.
- [xliii] See [http://www.epa.gov/teach/chem\\_summ/phthalates\\_summary.pdf](http://www.epa.gov/teach/chem_summ/phthalates_summary.pdf)
- [xliv] See <http://www.cpsc.gov/en/Newsroom/News-Releases/1999/CPSC-Releases-Study-on-Phthalates-in-Teethers-Rattles-and-Other-Childrens-Products/>
- [xlv] See [http://www.epa.gov/teach/chem\\_summ/phthalates\\_summary.pdf](http://www.epa.gov/teach/chem_summ/phthalates_summary.pdf)
- [xlvi] See [http://www.epa.gov/teach/chem\\_summ/phthalates\\_summary.pdf](http://www.epa.gov/teach/chem_summ/phthalates_summary.pdf)
- [xlvii] See [http://www.epa.gov/teach/chem\\_summ/phthalates\\_summary.pdf](http://www.epa.gov/teach/chem_summ/phthalates_summary.pdf)
- [xlviii] Information provided to DCA by the Center for Environmental Health on December 11, 2014.
- [xlix] See <http://www.cdc.gov/niosh/topics/cobalt/>
- [l] See <http://www.cdc.gov/niosh/topics/cobalt/>
- [li] See [http://ntp.niehs.nih.gov/ntp/roc/content/listed\\_substances\\_508.pdf](http://ntp.niehs.nih.gov/ntp/roc/content/listed_substances_508.pdf)
- [lii] See <http://monographs.iarc.fr/ENG/Monographs/vol86/index.php>
- [liii] See <http://www.who.int/ipcs/publications/cicad/cicad69%20.pdf>
- [liv] See <http://www.atsdr.cdc.gov/toxprofiles/tp33-c3.pdf>
- [lv] See <http://www.atsdr.cdc.gov/toxprofiles/tp33-c3.pdf>
- [lvi] See <http://www.epa.gov/ttn/atw/hlthef/cobalt.html#ref1>
- [lvii] See <http://www.who.int/ipcs/publications/cicad/cicad69%20.pdf>
- [lviii] Information provided to DCA by the Center for Environmental Health on December 11, 2014, citing information from Center for Environmental Health's "Playing on Poisons: Harmful Flame Retardants in Children's Furniture" (November 2013). Available at <http://www.ceh.org/wp-content/uploads/2013/11/Kids-Furniture-Report-Press.pdf>
- [lix] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>
- [lx] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>
- [lxi] Stapleton HM, Klosterhaus S, Keller A, et al. Identification of Flame Retardants in Polyurethane Foam Collected from Baby Products. *Environmental Science & Technology* 2011;45(12):5323-5331. doi:10.1021/es2007462.
- [lxii] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>
- [lxiii] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>
- [lxiv] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>
- [lxv] See <http://watoxics.org/chemicals-of-concern/chlorinated-tris>

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Dear Chairman Kaye:

I am writing out of concern for the safety of children who use toys that may contain toxic chemicals that could put their long-term health at risk. Despite our best efforts, the federal government does not have an adequate system in place to remove toxic chemicals from commerce. We know that there are still products on the shelves today that can expose children to chemicals that research has shown to contribute to various cancers, learning disabilities, and hormone disruption. It is therefore critical for the Consumer Products Safety Commission (CPSC) to ensure that products that contain these dangerous chemicals are prohibited if shown to be harmful to children.

To address the concerns that constituents have about the safety of children's products, the New York City Department of Consumer Affairs is petitioning the CPSC to study 66 chemicals of "high concern," and issue a regulation prohibiting the sale of any children's product that contains more than a de minimis amount of the following chemicals if they are found to be harmful to children:

- Toxic metals antimony, arsenic, barium, cadmium, chromium, cobalt, mercury, molybdenum, selenium and all of their compounds;
- Toxic parabens butyl paraben, ethyl paraben, methyl paraben and propyl paraben; and
- Toxic industrial chemicals ethylene glycol, methyl ethyl ketone, nonylphenol, formaldehyde, and octamethylcyclotetrasiloxane.

I support this petition, and urge you to prioritize its consideration. This holiday season, families in New York and across the United States deserve to know that the toys that their children play with every day are safe. We cannot rely on voluntary industry actions alone to solve this problem, and we have seen reports year after year of toys and other children's products that continue to be sold despite the fact that they contain toxic chemicals in amounts that could harm the health and development of children. Federal regulatory action by the CPSC is necessary to ensure that toys are fully evaluated for their toxicity and that any products that contain harmful levels of toxic chemicals are taken out of our homes, nurseries and schools.

Thank you for your attention to this matter, and I hope that you will urgently act on the New York City Department of Consumer Affairs petition. Should you or your staff wish to further discuss this issue, please do not hesitate to contact my office.

Sincerely,

Kirsten Gillibrand  
United States Senator