



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

November 25, 2014

Toys "R" Us, Inc.
One Geoffrey Way
Wayne, NJ 07470

RE: Sale of Children's Products Containing Toxic Chemicals

Dear Retailer:

During this holiday shopping season, I write to remind retailers of their obligations under state and federal law to sell only those items intended for use by children that are safe. State and federal agencies, including the New York State Attorney General ("NYAG"), have taken legal action in the past to protect children from toys and articles that contain toxic chemicals that present risks to human health.¹ Despite those efforts, recent investigations have identified toys and articles intended for use by children and offered for sale by retailers that contain toxic chemicals. For example, a recent report entitled "Toxic Toys in Albany County" by Clean & Healthy New York, Inc. and the New York League of Conservation Voters Education Fund, Inc. reported children's items purchased in Albany County containing toxic chemicals, including arsenic, mercury and lead.

NYAG is committed to protecting the health and safety of the children of our state, and takes these reports very seriously. When my office determines that items containing toxic chemicals at unsafe levels are being sold, we are authorized to take appropriate enforcement action pursuant to Executive Law § 63(12) and General Business Law § 396-k, which prohibits the sale, import or manufacture of children's products that pose an unreasonable risk of injury. The law authorizes NYAG to seek injunctive relief, as well as penalties of up to \$1,000 per violation.

You must take responsibility for ensuring that children's products are safe and comply with the federal Consumer Product Safety Commission ("CPSC") requirements, which limit the toxic chemicals that may be found in children's products. The Consumer Product Safety Improvement Act of 2008, Pub. L. No. 110-314, 122 Stat. 3016, requires that this certification be

¹ In 2008, the NYAG brought an action against toy manufacturer Mattel, Inc., regarding the sale of products containing lead in excess of government standards. In 2007, the NYAG entered into Assurances of Discontinuance Pursuant to Executive Law § 63(15) with retailers Michaels Stores, Inc. and Big Lots Stores, Inc., regarding the sale of products intended for use by children that contained lead in excess of government standards.

based on third-party testing at a laboratory approved by the CPSC. A Children's Product Certificate must be issued by either the manufacturer or importer indicating compliance with all applicable standards. The manufacturer or importer must provide or make the certificate available to distributors and retailers.

As a retailer, you are in a position to safeguard children from toxic chemicals. I urge you to implement measures to identify unsafe products and keep them off your shelves. Put measures in place to ensure that all children's products you sell have been properly certified, as required by federal law. Do not purchase products from manufacturers and importers that have not certified their products' safety. If you have doubts about the safety of a product, do not sell it. Check the Consumer Product Safety Commission website regularly for information on product recalls. There are a number of resources, including a fact sheet prepared by NYAG, available to consumers to help them protect their children from toxic chemicals in children's products, but you are the first line of defense.

A focus on children's exposure to toxic chemicals is critical. Studies have shown that the incidence of cancer in children has steadily risen since the 1970s. In 2011, cancer surpassed traumatic injuries to become the leading cause of death of New York's children between the ages of 5 and 14, and it is the second leading cause of death in children ages 1-19 overall. Environmental factors, including chemical exposures, have been linked to the rise in cancer rates among children. Children are at special risk due to their small body mass and rapid physical development. NYAG is committed to protecting New York State's most vulnerable residents from these risks.

We welcome your diligent efforts to help protect our children from toxic chemicals.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman". The signature is fluid and cursive, with a long, sweeping underline.

Eric T. Schneiderman
Attorney General