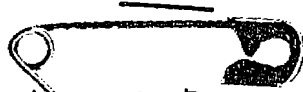


KIDS IN DANGERSM

A nonprofit organization for the protection of young children from dangerous juvenile products

**PHOTOCOPY
PRESERVATION**



KIDS IN DANGERSM

A nonprofit organization for the
protection of young children from
dangerous juvenile products

Linda Ginzel
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Co-founders

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Chicago Tribune

Monday, June 5, 2000

Voice of the people

Preventing consumer deaths

CHICAGO—On May 12, newspaper headlines announced that President Clinton had proposed legislation to empower the U.S. Consumer Product Safety Commission (CPSC) to crack down on errant companies that conceal reports on their products that injure and kill consumers. That date—May 12—was the second anniversary of our son Danny's death. In 1998, 16-month-old Danny was one of too many children killed each year by lethal products in our homes, child-care centers and workplaces.

It was not the first time that a headline was so clearly tied to Danny's death. Just days after he strangled at day care when a portable crib collapsed on his neck, we read that this very crib had been recalled years before. Because of the faulty product-recall system, however, few people knew about the recall or the crib's dangers—not his dotting family, not his wonderful child-care provider and not even the Department of Children and Family Services worker who had inspected the licensed day-care home only days before.

That news story so shocked us that we set out to prevent other children from dying unnecessary deaths from defective products. As Danny's parents, we founded Kids In Danger, a non-profit organization dedicated to children's product safety.

In our efforts to warn others, we discovered a system fraught with problems. On a national level, the CPSC relies on the good will of manufacturers to report dangerous products and to reach out to customers about recalls. It is hamstrung by a lid on penalties against renegade companies that do not comply. The CPSC is

bound and gagged, an enforcement agency in a straitjacket. We found no state structure to make up for the federal shortfall. In Illinois, there was no system to communicate federal warnings or to prevent identified hazards from claiming more victims.

These flaws are unacceptable. So, with the help of State Sens. Carol Ronen (D-Chicago) and Tom Walsh (R-LaGrange Park) and others, especially the Coalition for Consumer Rights, we worked to pass the Children's Product Safety Act in Illinois. That recently implemented law prevents the sale or lease of unsafe or recalled children's products to unsuspecting consumers, and requires DCFS to check for recalled products as part of its child-care licensing procedure.

But that bill was just a start, a finger in the dike. As long as safety efforts remain hampered on a national level, the market can still be flooded with defective products; 250 to 300 are recalled each year. Most troubling, half of the most serious hazards are uncovered by CPSC investigators rather than reported by manufacturers. The White House legislative proposal announced on the anniversary of Danny's death could change that. It would lift the lid on penalties for failing to report a product danger and give the agency more recall authority.

Absolutely nothing can make up for losing a child. That is precisely why Kids In Danger is committed to protecting our nation's children. Any deaths we prevent are, in a way, Danny's gift to other families—a gift of life.

Linda Ginzel
Boaz Keysar
Co-founders
Kids In Danger

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safety warning

what every parent and caregiver must know about recalls to keep children safe.

BY ELLEN LIBERMAN AND MARLA FELCHER
PHOTOGRAPHY BY CHRISTINE ALICINO

There was nothing in the bright day in May 1998 to foretell the tragedy that would define the lives of Linda Ginzel and Boaz Keysar of Lincoln Park, Illinois. As he did every morning, Boaz got out of bed at 5 a.m. to kick-start the day's routine for his family of four. He prepared breakfast and read

5-year-old Ely and 17-month-old Danny a story,

stealing a moment to tickle his younger son. When Linda left Danny at Sweet Tots daycare a little later that morning, his babysitter was tickling him in his favorite spot, right under his ear. Danny's infectious laugh was ringing in his mother's ears all the way to work.

When Linda next saw her son, that afternoon, he was silent and still, bundled in a receiving blanket by the emergency room nurses at Children's Memorial Hospital in Chicago. He was dead—asphyxiated by a portable crib that appeared to have collapsed when Danny grabbed the top rails as he tried to stand. His neck was trapped in the V-shaped wedge of the folded rails.

Their grief seemed bottomless, but Linda and Boaz could find no villains in the events that led to Danny's death. His babysitter had been caring for him in her home daycare setting since he was 7 months old. His death had devastated her, too. State child-welfare workers had inspected Sweet Tots just eight days before the tragedy.

But Linda and Boaz's sorrow turned to horror when, the day before they buried Danny, they discovered from a newspaper article that their son's death was not an isolated incident. The portable crib in which Danny died had been implicated in four other fatal accidents since 1990, when the manufacturer, Kolcraft Enterprises, Inc., of Chicago, began selling the Travel-Lite crib under the Playskool brand name. And portable cribs with similar designs had been associated with the deaths of seven other children.

The dangers of these portable cribs had been so well documented that since 1993, federal regulators from the U.S. Consumer Product Safety Commission (CPSC) had recalled 10 models of portable play yards and cribs manufactured by five different companies, including the Travel-Lite, which was recalled in March 1993. In the past eight years, Evenflo, Century, Draco, Baby Trend, and Kolcraft sold more than 1.5 million of these portable play yards and cribs. (This is in addition to last November's recall of almost 10 million playpens. See "Recall Alert" booklet, *opposite page 33*, for specifics.)

In response to the recalls, some companies (Evenflo, Century, and Baby Trend) offered free repair kits to prevent the cribs from collapsing; another (Kolcraft) offered a \$60 refund (the crib's original price was \$89), which in November 1998 was increased to \$120; and one company (Draco) went out of business, leaving its customers no recourse.

THE PROBLEM WITH RECALLS

Yet, the very people who should have been informed about those recalls—the daycare center staff, child-welfare workers, Danny's parents—were clueless. The cribs were still out there, despite two recall announcements by the CPSC.

Kolcraft officials emphasize that "the company is committed and dedicated to the safety of children. We are doing all we can to get the word out about the risks associated with the Playskool Travel-Lite."

Given their experience, Linda and Boaz aren't convinced that Kolcraft has done enough. The recall was ineffective, they contend. "We knew we had to do something,"

Danny Keysar (top left) died in a portable crib that had been recalled five years earlier. Any product you buy today can be recalled tomorrow, so be aware.

In one year, more than 137,000 infants and children were rushed to hospital emergency

OUTFRONT

INTERNMENT CAMPS | MURDOCH UPDATES | HELLRAISER | COMPAQ IS WATCHING YOU

Silent Recall

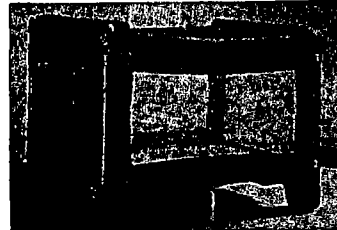
DANIEL KEYSAR DIED ON May 12 at his babysitter's home when his portable crib collapsed and strangled him. It was a freak accident, his parents, Boaz Keysar and Linda Ginzel, were certain. The Chicago couple didn't blame the babysitter: Only eight days before, state child welfare workers had inspected and approved her Sweet Tots daycare center, and she had loved the 17-month-old toddler like one of her own.

So there was only sorrow when Ginzel held her son for the last time in the Children's Memorial Hospital emergency room. "I touched his little toes and rubbed his belly," Ginzel says. "I was very calm." [Reporter E. Marla Felcher is a personal friend of the Keysar-Ginzel family. —Eds.]

The day before Danny's funeral, Ginzel's calm evaporated when she learned that the Playskool Travel-Lite Portable Crib that killed Danny had been recalled five years earlier by the Consumer Product Safety Commission (CPSC). In three incidents, toddlers apparently collapsed the crib's top side rails, wedging their necks inside the folded V of the rails and suffocating.

Keysar and Ginzel were stunned. Why hadn't anyone, not even the state inspectors, known it was dangerous?

A *Mother Jones* investigation shows that, too often, the recall system fails. While manufactur-



Last spring, 17-month-old Daniel Keysar died, caught in the collapsed rails of the Travel-Lite Portable Crib (above). The crib had been recalled five years earlier.

ers make use of their resources and marketing savvy to sell a crib, they do not always make the same effort later to tell consumers that the same crib could be deadly. The CPSC, the federal agency charged with overseeing recalls, can't make them. Underfunded, understaffed, and buffeted by political forces, the CPSC depends too heavily on the news media to warn consumers about potentially dangerous products.

"Consumers have a sense that the product wouldn't be sold if it weren't safe, that the government is...actively checking," says Mary Ellen Fise, product safety director for the Consumer Federation of America (CFA). "This is simply not true."

The CPSC and Kolcraft Enterprises, the manufacturer that

made the Travel-Lite crib under Hasbro's Playskool brand name, initially announced the recall in 1993, again in April before Danny died, and a third time in June. The message still failed to reach some members of the public. On Aug. 19, 10-month-old William Curran of Fair Haven, N.J., died at his babysitter's house, reportedly trapped in a collapsed Kolcraft portable crib. (The CPSC is investigating the incident.)

"We have been doing all that we can to get the word out," Kolcraft president Thomas Koltun said in a statement released to *Mother Jones*.

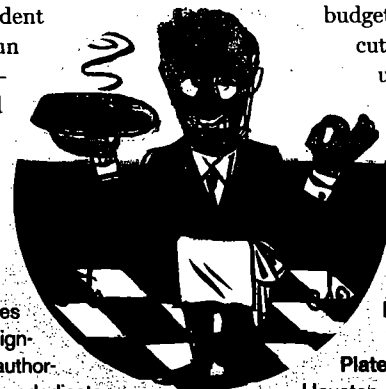
Yet getting "the

word out" can be particularly difficult with infant products (a \$4.42 billion market in 1997). Even while new products keep coming, used ones remain in circulation as hand-me-downs and yard sale staples.

Since 1993, more than 1.5 million portable cribs have been recalled. Kolcraft sold nearly 12,000 Travel-Lites before recalling them and now offers consumers a \$60 refund for the crib, originally priced at about \$89. How many have actually been recovered or discarded is impossible to tell. While the CPSC may know, it cannot legally release this information; Kolcraft declined requests to answer specific questions.

THE CPSC OVERSEES THE safety of 15,000 different types of consumer products, but operates at a fraction of the budget it had 24 years ago. The commission suffered severe

budget and staffing cuts in the '80s under the pro-business thumb of Ronald Reagan. Its 1997 budget of



Not Ready for Rushmore

George Bush can't seem to emerge from the shadow of his old boss Ronald Reagan, who's been getting all the choice namesakes (e.g., the Ronald Reagan Building and International Trade Center in Washington, D.C. and Reagan Washington National Airport). But President Clinton could lend some much-needed gravi-

tas to Bush's list of namesakes this winter by signing legislation authorizing the CIA to rededicate its Langley, Va., headquarters in his honor. The list already includes:

George Bush Intercontinental Airport Houston, Texas (dedicated in 1997)

George Bush Elementary School Midland, Texas
Bush Cabin at Big Cedar

Lodge Ridgedale, Mo.
George Bush Plate Otto's BBQ, Houston, Texas

President Bush's Pizza (artichoke hearts, pepperoni, Canadian bacon, Italian sausage, green peppers, mushrooms, onions, and black olives), Fuzzy's Pizza, Houston, Texas

George Bush Bonefish Tournament Cheeca Lodge, Islamorada, Fla. —Jennifer King

OUT FRONT

\$42.5 million is still 60 percent lower than the \$90 million (adjusted for inflation) it had in 1974; staffing levels are 43 percent lower.

Politics also seems to influence the CPSC's enthusiasm for regulating manufacturers. In 1989, the Danny Foundation, a California-based nonprofit organization dedicated to crib safety, petitioned the CPSC to recall all cribs with finials (decorative corner posts). The finials represented a clear danger, says Jack Walsh, the foundation's executive director. Since the mid-'70s, more than 30 children had died from being caught in them, and Canada had already banned the corner-post design. But after two years of review, the CPSC turned the petition down—the result, Walsh says, of an anti-regulatory political climate. "It was outrageous. If there was ever a clear case for a recall, this was it," Walsh says.

To its credit, the CPSC has greatly increased its watch over products and manufacturers under its current chair, Clinton appointee Ann Brown (who declined *Mother Jones'* request for an interview). In 1997, the CPSC issued 266 recalls of defective products, compared with 105 in 1990.

The CPSC depends on several methods for identifying potentially dangerous products; still, the recall process has fundamental flaws. Consumers can complain to the CPSC's toll-free hotline; last year, the agency received 3,555 reports of unsafe products (fewer than 10 a day).

The CPSC gathers independent statistical information from a patchwork of sources, including emergency room data, newspaper articles, medical examiner and police reports, and field inspections. The commission describes itself as "data driven," but its information on product-

related injuries is "often sketchy," according to a 1997 General Accounting Office report.

Finally, the agency relies on manufacturers, which are legally obligated to notify the CPSC within 24 hours when they learn of a product defect that could cause injury or death. CPSC officials concede that underreporting is a serious problem.

In 1997, the commission negotiated a total of \$695,000 in civil penalties with companies that

"The media should be a party in some of these lawsuits that are going after manufacturers."

broke this law. For example, the CPSC charged Century Products with failing to report problems with certain cribs and strollers even after 560 consumer complaints, including 29 injuries. While Century denies any wrongdoing, in February it agreed to pay a civil penalty of \$225,000.

IDENTIFYING DANGEROUS products is only the first step. How the CPSC notifies the public is also controversial. Although companies rarely dispute the need for a consumer alert, manufacturers worry about how their brand name is perceived and negotiate the terms of a recall with federal regulators in closed-door meetings. "We are always looking for new and innovative ways to do a recall," CPSC spokesman Russ Rader says. "We negotiate notification measures; it's not a cookbook."

Both the CPSC and manufacturers rely heavily on the news media. Increasingly, the CPSC has put a lot of faith in the power of video news releases: graphic demonstrations of product hazards that the agency sends via satellite to local and network news stations. CPSC officials complain, however, that unless

somebody has died, the media ignores recall notices. "The media prints lottery results, but not recalls," Rader says. "The news media should be a party in some of these lawsuits that are going after the manufacturers."

A month before Danny Keysar died, the CPSC highlighted the Travel-Lite's faulty design in its annual "Recall Round-Up," a video news release of high-risk products the agency believes are still in people's homes. Nationwide, 140 stations picked it up, but not one station in New Jersey or Chicago—where William Curran's and Danny Keysar's babysitters live—aired it.

Regardless of impact, manufacturers don't like videos, says David H. Baker, a lawyer in the Washington, D.C., office of Thompson, Hine & Flory, a firm that represents manufacturers. "You can't consistently be in the consumer's face saying, 'Sorry, we made a defective product.'"

Indeed, bad publicity from recalls can be bad for the bottom line. Paul Rubin, an economics professor at Emory University and former chief economist for the CPSC, estimates that a company loses up to 7 percent of its net worth after a recall.

Consumer advocates believe the CPSC should place more of a burden on manufacturers. While the CPSC requires companies to document a recall's progress, such as whether it was men-

tioned in any news media, its regulations do not require companies to meet specific numerical goals for recovering recalled products. The CPSC doesn't even ask companies to report how much they spend on recalls. CPSC compliance officials estimate that the average manufacturer spends at least \$250,000. A Hasbro spokesman said his company spends between "several hundred thousand to millions" on any given product recall.

"The reason [manufacturers] go into this is to make a profit," the CFA's Fise says. "In exchange, they have the responsibility not to injure or kill someone. Manufacturers have this enormous responsibility, yet the CPSC can't force them to take it. In most cases, the CPSC doesn't have the resources to litigate every case."

A MONTH AFTER DANNY'S death, Ginzler and Keysar established Kids in Danger, a foundation that informs parents and caregivers about recalled nursery equipment. In June, they filed a wrongful death lawsuit in Cook County Circuit Court against Kolcraft and Hasbro. "I'd so much rather be playing with Danny," Ginzler says, "instead of trying to save the next child." —*E. Marla Felcher and Ellen Liberman*

CPSC Consumer Hotline: 1-800-638-2772,
www.cpsc.gov; Kids in Danger, P.O. Box 146608,
Chicago, IL 60614, www.kidsindanger.org.

UPDATES

TOBACCO-FRIENDLY MEDIA

In the September/October Editor's Note, we reported the contents of a secret 1985 Philip Morris memo in which former CEO Hamish Maxwell detailed the tobacco giant's strategy to "exploit...ad agencies and media proprietors," noting that "[Rupert] Murdoch's papers rarely publish anti-smoking articles these days."

Since then, *Mother Jones* has uncovered yet another docu-

ment that confirms Philip Morris' media strategy. In another 1985 memo, Maxwell wrote: "A number of media proprietors...are sympathetic to our position—Rupert Murdoch and Malcolm Forbes are two good examples. The media like the money they make from our advertisements, and they are an ally that we can and should exploit." To view the full document, see the MoJo Wire (www.motherjones.com/sideshow/murdoch.html).

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[Recall Alert]

risk. For refund information call Direct Source International (513-793-9379).

First Alert True Fit Safety Gates, model CSSG1, sold from 10/96 to 11/98. Potential choking hazard. For information call BRK Brands (888-777-5599).

Graco Children's Products stationary entertainers with white plastic seat rings, manufactured before 3/96. Laceration risk. For free repair kit call Graco (800-423-9078).

Graco Children's Products stationary entertainers, model #s 34429, 4118RA, manufactured from 4/98 to 8/98. Choking hazard. For free repair kit call Graco (800-281-3676).

Halcyon WaterSpring Dex Wipe Warmers, model #WW-01, sold from 1/94 to 12/96. Risk of overheating and melting. For refund/replacement call Halcyon (888-735-5585).

Menard "Henry" gym sets, model #68, sold from 7/91 to 8/98. Risk of injury from falling if misassembled. For revised as-

sembly instructions, call Menard (888-215-3349).

Papel Freelance children's pencils with miniature pacifiers, sold from 9/96 to 4/97. Choking hazard. For refund call Papel (800-634-8384).

Penguin USA/Playskool Color 'N Contrast Crib Books, Kitty and Friends (ISBN 0-525-45468-3) and Puppy and Friends (ISBN 0-525-45469-1), sold from 11/95 to 3/96. Injury risk from straight pins. Destroy and discard.

Price Stern Sloan Exploring Nature Funstation science activity book kits, ISBN #08431-3942-0, sold from 3/96 to 8/96. Kerosene poisoning hazard. Destroy and discard.

Shelby Ltd. Division of Wang's International children's paperweights and pens. Paperweights are Antique Car, Floating Eye, Magic Diamond, Ocean in the Box, Water Timer; pen is clear plastic with eyeball in middle. Sold from 10/96 to 12/96. Kerosene and petroleum distillate poisoning hazard. Destroy and discard. ■

Editor's note: These products have all been recalled by the Consumer Product Safety Commission. The list is not exhaustive. For more information call the CPSC at 800-638-CPSC or check its Web site at www.cpsc.gov.

child

child bonus

FEBRUARY 1999

RECALL ALERT

A list of the best-selling juvenile products, toys, and more recalled in the past six years. Use it to review items in your home, and keep it handy if you shop at garage sales, flea markets, or consignment stores. Be sure to refer to it when checking out daycare centers and hand-me-downs.

It could save your child's life.

TEAR OUT AND SAVE

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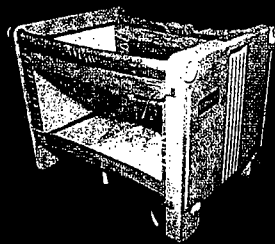
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Chicago

MAGAZINE

Last May, a portable crib collapsed in a Lincoln Park daycare center, crushing its contents. **Danny Keysar.** His grieving parents remain in a legal limbo—until they learned that the crib was **recalled by the manufacturer** five years earlier. Attempts to understand what had happened to their son may be over, but a litigious system is prepared to prevent another tragic death.



by Jonathan Eig

ON

HER WAY HOME FROM WORK ONE DAY LAST spring, Linda Ginzel steered her car toward the Sweet Tots daycare center in Lincoln Park, where her son Daniel had spent the day. The date was May 12, 1998, and there were several hours of sunlight left in what had been a beautiful afternoon. The moment she turned onto Wrightwood Avenue, Linda noticed five or six police cars. The closer she got, the more she worried.

Linda stopped, got out of her car, and walked up the steps. Before she could knock on the door, a police officer greeted her.

"What's going on?" she asked.

"A child has been involved in an accident."

"Here? In *this* house?" she asked, her voice jumping almost an octave.

"Yes, and you need to go to the hospital."

"I need to go to the hospital? *I* need to go?"

"Yes, ma'am."

"It was *my* son?"

Another officer put his arm around Linda's shoulder and asked if she wanted a ride. She said OK. The first cop said Linda's husband, Boaz Keysar, was waiting at the hospital. The short drive to Children's Memorial seemed surreal, as if it were unfolding in slow motion. The officer made small talk in an effort to distract Linda and keep her calm. "So, you teach at the University of Chicago, huh?" he asked.

The next thing she remembers is the voice of the doctor: "We did everything we could," he said.

"Can I see my baby?" she asked.



Total Recall

A child's death spurs his parents' fight to see unsafe products taken off the market



"We're dealing with our grief by working for this cause," says Linda Ginzel (at home with her husband, Boaz Keysar, and son Ely).

On the afternoon of May 12, 1998, Linda Ginzel, a business school professor at the University of Chicago, picked up her 4-year-old son, Ely, at his Hyde Park preschool and continued on to Sweet Tots daycare to retrieve her 16-month-old, Danny. But as Ginzel rounded the corner, she saw a swarm of police cars. Thinking there had been a robbery, she made her way to the door, only to be told by a policewoman that she needed to go to nearby Children's Memorial Hospital. "I have to go to the hospital?" she asked in disbelief. "It's *my* child?"

At the emergency room, Ginzel



"He had a way of engaging people," Keysar says of Danny (two days before his death).

was met by a doctor who spoke the simple words, "We tried everything we could." Ginzel fell into the arms of her husband of nine years, Boaz Keysar, an associate professor of psychology, who had already been told by doctors how a portable crib at Sweet Tots had collapsed inward, strangling Danny in the vise formed by the crib's folding top rails. "I was numb, but I also had this amazing calm," recalls Ginzel, 40, who took locks of Danny's soft brown hair as a keepsake. "I thought this was some tragic, freak occurrence that couldn't have been helped."

In fact, nothing could have been

● local heroes

further from the truth. And the realization that Danny's death could have been prevented was enough to turn his grieving parents into dedicated activists who have vowed to do everything possible to prevent any recalled toy, crib or stroller from ever killing another toddler. "We're talking about children's lives," says Keysar, 41, whose efforts have led to passage of a law to that effect in their home state of Illinois. "We knew we had to do something."

Ginzel and Keysar's unwelcome education began the day after Danny's funeral, when an article in the *Chicago Tribune* revealed that Danny had been the fifth victim to strangle in a Playskool Travel-Lite Portable Crib manufactured by Kolcraft Enterprises of Chicago—a model that had been officially recalled five years earlier after causing the deaths of three children. At least 11 other children had been killed by similar products from various manufacturers, and there were as many as 1.2 million such cribs still in circulation. "We couldn't *not* react," says



"The system is ready to be changed," says Ginzel (with State Sen. Tom Walsh, appearing before the Illinois Senate last month).

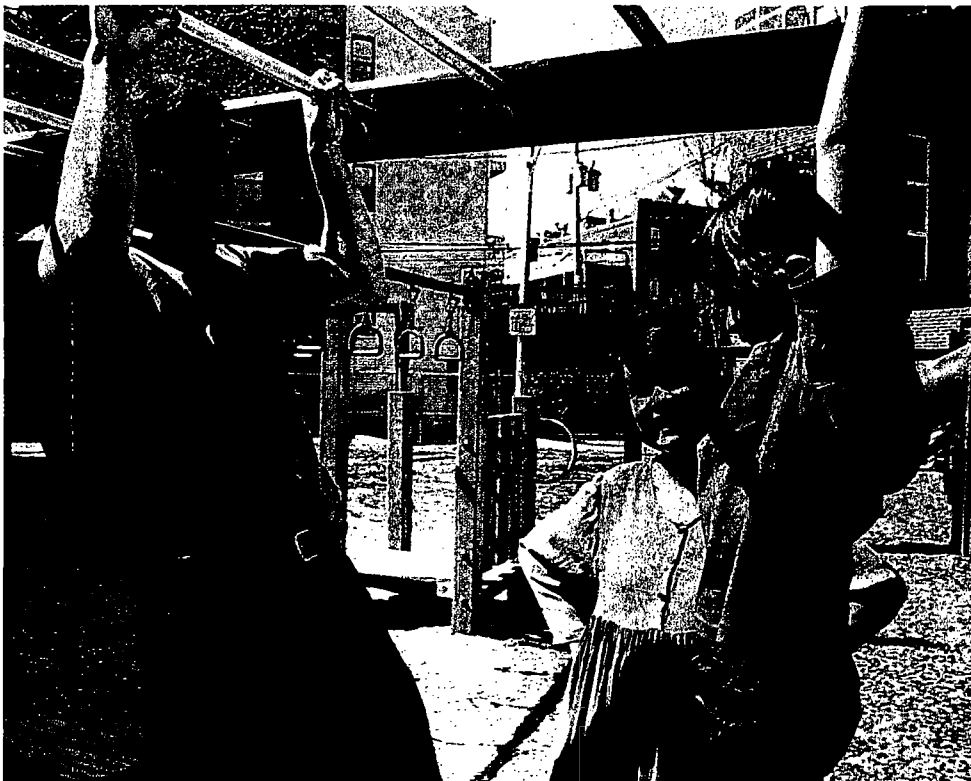
Ginzel. "My sense of calm turned to a focused goal."

Within days of Danny's death, Ginzel and Keysar, with the help of friends, sent out more than 5,000 e-mails warning parents about the crib's dangers. That was only the beginning. The couple also learned that days before Danny's death, state daycare inspectors had visited Sweet Tots but had not checked for dangerous products because they weren't required to. "We were shocked to learn that even state inspectors didn't have information about recalled

recommendations that the state's Department of Children and Family Services adopted on the spot.

Today, with a corps of some 30 regular volunteers, Ginzel, daughter of a U.S. Army master sergeant and his Korean wife, a factory worker, and Keysar, the Israeli-born son of an electronics technician and a kindergarten teacher, spend evenings and weekends handling fund-raising and publicity campaigns out of their Lincoln Park row house. On May 13, exactly a year and a day after Danny's death, Ginzel received a phone call from Illinois State Rep. Carol Ronen telling her that the bill Ginzel and her husband had championed—the Children's Product Safety Act, which requires that licensed child-care facilities be inspected for unsafe products and prohibits any business from selling or leasing them—had passed unanimously in the state senate. "With this legislation in place," says Ginzel, "no other family in Illinois will have to suffer this needless tragedy."

Ginzel and Keysar have earned praise from the likes of the U.S. Consumer Product Safety Commission chairwoman, Ann Brown, who calls them "amazingly courageous." They've done an incredible job in raising the consciousness of the public." But the couple, who intend to expand their crusade, see their work as far from finished. "We do this in Danny's honor," says Ginzel. "He's still with us every day."



"Persevering, you accomplish things," says Keysar (with his family at a local playground).

- Susan Schindehette
- Barbara Sandler in Chicago

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KIDS IN DANGERSM

ACTION

NEWSLETTER • SPRING 2000

INTRODUCTION

Dear friends and supporters,

Last year at this time, we gathered with many of you to honor Danny's loving memory at a fundraising dinner for Kids In Danger. Those of you who were with us know that it was an evening of tears and sorrow about our loss, filled with hope and promise for the future of our cause.

This year, we have chosen to mark the passing of the second year since May 12, 1998 with this commemorative newsletter. We are proud to showcase the many accomplishments of the community of people who comprise the nonprofit organization that we founded: Kids In Danger.

Since Danny died hundreds of people, all very busy with their own professional and personal lives, have devoted many days, weeks and months to do the work of Kids In Danger. This community of friends and supporters maintains the KidsInDanger.org web site, creates informational materials to educate the public about dangerous products, works with government officials to pass city, state and federal legislation,

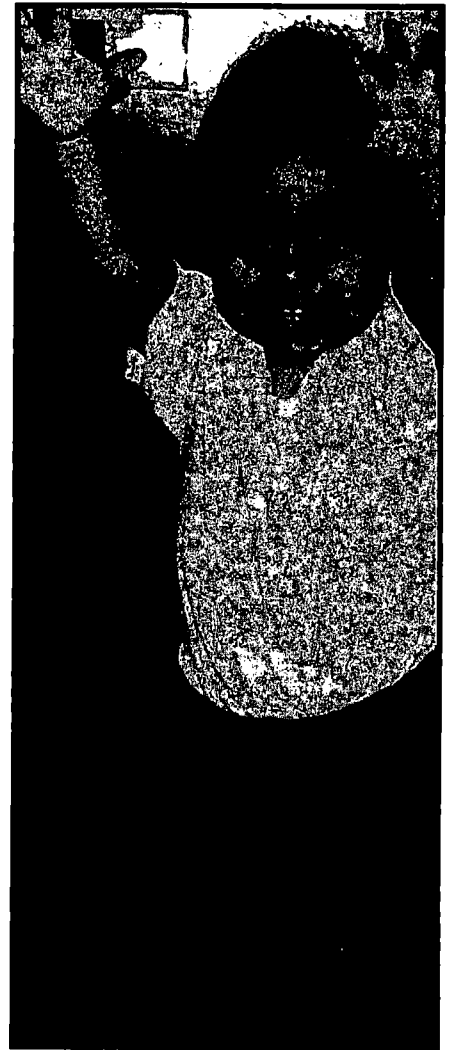
alerts the media to report on dangerous children's products, does research aimed at improving the recall process, and on and on.

We are incredibly optimistic because we have seen a community of people outside our own circle of friends, who have been touched by our story and compelled to take action. People have put their expertise to work for Kids In Danger, lawyers, accountants, professors, business executives, journalists, public relations people, advertising people, legislators, city government, professional writers, computer experts, researchers. These are the people whose efforts are honored on the pages that follow.

It is rewarding for us to see that the media has begun to highlight the problem with children product safety. Informing the public about the dangers of unsafe products is our short-term goal. Kids In Danger's ultimate goal is to reform the system and work toward a day when dangerous juvenile products don't reach the market to begin with. As such, we are positioning Kids In Danger to attack the root causes of this flawed system. With your help, we raised \$100,000 last year. We also expanded our board of directors,

and are currently recruiting an executive director. In the two years since Danny died, Kids In Danger is already poised to make systemic and lasting change. With your continued encouragement, help and support we know we can do it.

-Linda Ginzel and Boaz Keysar



THE FACTS

WHAT IS KIDS IN DANGER?

Founded in 1998 in the memory of Danny Keysar and all victims of children's products, Kids In Danger, a 501 (c) (3) nonprofit organization, is dedicated to protecting children from dangerous juvenile products.

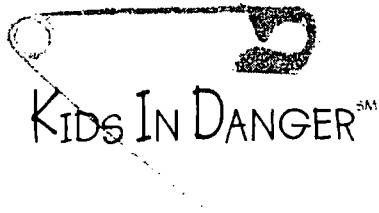


**DON'T LEARN
ABOUT RECALLS
FROM YOUR BABY**



www.KidsInDanger.org

Nationwide billboard campaign was made possible by the generosity of the Chancellor Outdoor Advertising Group and The Nahser Advertising Agency.



National Initiatives Pending Funding

Booklet. Kids In Danger has created an informational booklet: *Mine Fields*. It informs people about the widespread danger of unsafe products and gives them tools to protect their children. The booklet has been written, pilot-tested and professionally designed. We intend to mass-produce and distribute *Mine Fields* nationally.

Seminars. Few parents and caregivers know about the dangers of recalled products and fewer have any idea how to find out about recalled products they might be using. Kids In Danger is developing a seminar to disseminate this lifesaving information to parents and caregivers at schools, community centers, childcare facilities, corporate and government offices –anywhere there are people concerned about the safety of children. Our plan is to perfect the development of these seminars in the Chicago–area and expand the program nationwide.

Education. Kids In Danger is also targeting childbirth classes and in-hospital childcare classes as many parents seek information about child safety through these sources. We are developing educational materials for the childcare experts who manage these classes. Our goal is to gain the support of hospitals across the country in order to include information addressing the dangers of unsafe juvenile products and the importance of recall information in their curriculum.

Billboards. Kids In Danger has begun a national billboard recall awareness campaign, with lifesaving recall alerts posted on more than 100 billboards in nine states. To our knowledge, this is the first time that outdoor advertising has ever been used to publicize recall information. We intend to expand this community outreach effort to every state in the nation, with many hundreds of billboards throughout the country.



Legislation and Public Policy

The "Children's Product Safety Act." In August 1999, Illinois Governor Ryan signed into law new state legislation that was initiated and championed by Ginzel and Keysar. Safety and consumer advocates have hailed it as the most extensive legislation of its kind passed in any state. This law makes it illegal to sell or lease a recalled or unsafe children's product. It also requires that the Illinois Department of Children and Family Services (DCFS) ensure that dangerous children's products are not used in licensed childcare facilities. This model legislation is now being promoted in states across the nation.

HR 3208: the "Daniel Keysar Memorial and Children's Consumer Product Safety Act of 1999." In November 1999, U.S. Congressman Rod Blagojevich introduced a federal bill that would amend the Consumer Product Safety Act in order to make a number of improvements in the way that the CPSC handles recalls of defective children's products and make information about these recalls more accessible to the public.

The City of Chicago Recall Initiative. In February 1999, Chicago Mayor Richard M. Daley launched a recall initiative for the city, which called for city agencies to make recall information more available to the public. In September 1999, City Council members unanimously passed Daley's second-hand dealer's ordinance designed to protect children from recalled products. Kids In Danger continues to work with Commissioner Caroline O. Schoenberger of the Department of Consumer Services in this effort.

Illinois Department of Children and Family Services (DCFS) Initiative. In September 1998, Ginzel testified before the Illinois House Children and Youth Committee proposing five specific actions to eliminate deadly and recalled products from licensed childcare facilities. The DCFS immediately adopted her recommendations and is currently working with Kids In Danger to implement them.

Development of Voluntary Safety Standards. In September 1998, Linda Ginzel was named to the American Society for Testing and Materials (ASTM). Ginzel's vote represents the interests of parents and consumers in the development of voluntary safety standards for children's products.



August 25, 1999

Mayor's Press Office

Contact: (312) 744-3334

Office of the Mayor

Richard M. Daley

Mayor

MAYOR DALEY, REP. BLAGOJEVICH INTRODUCE LEGISLATION TO PROTECT CHILDREN FROM DANGEROUS SECOND-HAND PRODUCTS

Mayor Richard M. Daley said today he will introduce legislation in the City Council to protect children from hazardous second-hand products, such as cribs, playpens and car seats, that may have been recalled by the United States Consumer Product Safety Commission (CPSC) without their parents' knowledge.

The Mayor was joined at a news conference today by U.S. Rep. Rod Blagojevich (D-Chicago), who will introduce comparable federal legislation in Congress, Linda Ginzler, co-founder of the Kids in Danger Foundation and Lori Rose, co-owner of Chicago's Once Upon a Child Store.

Ginzler's 17-month-old son, Danny Keysar, died May 12, 1998 in a Lincoln Park day-care center after a portable crib collapsed, suffocating him. It was later determined that the manufacturer had recalled the crib in 1993 after three similar fatal accidents.

"Often, cribs, playpens and similar items are passed along from one family to another," Mayor Daley said at a news conference at Once Upon a Child at 2908 N. Ashland Ave. "In many instances, people are unaware that an item has been recalled and could result in tragedy.

"We must ensure that child-care providers, store owners and parents are aware of recalled products, and are using or selling only the ones that are safe."

The Mayor plans to amend Chicago's municipal code so that any business selling used infant or children's products would be required to:

- Obtain a \$125 second-hand dealer's license. The annual fee will be waived for any not-for-profit second-hand dealer.
- Obtain and file notices of recalled products by the CPSC within the past nine years.
- Cease selling any products without proper identification marks such as the manufacturer's original label. Products will not be required to contain this identification if the owner can establish the identity of the product manufacturer.

-MORE-

City Hall, Room 602 121 North LaSalle Street Chicago, Illinois 60602

(312) 744-3334

FAX: (312) 744-2325

During the past year, the City's Department of Consumer Services launched a campaign to increase public awareness of infant and children's products that have been included in the CPSC's annual recall roundup and of the dangers associated with them.

The Department created posters and flyers listing product recall information and is distributing those materials through City agencies. Additionally, Consumer Services Commissioner Caroline Orzac Shoenberger enlisted the assistance of several medical organizations and community groups which are also publicizing the information.

Teams of Consumer Services investigators visited hundreds of retail and resale stores, looking for recalled products and sharing recall information with owners. The Department also assisted retailers in obtaining future recall notices directly from the CPSC.

"The City's public awareness campaign was a strong start, but we must do more at both the local and federal levels to ensure the safety of our children," Mayor Daley said. "We must work together as partners to reach as many people as possible to prevent any future deaths or injuries."

Gov. George Ryan recently signed a state law, sponsored by State Representatives Judy Erwin (D-Chicago) and Carol Ronen (D-Chicago), that will prevent the redistribution of recalled products.

The proposed new ordinance will be introduced at next Wednesday's City Council meeting. The Department of Consumer Services will have authority to issue citations for violations to the ordinance, and fines can range from \$200 to \$1,000.

On the federal level, Rep. Blagojevich will introduce "The Daniel Keysar Memorial and Childhood Consumer Product Safety Act of 1999" when Congress resumes this fall. The bill will improve the way the CPSC handles defective products and will make information about product recalls more accessible to the public.

The bill would:

- Establish a comprehensive CPSC listing of all recalled child products that will be easily accessible to the general public.
- Develop a system to rate recalled products according to the dangers they pose.
- Initiate a "Point-of-Purchase Registration" pilot program for children's products that will allow manufacturers to easily notify customers of product recalls.
- Require the CPSC to report on the effectiveness of its product recalls.
- Increase funding for the CPSC.

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NEWS FROM

Congressman
Rod Blagojevich



FIFTH DISTRICT—ILLINOIS

FOR IMMEDIATE RELEASE

Wednesday, August 25, 1999

CONTACT: Matt Devine

773/868-3240

**BLAGOJEVICH LEGISLATION: PARENTS NEED TO KNOW
WHEN KIDS' PRODUCTS ARE DEEMED DANGEROUS**

Chicago -- U.S. Rep. Rod Blagojevich (D-Chicago) announced Congressional legislation that will help parents find out more easily if the federal government has determined that toys or gifts they've bought their kids have been ruled dangerous.

Blagojevich was joined at a press conference today by Chicago Mayor Richard Daley, who has embarked on a campaign to raise public awareness of recalled children's products, and State Representatives Carol Ronen (D-Chicago) and Judy Erwin (D-Chicago), who passed a state law this year requiring the Illinois Department of Public Health to maintain a list of recalled products.

Currently, the federal agency responsible for protecting the public against injuries from dangerous or defective merchandise -- the Consumer Product Safety Commission (CPSC) -- relies mainly on free media to inform parents.

Blagojevich said: "On average, 70 to 90 percent of recalled products are never repaired or returned. It's usually because the parents didn't know about the recall. This is a problem with a common-sense solution: parents and day care providers need better access to information. It's a remedy that will provide enormous benefits in prevented injuries and saved lives."

The legislation, to be introduced in September, is called "The Daniel Keysar Memorial and Children's Consumer Product Safety Act of 1999." It is named after Daniel Keysar, the child of Linda Ginzel and Boaz Keysar, who live in Blagojevich's North Side 5th Congressional District. Daniel died at a Chicago day-care center in May, 1998, when a defective crib, which had been recalled by the CPSC, collapsed. Word of the recall had never reached the day-care center.



The “Daniel Keysar Memorial and Children’s Consumer Product Safety Act of 1999”

Sponsored by Congressman Rod Blagojevich



This legislation, to be introduced when Congress reconvenes in September, will make a number of improvements in the way the Consumer Product Safety Commission (CPSC) handles recalls of defective products and make information about these recalls more accessible to the public. Highlights of the bill include:

- **Establishing a comprehensive CPSC listing, easily accessible by the general public through web site listings, electronic mail, and a toll free telephone hotline, of all children’s products subject to recall or corrective action over the last 15 years. This listing would include the CPSC’s internal hazard grading system, whereby recalled products are ranked according to the dangers they pose.**
- **Establishing a CPSC pilot program to work with manufacturers and retailers to obtain the identity of consumers who purchase specified juvenile or children’s products so that the consumer can be notified in the event of a product recall.**
- **Requiring the CPSC to report annually to Congress on the effectiveness of its product recalls (e.g. what percentage of recalled products are actually returned or repaired).**
- **Increasing the funding authorization for the CPSC to \$100 million annually, a level that reflects its budget, adjusted for inflation, shortly after its establishment in 1973. The current budget for the CPSC is \$47 million.**

HR 3208 IH

106th CONGRESS

1st Session

H. R. 3208

To amend the Consumer Product Safety Act to improve the way the Consumer Product Safety Commission handles defective products and for other purposes.

IN THE HOUSE OF REPRESENTATIVES**November 3, 1999**

Mr. BLAGOJEVICH (for himself, Mr. BERRY, Mr. GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. WAXMAN, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Consumer Product Safety Act to improve the way the Consumer Product Safety Commission handles defective products and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Daniel Keysar Memorial and Childhood Consumer Product Safety Act of 1999'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On May 12, 1998, Chicago resident Linda Ginzler and her husband, Boaz Keysar, lost their 16-month old son, Danny, when a defective crib collapsed and strangled him at a Chicago day care home. Although the licensed day care facility had been inspected just 8 days before the incident and the crib had been recalled by the Consumer Product Safety Commission in 1993, the day care home was not aware of the recall and it never removed the defective crib. Danny was the twelfth child to die in this type of defective crib nationwide. Moreover, the thirteenth child was killed in Fair Haven, New Jersey just 3 months later.

(2) The Consumer Product Safety Commission (CPSC) is an independent Federal regulatory agency created in 1972 to protect the public against unreasonable risks of injuries and deaths

associated with consumer products. Although the CPSC has jurisdiction over about 15,000 types of consumer products, its budget is less than the Food and Drug Administration's budget for regulating animal medicines.

(3) The budget for the Consumer Product Safety Commission has failed to keep pace with inflation. In fact, when indexed for inflation, the Commission's 1974 budget allocation of \$30 million would be \$98 million today, compared to the current level of \$47 million.

(4) Although manufacturers are required by law to report safety problems with their products, on average only about 260 reports are filed each year. Yet, annual CPSC inspections of over 2,000 products consistently revealed close to half the products in violation of CPSC regulations.

(5) On average, the CPSC recalls about 200-300 products each year, the majority of which are children's products or toys.

(6) In 1998, 38 million individual units of children's products were recalled.

(7) Although the CPSC is able to have recalled products removed from retail stores, it is more difficult to have recalled products removed from consumers' homes, the secondary market, including resale stores and child care facilities. On average, only 10 to 30 percent of the products recalled are repaired or returned. The number of products destroyed by the consumer is unknown. As a result, children and other consumers are likely to be injured and some killed by recalled products that have not been returned, destroyed, or repaired.

SEC. 3. RECALLED PRODUCTS.

The Consumer Product Safety Act (15 U.S.C. 2501 et seq.) is amended by adding at the end the following:

RECALLED PRODUCTS

SEC. 38. (a) Within 180 days from the date of enactment of this section, the Commission shall establish a comprehensive list of all children's products subject to recall or corrective action under the statutes it administers over the last 15 years and shall undertake to make the list widely available to the general public, State and local governments, and the secondary market, including retail stores and child care facilities through its toll free telephone hotline, electronic mail, and web site listings. The Commission shall develop a strategy for partnering with State and local governments to produce and distribute the list under this subsection to individual consumers and the secondary market, including resale stores and child care centers.

(b) Section 6(b) shall not apply to Commission announcements of corrective actions. All Commission announcements of corrective actions, including press releases, shall be identified as 'recall'. The announcements shall, with respect to the product for which the announcements are made--

(1) state clearly and concisely, in the strongest possible language, the nature and extent of the product hazard and any potential risk of injury; and

(2) shall include the number of known deaths, injuries and incidents associated with the product hazard being corrected.

In stating the hazard and risk of injury, the announcement shall use clear and unambiguous language intended to motivate consumers to participate in the recall. In addition, the Commission shall publicly post press releases and other announcements of corrective action, e.g. annual report listings in a timely manner.

(c) The Commission shall establish a pilot program to work with manufacturers and retailers to obtain the identity of consumers who purchase specified juvenile or children's products so the consumer can be notified in the event of a product recall.

(d) The Commission shall report to Congress annually on the effectiveness of the recalls ordered under section 15(d) for each specific product so that the percentage of products sold and subject to such recall or corrective action and actually recalled or repaired may be determined and made available to the general public through its toll free telephone hotline, electronic mail, and website.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081) is amended by striking out 'not to exceed' and all that follows and inserting '\$100 million for each of the fiscal years 2001, 2002, and 2003.'

END

NEWS FROM STATE SENATOR THOMAS J.

WALSH

WESTCHESTER 708/531-0390 SPRINGFIELD 217/782-2015

FAMILY TRAGEDY LEADS TO NEW STATE LAW

FOR IMMEDIATE RELEASE
AUGUST 6, 1999/ACS

Springfield, Ill. – Children will be safe from defective baby cribs and other children’s products under a new law sponsored by state Senator Thomas J. Walsh and signed into law this week by Gov. George Ryan.

Walsh (R-LaGrange Park) sponsored the legislation at the request of Dr. Linda Ginzel and her husband Dr. Boaz Keysar of Lincoln Park, who formed an organization to get the word out to parents and caregivers about potentially dangerous products after their infant son was killed in a recalled crib at a licensed day care facility.

“There is absolutely no reason for another child to die due to lack of information about unsafe or recalled products,” said Ginzel. “With the Children’s Product Safety Act in place, my husband and I have hope that other families will not suffer a tragedy as senseless as the one we have had to endure.”

Walsh commended Drs. Ginzel and Mr. Keysar for their work to get the word out about dangerous children’s products. “They have taken a personal tragedy and turned it into a positive accomplishment so that other children won’t meet the same fate as their son,” said Walsh. “The approval of House Bill 485 is just one of their many efforts to make sure that parents and day care facilities know which products could pose a danger to young children.”

Kids In Danger, the organization founded by Ginzel and Keysar to inform parents, hosts a

- MORE -

ADD ONE

web site listing information about dangerous and recalled products. That address is www.kidsindanger.org.

According to Walsh, manufacturers recall a high percentage of children's products, and day care facilities aren't prohibited from using these products.

House Bill 485, modeled after laws in California, Washington and Colorado, makes it illegal for a commercial user to sell or lease an unsafe crib or other children's product and prohibits day care facilities from using unsafe products or even having them on the premises. The law also targets resale dealers who are unaware that certain products have been deemed unsafe.

Under the new law, the Department of Children and Family Services would be required to notify child care facilities of recalls and to monitor them for unsafe products. The Illinois Department of Public Health will also compile a list of children's products that are unsafe and publish that list on the Internet.

###

HOUSE BILL 0485

91st GENERAL ASSEMBLY

State of Illinois

1999 and 2000

Introduced February 2, 1999, by Representatives Roncn - Erwin - Lopez

SYNOPSIS AS INTRODUCED

New Act

225 ILCS 10/5.2 new

225 ILCS 10/8

from Ch. 23, par. 2218

Creates the Children's Product Safety Act. Prohibits a commercial user from remanufacturing, selling, leasing, or placing in the stream of commerce a crib or other children's product that is unsafe. Provides that a children's product is unsafe when it does not conform to certain requirements or when it has been recalled. Provides for criminal penalties, civil remedies, and exemptions. Amends the Child Care Act of 1969. Prohibits a child care facility from using or having on the premises of the facility any unsafe children's product, except as specified. Provides that a violation constitutes grounds for revocation or refusal of a child care facility license. Provides that the Department of Children and Family Services shall ensure that each child care facility becomes informed, on an ongoing basis, of unsafe children's products to enable each child care facility to effectively inspect children's products and specifically identify unsafe children's products, and that the Department shall adopt rules to carry out the new provisions.

LRB9100071WHdv

Fiscal Note Act
may be applicable

Correctional Budget
and Impact Note Act
may be applicable

A BILL FOR

LIBSINCG HB485

RONEN

AMENDMENTS: HOUSE- 2 SENATE- 0 99/03/26 S REF RULES SRUL

AN ACT in relation to children's product safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Children's Product Safety Act.

Section 10. Definitions. In this Act:

(a) "Children's product" means a product, including but not limited to a full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play yard, stationary activity center, carrier, stroller, walker, swing, or toy or play equipment, that meets the following criteria:

(i) the product is designed or intended for the care of, or use by, children under 6 years of age or is designed or intended for the care of, or use by, both children under 6 years of age and children 6 years of age or older; and

(ii) the product is designed or intended to come into contact with the child while the product is used.

Notwithstanding any other provision of this Section, a product is not a "children's product" for purposes of this Act if:

(I) it may be used by or for the care of a child under 6 years of age, but it is designed or intended for use by the general population or segments of the general population and not solely or primarily for use by or the care of a child; or

(II) it is a medication, drug, or food or is intended to be ingested.

(b) "Commercial user" means any person who deals in

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children's products or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to children's products, or any person who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing in the stream of commerce children's products.

(c) "Person" means a natural person, firm, corporation, limited liability company, or association, or an employee or agent of a natural person or an entity included in this definition.

(d) "Infant" means any person less than 35 inches tall and less than 3 years of age.

(e) "Crib" means a bed or containment designed to accommodate an infant.

(f) "Full-size crib" means a full-size crib as defined in Section 1508.3 of Title 16 of the Code of Federal Regulations regarding the requirements for full-size cribs.

(g) "Non-full-size crib" means a non-full-size crib as defined in Section 1509.2 of Title 16 of the Code of Federal Regulations regarding the requirements for non-full-size cribs.

Section 15. Unsafe children's products; prohibition.

(a) No commercial user may remanufacture, retrofit,

sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, on or after January 1, 2000, a children's product that is unsafe.

(b) A children's product is deemed to be unsafe for purposes of this Act if it meets any of the following criteria:

(1) It does not conform to all federal laws and regulations setting forth standards for the children's product.

(2) It has been recalled for any reason by an

-3-

agency of the federal government or the product's manufacturer, distributor, or importer and the recall has not been rescinded.

(3) An agency of the federal government has issued a warning that a specific product's intended use constitutes a safety hazard and the warning has not been rescinded.

The Department of Public Health shall create, maintain, and update a comprehensive list of children's products that have been identified as meeting any of the criteria set forth in subdivisions (1) through (3) of this subsection (b). The Department of Public Health shall make the comprehensive list available to the public at no cost and shall post it on the Internet, and encourage links.

(c) A crib is presumed to be unsafe for purposes of this Act if it does not conform to the standards endorsed or established by the Consumer Product Safety Commission, including but not limited to Title 16 of the Code of Federal Regulations and the American Society for Testing and Materials, as follows:

(1) Part 1508 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(2) Part 1509 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(3) Part 1303 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(4) The following standards and specifications of the American Society for Testing Materials for corner posts of baby cribs and structural integrity of baby cribs:

(A) ASTM F 966-90 (corner post standard).

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(B) ASTM F 1169-88 (structural integrity of full-size baby cribs).

(C) ASTM F 1822-97 (non-full-size cribs).

(d) Cribs that are unsafe shall include, but not be limited to, cribs that have any of the following dangerous features or characteristics:

(1) Corner posts that extend more than one-sixteenth of an inch.

(2) Spaces between side slats more than 2.375 inches.

(3) Mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot withstand at least a

25-pound upward force from underneath the crib.

(4) Cutout designs on the end panels.

(5) Rail height dimensions that do not conform to both of the following:

(A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.

(B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.

(6) Any screws, bolts, or hardware that are loose and not secured.

(7) Sharp edges, points, or rough surfaces, or any wood surfaces that are not smooth and free from splinters, splits, or cracks.

(8) Tears in mesh or fabric sides in a non-full-size crib.

(9) A non-full-size crib that folds in a "V" shape design does not have top rails that automatically lock

-5-

into place when the crib is fully set up.

(10) The mattress pad in a non-full-size mesh/fabric crib exceeds one inch.

(e) An unsafe children's product, as determined pursuant to subdivisions (1), (2), and (3) of subsection (b) of this Section 15, may be retrofitted if the retrofit has been approved by the agency of the federal government issuing the recall or warning or the agency responsible for approving the retrofit is different from the agency issuing the recall or warning. A retrofitted children's product may be sold if it is accompanied at the time of sale by a notice declaring that it is safe to use for a child under 6 years of age. The notice shall include: (1) a description of the original problem which made the recalled product unsafe; (2) a description of the retrofit which explains how the original problem was eliminated and declaring that it is now safe to use for a child under 6 years of age; and (3) the name and address of the commercial user who accomplished the retrofit certifying that the work was done along with the name and model number of the product retrofitted. The commercial user is responsible for ensuring that the notice is present with the retrofitted product at the time of sale. A retrofit is exempt from this Act if:

(i) the retrofit is for a children's product that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial user, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit; or

(ii) the seller of a previously unsold product accomplishes the repair, approved or recommended by an agency of the federal government, prior to sale.

Section 20. Exception. The commercial user shall not be found noncompliant if the specific recalled product sold was

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not included on the Department of Public Health's list on the day before the sale.

Section 25. Penalty. A commercial user who willfully

and knowingly violates Section 15 is guilty of a Class C misdemeanor.

Section 30. Enforcement. The Attorney General, or a State's Attorney in the county in which a violation of this Act occurred, may bring an action in the name of the People of the State of Illinois to enforce the provisions of this Act.

Section 35. Remedies. Remedies available under this Act are in addition to any other remedies or procedures under any other provision of law that may be available to an aggrieved party.

Section 900. The Child Care Act of 1969 is amended by adding Section 5.2 and changing Section 8 as follows:

(225 ILCS 10/5.2 new)

Sec. 5.2. Unsafe children's products.

(a) A child care facility may not use or have on the premises, on or after July 1, 2000, an unsafe children's product as described in Section 15 of the Children's Product Safety Act. This subsection (a) does not apply to an antique or collectible children's product if it is not used by, or accessible to, any child in the child care facility.

(b) The Department of Children and Family Services shall notify child care facilities, on an ongoing basis, of the provisions of this Section and the Children's Product Safety Act and of unsafe children's products, as determined in accordance with that Act, in plain, non-technical language

-7-

that will enable each child care facility to effectively inspect children's products and identify unsafe children's products. The Department of Children and Family Services shall adopt rules to carry out this Section.

(225 ILCS 10/8) (from Ch. 23, par. 2218)

Sec. 8. The Department may revoke or refuse to renew the license of any child care facility or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

- (1) fail to maintain standards prescribed and published by the Department;
- (2) violate any of the provisions of the license issued;
- (3) furnish or make any misleading or any false statement or report to the Department;
- (4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;
- (5) fail or refuse to submit to an investigation by the

Department;

(6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

(8) refuse to display its license or permit;

(9) be the subject of an indicated report under Section 3 of the "Abused and Neglected Child Reporting Act" or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with

-8-

direct contact with children who is the subject of an indicated report under Section 3 of that Act;

(10) fail to comply with the provisions of Section 7.1;

(11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;

(12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;

(13) fail to comply with Section 5.1 or 5.2 of this

Act; or

(14) be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.

(Source: P.A. 88-670, eff. 12-2-94; revised 10-28-98.)

END OF INQUIRY

Testimony given to the Illinois House Children and Youth Committee of the 90th General Assembly on September 14, 1998 on the subject of "Upgrading Child Care Licensure in Illinois."

My name is Linda Ginzel. I am a mother.
I am also a professor at the University of Chicago.
This means that, like many working parents, I rely on daycare.

I am here today because four months ago, on May 12th, my 17-month-old son, Daniel, was strangled to death at his licensed day care home in our neighborhood, in Lincoln Park.

I am here today because there is absolutely no reason for this to ever happen again. Danny's death was completely preventable.

You see, my little boy was killed by a defective nursery product.
His crib.
The Playskool Travel-Lite Portable Crib --where he napped in the afternoons at his day care home.
These faulty cribs have hinges in the top rails that allow them to collapse and fold flat for storage. They are defective because they can collapse unexpectedly while the product is in use. (Refer to copies of the Urgent Alert.)

According to the U.S. Consumer Product Safety Commission, Danny was not the first victim of this defective crib, he was not the second, he was not the third, he was not even the fourth child to die. My son, Daniel, was the fifth baby whose neck was caught between the top rails of this defective crib and strangled to death. Three babies were killed before the product was officially recalled in 1993 and two babies had died since the recall.

How is it possible? How can such a deadly crib be found in a day care facility licensed by the state of Illinois? You should know that just eight days before this crib collapsed and strangled my son to death his day care home passed a DCFS inspection.

I went to DCFS to ask this question. How is it possible?
Three weeks after my son was killed, I met with Camille Sleet the head of licensing for Cook County. Ms. Sleet said that currently there is nothing in their rules and regulations about recalled products. As for nursery equipment in day care homes, the licensing standards in section 406.22; item F.1 reads: "The equipment must be must be appropriate to the developmental needs of the child in care. Safe, sturdy, well-constructed individual cribs, playpens or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over."

Safe, sturdy and well constructed.
Recalled, deadly nursery equipment is by definition unsafe. Unsafe enough to kill.

Camille Sleet understood the urgent need to get life-saving information about these deadly cribs to all day care providers and inspectors. As a result of our June 9th meeting and her efforts, Jesse McDonald sent out the recall information that I had provided to the DCFS. The mailing included all licensed day care home, centers and foster homes.

I am grateful for this immediate response, but this alone is not enough to prevent another tragedy. Current licensing standards simply do not protect our children from deadly, recalled nursery furniture and juvenile equipment routinely used in day care settings such as high chairs, baby carrier seats and infant swings and other such products.

As parents, my husband and I placed our children in licensed day care with the understanding that minimal safety standards were being met and monitored by the state. I know that much of the work of this committee is concerned with issues of quality in day care.

I want you to understand that Danny had quality day care.

My testimony today is about something much more basic than the broad and complex issues of "quality."

My testimony today is about an issue that is much easier to define and address effectively; it is about minimum safety standards for licensed day care facilities in the state of Illinois.

In the four months since my son's death, my husband and I have learned a lot about what is wrong with the current recall process. And as a result, we founded a non profit organization called Kids In Danger. The focus of our efforts is on preventing childhood death and disability due to faulty, recalled nursery equipment. I hope that you will all visit our website at kidsindanger.org to see what we are doing in order to try and prevent the next death.

Here's what else can be done:

1. Juvenile product recall information should be provided at orientation sessions for potential licensees.
2. In their application for a license, providers should be required to complete and sign a checklist of their juvenile furniture and nursery equipment, such as cribs, play yards, strollers, high chairs, infant swings. The checklist would be completed when compared with the recall information. All that is needed are the names of manufacturers and model numbers for each item.
3. During the site inspection that is required to open a newly licensed day care, the DCFS inspector would verify the equipment placed on the checklist against the recall information and sign off on the checklist*. Day care facilities already licensed and in operation would also complete the checklist and verification procedure.
4. Because recalls can occur at any stage in a product's lifecycle, it is necessary for a monthly or quarterly newsletter with updated recall information. This information should be provided on a state-wide basis by the DCFS so that the chain of accountability is evident. That is, the state agency that provide licenses and oversight should also provide licensees with critical recall information. Then, when the DCFS performs a check, everyone knows what is and what is not allowed.
5. Furthermore, recall information should be information posted in a visible location at all licensed day care facilities. If this is done, parents can serve as a second set of eyes on the daycare; and know to check their own equipment at home.

The point is that issuing and complying with safety recalls by licensed daycares should be mandatory and visible to all. Thank you.

*Additional Note: This equipment verification procedure would become part of the regularly-scheduled DCFS inspections.

MetroChicago

TUESDAY, SEPTEMBER 15, 1998

State told of fatal flaw in day-care inspections

By Cornelia Grumman
TRIBUNE STAFF WRITER

The state's child-welfare agency inspected the day-care center where little Danny Key-sar was strangled by a defective crib only eight days before the tragedy occurred, according to emotional testimony given to a panel of Illinois lawmakers Monday.

And had state licensing procedures required inspectors to look for recalled equipment being used in day-care facilities, the 17-month-old might still be alive today, the boy's mother told members of the House Committee on Children and Youth. Officials with the Department of Children and Family Services said they will try to address such shortcomings in their inspection procedures.

The Playakool Travel-Lite portable crib model had been recalled in 1993, after three babies were killed in separate incidents when their necks were caught between the top rails.

"Current licensing standards simply do not protect our children from deadly, recalled nursery furniture and juvenile equipment routinely used in day-care settings such as high chairs, baby carrier seats and infant swings and other such products," said Linda Ginzel, 39, Danny's mother and a University of Chicago professor.

DCFS Deputy Director Mary Sue Morsch agreed to Ginzel's suggestions that product recall information be provided at orientation sessions for potential licensees, that special inventories of day-care equipment be compared with product recall lists and that a newsletter be mailed to providers and passed along to parents with product safety updates.

The hearing at the James R. Thompson Center came in response to news articles earlier this summer and an outcry by child-care advocates about other problems plaguing the state's day-care licensing system.

"Months and months of delays were hindering the ability of new programs to come on-line and for existing child-care programs to be re-licensed," said state Rep. Carol Ronen (D-Chicago), who chairs the committee. "These delays caused problems for the providers and most critically, limited the options available for parents seeking child care."



Broadcast Media Overview

National Television

NBC-"Extra"

NBC-"The Today Show"

CBS-"This Morning"

ABC-"The Oprah Winfrey Show"

ABC-"20/20"

Regional & Local Television

FOX6 News-Milwaukee, Wisconsin

CBS-Dallas/Ft. Worth, Texas

NBC6-Miami/Ft. Lauderdale, Florida

ABC7-Chicago, Illinois

NBC5-Chicago, Illinois

CBS2-Chicago, Illinois

CLTV-Chicago, Illinois

UPN9 News-New York, New York

WLNS6TV-Lansing, Michigan

WCIU-Chicago, Illinois

Channel 66-Chicago, Illinois

WFLD(FOX)-Chicago, Illinois

WFBT-Chicago, Illinois

WTTW-Chicago, Illinois

Radio

WPHM-Detroit, Michigan

KAZU FM-California's Central Coast

WMAQ-AM(CNN)-Chicago, Illinois

WBBM-AM(CBS)-Chicago, Illinois

KMOX-St. Louis, Missouri

US*99-Chicago, Illinois

WBEZ FM-Chicago, Illinois



Broadcast Media - Partial List

National Television:

<u>NETWORK SERIES</u>	<u>SEGMENT TITLE</u>	<u>DATE</u>
NBC-TV "Extra"	Recalls	January 5, 1999
NBC-TV "The Today Show"	Parenting	January 11, 1999
ABC-TV "The Oprah Winfrey Show"	Remembering Your Spirit	January 20, 1999 and various rebroadcast dates
CBS-TV "This Morning"	Kids In Danger	March 8, 1999
ABC-TV "20/20"	Playing with Danger	March 22, 1999

Regional Television:

FOX6 News-Milwaukee Wisconsin	Danger for Sale	February 9, 1999
CBS-Dallas/Ft. Worth Texas	"Positively Texas"	April 8, 1999
NBC6-Miami/ Ft. Lauderdale, Florida	Recalled Products	May 3, 1999
UPN9 News-New York New York	Product Recalls	August 2, 1999
WLNS6TV-Lansing Michigan	The Danger of Recalled Products	August 4, 1999

Local Television:

CBS2-Chicago	Kids In Danger	September 6, 1998
NBC5-Chicago	Play Pen Recall	November 24, 1998
CBS2-Chicago	Dangerous Playpens/Cribs Recalled	November 24, 1998

Local Television (continued):

<u>NETWORK</u>	<u>SEGMENT TITLE</u>	<u>DATE</u>
WTTW-Chicago	SCG&K Honors Ginzel/Keysar	February 4, 1999
NBC5-Chicago	Recall Roulette (Part 1)	February 24, 1999
NBC5-Chicago	Recall Roulette (Part 2)	February 25, 1999
WFBT-Chicago	"Building Blocks: The Parenting Show"	February 26, 1999
WCIU-Chicago	"The Jack Taylor Show"	March 1, 1999
NBC5-Chicago	Billboard Campaign	May 3, 1999
Various Broadcasts: CLTV; WFLD(Fox) ABC7; NBC5; WGN9 CBS2	Kids In Danger, City of Chicago, and the CPSC	March 30–April 1, 1999
Various Broadcasts: CLTV; WFLD(Fox) ABC7; NBC5; WGN9	Kids In Danger, Mayor Daley, and Rep. Blagojevich	August 25–August 26, 1999
Various Broadcasts: ABC7; WGN9	Kids In Danger, Illinois PIRG and City of Chicago	November 23, 1999
Channel 66-Chicago	Peligro Olvidado	March 1, 2000
NBC5-Chicago	Danny's Law	May 22, 2000

Radio Appearances:

WPHM-Detroit Michigan	"The John Hill Show"	September 24, 1998
WMAQ-AM(CNN) Chicago, Illinois	All News 67	March 30, 1999
WBBM-AM(CBS) Chicago, Illinois	Newsradio78	March 30, 1999
US*99-Chicago Illinois	"Chicago Up Close"	June 6, 1999
KMOX-St. Louis Missouri	News	June 25, 1999
KAZU FM-Central Coast California	"The Roadside Café"	July 5, 1999

Radio Appearances (continued):

<u>NETWORK</u>	<u>SEGMENT TITLE</u>	<u>DATE</u>
WBEZ FM -Chicago Illinois	News/NPR	August 26, 1999
WBBM-AM(CBS) Chicago, Illinois	Newsradio78	November 23, 1999



Print Media Overview

Magazine Feature Articles

Chicago Magazine (November 1998)
Child Magazine (February 1999)
Mother Jones (November/December 1998)

People Magazine (June 28, 1999)
Small World (August 1999)

Magazine News Shorts

Baby Talk (March 1999)
Children's Ministry (November/December 1998)
U.S. News & World Report (April 1999)
Brill's Content (October; November 1998)

Newsweek (May 1999)
Twins (July/August 1999)
Consumer Reports (July 1999)
Injury Prevention (1999, vol. 5)

Newspapers

Boston Sunday Globe
Chicago Sun-Times
The Hyde Park Herald (Chicago)
Sun-Sentinel (Ft. Lauderdale, Florida)
Press & Sun-Bulletin (Binghamton, New York)

Chicago Tribune
Illinois Times
The Plainfield Sun (Plainfield, Illinois)
The Chicago Maroon
Daily Southtown (Chicago)

Newsletters & Regional Parent Magazines

Boulder County Parent (Colorado)
San Francisco-Peninsula Parent
Rhode Island Parent's Paper
Rodfei Zedek Bulletin
The Newsletter of the Danny Foundation
Texas EMS Magazine
CCR Reports

Illinois Hotel-Motel Association
The Resale Industry Newsletter
Chicagoland Safe Kids
The Children's Safety Network
Mid Town News
Hollywood Video Insider



Print Media - Partial List

Magazines:

BabyTalk, Smalltalk. "Total Recall." March 1999, p. 17.

Brill's Content. Letters to the Editor. Complaint by Kathleen Begala, Public Affairs Director Consumer Product Safety Commission. October 30, 1999, www.brillscontent.com.

Brill's Content. Letters to the Editor. Response by Jonathan Eig, Executive Editor Chicago Magazine. November 5, 1999, www.brillscontent.com.

Chicago Magazine. "How Danny Died" by Jonathan Eig. November 1998, p. 62-82.

Chicago Magazine, Letters. "Crib Notes." January 1999, p. 10-11.

Chicago Magazine, "Impact players: The 1998 Chicagoans of the Year." January 1999 p. 63-68.

Chicago Magazine, Letters. "Total Recall." February 1999, p. 10.

Chicago Magazine, Frontline. "Mister Walker; Our heroes: Cheers and tears marked the awards luncheon honoring our 1998 Chicagoans of the Year." March 1999, p. 26.

Child Magazine. "Safety warning: What every parent and caregiver must know about recalls to keep children safe" by Ellen Liberman and Marla Felcher. February 1999 p. 28-33.

Child Magazine, Editor's Letter. "Hard Lessons Learned" by Pamela Abrams. February 1999, p. 10.

Child Magazine, Feedback. "Recall Warning." May 1999, p. 11.

Child Magazine, Feedback. "Recall Warning." August 1999, p. 12.

Children's Ministry, Keeping Current with Kids. "Product Recalls." November/ December 1998, p. 12.

Consumer Reports, Frontlines. "Product Safety: Beefing up product recalls." July 1999 p. 9.

Injury Prevention, News and Notes. "Kids In Danger media coverage." 1999, Vol. 5, p. 91.

Mother Jones, Outfront. "Silent Recall" by E. Marla Felcher and Ellen Liberman. November/December 1998, p. 17-18.

Magazines (continued):

Mother Jones. "A little bit louder now" by Tim Dickinson. January/February 1999, p. 21.

Newsweek, Family Briefs. "Online Recall Resources." May 17, 1999, p. 90.

People Magazine. "Total Recall: A child's death spurs his parents' fight to see unsafe products taken off the market," by Susan Schindehette and Barbara Sandler. June 28, 1999, pp. 105-106.

Small World. "Investigation: Recalled products under the gun. Armed with media interest, consumers and not-for-profit organizations are leading a movement to change the process by which juvenile product manufacturers handle recalls and standardize their products," by Rose Palazzolo. August 1999, pp. 20-22.

Twins. "Backyard Babies: From bouncy seats to baby boundaries, safe fun in the sun," by Jill Klinge. July/August 1999, pp. 44-45.

U.S. News & World Report, Science and Ideas. "The risks of daycare" by Lynn Rosellini. April 26, 1999, p. 64.

Newspapers:

Boston Sunday Globe, Consumer Beat. "After child's death in crib, couple faults product recall system" by Patricia Wen and Bruce Mohl. June 28, 1998.

Boston Sunday Globe, Consumer Beat. "Another crib death" by Patricia Wen and Bruce Mohl. September 6, 1998.

The Chicago Maroon, Vol. 110, Issue 20. "Chicago magazine names three profs 'Chicagoans of the year'" by Daniel Kingery. January 12, 1999, p. 1.

Chicago Sun-Times. "Crib death leads city to publicize recalls." February 2, 1999.

Chicago Sun-Times. "Parents who lost infant son spread word about recalls" by Michael Gillis. February 18, 1999.

Chicago Tribune, Metro Chicago. "Boy's playpen death spurs recall efforts: Second-hand sales also targeted" by Jon Bigness. June 15, 1998.

Chicago Tribune, Metro Chicago. "State told of fatal flaw in day-care inspections" by Cornella Grumman. September 15, 1998.

Chicago Tribune. "Thanks for Making our Nurseries Safer" Allstate Insurance Company Advertisement. October 29, 1998.

Chicago Tribune. "City highlights unsafe products for kids" by Gary Washburn. March 31, 1999.

Daily Herald. "Study: Food safety a top priority for residents" by Allison Kaplan, October 26, 1999.

Newspapers (continued):

Daily Southtown. "Defective cribs meet their match: Parents file suit, warn others of potential dangers" by Kristin Cleary, August 24, 1998, pp. 1-2.

The Hyde Park Herald. "U of C profs named outstanding Chicagoans." January 20, 1999.

The Hyde Park Herald. "U of C profs work for safer kids' products" by John Greenfield. September 1, 1999.

Illinois Times, Local. "Parents seek to get word out on crib: Couple starts foundation to warn others about recalled crib that took the life of their son" by Kristin Cleary August 24, 1998, pp. B1-B2.

The Plainfield Sun (Plainfield, IL). "Recall, Will Robinson: Information is consumers' best weapon against defective merchandise" by Susan Frick Carlman. July 7, 1999, pp. 33-34.

Press & Sun Bulletin (Binghamton, NY). "Dangerous cribs in use despite recalls, deaths" by Lee Shepherd. October 15, 1999.

Sun-Sentinel (Ft. Lauderdale, FL). "Popular dive sticks recalled" by Mitch Lipka. June 25, 1999.

Sun-Sentinel (Ft. Lauderdale, FL). "Consumers often don't get word about dangers" "Deaths of six babies expose fatal flaws of system"; "Crusading against a crib" by Mitch Lipka. November 29, 1999.

Sun-Sentinel (Ft. Lauderdale, FL). "Technology to make notification automatic" by Mitch Lipka. November 30, 1999.

Newsletters:

The Boulder County Parent, Letters to the Editor. "Prevent the death of next child." July 1998, p. 14.

CCR Reports, News from the Coalition for Consumer Rights, "Children's Product Safety Act"; "Put tobacco money to work preventing injuries." December 1999.

Chicagoland Safe Kids. "Chicago organization raises awareness about dangerous juvenile products." February 1999.

Children's Safety Network Notes. "Urgent new alert: Some portable cribs/playpens may be unsafe." Summer 1998.

Cribnotes, Newsletter of The Danny Foundation, Vol. 11, No. 4. "Deaths in portable cribs/play yards." Summer 1998, p. 1.

Cribnotes, Newsletter of The Danny Foundation, Vol. 12, No. 2. "Legislative News: Illinois Recall Legislation" Summer 1999, p. 6.

Hollywood Video Insider, Hollywood Kids, "Did you know. . . 38 million individual children's products were recalled in 1998 alone?" Holiday 1999 Issue, p. 14.

Newsletters (continued):

INNovations, The Newsletter of the Hotel-Motel Association of Illinois. "Child safety law to impact Illinois hotels." August 1999, p. 3.

Mid Town News, City People in Focus, Vol. 19, and No. 12. "Grieving parents fighting for kids in danger." December 1998, p. 3.

Rodfei Zedek Bulletin. "The Pulpit Shelf: Safety—Especially for children." May 31, 1999, p. 7.

Rhode Island Parents' Paper. "Parents fight for safer kid's products." November 1988, p. 8.

San Francisco-Pennisula Parent. "Important recall information for parents" by Tara Aronson. May 1999, p. 16.

Texas EMS Magazine. "Kids In Danger: Recall Web site launched" by Kelly Harrell September/October 1999, p. 8.

Too Good To Be Threw, The Resale Industry Newsletter, Vol. 16, no. 5. "Beware: Don't sell danger." September/October 1998, p. 9.



Honors & Awards

1999 Community Champion Award. Kids In Danger was awarded the Civil Justice Foundation's Community Champion Award for grassroots, progressive consumer advocacy.

1998 Chicagoans of the Year. Chicago Magazine named Linda Ginzel and Boaz Keysar "Chicagoans of the Year," along with Chicago Cubs' Sammy Sosa and blues singer Koko Taylor.

1998 Allstate Safety Leadership Award. Kids In Danger, winner in the Illinois region, is cited as "an outstanding honoree . . . an exemplary model of safety leadership."

Corporate & Foundation Grants

Premiere Benefactor \$10,000 - \$20,000

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A nonprofit organization for the protection of young children from dangerous juvenile products

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