



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## State Legislature Passes Fuschillo Bill to Ban Dangerous Drop-Side Cribs in New York State

CHARLES J. FUSCHILLO JR. June 25, 2010

| ISSUE: **CONSUMER PROTECTION**

State Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that both the New York State Senate and Assembly have passed legislation he sponsors to enact a statewide ban on dangerous drop-side cribs.

Malfunctioning drop-side cribs have been blamed for multiple deaths and injuries of children, including on Long Island. Over two million cribs were recalled yesterday by the United States Consumer Products Safety Commission (CPSC) due to the dangers they pose to infants and toddlers. Over nine million cribs have been recalled by the CPSC since 2007.

Senator Fuschillo said, “Children’s products that can kill or injure a child do not belong on store shelves. Drop-side cribs have proven time and time again that they can seriously injure or kill a child. They should be removed from the marketplace to help protect children from harm. I am pleased that both the Senate and Assembly have approved this common-sense measure and I urge Governor Paterson to sign it into law.”

The legislation (S. 6356B), sponsored by Senator Fuschillo, Senator Dean Skelos (R-Rockville Centre), and Senator Stephen Saland (R-Poughkeepsie), would ban the sale, import, manufacture, and distribution of drop-side cribs throughout New York State. Assemblywoman Ginny Fields (D-Oakdale) is the sponsor of the measure in the Assembly.

Two local families who lost children to drop-side cribs, Michele & Henning Witte of Merrick and Robert & Susan Cirigliano of North Bellmore, played a key role in helping Senator Fuschillo get the legislation passed. Both families testified about their experiences and strongly advocated for the proposed law at a public hearing Senator Fuschillo sponsored in February.

Michele Witte of Merrick, whose 10-month old son was killed by a drop-side crib, said at the hearing, “This proposed ban on the sale of drop-side cribs in the State of New York is the most progress I have seen since 1997 when I lost my son, Tyler Jonathan. I woke up to find “my Valentine” with his neck trapped between the side-rail and headboard of his drop-side crib. Dozens of babies have died after becoming entrapped when drop-side hardware caused the side-rail of their cribs to loosen or detach. Millions of cribs have been recalled due to the strangulation hazard. Crib manufacturers know about the hazard but put profits over safety. I am thrilled that Senator Fuschillo proposed legislation that will ban the sale of these cribs and send a strong message that the New York State Legislature will not risk the lives of our most precious constituents: our children.”

Mr. & Mrs. Cirigliano of North Bellmore, who lost their 6-month old son to a drop-side crib, said at the hearing, “Since we lost our son Bobby in 2004, we have worked tirelessly to make parents aware of

the deadly dangers posed by the drop-side crib. Our crusade includes a ban in Suffolk, Nassau and Rockland Counties, as well as testifying for the Crib Safety Hearing in Washington, DC with Congress. We want to thank Senator Fuschillo for taking the reins in New York State and protecting our babies. We appreciate Senator Fuschillo's passion and determination to ban the sale of drop-side cribs on a statewide basis."

According to the U.S. Consumer Product Safety Commission (CPSC), the hardware on a drop-side crib can often break or malfunction, causing the drop-side to detach and create a space between the drop-side and crib mattress. Infants and toddlers can roll into this space and become entrapped and suffocate, or sustain serious injury if the drop-side detaches completely.

The sale of drop-side cribs is already prohibited in at least eight states including Arizona, California, Colorado, Illinois, Minnesota, Oregon, Pennsylvania, and Washington. The New York State counties of Nassau, Suffolk and Rockland have already separately approved county-wide bans on the sale of drop-side cribs.

CPSC Chairperson Inez Tenenbaum has pledged to ban the manufacture and sale of drop-side cribs on a federal level by the end of the year. Some estimates are that full implementation of the federal ban may not take place until the middle of 2011. Congress is considering legislation to implement the ban more quickly, however it has not yet been approved by either the House or Senate.

"While it's great that the federal government is exploring action on a national level, New York State's law would take effect before the CPSC changes. It's important that we get these potentially dangerous products off store shelves as soon as possible, and that's why this legislation should be signed into law," Senator Fuschillo added.

The legislation will be sent to Governor Paterson for consideration.

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