



IMPROVING
CHILDREN'S
PRODUCT
SAFETY

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June 8, 2016

Office of the Secretary
Consumer Product Safety Commission
Room 502
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**Comments of Nancy Cowles, Executive Director
Kids In Danger
To the U.S Consumer Product Safety Commission on
“Agenda and Priorities FY 2017 and FY 2018”**

Thank you for the opportunity to submit comments on the CPSC’s agenda and priorities. Kids In Danger (KID) is dedicated to protecting children by improving children’s product safety. KID was founded in 1998 by the parents of Danny Keysar who died in a recalled portable crib in his Chicago childcare home. We urge the CPSC to consider prioritizing activity in the following areas.

CPSIA Implementation

Mandatory Standards

Through the implementation of the Consumer Product Safety Improvement Act (CPSIA) and Danny’s Law, the CPSC has put much time and energy into developing mandatory standards for durable infant and toddler products. However, there is still more to do. Currently the CPSC has a mandatory standard for 16 of the 25 durable infant and toddler products currently planned for standards, including portable Hook-On Chairs that will be effective in the fall. This does not include three products – high chairs, children’s chairs and stools, and infant bouncer seats that have proposed rules. We urge CPSC to continue to prioritize this work, giving staff the time and resources they need to develop strong standards that will reduce injuries and deaths from nursery products.

This section of the CPSIA, Danny’s Law or Section 104, was intended to give parents and caregivers the confidence when they purchase products for the care of their infants and toddlers, that someone, somewhere has done all they can to make sure they are safe. This list was originally created in 2001, and updated in 2008 with other products. We would ask the Commission to consider adding new products to the list as they become more common in our nurseries and childcare facilities. Let’s make sure we give parents that confidence for all the durable infant and toddler products – not just those that were commonplace when the bill was adopted.

SaferProducts.gov

The CPSIA also charged the CPSC to create a product database for consumers and manufacturers. *SaferProducts.gov* is the result of this mandate. Tens of thousands

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of consumers have filed reports with the database and many more use it to review product reports that provide key information for research and buying decisions. It is an invaluable resource for safety, and will be even more useful when it is more widely used. The CPSC should prioritize using low-cost efforts to increase the database's visibility and use.

The development of SaferProducts.gov was in part, a compromise on transparency in the Consumer Product Safety Improvement Act. Consumer advocates and others were calling then for a repeal of section 6(b) of the Consumer Product Safety Act. Simply put, 6(b) is a gag order – restricting CPSC's ability to warn the public about product hazards and keeping consumers in the dark about dangerous products they have in their homes and use daily with their families.

While SaferProducts.gov was set up to require public posting of consumer reports of product incidents and injuries, repealing 6(b) would allow many other reports and safety issues to be made public. For example, parents using the Tommee Tippee Sippee cups might have been surprised by the late afternoon – right before the holiday weekend – recall announcement that the lids conceal mold growth – over 3,000 reports and 68 children suffered illness before it was announced publically. The Chairman has recently cited 6(b) in limiting his ability to talk openly about furniture tip-over information. While proponents of 6(b) might point to media reports that share some of this information, consumers should be able to depend on their governmental agencies to talk openly and provide definitive information about product safety – not hear 'we can't say' or 'no comment' on safety. We urge the CPSC to continue to look for ways to weaken section 6(b)'s impact on public information and safety and to join us in calling on Congress to consider a repeal.

Safe Sleep Environments

Among children's product safety issues, a safe sleep environment is an overriding concern to KID. Suffocation – most of it in a sleeping environment – is the leading cause of unintentional death in infants. Danny Keysar died in a recalled portable crib. It was not the recall that made the crib dangerous, but the faulty design that has led to almost 20 eerily similar deaths in cribs of the same design. Whether they are bassinets, portable cribs, play yards, cribs, or some newly designed product or accessory, sleep products must meet the highest standards for safety. It is the one place we leave infants alone – to get some sleep ourselves or do one of the 27 thousand things we cannot get done while the baby is awake. I know that the CPSC also prioritizes the safety of these products. The number of sleep related deaths in infants is too high and is not showing signs of decreasing – it is a public health emergency.

Crib Bumper Pads

Crib bumper pads are an unnecessary risk to sleeping infants. The American Academy of Pediatrics warns against the use of crib bumper pads in their safe sleep guidelines. Because of that and the history of suffocation and possible link to SIDS, almost all hospitals tell parents not to use crib bumpers in the crib. A report last year in the Journal Pediatrics noted that not only was an earlier report – criticized by CPSC staff – correct, but that the suffocation rate from bumper pads was increasing. Retailers such as Target and IKEA have removed bumpers from their shelves. Almost every childcare facility in the country is prohibited from using bumpers. Yet – the CPSC, the agency tasked with safe product use, is silent on the issue -- leaving a huge gap in consumer understanding and putting thousands of babies at risks. As long as the CPSC is silent and bumpers

are still on store shelves, they will continue to be used despite every other health and safety organization warning against their use. The longer the CPSC stays silent, the greater the confusion.

The CPSC has been petitioned to accept the ASTM standard for infant bedding that covers crib bumper pads. Adopting that standard, which only limits bumpers to two inches of thickness – more than twice what most bumpers are already -- simply means that the very type of bumpers we know have suffocated children –would now be labeled by the CPSC as safe. In addition to the direct risk of suffocation from crib bumper pads, there is also the issue of contributing to SIDS by reducing airflow in the crib AND confusing parents on the safe sleep message that encourages a bare crib. It is hard to convince parents to remove padded items such as pillows from the crib when you are selling them a two-inch thick pad to wrap around the crib at the same time. While the CPSC says “bare is best,” we urge you to follow the lead of major retailers, Maryland, and the City of Chicago to stop the sale of padded bumpers.

As the CPSC considers the current petition, we would ask that if a mandatory standard is developed that it prohibit padded bumpers. As more mesh liners enter the market, if they are exempted from the prohibition, the CPSC should include performance requirements that assure their safety. While there is no evidence of a suffocation hazard currently with these products, data should be closely watched.

Inclined Products

Products such as car seats, swings, bouncers, etc. are often used as alternative sleeping equipment by caregivers. However, recent research has thrown this practice into question. Researchers have found that it can take as little as four minutes for an unattended infant to suffocate in these inclined products. A young baby, Shepard Dodd, died in Oklahoma on April 6, 2015 when he was left to sleep in a car seat at childcare. Caregivers should be warned of the danger.

Products are marketed that mimic this reclined, but not flat, sleeping position and it has great appeal to parents whose babies seem to have trouble sleeping. The CPSC has added infant inclined sleep products to the Section 104 list to promulgate a mandatory standard. The CPSC should carefully monitor incidents with these sleep products which leave the baby sleeping on an inclined surface for extended periods of time and consider enhancements to the standard to protect against the unique hazards. Best practice is for babies to sleep flat on their backs.

Mesh Play Yard Mattresses

Play yard standards currently warn against using a supplemental play yard mattress. Yet some companies still produce and sell them. Any supplemental padding in a mesh play yard can lead to entrapment and suffocation deaths. A product whose only use is an unsafe one has no place in the marketplace. CPSC has a petition, which KID has signed onto to ban these products. Supplemental mattresses for mesh play yards should be banned or prohibited by a standard.

Other sleep products

Beyond safety and health, there are two main concerns of all new parents – is my baby eating and growing and is my baby sleeping? Products that help parents achieve either of these flood the

market. Nevertheless, they are not all safe – especially sleep products. From cushions to prop babies up, to specific products such as the Nap Nanny, to products intended to help babies share an adult bed: these products enter the market with little or no testing. There are no standards for these products. The CPSC has been working through the ASTM International standard setting process to attempt to find ‘homes’ for different types of products to make sure they have to meet a standard – or can be kept off the market if they can’t. Right now, it is a little bit of the Wild West out there. Entrepreneurs are struck with great ideas – usually in the middle of the night when they are sleep deprived and up with their own babies and rush to market. The CPSC should continue their work to develop standards for all sleep products and make it a priority within the Small Business Ombudsman’s office to provide outreach and vital product safety information to companies producing these products.

Product-Specific Issues

Laundry Packets

Liquid laundry packets are filled with concentrated chemicals strong enough to cause permanent damage or death. Therefore, it is necessary that the CPSC continue to participate in and monitor the ASTM standard-making process. Now that a voluntary standard has been published, CPSC should monitor compliance and work with the ASTM Committee to review data to see the impact on injuries. The CPSC should consider using a Section 104 model to adopt and strengthen the standard.

Furniture Tip Overs

KID is proud to be a campaign advocate of the CPSC’s #AnchorIt education campaign. We believe that increasing the public’s awareness of this deadly, latent hazard is crucial. A lot of time, effort and funding went into developing the program and materials. It should remain a priority to fund #AnchorIt adequately to fully use those resources. The CPSC should also prioritize a strong safety standard.

KID’s TEST program has produced some interesting engineering prototypes that address this very serious issue. These furniture prototypes were designed to resist tipping as effectively as a restraint strap. Other alternative routes should be explored and manufacturers should be challenged to innovate safer products. We did not stop making cars safer once we had safety belts and we should not stop pushing for safe furniture that resists tipping. We cannot ignore the fact that most furniture in America is not anchored to the wall. We can work to both increase the use of anchoring devices and focus on improving furniture design.

Pacifiers

Pacifiers are an integral part of baby care — a soothing product that is beneficial to infants. The American Academy of Pediatrics (AAP) has even suggested pacifiers may [reduce the risk of SIDS](#). Yet a look at SaferProducts.gov reports shows incident and injury reports that raise questions as to whether a review of pacifier safety standards is required.

Because of their potential for choking, pacifiers were one of the only children’s products required to meet a CPSC [standard](#) prior to the passage of [Danny’s Law](#) in 2008. Yet, with continuing reports and recalls, we ask CPSC to begin a review of the pacifier standard and compliance.

Ingestion Hazards

Parents are usually well aware of choking hazards. Ingestion hazards are less understood but present clear dangers. These include button cell batteries, small powerful magnets, liquid nicotine and certain polymer balls that expand with fluid. Serious internal injuries, poisoning and death can be the result. In addition, as wearable technology and smart products multiply, there could be emerging hazards we have yet to identify. The CPSC should encourage manufacturers to use technologies that eliminate or further ameliorate the ingestion risk of these hazards.

Window Coverings

The CPSC has been working to reduce the strangulation risk inherent in window coverings for decades. Yet, the voluntary standard has produced no discernible results. It is time for an effective mandatory standard to take over. It is good that some retailers and manufacturers are heeding the call to #GoCordless. Now CPSC must continue to develop a mandatory standard and promulgate it.

Recall Effectiveness

All the work the CPSC does to investigate, plan and announce recalls is wasted effort if the recall is not effective. We have to lose the mentality that recalling a product is an end goal. Getting it fixed so it is safe to use or back from the consumer is the end goal. KID reviews children's product recalls each year. As part of that report, we look at the recall effectiveness numbers we are able to obtain through Freedom of Information (FOIA) requests for monthly corrective action plan reports. So in our most recent report, looking at recall effectiveness numbers from 2014, we found that 14% of recalled children's products were listed as corrected or destroyed. But for products already with consumers? Just over 1% could be accounted for. To be sure, it is not a complete dataset. Some of the recalls have no reports filed. Other information is redacted. Some we just never receive. I am sure the CPSC can provide a much clearer picture of the numbers from the redacted or missing copies. If it were not for Section 6(b).

Much of the burden from recalls falls on consumers – listening to the news, filling out forms, waiting for and installing repairs. However, consumers are not the ones responsible for recalled products. This imbalance of burden and responsibility should be corrected.

Benchmark requirements for notification measures such as using registration card data and social media and outcome measures such as capture rate should be developed and enforced. Consumers also deserve to know how effective companies are at retrieving dangerous products. KID continues to recommend an annual report to Congress on all open recalls with the current capture rate and action taken outlined. That simple step will encourage manufacturers to improve their own numbers in those reports.

I encourage the CPSC to continue efforts to improve both the corrective action process and the process of maintaining and sharing that data. As new standards, stronger compliance programs and other actions by manufacturers, CPSC, retailers and others ensures fewer recalls, we should make sure those which are announced, are as effective as possible. We look forward to the CPSC's workshop on recall effectiveness to hear other innovative ideas for getting these already identified as dangerous products out of homes.

Staffing

While I am sure it is a matter of much discussion and action behind the scenes, I would also urge that filling empty positions should be a priority. Director of Compliance, General Counsel, Small Business Ombudsman are the most noticeable vacancies. It has to have an impact on performance and outcomes.

Conclusion

Again, thank you for the opportunity to provide comments. We look forward to working with the CPSC in addressing these concerns and others that may arise.