



IMPROVING  
CHILDREN'S  
PRODUCT  
SAFETY

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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 2014 and FY 2015”**

**July 10, 2013**

Thank you for the opportunity to submit comments and testify on CPSC’s agenda and priorities. Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by improving children’s product safety. KID was founded in 1998 by the parents of Danny Keysar who was killed in a recalled portable crib in his Chicago childcare home.

**CPSIA Implementation**

The implementation of the Consumer Product Safety Improvement Act (CPSIA) remains a top priority for KID, and we applaud the Commission for its commitment to this process. Of particular interest to our organization is section 104 or the Danny Keysar Child Product Safety Notification Act – ***Danny’s Law***. This section requires strong mandatory standards for durable infant and toddler products, a product registration system for those same products and additional requirements applying to the use or sale of older, unsafe cribs. Each portion of this section had been introduced into Congress for years prior to their inclusion in the CPSIA.

*Standards setting process*

The process of setting mandatory standards as required in Section 104 or ***Danny’s Law*** is paramount to children’s safety. To date, mandatory standards have been adopted for Bath Seats, Bed Rails (Portable), Full-Size Cribs, Non-Full-Size Cribs, Infant Swings, Infant Walkers, Play Yards, and Toddler Beds. This has greatly increased parent and caregiver confidence in the products they buy to care for their infants and toddlers. The process is moving a little slower than the ambitious schedule set by the law, leaving many products without a mandatory standard. We urge CPSC to continue their thorough and thoughtful work in this process, working with the ASTM International subcommittees to produce strong standards as expeditiously as possible. CPSC should continue to prioritize their participation in the ASTM International standard setting process so emerging hazards can be incorporated into the mandatory standards as needed. In addition, we would urge CPSC to continue to monitor product development to see if other infant and toddler products should be added to the Section 104 standard setting process.

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### *Product Registration*

As part of **Danny's Law**, manufacturers of durable infant and toddler products are required to include postage paid registration cards and provide a way to register these products online. This is a proven system to assure that as many users of recalled products as possible are alerted in the event of a recall. We encourage CPSC to work with consumer groups and industry to broaden the awareness of this program and to highlight the online registration process. We believe the use of bar codes, QR codes and other online programs would encourage more parents and caregivers to register products – making it more likely they will not use a recalled product inadvertently. Our founders, Danny's parents, believe that had a card been included in the packaging of the PlaySkool Travel Lite Portable Crib that killed their son, he might be alive today.

### *Crib Safety*

**Danny's Law** also makes it illegal to sell or use in child care a crib that doesn't meet the new mandatory standard. While this will dramatically reduce the number of unsafe cribs in use, it still leaves many – some recalled – in consumers' homes. We ask CPSC to make it a priority to:

- Continue outreach to child care facilities as well as licensing agencies to assure unsafe cribs are no longer used in our child care homes and centers. KID continues to get calls from child care providers just learning of the provisions or not understanding how to comply. We must all work together to provide information, support and enforcement of this safety requirement.
- Continue to monitor online sales of cribs. In preparation for this testimony, KID searched online in just a few cities and saw dozens of examples of unsafe cribs for sale. While the internet may seem vast to police effectively, most of these are posting on well-known sites that could be pressured to do a better job keeping deadly products off their sites. It could be required that cribs for sale include the date of manufacture – required on all cribs that meet the standard.
- Encourage the manufacturers that recalled drop-side cribs and provided a method to immobilize the side to switch to a refund or at least a coupon for a portion of the cost of a new crib. This will encourage those with financial difficulties to stop using what we know to be an unsafe crib and move their children to a safer alternative.

### **Sleep Environment Safety**

Through the implementation of the CPSIA and Danny's Law, CPSC is working hard to make sure cribs, play yards, and bassinets are as safe as possible. Work is also beginning for incline sleep products and bedside sleepers. KID appreciates the measured approach CPSC is taking to assure each of these products is as safe as possible. Even non-sleep products such as swings and strollers are held to standards that attempt to address possible hazards if a child does fall asleep in one.

But still on the market are myriad products intended for infant sleep that are held to no standards. We have seen the devastating result of that with the deaths in the Nap Nanny and Peapod Travel Crib which later had to be recalled. But there are many other products still on the market. Parents assume, especially now that they have heard about new standards and testing requirements, that any product sold must have been tested for safety. That is still not the case. We would urge CPSC, in their continuing efforts to decrease sleep related deaths, to actively work to assure standards for all products intended for infant sleep. That way, products that cannot be made safe can be removed from the market.

We applaud CPSC's action to review the evidence on the dangers of crib bumper pads. These products have led to the suffocation deaths of dozens of babies, including two families we work closely with at KID. These families wish they had been aware of the risks before they bought this unnecessary and deadly product. We ask CPSC to carefully review the evidence as well as the almost universal opinion of safety organizations including the American Academy of Pediatrics, and move to remove bumper pads from use in cribs. In addition to the evidence of suffocation, CPSC should also consider the impact on the world-wide safe sleep message of a crib free from pillows, comforters or other padding. A parent is understandably less likely to take the message seriously when she sees stores filled with cribs lined with padded material.

### **Recall Effectiveness**

Recall effectiveness remains an extremely important area of focus for the agency. We mentioned earlier the importance of the product registration program for infant and toddler durable products. As stronger standards and testing lead to fewer recalls, more attention can be paid to removing recalled products from use.

KID suggests again that a publically available annual report of recall effectiveness rates of each recall would go far to encourage manufacturers, retailers and other stakeholders to work together to boost those numbers. As we all are aware, sometimes shining a little light on a problem helps to illuminate solutions that were overlooked in the dark.

### **Other Issues**

#### *Civil Penalty Settlements*

We support CPSC's recent actions of pairing civil penalties for failure to report incidents and other compliance issues with internal improvements to procedures, record keeping and product safety activities. This will encourage companies to put into place a strong compliance program to avoid penalties or CPSC required changes in the future.

#### *SaferProducts.gov*

KID is a strong supporter of SaferProducts.gov and we talk weekly to parents who find it useful in researching product purchases or reporting incidents. With the database well-established, we would ask that CPSC prioritize increasing awareness of the site, improve search functions on the site and review the forms and procedures to see if it can be made more user friendly both to

report and search. Opponents fears of gross misuse and false reports have proven empty and we hope it continues to grow and provide safety information to consumers.

### *Furniture Tip-Overs*

CPSC has done an admirable job highlighting these dangers and we suggest continued efforts to increase furniture safety as well as public awareness of the hazard.

### **Conclusion**

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