



IMPROVING
CHILDREN'S
PRODUCT
SAFETY

Statement of Nancy Cowles, Executive Director, Kids In Danger
June 27, 2012

Good afternoon. KID's mission is to be a strong voice for children's product safety. We speak for the millions of parents whose lives are consumed with caring and providing for their families. Families who expect that when they go to the store and buy a pack-n-play or portable crib or any product to care for their baby, someone has already done the work of making sure it is safe.

With the passage of the Consumer Product Safety Improvement Act in 2008 including Section 104 of that act – Danny's Law – our vision started to come true. The historic crib standard adopted last year assures that any crib a parent or caregiver buys will meet the world's toughest standard. But that standard did not cover pack-n-plays, mesh portable cribs or as the standard refers to them, play yards. These handy products used at home and for travel and in child care homes everywhere, are not currently tested to any mandatory standard. So while parents are assuming the product has been proven safe, that was a dangerously false assumption.

But today, fourteen years after Danny's death and decades after other babies died in unsafe play yards, CPSC adopted a strong new mandatory standard and we commend Chairman Tenenbaum and her agency for that effort. CPSC staff worked tirelessly with members of the ASTM technical committee, including Kids In Danger, to put together a rigorous standard that would assure the durability and safety of these products.

You have heard Danny's story from Linda and know what this standard means to their family. Ethan, Riley, and Jared are three babies who died in products with the same faulty design. Ellie died when a changing table attachment on the brand new play yard just set up for her first nap at grandma's came down on the back of her neck, strangling her after she awoke from that nap. These are some of the families who know it will be their child's legacy that the new mandatory standard addresses these hazards and others.

But other families are still waiting. A year ago today, at almost this exact time, a young mother in Chicago put her baby down in a bassinet attachment to a pack-n-play and stepped into the next room. When she returned, she found her daughter had slid down into a corner of the bassinet and suffocated after one of the clips that held the bassinet in place released. Later analysis showed that two metal rods that the parents had thought were part of the changing table attachment had not been in place. Yet the baby had been sleeping in the product, set up in that configuration, regularly for two and a half months with no sign anything was amiss.

In our comments on the draft rulemaking at CPSC, we asked that the new mandatory standard address this hazard. And CPSC staff took that to heart and working closely with ASTM and manufacturers developed a requirement to address this scenario. It would require that any key structural components of a bassinet attachment would have to be permanently attached. Had the rods been sewn into the pockets, rather than loose, the parents in Chicago would have been spared the agony they now face. As her mother said in an email to KID, “Our mistake was the misassembly of this poorly designed product but the "punishment" is so unfairly disproportionate. I never thought something like this could happen to us but I do think if it can happen to us it can happen again. I hope the standard is changed Wednesday.”

Unfortunately, that was not the case. With last minute maneuvering by the Juvenile Products Manufacturing Association, CPSC has had to delay action on the fix developed by CPSC and ASTM. We are disheartened, but not surprised, that manufacturers would stonewall a safety change that leaves babies at risk. We will continue do our work in the memory of Danny and all children injured by unsafe products to encourage a standard that addresses all known hazards.

And finally, my heartfelt thanks to Congresswoman Schakowsky. Jan has been KID’s champion since we first approached her in 2001 – introducing legislation, asking the tough questions of manufacturers and regulators and continually pushing for stronger product safety measures. We named her a KID’s Best Friend in 2003 and that is even truer today. Thank you, Jan.

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