



Every day millions of kids are dropped off at child care facilities across the country looking forward to seeing them safe and sound at the end of the day. But new research found some dangerous recalled products are still in use at child care facilities across the country.

In April of 2019, Consumer Reports revealed at least 32 infants had died in the popular Fisher-Price Rock 'n Play sleeper and at least four more in the Kids II Rocking Sleeper. After the report, the U.S. Consumer Product Safety Commission (CPSC) and relevant companies issued a warning to parents and caretakers to ensure the inclined sleepers were used properly. But further analysis revealed these products were unsafe, prompting a full recall of nearly 5.4 million infant products just days later.

If you haven't heard about this recall, don't be surprised. Our recall system usually relies on consumers to see news coverage, sign up from alerts at SaferProducts.gov, or hear about recalls through word of mouth. That probably explains why Fisher-Price expected to only get a small percentage, potentially as low as 5%, of the 4.7 million deadly sleepers back.

## **FINDINGS**

Between June 20th and July 10th, U.S. PIRG and Kids In Danger (KID) contacted more than 600 child care facilities through email and phone about whether they were using the recalled sleepers in their child care facility.

One in 10 of the 376 survey respondents that have children under one indicated they were using at least one of these dangerous sleepers in the child care facilities. The survey covered states that banned these products such as Wisconsin and Texas, and those without any state law such as Georgia. And we found these dangerous products still in use at some facilities despite the state bans.

Even one dangerous sleeper is one too many for parents to be comfortable.

## **STATE LAWS**

[A 2016 analysis of child care](#) regulations found only 18 states completely ban recalled children products from child care facilities including toys, furniture, cribs, and other infant and children products.

Those bans rely on child care facilities receiving timely information and take appropriate action. Some states, such as Arkansas and Michigan, require child-care centers to maintain a log of recalls that are available for parents. Pennsylvania requires owners to affirm recalled products were removed.

In other cases, regulations relied on vague statements, not even mentioning the word recall, or suggesting some items do not need to be removed.

## **KEEPING KIDS SAFE**

We recommend the following policy solutions:

1. The CPSC should work with recalling companies to include child care facilities in any corrective action plans for toys and nursery products. In addition, the CPSC must work with state agencies to ensure that all child care facilities are automatically notified of recalled children's products and have instructions on how to participate in the recall.
2. Mattel and Kids II should redouble their efforts to reach any known users of these deadly sleepers and encourage participation in the recall.
3. States should pass legislation or institute rules banning the use of recalled products in child care facilities and provide a robust process to get information to each provider and ensure compliance.

## **SURVEY METHODOLOGY**

Child care facilities were surveyed between June 20 - July 10, 2019 through online and phone outreach. The survey primarily focused on Georgia, Texas and Wisconsin after looking at 21 states across the country.

These states were chosen for a few reasons. First, the states provided information on whether a facility served children under one and provided complete contact information including email addresses for most facilities. Second, we wanted to include states that required removal of recalled products (Wisconsin, Texas) and those lacking laws (Georgia). Finally, they provided some geographic diversity to the survey.

In addition, we sent out surveys through the organizations' social media, email lists and coalition partners. These additional surveys accounted for a small fraction of total surveys.

To limit bias in survey responses, our emails and calling scripts did not note that the products were recalled. Instead, we identified ourselves as a research group, U.S. PIRG, and that we were doing a product use survey.

Email surveys were sent to everyone who provided an email. Phone survey targets were chosen by assigning a random number to all facilities that indicated they served children under one. Calls were made by U.S. PIRG and KID interns and staff. Our analysis excluded anytime a child care facility didn't know whether they were using a recalled sleeper. If child care providers indicated sleepers were only used to help children calm down, we marked that as a yes as it's still a recalled product. The full response in either case was noted in the "notes" column.

If a child care facility used both products, that only counts as facility for the purposes of this analysis.

For more information about our findings, you can contact:

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