



Consumer Federation of America

March 2, 2022

Office of the Secretary
U.S. Consumer Product Safety Commission
Room 502
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**Oral Comments of Rachel Weintraub, Legislative Director and General Counsel with
Consumer Federation of America to the U.S. Consumer Product Safety Commission
regarding Safety Standard for Operating Cords on Custom Window Corded Window
Coverings, Notice of Proposed Rulemaking, CPSC Docket No. CPSC- 2013-0028**

We write in strong support of the U.S. Consumer Product Safety Commission’s (CPSC) development of a mandatory standard that prohibits hazardous, accessible window covering cords. Specifically, we support the CPSC’s proposed standard to address operating cords in custom window coverings.¹

An effective mandatory standard that addresses the strangulation hazard posed by all window coverings is necessary because the current voluntary standard has failed to address the key hazard pattern associated with corded window coverings available on the market. For almost 30 years, the voluntary standard has repeatedly failed to address the issue in an effective way. The CPSC has been communicating with the manufacturers of these products for years. The voluntary standard had minimally changes over time, until 2018. But then, it didn’t cover all of the products on the market. Unfortunately, and consistently, the industry has not significantly addressed the issues posed by accessible cords in all window coverings. Significantly, the industry’s voluntary standard has not significantly reduced the death rate. The CPSC is aware of 194 reported incidents, including 89 fatal strangulations and 105 near-miss strangulations that did not result in death from children becoming entangled by cords on window coverings from 2009 through 2020. The CPSC estimates that at least 8 children die each year because of cords on window coverings.

There are products on the market that do not pose strangulation risks to children. “Virtually every window covering type is available with a “cordless” operating system.”² The research and technology already exists to design products without strangulation risks. Manufacturers know

¹ Safety Standard for Operating Cords on Custom Window Coverings, Notice of Proposed Rulemaking (NPR), Fed. Reg. Vol. 87, No. 5, Friday, January 7, 2022, available at <https://www.govinfo.gov/content/pkg/FR-2022-01-07/pdf/2021-27896.pdf>

² Ibid at 1018.

how to do this. In fact, manufacturers stated to the CPSC in 2015 that cordless options are available in every product category.³ And yet, corded products still are for sale and are not prohibited from being sold. This is unacceptable. Although safer designs are available on the market, manufacturers currently sell some of them at a premium, making them cost-prohibitive for many families. If the CPSC enacts a mandatory rule, it will ensure that this minimum level of safety is applied to all products for sale in the market. This will protect all consumers effectively and will strengthen the market for companies who want to innovate to protect children.

1. A mandatory standard addressing the strangulation risk posed by operating cords on custom products is necessary to achieve the goal of minimizing risk to children

A mandatory standard that reduces the risk posed by operating cords on custom products will minimize the risk to children. Without a doubt, reducing the number of products with hazardous accessible cords that can strangle children will reduce risk to children. This proposed rule builds upon the incomplete 2018 voluntary standard that addressed operating cords on stock products and inner cords of stock and custom window coverings.

Once window coverings that do not possess hazardous accessible cords become prevalent in the market, consumers will buy them as part of the natural consumer cycle for purchasing window coverings. Through this cycle, consumers will begin replacing dangerous window coverings and removing the hazard from their homes. Furthermore, consumers who wish to replace existing window coverings with a safer alternative will have a better opportunity to do so when the market is filled with safer products. The CPSC determined, based on Census estimates, that in 2019 there were approximately 124.1 million residential housing units in the United States and that a D+R study in 2020 estimated an average of 8.17 window coverings per housing unit.”⁴

This proposed rule will require that “operating cords on custom window coverings meet the same requirements as operating cords on stock window coverings”⁵ as included in the ANSI/WCMA 2018 standard. This would require that operating cords on custom products must be cordless, inaccessible, or 8 inches or shorter in length in any use position.

The CPSC found that “the pull/operating cord system is the single most hazardous scenario among the reported fatal incidents.”⁶ Thus, that this proposed rule addresses operating cords will significantly reduce deaths associated with window coverings.

CFA also supports the separate concurrent rulemaking under section 15(j) of the CPSC that will deem as a substantial product hazard: hazardous operating cords on stock window coverings; hazardous inner cords on stock and custom window coverings, and the absence of warning labels. This is especially critical since the CPSC found in unannounced visits to wholesalers, manufacturers, and retailers that four out of 13 locations did not comply with the ANCI/WCMA 2018 standard for custom products including: “length of operating cords 40 percent longer than the window covering length, with no accompanying specific customer request; lack of warning label; lack of manufacturer label; lack of hang tag; and use of a cord tilt instead of a wand tilt

³ Statement of Tom Merker, Director of Engineering at Springs Window Fashion, Inc, at a CPSC public meeting with WCMA on May 27, 2015.

⁴ Safety Standard for Operating Cords on Custom Window Coverings, NPR at 1019.

⁵ Ibid at 1014.

⁶ Ibid at 1025.

without an accompanying specific customer request.”⁷ Thus, CPSC’s enforceability of these provisions is critical.

2. The current voluntary standard does not address all hazardous cords on window coverings and is inadequate

The ANSI/WCMA standard fails to effectively address hazardous cords in all window coverings even though it is technologically feasible to do so. The voluntary standard addresses operational cords of stock products and inner cords of stock and custom products but does not address operating cords of custom products. In the proposed rule, the CPSC states that the ANSI/WCMA 2018 standard “does not adequately address the risk of injury associated with operating cords on custom window coverings, because the ANSI standard allows operating cords on custom window coverings to be accessible to children, and to be longer than 8 inches, which present as unreasonable risk of strangulation to children 8 years old and younger.”⁸

The CPSC has found that four of 13 (or almost 31%) unannounced store visits identified noncompliance with the custom requirements of the voluntary standard including lack of warning and manufacturer labels.⁹ Thus a mandatory standard is necessary to increase compliance and hold responsible those entities who do not comply.

We are concerned about the preliminary draft of the 2022 voluntary standard which proposes to remove all pull cords with locking mechanisms from the standard, giving manufactures the option to replace all operating cords in custom products with continuous loop cords and chains. We are similarly troubled by a proposal to deem retractable cords inaccessible if when at rest, the cord is less than 12 inches. Children can gain access to this cord, pull, turn around and be strangled by the tension of the cord. Retractable cords should be considered accessible cords that are prohibited to be longer than 8 inches.

3. A mandatory standard for window coverings is long overdue

The CPSC and WCMA have been engaging on issues of window covering safety for far too long without an effective solution that minimizes the strangulation risk in all window coverings. This has taken much too long: Since 1995, the CPSC and WCMA have been working on the development of a voluntary standard. Decades have passed with eight revisions to the voluntary standard, but to this day, the standard fails to wholly address the strangulation risk. Despite the CPSC’s repeated and emphatic requests for a standard that eliminates hazardous accessible cords, WCMA has resisted. The promulgation of a mandatory rule to address strangulation by window coverings is needed. Further, while the CPSC and WCMA have worked together to educate consumers through public education campaigns, this has proved ineffective in preventing strangulation deaths of infants and young children.

Former CPSC Chairman, Inez Tenenbaum, repeatedly expressed her frustration with WCMA for its failure to develop a standard that eliminates the strangulation hazard, particularly since doing so has been technologically feasible for years. In 2010, CPSC Chairman, Inez Tenenbaum, along

⁷ Ibid at 1039.

⁸ Ibid at 1015.

⁹ Ibid at 1039.

with Canadian and European regulators sent a letter to WCMA asking that they eliminate the strangulation risk.

“Let the past not represent a prologue to the future. Chart a new course today—a course that is more inclusive. A course that promises to eliminate, not just mitigate the risk of harm to children.”

“I expect to hear... that the steering committee and each of six working groups are remaining true to the principles of full stakeholder participation and complete elimination of the strangulation hazard. This has not been the tradition of the ANSI/WCMA A100 committee. However, this must be your mission starting now.”¹⁰

In 2011, Chairman Tenenbaum wrote to the WCMA asking that they develop a standard that eliminates risk factors associated with exposed cords.

“Although the voluntary standard is not yet complete, I remain very concerned that some of the revisions to the voluntary standard will fall short of eliminating the risk factors causing death and injuries especially among toddlers and young children, from exposed cords on window coverings.”¹¹

This concern was in fact realized. In 2012, Chairman Tenenbaum again stated, “Unfortunately, the revised ANSI standard does not go far enough to support cordless solutions or shrouded lift cords. And it does not adequately address the problems with tension devices. As I told the industry just days ago, we still need to work together to “design out” the strangulation hazard in future work on the standard.”¹²

The two year snap shot described is a small example of the window coverings industry’s refusal to meaningfully address the strangulation risk posed by all accessible cords on window coverings. While the 2018 standard went further than any previous standard, it still fell short, and promises to quickly update the standard to address operating cords on custom products did not materialize.

4. A strong mandatory standard will allow consumers to replace older window coverings with new ones that do not pose a strangulation risk

One of the primary benefits of an effective mandatory standard for window coverings is that it will level the playing field for all manufacturers, resulting in more affordable and more robust cordless options for consumers.

The reality is, however, that even the most effective mandatory standard is limited by being prospective. Thus, addressing the millions of unsafe window coverings in homes currently is a significant task that cannot be addressed by this or any rule.

5. Other Types of Safety Devices

¹⁰ Chairman Inez Tenenbaum Opening Remarks, WCMA Stakeholders Meeting, November 9, 2010.

¹¹ Letter from CPSC Chairman, Inez Tenenbaum to WCMA President, Ralph Vasami, June 1, 2011.

¹² International Consumer Product Health and Safety Organization (ICPHSO) Conference Keynote Address, March, 1, 2012.

We applaud the CPSC’s determination that retractable cord devices, cord cleats, cord shrouds, cord condensers and wands “are inadequate to address the risk of injury associated with operating cords on custom window coverings.”¹³ The CPSC notes that all of these devices are available for purchase by consumers but are not sufficient to protect children from hazards posed by operating cords.

We also support a mandatory standard that includes provisions to ensure that cord shrouds are rigid and effectively prevent a cord from being accessible.

6. Products for Consumers with Disabilities

An argument made for many years by members of the window covering industry is that window covering cords cannot be inaccessible on all window coverings due to the needs of people with disabilities. First, if that were truly the case, an exception to a strong standard could be made, rather than preventing the development of an effective rule. But this is not actually the case. The CPSC identified numerous tools on the market designed specifically to make window coverings easier to operate certain consumers. Two examples are extension poles that can be used to access window coverings that may be high or otherwise hard to reach, and wands that operate with a “power grip instead of a pinch grip.” According to one window covering manufacturer, “Motorized window treatments controlled by wall switch or remote control provide the easiest, safest control options for occupants with disabilities—far exceeding any adjustments that can be made to manually controlled shades.”¹⁴

In conclusion, a strong mandatory standard for window coverings that effectively addresses the strangulation risk posed by accessible cords is necessary to protect the public from the unreasonable risk of harm posed by these products. A strong standard will reduce consumer confusion in the marketplace and lead to more homes with products that don’t pose a strangulation risk to children. We support this proposed rule that will address the accessibility of operating cords on custom window coverings finishing the incomplete provisions of the 2018 ASTM/WCMA voluntary standard. We applaud the CPSC for moving forward on this rulemaking and urge the process to continue as quickly as possible. Time is of the essence as these products pose risks to children every single day.

¹³ Safety Standard for Operating Cords on Custom Window Coverings, NPR at 1018.

¹⁴ Included in this website from a window coverings manufacturer at <https://www.swfcontract.com/resources/ada-compliance/>