

***Consumers Union * Consumer Federation of America*
* Kids in Danger ***

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Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814
Via: www.regulations.gov
Facsimile (301) 504-7923

**Comments of Consumers Union, Consumer Federation of America, and Kids in
Danger to the U.S. Consumer Product Safety Commission
on “Safety Standard for Bassinets and Cradles”
16 C.F.R. 1218**

Introduction

Consumers Union of U.S., Inc. (CU), Consumer Federation of America (CFA), and Kids in Danger (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter.¹

Background

Section 104(b) of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, 122 Stat. 3018 (“CPSIA”), requires the CPSC to promulgate consumer product safety standards for certain durable infant and toddler products. In this Notice of Proposed Rulemaking (“NPR”) the CPSC is seeking comment on its proposed safety standard for bassinets and cradles. The proposed standard is “more stringent in some respects” than voluntary standard ASTM F 2407 -07a, “Standard Consumer Safety Specification for Bassinets and Cradles,” but contains some of the same specifications.²

¹ “Safety Standard for Bassinet and Cradles,” Federal Register, Vol. 75, No. 81, 22303 (April 28, 2010).

² Id.

Recommendations

We agree with the majority of the CPSC staff's recommendations regarding adoption, with modification, of ASTM's F2407- 07a standard. We support CPSC's efforts to establish safety standards more stringent than the voluntary ASTM standard where needed. The ASTM standard needed to be strengthened to address some hazards seen in bassinets on the market in the past few years. However, we also recommend additional changes to make the standard more stringent to further reduce incidents associated with these juvenile products.

In particular, we recommend adding a side height requirement to the standard. Since CPSC data indicates that 61% of bassinet injuries, including the most serious, were the result of falls from the bassinet, consumer advocates have supported a minimum side height. However a majority of ASTM members were reluctant to add this requirement. Currently, as a result, there is a performance requirement that requires the bassinet to 'retain' the testing dummy during the tip-over test (ASTM 1169-10, 6.4, 7.4). While the performance requirements and additional testing for rocking bassinets will address some of the falls indicated in CPSC data, a minimum side height of 5 inches should be included in the standard to address and prevent further fall hazards. Current bassinets with lower side heights now on the market include restraints, which CPSC is now eliminating. The five inches allows for the mattress and a barrier of 4 inches. The requirement is similar to the side height in the crib standard when the mattress is in the highest position, presumably for a child of the same age.

We also support CPSC staff's recommendation that the issue of infant hammocks be addressed. Including them in the bassinet standard, however, does not seem to be a good fit since the hammock appears to fall outside of the scope of this draft mandatory standard. Inclusion of this hammock provision will serve to effectively ban the product responsible for deaths and injuries until a standard can be developed. In addition, while CPSC included hammock injuries in the total incident data, CPSC did not include the deaths in hammocks in the total fatality

numbers. This should be corrected. Since the hammocks involved in deaths met the current bassinet voluntary standard, the incidents in those products are crucial to measure the defects of the current standard.

We agree with the CPSC staff that the scope of the product standard needs to be clarified to include both an age range and a developmental milestone. However, given that premature babies can lag significantly behind, not only in development, but in size, it seems that size and development are more crucial markers of the end of the usefulness of the product rather than age alone. Bassinets provide an important tool for parents to monitor premature babies. If there is a size at which a bassinet becomes unsafe for a baby, regardless of development or age, it should be included in the scope and the instructions and warnings to parents.

CPSC staff's recommended changes to testing of fabric covered bassinets will help address the incidents in which babies have been entrapped. However, we further recommend that CPSC require all bassinets with removable covers to meet the crib standard spacing of 2 and 3/8 inches when the cover is removed. The spacing required to keep babies safe in cribs, should apply to other sleeping environments as well.

Many of the deaths and injuries in bassinets, as in other infant sleeping environments, are caused by the addition of soft bedding, extra padding or other items. CPSC should strengthen the warning about suffocation and require its placement on the product and packaging in a conspicuous way ensuring that caregivers will see it with each use.

Conclusion

Bassinets are sleeping environments for the most vulnerable consumers – newborn babies. It is imperative that standards for this product are as strong and protective as possible. For the foregoing reasons, we urge the Commission to adopt these recommendations in its implementation of Section 104(b) of the CPSIA.

Respectfully submitted,

Nancy A. Cowles
Executive Director
Kids in Danger

Rachel Weintraub
Director of Product Safety and Senior Counsel
Consumer Federation of America

Donald L. Mays
Senior Director, Product Safety & Technical Policy
Consumers Union