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Remarks:

Nancy A. Cowles, executive director, Kids In Danger to CPSC Staff Roundtable on cribs and other sleep environments April 22, 2009

First, let me say how pleased I am that CPSC convened this meeting on crib safety. Kids In Danger (KID) was founded in 1998 after the death of Danny Keysar in a recalled portable crib. Danny was trapped and strangled when the top rail of the Playskool Travel-Lite Crib collapsed around his neck. To date, 17 children have died in the same way in cribs and play yards of the same design.

Danny's death highlights the problems with sleep environment safety I'd like to address today. First, the crib was never tested for safety before it was sold. As the first folding portable mesh crib, standards did not exist to test the folding mechanism – so no tests were done. The crib was not tested for durability – this is a product designed to be taken down and set up over and over again – not just by one user, but when traveling, at the caregiver's home, and other places. Once recalled, little was done to get the product out of homes and child care centers. It was only after the sixth child died, a few months after Danny, that child care facilities were notified of the recall. Had a product registration card been included in the purchase, Danny's caregiver might have learned of the recall from the original owner – a parent with a child still in the child care home.

And Danny isn't the only child I keep in mind while working on this issue. Ethan, Riley, Jared and others whose stories are on our website died in the same faulty design – sold to other companies for use in their portable cribs. While the last of these 1.5 million cribs was recalled in 1997, I find them for sale regularly – as recently as this month on eBay.

You can also read about Liam on our website – he died in 2005 in a Simplicity crib – which wasn't recalled until two years later. Or Andy, who suffocated on a sleep positioner – an unnecessary item sold to parents

worried about SIDS, which does nothing to prevent it. Or Ellie who was trapped by the changing table attachment on top of her portable crib.

The issue of sleep environments is larger than just cribs and yet the safety issues are similar across all products meant for sleeping –

- They must be safe enough to leave the child unattended while sleeping, with the assumption that they will also spend some time awake in the product.
- Parents must understand the age, weight, height and developmental limits of each product.
- Soft bedding of any type should be discouraged.
- Cribs must meet more vigorous standards that adequately test their durability as well as other safety issues.

Since September 2007, 5.7 million cribs and other infant sleep environments have been recalled. Most were certified by the Juvenile Products Manufacturers Association, indicating compliance with the current ASTM standard for full-size cribs, which includes the mandatory federal standards as well. We find it troublesome to say the least that in addition to the hardware and drop side issues, several of the cribs were recalled for clear violations of the standards – the sides weren't high enough and one (more in the past) were painted with lead paint. If the manufacturer's certification program isn't catching violations that require a tape measure and a violation of a 30 year old prohibition against lead paint, how can we expect them to adequately test for durability and design flaws?

We agree with the Commission staff that there are not adequate performance requirements in either the mandatory or ASTM voluntary standards pertaining to: (1) the durability of drop-side systems and related hardware, (2) the durability of other crib hardware, (3) wood strength or quality, and (4) the hazards that can result from incorrect assembly. In addition, we believe that under mandatory third party testing as required by the new Consumer Product Safety Improvement Act, testing and certification needs to be stronger and more rigorous, as well as a more open process.

As CPSC writes a new mandatory standard and develops a strong third party testing program, the process must be open and inclusive. Manufacturers are an important sector of the standards setting process – we need their knowledge and experience – but that doesn't mean they should hold the process hostage.

These problems are nothing new. I joined the ASTM subcommittees on cribs, bassinets and play yards in spring 2001. I recently went through the agendas for the crib meetings and found that since that time (and even before) these same issues of durability, hardware failures, drop side entrapments and mattress support failure have been discussed in committee meetings, addressed by task groups, subject of testing on everything from humidity to side impact – with no result. The current standard doesn't have any additional testing or requirements on these issues since that time. A proposal to ban drop sides, rather than figure out how to make them safe, is now pending, along with some new guidelines for slat strength. Even so, CPSC cannot merely rely upon this standard for the substance of its mandatory standard due to its many limitations.

In drafting a stronger mandatory standard to address hardware failures, we urge CPSC to consider all current test methods in other standards, including crib standards from Underwriters Laboratories (UL) developed in 2001, British Standards Institute (BSI), Health Canada, and the International Organization for Standardization (ISO), as well as retailers' internal testing methods that have been shared with CPSC (such as those from Toys"R"Us). The UL standard was developed with input from many parties and appears to be the most rigorous standard currently available – exactly what is needed to stop the myriad failures we see in the field.

One of the most important provisions to include in a CPSC mandatory crib standard is a durability test which is sometimes called a "racking test." This test includes moving the crib and applying forces that more accurately imitate a child in a crib for longer periods of time and might loosen hardware or stress plastic parts. Proposals that would ban drop sides as is being considered by ASTM, attempt to limit moving parts and hardware, along with easier assembly, are also key. KID has been working with University of Michigan design teams for five years – we have several

excellent project reports from teams that looked at making portable cribs and full-size cribs safer. We'd be happy to share those reports with CPSC or any manufacturer who might be interested.

But what I mostly want to address here is consumer expectation and use of cribs and other sleeping environments. Contrary to what manufacturers would say is their expectation – there is not a consumer out there who expects to pay anywhere from \$200 to over \$1000 for a crib, use it for two years for one child and then destroy it. We welcome the addition of 'lifetime products' that allow parents to convert a crib to a toddler bed and then an adult bed – increasing the likelihood a new crib will be bought for a new child. But in reality almost every crib is used for more than one child, for more than 2 years.

At ASTM meetings, CPSC brings incident data on these products for the committee to review and consider if changes to the standard is needed to address a safety hazard. Automatically, the manufacturers in the room want to dismiss any incident in an older crib that has been used more than once – somehow blaming the family for thinking their product should last through more than one child. Here are the facts of consumer use:

- Parents will use a crib, bassinet and portable crib for more than one child. They will offer these products to their family and friends and even sell them secondhand. I grew up an Air Force brat. By the time I was two, my crib had been taken down and set up four times – not counting the three times my parents moved with it and my brother before I was born. It isn't a sign of neglect or 'bad' parents that a crib is assembled, disassembled and reassembled more than once. In addition to our military families, other families do move and many parents, on the advice of their doctors, initially set up a crib in their room and then move it. Portable cribs are meant to be set up and taken down numerous times. So if your crib can't handle being reassembled – don't sell it.
- If your product falls apart, loses screws or little safety plugs, or has a drop side that won't stay up – parents are going to try to fix it. Give

them a product that lasts, hardware that doesn't fall out and clear instructions on how to use the product.

- Soft bedding – pillows, extra padding, comforters, sleep positioners and bumper pads – suffocate children and can contribute to SIDS. However, that is not intuitive to new parents. Every instinct makes us want to cuddle, cushion and surround our babies with softness. Advertisements with a crib filled with thick comforters, billowy bumper pads, pillows and stuffed animals reinforce this instinct. CPSC, manufacturers and others must work with organizations such as First Candle to educate parents – and bedding manufacturers – that bare is best. Only the baby should be in the crib or bassinet. Don't blame parents when products are advertised filled with soft bedding and they follow suit.

Here is what we all must remember – cribs and other sleep environments for babies aren't meant to be designer furniture or status symbols. They are first and foremost a safety device. Think of them more as child restraint systems for your home or child care – they must be safe first, before you worry about making them look good.

Again, many thanks to CPSC staff for their hard work on crib safety and for beginning this process for a strong mandatory standard.