

Comments of David N. Herndon, MD, FACS

Chief of Staff

Shriners Hospitals for Children

Galveston, Texas

On behalf of

The American Burn Association

and Shriners Hospitals for Children

BEFORE THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

Regarding the

Proposed Revocation of

Children's Sleepwear Amendments

April 22, 1999

Bethesda, MD

Madam Chair and Honorable Members of the Commission, my name is David Herndon, MD. I am Chief of Staff at the Shriners Burns Hospital in Galveston, Texas; Professor of Surgery with the University of Texas; a Past-President of the American Burn Association; and a physician and surgeon whose full-time professional practice is devoted to the surgical and medical care of burn patients.

I come before you today representing the nation's Shriners Hospitals for Children and the American Burn Association; a national multi-disciplinary organization of surgeons, nurses, and other professionals dealing with burn care, prevention, research, rehabilitation and teaching.

I have been personally involved in the surgical and medical care of burned children for over 25 years. I have seen first-hand the horrific reality of sleepwear and other burn injuries.

I am a member of a multidisciplinary burn team of dedicated professionals whose goal is to provide daily the best care possible for

burn victims and their families who have suffered this devastating injury.

We know that you have heard from hundreds and hundreds of health care professionals from across this country who urge a return to the previous, stricter CPSC standards for children's sleepwear flammability to help prevent death, disfigurement, pain and suffering for our nation's infants and young children.

We have the utmost respect for the Consumer Product safety Commission – and the critical role your decisions play in making the marketplace safer. Your decision on reestablishing stricter flammability standards for children's sleepwear can clearly make the marketplace safer for children. The 1996 amendments created a more dangerous situation for our nation's children – by allowing more inherently dangerous products – even when used for their intended purpose, into the marketplace. The 1996 amendments allow flammable sleepwear to be sold – without any restrictions for infants 9 months and younger, and to other children up to age 14 as long as such non-flame resistant sleepwear is designed to be “snug” or “tight”

fitting for a particular age – this despite the fact that various children of the same age are different in size and that parents very often purchase garments in larger age sizes – which defeats the “snug” or “tight” fitting requirements.

We are aware of some of the enforcement problems existing in the early nineties - but the answer can not lie in allowing products sold as sleepwear to become more inherently dangerous. If other clothing like T-shirts are being used as sleepwear, then educational campaigns about the risks of using such clothing as sleepwear would be more productive, rather than lowering the standard for children’s sleepwear.

PAUSE

I will talk with you in a moment about specific clinical cases of children who have been burned while wearing sleepwear. Before I do that, however, let me state I – and the thousands of health care providers I represent here today – share the Commission’s desire

that decisions be driven by scientific fact and data – as much as possible.

It is an undisputed fact that the original flammability standards for children's sleepwear adopted in the early 1970's dramatically reduced the numbers of children burned and saved countless lives.

National Electronic Injury Surveillance System data showed a reduction in the average rate of deaths and injuries associated with clothing ignition for children under 14 fell from 60 deaths per year to four. And as demonstrated in a classic article on injury prevention that first appeared in 1977, regulations limiting the sale of sleepwear to garments made of flame retardant fabrics dramatically reduced the number of sleepwear-related burn injuries in one major metropolitan burn center in Boston. After reviewing epidemiological data over an 8 year period, the authors' of this classic report concluded that ...“It is probable that the single factor most important to the decline...is lower fabric flammability.”

It is a fact that the original sleepwear flammability regulation worked.

Twenty-five years of historical fact and data proving the effectiveness of the original flammability standards for children's sleepwear should be the facts and data that drive the Commission to restore the original standards.

But what about since the amendments?

Because of the relatively short time period since the 1997 effective date of the amendments, and the myriad of variables with regard to the circumstances surrounding the introduction of new products into the marketplace and the extent to which actual use complies with the intended purpose, we agree with the GAO report on this subject that CPSC burn injury data are not comprehensive and should not be relied upon to demonstrate that children's burn injuries have not increased since the amendments to the sleepwear standard. In the GAO's words, "CPSC's data can produce only imprecise national estimates, making it difficult to observe trends in the number of injuries over time." Moreover, it is also much too soon since the

relaxation of the flammability standard for reliable data to have emerged on burn-related sleepwear incidents. In addition, most hospital emergency rooms may not realize if sleepwear was involved. EMS departments are taught to remove clothing from burn patients at the scene. If this clothing is not available in the ER, it may obscure the facts of clothing involvement.

Now let me tell you of some clinical cases of children who have been severely burned in sleepwear.

Since the middle of 1997 to the first part of 1999, Shriners Hospitals for Children have reported 65 cases of sleepwear related burn injuries in response to my request to them for such information. This includes hospitals in Galveston, Cincinnati, Boston, and Sacramento. There have been 46 such cases in Galveston – including 7 in the 0-9 month age group; 25 such injuries in the 10 month – 6.9 years, and 14 in the 7 years to 14 years age group.

There is one clinical case that clearly suggests the adverse effects of non-flame resistant sleepwear on infants since relaxation of the

standards. In this case, a 3-month old child was wearing a one-piece sleeper that was of non-flame resistant cotton. The “sleepwear” may also have been used during the day, so there may have been a lack of clarity in possible follow-up by CPSC staff as to whether it was sleepwear that doubled as daywear. The injuries in this case were severe, including triple amputations – both legs and one arm. These injuries occurred in the fall of 1997 when a halogen lamp fell into the infant’s crib. Had this child been in flame-resistant sleepwear, there is every probability that the injuries would have been less severe. Certainly, a case like this should refute the fundamental policy justification for a total lack of flammability standards for sleepwear for children 9 months and younger.

The point here is not whether such unsafe garments may also be worn as daywear, particularly in homes where the socioeconomic situation causes reality to blur any definitions between sleepwear and daywear for young infants-but rather garments sold as sleepwear should be as safe as possible.

I can also tell you of another 3-month old child in the same year who pulled on a cord attached to a heater, which fell on him and ignited his sleepwear.

The clinical cases unfortunately go on. As does the pain, suffering and economic costs – for the families devastated by these injuries. The point is this: fire comes to infants, and young children are often put in sleeping clothing that is oversized for comfort. The reasons infants and young children get caught up in fire incidents are as varied as the real-life circumstances they live in.

Can I say with scientific certainty that these cases could have been avoided had the child been clothed in flammable-resistant sleepwear? Of course not. But as a clinician who has treated the devastation caused by these injuries, I can say with certainty that the old, more stringent standard was remarkably effective in reducing these types of sleepwear–related injuries.

You can not alter the circumstances, you can not alter the mobility of infants – or the times when parents or siblings move them – nor can

you alter the reality of parents who purchase oversized “tight” fitting sleepwear for comfort or economic reasons. But what you can and, we implore, you must do, is act now to revoke the relaxed flammability standards.

We know and respect the fact that the Commission is a science and data-driven agency. We also know that data are lacking in large part due to the problems in reporting burn injuries. But based on the clinical cases treated by myself and my colleagues across the country at other burn centers, we believe that the relaxation of the standard has placed our nation’s most vulnerable population—infants and young children—at an unreasonable risk of severe injury.

Let’s not wait until the number of injuries from small-flame ignition increases before taking action. The vast majority of burn injuries and deaths are preventable. And safe sleepwear is a critical part of that prevention initiative. Please—let’s protect our children from one of the most devastating injuries that can occur—burns—by reinstating the original flammability standard for children’s sleepwear.

THE COALITION FOR AMERICAN TRAUMA CARE

April 15, 1999

STATEMENT BEFORE THE CONSUMER PRODUCT SAFETY COMMISSION

REGARDING REVOCATION OF THE AMENDMENTS TO RELAX THE FLAMMABILITY STANDARDS FOR CHILDREN'S SLEEPWEAR

WITNESS: Marcia Mabee, MPH, PhD
 Executive Director
 Coalition for American Trauma Care

I am here today representing the Coalition for American Trauma Care which strongly supports revocation of the 1996 amendments to the children's sleepwear flammability standards [16 CFR 1615.1(a), 1616.2 (a)]. The Coalition's membership consists of leading trauma center institutions, leading trauma and burn care clinicians, and national organizations committed to improving trauma and burn care services, injury prevention and injury related research.

Trauma -- serious injury -- is the leading killer of children under the age of 14 in the United States. Burns are the second leading cause of unintentional injury-related death among children. Each year burns kill more than 1,300 children. One of the areas of success in efforts to reduce the emotional and economic toll that burns impose on burn victims, families and our medical and social welfare systems were the original flammability standards for children's sleepwear adopted in the 1970's. As data from the National Electronic Injury Surveillance System have shown, since adoption of the first flammability standard in 1972, the average rate of deaths and injuries associated with clothing ignition for children under the age of 14 dropped from 60 deaths per year to four. In addition, only 7.9 percent of all reported children's burn injuries over an eight year period (1980-1988) resulted from ignition of sleepwear that complied with the standards.

The original flammability standards clearly worked to prevent death and disfigurement for thousands of our nation's young children and infants over the past twenty-five years. They should be restored.

The Coalition for American Trauma Care appreciates that one of the important motivating factors prompting the CPSC to review the flammability standard for children's sleepwear is the recent trend in serious burns to children -- as many as 200 incidents each year -- wearing loose, untreated cotton, or cotton blend, T-shirts as sleepwear. However, relaxing the flammability standard would not seem to logically address a problem with loose T-shirts worn as sleepwear. A much more direct, and it would seem effective approach, would be to educate parents about the dangers of dressing their children in loose T-shirts, while also keeping in place the original, flame resistant standards for children's sleepwear. The hang-tags, where they are now present in the marketplace, on children's sleepwear that direct consumers about a garment's qualities and the need for untreated cotton, or cotton blend, garments to be worn snug-fitting should instead be an education effort aimed at urging safety awareness about the dangers of dressing children in flowing T-shirts. Not addressing the T-shirt problem directly in the marketplace where consumers shop while also relaxing the sleepwear flammability standard will place more children at risk, not fewer.

With regard to merchandizing, I would like to take a minute to summarize findings in two communities: Reston, Virginia and Bowling Green, Kentucky, regarding retail sales of children's sleepwear and efforts to inform consumers about safety issues.

During March and April of this year, I visited three stores that sell children's sleepwear in the Reston, Virginia area: Target, K-Mart, and Baby Gap.

Target had clearly separated sleepwear merchandise for boys and girls from other types of clothing, such as play wear, but for the boys department there were very few items available and they were very closely placed to items that could be misconstrued as sleepwear, such as boxing shorts, and underwear. Most, but not all, sleepwear items had a hang tag on the garment which states: "Fabric and fit are important safety considerations. Sleepwear should be flame resistant or snug fitting to meet U.S. Consumer Product Safety Commission sleepwear regulations." Then at the bottom of the tag the garment either one of the following messages was printed: "This garment should be worn snug-fitting," or "This garment is flame resistant."

The hang tag message was in English for all garments; no other language despite a large Hispanic population in the community and nearby communities. Also there were very few sewn in labels identifying a garment as flame resistant; and none that it should be worn snug-fitting. The hang-tags would, of course, be removed before using the garment.

Sleepwear in the infant section of the store was completely mixed in with playwear and was both 100 percent polyester and flame resistant all the way up to 100 percent cotton, and no hang tags were provided.

There were no signs or information warning the consumer about loose-fitting sleepwear and the flammability qualities of different fabrics.

In K-Mart, both the girls and boys clothing sections had very separate areas for sleepwear. Each garment had a hang-tag with the message about the importance of fabric and fit for safety and the notation about whether the particular garment was flame resistant or should be worn snug fitting.

Again, in the infant section sleepwear was mixed in with other kinds of clothing and ranged from 100 percent polyester garments, some with sewn in tags stating the garment was flame resistant, to 100 percent cotton with no hang tags, or sewn in labels. All hang-tag messages and most labels were in English. A few sewn in labels in the infant section were also in Spanish.

There were no signs anywhere in the store warning consumers about safety considerations of sleepwear fabric and fit.

At Baby Gap, there was no sleepwear sold for boys and girls. The question arises what Baby Gap customers then dress their children in for sleeping. The only sleepwear sold was for infants, but unlike Target and K-Mart, Baby Gap's infant sleepwear had hang tags (in English only) stating: "The U.S. Consumer Product Safety Commission requires children's sleepwear to be flame resistant or snug-fitting. All fleece Baby Gap Sleepwear is flame resistant. All cotton Baby Gap sleepwear is snug-fitting."

There were no signs warning customers about the safety considerations for children's sleepwear, but sales clerks were instructed to inform customers interested in purchasing cotton sleepwear to be sure the garment is worn snug-fitting.

In Bowling Green, Kentucky, during March of this year, three observers on the Faculty of Western Kentucky University assessed nine retail stores with regard to two issues: 1) how they displayed children's sleepwear in proximity to other clothing such as T-shirts; and 2) whether each

store had signs warning or educating consumers about safety considerations when purchasing children's sleepwear.

The results were that most stores, and these included Dillard's, Wal-mart, and Sears among others, separated sleepwear items from other clothing, but in several stores sleepwear was just a 3 foot aisle away from T-shirt displays. In at least two stores no sleepwear for boys could be found, again, raising the question what do these stores sell their customers for boys sleepwear -- T-shirts? Also, in all the infant-toddler sections, the infant wear was completely mixed in with play wear. In all nine stores, only one had any sign, or other material, warning or educating consumers about safety issues when purchasing children's sleepwear. This was a specific Carter brand display in a department store that provided the CPSC statement that sleepwear garments should be flame resistant or snug-fitting.

I would say, in summary, that retail stores vary in how much effort they are making to educate consumers about a very important, fundamental change in the flammability standards for an extremely vulnerable group: infants and children. In general, however, I would give most stores a failing grade. I doubt that many consumers are really aware of the change in the flammability regulation and I am deeply concerned at the lack of safe sleepwear choices for boys in general. What are they wearing to bed?

There are many other safety concerns that the 1996 amendments to the sleepwear flammability standards clearly pose that concerns members of the Coalition:

- As I have already noted, at least where I live and work, in Reston, Virginia, non-English speaking minorities are placed at a distinct safety disadvantage when all hang tags are written in English only. Hispanic families are the fastest growing minority group in America, which means their children are likely among those at highest risk for burn injuries, yet there is no effort made in my community, which has a high number of these young families, to educate them about the flammability dangers of children's sleepwear.
- Many parents and other consumers purchase clothing that is deliberately too large for a child to permit "room-to-grow." It remains to be seen whether this habit will be deterred by a hang-tag directing that certain garments should be worn snug-fitting.
- Many families re-cycle clothing from use by older children to use by younger children where the fit may no longer be snug.
- Many families shop in re-cycled clothing markets such as Goodwill Industries and small consignment stores where the hang-tag and other messages directing consumers about the safety of a snug fit may not be present at all.

I would like to comment briefly on GAO's recently released report noting that there is insufficient data to determine any particular effect of the relaxed standards -- that they have had an adverse effect, or not. One cannot, therefore conclude that the relaxed standards are safe.

On the other hand, CPSC is requiring that adverse consequences be demonstrated before it will revoke the relaxed flammability standard for children's sleepwear. The question arises: what would constitute sufficient data for CPSC to act?

It is important to remember that many of the regulations adopted as part of the U.S. fire code are based on fires in this century which took human lives and demanded adequate safeguards to prevent future disasters. Few reasonable people today would say that data was "insufficient" to require lighted exit signs in public theaters, enclosed stairwells, or sprinklers on every floor of

rise office buildings. So why when we have put into place these safeguards for adults would we relax vital standards for our children?

Given the tremendous strides we have made overall in fire safety, it is inconceivable today that there must be "enough" burned children to constitute sufficient data to revoke the relaxed flammability standards for children's sleepwear. Surely the lessons in fire safety of the 20th Century have relevance here, and I hope that we will have the foresight to adequately protect the children of the 21st century.

Thank you for this opportunity to convey the concerns of the members of the Coalition for American Trauma Care.

Testimony of Renee Henningsen

The following is my written statement for the presentation to the Consumer Product Safety Commission Board members held on April 22, 1999.

My name is Renee Henningsen Stilwell I am here today to share with the Commission my personal and professional experiences. First, I am the mother of a burn survivor. I am also a member of the Fairfax County Fire and Rescue Department's Life Safety Education Section. My work involves developing programs and educating citizens, especially young children about fire and life safety issues. However, what's most important is that I am here to share with you my daughter's personal tragedy with fire and the trauma it caused her for the rest of her life. It is my hopes that sharing Maria's story will help everyone understand the importance of reinstating the sleepwear standard.

In the spring of 1972, I was a typical young mother who believed that loving and caring for her small child was enough to keep her safe and out of harms way. When it came to purchasing sleepwear for Maria, I looked at price, and how "pretty" she would look in it. I didn't know about sleepwear standards at that time, if there were any I didn't see how that would have any impact on my family and neither did the average parent. As such, I purchased a soft, 100% cotton nightgown for Maria. Unfortunately, Maria was soon to learn how totally naive I was. If I could have known how Maria's life would change, forever, on June 24, 1972 I would give anything to go back in time and change what happened. Going back in time is not an option, unfortunately. We learn from our mistakes, but we must live with the consequences of our decisions.

Maria, like so many other 3 1/2 year olds, was curious about anything and everything. She discovered some unattended matches used for lighting candles, her curiosity and inquisitive nature overtook her and she lit one of the matches. When the flame startled her, she dropped the match and it landed on her nightgown. In seconds, Maria had sustained third degree burns over 38% of her body. Maria was initially taken to Fairfax Hospital in critical condition. Once stabilized and strong enough to be transferred, she was taken to Shriners Burn Hospital, Boston, Massachusetts. She spent the next 4 1/2 months undergoing several long and painful operations. Maria was forced to relearn the basic day to day functions that most of us take for granted. Simple tasks such as walking, and playing could no longer be done.

Over the next ten years, Maria returned to Shriners Hospital many times-she had a total of 14 operations and spent 18 months in hospitals. Maria, like so many burn survivors, had to cope with all the normal growing pains of adolescence. She had the added burden of coping with the physical and the emotional scars that burn survivors carry with them forever. Like most children, Maria was invited to her share of slumber parties. She loved to go, but she always dreaded when she had to change her clothes and trying to hide and cover up her disfigurement. When she bought a bathing suit or a party dress, she always made sure it completely covered her scars. Every time Maria saw someone whispering, she always wondered if her scars were the subject. These are only some of the, obstacles Maria had to overcome throughout her everyday life.

Through all of this, Maria grew up to be a wonderful, caring, and intelligent, loving person. She graduated from college, met the man of her dreams and is happily married. On June 3, 1996, she gave birth to my beautiful granddaughter, Ashley. Ashley brings joy to all of us, just as Maria has these past thirty years.

Watching Ashley is like watching Maria all over again, she has the same unquenchable curiosity about everything. Who is going to make sure she stays safe and out of harms way? Will she be protected from the things that Maria was not?

A sleepwear standard was not in place to help Maria, but because of her injuries and many other injuries like hers, the right and the correct standard relating to children's sleepwear was introduced by Consumer Products Safety Commission in 1972.

Here we are, twenty-five years later; there is again no mandatory flame resistant standard for children's sleepwear. I ask you why, did the CPSC ever change the standard that they put in place in 1972 and why now, again, there is no standard for children sleepwear that safe guards our children from sleepwear that is substandard.

As an educator, I couldn't agree more that education is a valuable tool but it is only one of the tools that will help us keep our children safe. Parents always want to do what is right and best for their children. However, they need to have the best information available to make choices that are in the best interests of their children. If labeling a product were all it took to educate and change behaviors, we would have no reason for concern. However, real life experiences tell us different. The solution is never that simple.

The Consumer Product Safety Commission makes decisions everyday that provide us a safer world to live in and makes it safer for the next generation.

With the lowering of the sleepwear standard, the Consumer Product Safety Commission has requested fire and medical professionals to monitor the situation very closely. They will report to the Commissar, any injuries or deaths associated with children's sleepwear burn incidents, when an increase in reported burn injuries associated with sleepwear is documented. It will then be possible that the Consumer Product Safety Commission will reconsider its position.

I ask why we must subject any child to guinea pig status to support what we already know. I implore you to change the standard back to what it used to be. We should never have to stand here again and listen to a story that is full of tragedy. Please make the decision that will ensure a safe sleepwear standard. There is no doubt that it will reduce, prevent injury and death. No one can change what happened to Maria. She is the living example of why we need children's sleepwear standard that works.

What we need is to change the standard for unsafe sleepwear. Please do what is necessary to put back in place what should never have left. Reinststate a safe sleepwear standard, now.

Thank you

GOOD AFTERNOON, LADIES AND GENTLEMEN. MY NAME IS DAVID BOROWSKI. I'M THE MANAGER OF REPORTING AND INFORMATION IN CORPORATE FINANCE AT FREDDIE MAC. I'M ALSO A COUNSLEOR FOR YOUNG BURN SURVIVORS AT THE MID-ATLANTIC BURN CAMP. THERE WE HELP CHILDREN FROM THE WASHINGTON, BALTIMORE AND PHILADELPHIA AREAS ADJUST TO LIVING AS NORMALLY AS POSSIBLE WITH THE EMOTIONAL AND PHYSICAL SCARS CAUSED BY FIRE.

PROPONENTS FOR THE RELAXATION OF THE FLAMMABLE FABRICS ACT SAY CHILDREN ARE NOT LIKELY TO BE INVOLVED IN FIRE SITUATIONS IF THEY ARE YOUNGER THAN NINE MONTHS. THEY SAY WE SHOULD KEEP THE RELAXED STANDARD AND MONITOR STATISTICS TO SEE IF FURTHER ADJUSTMENTS ARE NECESSARY. AND, THEY'VE DECIDED THAT THE RISK OF FIRE INJURY TO CHILDREN DOES NOT JUSTIFY THE ADDED COST OF MAKING INFANTS' SLEEPWEAR WITH FIRE RESISTANT MATERIALS. THIS IS MY REPSONSE.

FIRST, AS YOU'VE NOTICED, I AM A BURN SURVIVOR. I WAS BURNED IN MY BASSINET AT THE AGE OF SIX WEEKS. NOW, I WAS A PRECOCIOUS CHILD, BUT TRUST ME, EVEN I WASN'T PLAYING WITH

MATCHES AT THAT AGE. IN MY CASE, A PUPPY CHEWED AN ELECTRICAL CORD CAUSING A SPARK WHICH STARTED THE FIRE.

THE CPSC'S STATEMENT RELAXING THE STANDARD SAYS, "INFANTS UNDER NINE MONTHS ARE INSUFFICIENTLY MOBILE TO EXPOSE THEMSELVES TO SOURCES OF FIRE." I STAND BEFORE YOU AS LIVING PROOF THAT LACK OF MOBILITY DOES NOT PROTECT CHILDREN FROM THE DANGER OF FIRE. FIRES CAN AND DO MAKE THEIR WAY TO INFANTS, WHO HAVE NO MEANS OF ESCAPE. AND THE YOUNGER THEY ARE, THE MORE VULNERABLE THEY ARE.

SECOND. MONITORING. DOES THE CPSC REALLY WANT TO WAIT FOR STATISTICS TO PROVE THE PREVIOUS STANDARDS WERE WORKING? LET ME TELL YOU SOMETHING. THESE STATISTICS WILL NOT BE NEATLY TYPED NUMBERS ON TIDY WHITE PAPER. THEY WILL BE BODIES: YOUNG, BURNED, IN UNIMAGINABLE PAIN AND SOME HORRIBLY DISFIGURED. WORST OF ALL, THEY WILL BE THE SAME "STATISTICS" THAT ESTABLISHED THE STANDARD IN THE FIRST PLACE, TWENTY-SEVEN YEARS AGO. SOME LESSONS SHOULD NOT HAVE TO BE RE-LEARNED.

FINALLY, CLOTHING MANUFACTURERS ARE CONCERNED ABOUT COSTS. THERE ARE OPTIONS. WE MUST FIND ONE THAT WORKS. BECAUSE WHATEVER THAT COST IS, THERE IS A FAR GREATER COST IF THE FABRIC IS NOT FLAME RESISTANT.

THERE WAS A COST FOR ME TO BE IN THE HOSPITAL FOR MONTHS. THERE WAS A COST TO MY INSURANCE COMPANY FOR MORE THAN 50 SURGERIES. THERE WAS A COST TO THE GOVERNMENT AS I CONTINUED IN MY EFFORTS TO LOOK MORE NORMAL. AND *I* WAS ONLY *ONE* CHILD.

I'M SURE YOU'RE AWARE THAT THERE IS AN EVEN GREATER COST THAN MONEY. THERE WAS THE COST TO MY PARENTS WHO, TO THEIR CREDIT, MAGNIFICENTLY ADJUSTED TO MY LIMITATIONS AND HELPED ME OVERCOME THEM. AND THERE WAS THE COST TO ME, WHICH I WAS ABLE TO PAY BECAUSE I HAD THE EMOTIONAL RESOURCES AND FAMILY ENCOURAGEMENT TO DO SO.

BUT I AM NOT THE NORM. MANY DISFIGURED BURN SURVIVORS CHOOSE NOT TO ENGAGE IN A SOCIETY THAT PLACES SO MUCH EMPHASIS ON TRADITIONAL, PHYSICAL BEAUTY. I'M VERY AWARE

THAT WITHOUT MY SUPPORT SYSTEM, I MIGHT NOT HAVE ACCOMPLISHED WHAT I HAVE.

NOW, I KNOW THAT WE WON'T PREVENT EVERY FIRE. BUT SHOULDN'T WE DO WHAT WE CAN TO MINIMIZE THEIR EFFECTS ON CHILDREN? TODAY, THE MEMBERS OF CONSUMER PRODUCT SAFETY COMMISSION HAVE THE OPPORTUNITY TO DO THIS. BY RE-ESTABLISHING THE STANDARD, THEY CAN HELP PROTECT CHILDREN FROM THE PHYSICAL AND EMOTIONAL SCARS BROUGHT ON BY FIRE.

EACH CHILD AT THE MID-ATLANTIC BURN CAMP HAS HIS OR HER OWN SAD STORY. YET, IN A WAY THE EMOTIONAL RESULTS ARE THE SAME. EVEN WHEN THE PHYSICAL PAIN IS GONE AND THE CHILDREN ARE DECLARED PHYSICALLY RECOVERED AND ARE RELEASED FROM THE HOSPITAL, THE LONG, TRULY HARD ROAD IS JUST BEGINNING FOR THE DISFIGURED ONES.

EVERY TIME *YOU* PREVENT A CHILD FROM BEING BURNED, YOU KEEP *ONE* MORE LITTLE PERSON FROM EVER HAVING TO SET FOOT ON THAT ROAD. THE CONSUMER PRODUCT SAFETY COMMISSION MUST RESUME ITS ROLE AS THE VIGILANT GUARDIAN AT THAT GATE.

International Association of Fire Fighters, AFL-CIO

Testimony Before the U.S. Consumer Product Safety Commission
Hearing on the Standards for the Flammability of Children's Sleepwear
April 22, 1999

Madam Chair, Commissioners Moore and Gall, my name is Hank Kim, Regulatory Assistant for the International Association of Fire Fighters, AFL-CIO. I appear before you this morning on behalf of the more than 230,000 professional fire fighters and emergency medical personnel employed by federal, state and local governments. I am pleased to offer our views to the Consumer Product Safety Commission on the Standards for the Flammability of Children's Sleepwear.

The IAFF strongly supports the Commission's proposed revocation of the 1996 amendments to the children's sleepwear flammability standards and return to the stronger fire safety standards that kept children safe for more than 25 years.

As a representative of professionals who are intimately familiar with fire and the human suffering it can cause, I can tell you that professional fire fighters across the country are delighted that you are holding this hearing.

Burn victims pay a tremendous amount in terms of physical pain, medical treatment, and psychological and emotional suffering. These sufferings are heightened when the burn survivor is an infant or a child.

Fortunately, almost all of burn related injuries to infants and children can be avoided. Part of the responsibility of protecting our nation's children is borne by parents. It is incumbent upon them to ensure that children do not have access to common household items such as matches and lighters, stove tops, and other open flame or heat sources.

The responsibility of protecting our children from burns also rests with the Consumer Product Safety Commission. It is the Commission's responsibility to ensure that all the products that come into contact with infants and children are safe.

In 1996, the Commission issued a final rule that weakened the flammability standard for children's sleepwear in effect since 1972. Weakening the children's sleepwear flammability standard was a mistake.

Although I am sure you are aware of the statistics I am about to recite, they are so powerful, they bear repeating. Before 1972, about 1,000 children a year were seriously burned in clothing-related fires and about 60 children died each year. After the 1972 flammability standards were enacted which required children's sleepwear to be made from flame resistant polyester or treated cotton, burn injuries dropped more than 90 percent and deaths decreased to four a year.

This is proof-positive that the pre-1996 children's sleepwear flammability standards did exactly what they were supposed to. In other words, it was absolutely successful in reducing burn injuries and deaths in children. In 1996, the Commission should have heeded the old adage "if it ain't broke, don't fix it," or rather in this case, "if it's successful, don't broke it."

However, the current children's sleepwear flammability standards lack the protection that they once provided to children. The relaxed standards now allow the sale of all types of non-flame resistant garments for infants age nine months and under, and allow tight-fitting garments such as long underwear to be sold as sleepwear, even if it is not flame resistant.

While the rationale for allowing tight-fitting clothing not to be made with fire-resistant materials may, in the abstract, make sense, there are many reasons why this is a faulty approach...including my own personal experience.

When I was a child, like many of my fellow Generation-Xers, I spent my Saturday mornings glued to the TV watching Saturday morning cartoons. This routine usually got me up way before my parents. Normally, I had breakfast when my parents woke-up and made it.

However, one Saturday morning when I was about 12 or 13, I decided to make breakfast on my own. So I placed a frying pan on a front gas burner and turned it on. As the frying pan was heating, I went to the refrigerator and got eggs and sausage. When I was back at the stove, for some reason I decided to move the frying pan from the front burner to the back burner. So I lit the back burner and without turning off the front burner, I moved the frying pan to the back burner. As I was doing this, the left sleeve of my tight-fitting thermal underwear, which I used as pajamas, passed over the lit front burner and caught on fire.

Within a second, the fire that started near my wrist spread up to my shoulders. When my thermal underwear first caught on fire, I was paralyzed with fear. However, when the flames spread to my shoulders, instincts took over and I started beating the flames with my right hand. Fortunately, I was able to beat down the flames and only suffered singed hair on my arm.

The moral of my story is that tight-fitting clothing is not fire resistant clothing. My story is only one of countless other reasons why the Commission must revoke the 1996 amendments to the children's sleepwear flammability standards.

Parents look to the Commission for guidance on how to keep their children safe. If the Commission hopes to maintain this high regard among the American public, it must do the right thing and go back to the pre-1996 standards.

In closing, let me say that the International Association of Fire Fighters truly appreciates this opportunity to testify before the Commission and looks forward to working with you on this issue.

Proposed revocation of the 1996 amendments to the Children's Sleepwear Flammability Standard

Good afternoon, I'm Ed Stinnette, Fire Chief of the Fairfax County Fire and Rescue Department, and am here today as a fire service representative. As you know, firefighters see for real the pain and suffering caused by fire on a daily basis.

There is nothing more dreadful or disturbing to a firefighter than to pull bodies from a pile of rubble, especially the bodies of small children. Firefighters are called upon to provide emergency medical assistance to patients who have been burned. These burn injuries are not always the result of a fire which reduces a home to rubble. Many burn injuries occur during relatively small fires. Firefighters know first hand the permanent pain and suffering that burn victims have to endure.

Knowing that burn injuries and deaths are preventable, the fire service urges the CPSC to revoke the 1996 amendments to the children's sleepwear standards. The only way to continue and build upon the successes we have experienced over the past 25 years is to return to the more stringent standards prior to 1996. Those standards were truly effective in protecting children. Statistics bear out that burn injuries dropped dramatically after stricter children's sleepwear standards went into effect. We must go back to that standard—we must do it now.

The 1996 amendments do not save children from injury or death, and must be revoked for these important reasons:

1. Infants, nine months and under, are extremely mobile and can come in contact with ignition sources.
2. The concept of tight fitting sleepwear is flawed. People like sleeping in comfort, especially children, who prefer the look and feel of baggy clothes. Additionally, parents unknowingly place their children at risk by purchasing sleepwear which is often large on a child so that they last longer.
3. The amendments do not correct CPSC's concerns with loose t-shirts.

I strongly urge the CPSC to revoke the 1996 amendments. It is important to help protect children who cannot protect themselves. CPSC must move forward, not backward, in protecting the public. The old standard saved lives and reduced severity of injuries, Why change that?

Testimony of Curtis Stilwell

The following is the testimony to the Commission concerning the Children's Sleepwear Hearing on April 22, 1999:

Good evening Commissioners, I am Curtis E. Stilwell, and I represent the Washington Regional Fire and Rescue Departments Aluminum Cans for Burned Children (ACBC) Program. Our membership includes the following Fire & Rescue Departments:

- ◆ Arlington County Fire Department
- ◆ City of Alexandria Fire Department
- ◆ City of Fairfax Fire & Rescue Department
- ◆ City of Fredericksburg Fire and Rescue
- ◆ Lake of the Woods Fire Department
- ◆ Loudoun County Fire Department
- ◆ Montgomery County Fire and Rescue Department
- ◆ Prince William County Fire & Rescue Department
- ◆ Stafford County Fire & Rescue

I speak to you today to address the issue of the information and education campaign that the children sleepwear manufacturers were to have provided to the consumer and retailers. Members of our organization have conducted survey of some of the leading retailers of children clothing and have found very little, if any information and education campaign (Retailers name to be provide with oral statement) We have talked with salespersons of these retailers who could not provide any information concerning sleepwear standards changes. We agree that any information and education campaigns concerning any safety issues are of benefit to the consumer. Our concerns are that the consumer has not been provided the knowledge to understand the difference between sleepwear and daywear that could be used for sleepwear.

The ACBC Program is a non-profit organization that raises funds to assist young burn survivors, who's lives have been forever changed by the devastating effects of our common foe, FIRE, which as we know can strike at any time. Our members urge the CPSC to revoke its 1996 amendments to the Flammable Fabrics Act and return to the stronger fire safety standards, which kept children safe for more than twenty-five years. Furthermore, we do not believe that we should wait for children to be injured before we return to a standard, which worked for decades.

The ACBC Program has assisted in the past 10 years with sponsoring approximately 100 children annually to attend the Mid-Atlantic Burn Camp. As a counselor and professional firefighter I have seen first hand the devastating effects of a burn injury. We do not need any more children which injuries could either have been eliminated or lessen by a stronger sleepwear standard. So please do not provide us with another camper whose life will be forever changed by the effects of fire. No one can predict when and how a fire will start, but with the reinstatement of the old sleepwear standard it will at least give some of our children a fighting chance.

Our members have the utmost respect for the Consumer Product Safety Commission. The CPSC is the premier agency for protecting our children's safety. Parents look to you to help them ensure their children grow up happy and healthy. We urge you not to send parents the wrong message. Please for all children, return to the strict fire safety standard, which was in place until 1996. Please do not wait until the number of children burned begins to rise before you act to protect them.



National Volunteer Fire Council

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**Testimony before the
Consumer Product Safety Commission
Regarding
Proposed Revocation of Children's Sleepwear Amendments**

April 22, 1999

**By
Fred G. Allinson
Chairman
National Volunteer Fire Council**

Good morning, Commissioners. Thank you for allowing me the opportunity to appear before you today. My name is Fred Allinson. I am the Chairman of the National Volunteer Fire Council (NVFC) and I have been a firefighter for more than 35 years. As a firefighter, I am charged with preserving and protecting the lives and safety of the citizens in the community I protect. That is why I have come to talk to you today. 1996 amendments to the original Consumer Product Safety Commission (CPSC) standard regarding children's sleepwear have weakened the protections offered to children and their families. On behalf of the NVFC, I urge you to revoke the 1996 amendments and return to the original, stronger standard.

Organized in 1976, the NVFC is a non-profit membership organization representing the volunteer fire, EMS, and rescue services. The NVFC serves as the voice of the volunteers on Capitol Hill, with federal agencies, and on regulatory and industry panels. Our membership has made the restoration of the original standards regarding children's sleepwear one of our top priorities for this year. It is our position that the fire service must work in conjunction with the CPSC to create a safe environment for our nation's children to grow in. I hope that you will take our comments into account as you make this very important decision.

In 1972, the CPSC created the first standard regulating children's sleepwear (sizes 0 to 6X). In 1975, the CPSC extended the regulation to cover sizes 7 through 14. The

standard stated that pajamas and robes in sizes 0 through 14 must self-extinguish when caught on fire. The standard was proven effective in 1977, when a pediatric study noted that only one child was burned in a sleepwear related incident after the standard was implemented, compared with 74 prior to implementation. Additionally, the National Fire Protection Association (NFPA) estimates that there would have been ten times as many deaths, and substantially more injuries, associated with children's sleepwear had the original standards not been implemented. Unfortunately, in 1996, the CPSC voted 2-1 to relax the fire safety standard for children's sleepwear. The current standard excludes infant's sleepwear and tight-fitting garments in sizes 0 through 14 from flammability requirements.

It is the belief of the membership of the NVFC that the 1996 amendments to the original standard severely reduces the level of safety offered to families who purchase children's clothing covered by these amendments. Proponents of the 1996 amendments have argued that there has been no increase in the number of burn injuries and deaths since the standard was changed. This is partially because there are problems in the reporting of burn injuries. Furthermore, we do not believe that we should wait for children to be injured or killed before we return to a standard that worked for decades. Children deserve more protection, not less. Finally, the 1996 amendments were made with the expectation that sleepwear manufacturers would mount an aggressive campaign to educate parents about the importance of dressing their children in tight-fitting clothing. To this date, we remain unaware of any efforts on behalf of the manufacturers to implement this campaign.

The NVFC believes that the standard that exempts "tight-fitting" sleepwear in children's sizes 0 through 14 is extremely dangerous. Most parents do not dress their children in "tight-fitting" clothing in an effort to extend the life of the clothing for a growing child. We also note that the revised standard that exempts sleepwear for infants nine months and younger from fire safety regulations is extremely dangerous. Many infants at that age are crawling and are extremely vulnerable to open flames.

Another reason that the NVFC is concerned with the current standards regarding children's sleepwear is the differences between flame-resistant fabrics and non-flame-resistant fabrics. Materials allowed under today's standard ignite at a much lower temperature than polyester and other flame-resistant fabrics. Additionally, these dangerous fabrics continue to burn even after the ignition source is removed and the flames spread rapidly and upward, increasing the risk of burns to the face. In contrast, flame-resistant materials shrink from heat sources, self-extinguish after exposure to small flames, and retain their flame resistance even after repeated washings. Why would we want to subject our children to the lesser protection offered by today's standards?

The NVFC has a long history of working with the CPSC on many issues. We recognize all that the CPSC has done to protect children's safety in the past and we look to you now to send the right message to America's families. You have the opportunity to correct this mistake before innocent children suffer. Please do not wait until the number of children injured begins to rise before you protect them. Thank you.