



**UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

**Memorandum
OFFICE OF COMMISSIONER
NANCY A. NORD**

Date: December 8, 2010

TO : Patricia Edwards
Project Manager, General Engineer

Patricia Pollitzer
Office of the General Counsel

Robert Howell
Associate Executive Director, Hazard Identification and Reduction

Cheryl Falvey
General Counsel

Kenneth Hinson
Executive Director

FROM : Nancy A. Nord
Commissioner

SUBJECT : Full-Size and Non-Full-Size Cribs, Final Rule

We all are gravely concerned about infant deaths and injuries associated with cribs. As Acting Chairman I initiated both a more detailed review of these incidents and rulemaking to update the crib standard. My questions below are meant to fill out our collective understanding about what is involved in taking this next important step, what are the ramifications of it for safety, and how feasible is it for the marketplace to provide the solutions we seek. We want to get to better crib safety as fast as possible, without creating unforeseen, unintended consequences that complicates getting there. Listed below are my follow-up questions from today's briefing.

1. What is the applicability of the scope of the rule to schools, churches (including Sunday schools), and social service entities, such as shelters, etc.?
2. Did the staff make an attempt to determine how many products would need to be replaced and what the cost would be for hotels, motels and other public places of accommodation to meet the new requirements? If not, would you please seek and provide this information?
3. Do we have any incident data that addresses safety issues with ASTM's December 2009 revised standard? Have there been any recalls?
4. Do we have any information about how many cribs meeting ASTM's 2009 standard have been sold?

5. How many cribs has JPMA certified to the requirements in our July Notice of Proposed Rule briefing package? If there are some certified products, how much of the market share do they represent?
6. Do you know of other manufacturers that may have used other testing laboratories to certify cribs to the requirements contained in the July Notice of Proposed Rule briefing package and if so, how many cribs have been certified for the U.S. market?
7. How many labs are currently certified to do crib testing? How long will it take to certify labs up to the level needed to do the new testing?
8. Based on the reported estimates of 2.4 million cribs normally sold each year and the estimated additional 700,000 needed to replace all the child care cribs plus an additional 1.5 to 2 million needed to replace the used cribs that are normally sold from consumer to consumer, what evidence do we have showing it is feasible to test the various models and produce this magnitude of cribs in this period of time?
9. What incident data do we have on the drop gate hinge and what is the nature of these incidents?
10. What is the significance in using the term 'effective compliance date' as opposed to calling this an effective date, which is the term we typically use?

cc: Chairman, and Commissioners