

Office of the Secretary
Consumer Product Safety Commission
Washington, D C 20207

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby Bath Seats Federal Register. August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

> [name]
> [address]
> [Phone Number]
>

*Bath Seats
Comments*

17

Stevenson, Todd A.

From: Vanina Wolf [vaninaa@umd5 umd edu]
Sent: Friday, October 06, 2000 2:50 AM
To: cpsc-os@cpsc.gov
Subject: Petition (HP 00-4) by CFA et al seeking a Ban of Baby Bath Seats

October 04, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

> [name]
> [address]
> [Phone Number]
>

Stevenson, Todd A.

Bath
Seat
18

From: Celteen Barger [celteen.barger@pmxindustries.com]
Sent: Friday, October 06, 2000 3:57 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 04, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Celteen Barger
2238 Chandler St SW
Cedar Rapids, IA 52404
319-363-1316

~~Stevenson, Todd A.~~

Page 1 of 1

Bath Seats
19

From: Frame Anderson [Framerboy@hotmail.com]
Sent: Friday, October 06, 2000 12:24 PM
To: cpssc-os@cpssc.gov
Subject: 'Petition HP 00-4, Petition to Ban Bath Seats'
October 9, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby Bath Seats Federal Register August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk-taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Valerie Anderson

5849 Ridgeview Drive SW
Cedar Rapids, IA 52404
319-390-3067

Stevenson, Todd A.

bath seats
20

From: Brenda Cooley [BCOOLEY@kirkwood cc ia us]
Sent: Friday, October 06, 2000 1 23 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

I would like to officially go on record as a citizen who strongly supports the petition to ban baby bath seats from the market. Unfortunately, I know firsthand how dangerous the bath seats are, and how tragic the consequences of using them can be. On June 9th, 2000, my perfectly healthy, precious great-niece (Olivia Jade Gardner) died as a result of nearly drowning 24 hours earlier when her baby bath seat tipped over with her in it. To see such an innocent little life be taken has been a horrifying experience for all who were touched by her, and to find out after the fact the number of other babies who have died as a result of these devices has been shocking.

The deaths of 66 babies should certainly be more than enough to prove any product on the market unsafe for use with infants. Please put a stop to this now. Please vote to grant the petition of the Consumer Federation of America et al. to ban baby bath seats. Thank you for your time.

Brenda Cooley
1518 N Avenue NW
Cedar Rapids IA 52404

Phone (W) 319-398-5448
Phone (H) 319-363-8623

Baby bath seats 21~~Stevenson, Todd A.~~

From: Rachel Rock [rachelrock@mediaone.net]
Sent: Friday, October 06, 2000 10:24 AM
To: cpsc-os@cpsc.gov
Subject: Ban on bath safety seats
October 06, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Rachel Rock
86 Hawthorn Ave

Needham, MA 02492
781-455-6715

Rachel E. Rock
86 Hawthorn Avenue
Needham, MA 02492
Tel. 617.543.1464
Fax. 781.455.6715 (with prior notification)
Email: rachelrock@mediaone.net

Stevenson, Todd A.

Bath seats 22

From: JJacobi@msinet.com
Sent: Friday, October 06, 2000 5 58 PM
To: cpsc-os@cpsc.gov
Subject: Ban of Baby Bath Seats

October 6, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Jena M. Jacobi
510 Circleview Drive
Atkins, IA 52206
319-446-6066


Stevenson, Todd A.

Handwritten notes:
Bath seats 23

From: Carol Danek [cjdaneke@hotmail.com]
Sent: Saturday, October 07, 2000 1 01 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

718 Fernwood Drive NE
Cedar Rapids IA 52402
October 07, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,
Carol J Danek
718 Fernwood Drive NE
Cedar Rapids IA 52402
319 378-4123

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>.

Share information about yourself, create your own public profile at <http://profiles.msn.com>.


Stevenson, Todd A.

Bath seats 24

From: Theodore Rodriguez [fourpawd@QuixNet net]
Sent: Saturday, October 07, 2000 9 34 AM
To: cpsc-os@cpsc.gov
Subject: Petition HP-004, Petition to Ban Bath Seats

Office of Secretary
Consumer Product Safety Commission
Washington D.C. 20207

I am send thing email to voice my concerns in regards to the safety of infants and their doom to short life while in these Bath Seats

I find it appalling that it takes so many lives of innocent CHILDREN before something may be done about taking this product off the market

52 deaths and many more near deaths is way too many to have This should have been taken off the market as far back as 1994 and I still feel that this is a horror to think that already this year there has been at least 5 deaths related to this product Not to mention who knows just how many unreported cases there are and have been in past years

A life is nothing to waste and at such a young age is even worse

This product only is able to be used for such a short time that this seems really bad to subject young children and new parents to such a false sense of security and at the same time when some thing like this happens there is no recourse other than putting the infant to rest and the parents have a life time of only if I would not have used this product that I thought was suppose to help us not hurt us so bad

Only last thing that I can say is that knowing the horrible mishaps of this product makes me glad that I never had one of these BATH SEATS and both of my children are still alive and healthy

One item that is suppose to make bath time better and aid in helping an infant for the first two months of live is nothing more than a death trap and should be off the market long before now Please take into consideration all the sadness that this product causes and please vote to remove this and others like this off the market once and for all and lower the death rate of infants This is one way to be able to insure the longer life span of many infants in this world.

Thank you for your time and please do what it right for the leaders of tomorrow

Thank you again
Laura A Rodriguez
10 Cherry Acres Drive
Hampton VA 23669
Phone. 757 723 8633

Stevenson, Todd A.

25
10/09/00

From: Lisa Cooley [Lcooley@acerefrigeration.com]
Sent: Monday, October 09, 2000 11 16 AM
To: cpsc-os@cpsc.gov
Subject: Petition HP00-4 Petition to ban baby bath seats

October 9, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Lisa Cooley
4201 33rd Avenue SW, Cedar Rapids, IA 52404
319-390-9783

Stevenson, Todd A.

*Bath seats
26*

From: Cristina_Hurley@rsmi.com
Sent: Monday, October 09, 2000 12:40 PM
To: cpssc-os@cpssc.gov
Subject: PETITION TO BAN BABY BATH SEATS

October 9, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register. August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months.

Recent research has found that parents and caregivers of infants who use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance.

For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Cristina McCormick Hurley
7272 19 Avenue
Van Horne, IA 52346
319-896-5415

Vote? bath seats

27

Stevenson, Todd A

From: mdhanush [MDhanush@email msn com]
Sent: Tuesday, October 10, 2000 5 06 AM
To: cpsc-os@cpsc.gov
Subject: Comments on Petition (HP 00-4)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Meenakshi Dhanushkodi
4001 South Watt Ave,
Apt 210, Sacramento, CA, 95826
916-369-1192

Stevenson, Todd A.

Cash
28

From: Dixie_Derby@rsmi.com
Sent: Tuesday, October 10, 2000 9:27 AM
To: cpsc-os@cpsc.gov
Subject: PETITION TO BAN BABY BATH SEATS

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register August 22, 2000 (Volume 65, Number 163, page 50968)

Dear Sir or Madam,

My name is Dixie Derby, I am a mother of 2 and a close friend to Stephanie Turner, who lost her daughter to this bath seat. I extend concern for the need

for more research on this product. Not only is it taking the lives of our young, but destroying families and the future. These children are our future. Parents expect when they use child restraining seats of any sort that they are

tested and tested very well. I ask you this: Would you want this to happen to one of your child(ren), grandchild(ren), neices, nephews, or any other child? I would hope not.

Here is some information .

On July 25, 2000 CFA (The Consumer Federation of America) filed a new petition asking the Consumer Product Safety Commission (CPSC) to ban baby bath seats. Since the filing many other organizations have joined to support the petition, with more and more organizations concerned with the safety of children joining every day.

Original Petitioners:
Consumer Federation of America
The Drowning Prevention Foundation
The Danny Foundation for Crib and Child Product Safety
The Inter-mountain Injury Control Research Center
The California Coalition for Children's Safety and Health
The California Drowning Prevention Network
The Contra Costa County Childhood Injury Prevention Coalition
Greater Sacramento SAFE KIDS Coalition
Kids in Danger

Some of the Additional Organizations Supporting the Petition:
US. Public Interest Research Organization
Consumers Union
The Good Housekeeping Institute

About The Product: Baby bath seats are intended to assist in bathing infants by holding the infant in a sitting position , upright out of the water

, in a full size bathtub or a sink.

When following manufacturers' instructions, they have a useful life developmentally of about 2 months.

The Hazard: There are currently at least 66 known drowning deaths and 37

reports of near drowning. In the first six months of 2000 alone there have been five deaths. In past years there have been an average of 8 deaths per year. Drowning occurs when the baby slips out of the seat, the seat tips over, or where the parent is unable to extricate the child from the product after it has tipped over. The product gives parents a false sense of security; they view this product as a safety device, when in fact, it does not perform that way. The bath seat is designed to provide "hands-free bathing " of an infant, but in reality the parent/caregivers hands should never leave the seat. Bath seats are also completely incompatible with bathtubs that meet the voluntary safety standard for bathtubs. Such bathtubs must have a slip resistant feature to prevent falls; bath seat product instructional labeling warns not to use to the product in such bathtubs. CPSC considered this issue in 1994 and decided in a 2-1 vote not to take action. Since that vote, 52 more babies have died and one of the 2 commissioners voting against action has been replaced.

CPSC Comment Period: There is currently a public comment period on the petition seeking input from the public. The deadline for comments to CPSC is October 23, 2000.

I thank you very much for your time,

Dixie Derby
1616 B Ave NE
Cedar Rapids, Ia 52402

As most of you are aware on June 9, 2000 my 7-month daughter, Olivia Jade Gardner died 24 hours after nearly drowning in a 'Safety First' baby bath seat.

I have since learned about and become involved with a movement to ban the bath seats. The following contains information about the movement as well as an action item with a link provided to the address of the CPSC (Consumer Product & Safety Commission) where you can email a letter in support of the ban if you so desire. I would very much appreciate you taking the time to find out more about what is going on with these bath seats and am thanking you ahead of time for your time and support.

In 1994 , after 14 infant deaths , an attempt was made to ban these bath seats . CPSC voted against taking any action 2-1. I cannot stop thinking that if that 1994 petition had only been successful, Olivia , along with the 51 additional babies that have died since its failure would be alive today.

ACTION: THIS IS THE MOST IMPORTANT PART , AS THIS IS HOW YOU CAN HELP!!!!!!!

The way you can help to make this ban a successful is two-fold.

First of all by sending an email to the Consumer Product Safety Commission in support of the ban . Their address is cpsc-os@cpsc.gov <<mailto:cpsc-os@cpsc.gov>> . Emails regarding the ban should contain 'Petition HP 00-4, Petition to Ban Bath Seats' in the subject field.

Secondly, I would very much appreciate you forwarding this to everyone you know who may be interesting in helping to remove these products from the shelves.

Thank-you & God Bless

Stephanie Turner
319 896-5400 Work
319 286-0194 Home

Bath seats 29

October 4, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RECEIVED
2000 OCT 11 A 10:51

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,



Suzanne Barloon

711 Grant Street

Walker, LA 52352

319-448-4142

~~Stevenson, Todd A~~

*Written
Rec'd*
30

From: barger jf@pg.com
Sent: Wednesday, October 11, 2000 6:46 AM
To: cpsc-os@cpsc.gov
Subject: 'Petition HP 00-4, Petition to Ban Bath Seats'

October 11, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

INCLUDING MY NIECE, OLIVIA JADE GARDNER!

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

James F. Barger
2238 Chandler St SW
Cedar Rapids Iowa 52404
barger.jf@pg.com
(319) 363-1316

bath seats

.31

Stevenson, Todd A.

From: kpcollin@collins rockwell com
Sent: Wednesday, October 11, 2000 11.14 AM
To: cpsc-os@cpsc gov
Subject: Baby Bath Seats

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Kelly Collins
1706 Hamer Drive NW
Cedar Rapids IA
52405
319 390-4616


Stevenson, Todd A.

32
Bath seats

From: Sweet, Kelly [Kelly.Sweet@congress.gov]
Sent: Thursday, October 12, 2000 4:49 PM
To: 'cpsc-os@cpsc.gov'

October 12, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby
Bath Seats Federal Register. August 22, 2000 (Volume 65, Number 163,
page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you

Sincerely,

> Kelly Sweet
> 1000 E Ave NW
> 319-364-4650

~~Stevenson, Todd A.~~

*Bath
seats*

33

From: Steve Moshier [steve.moshier@wcom.com]
Sent: Thursday, October 12, 2000 4:54 PM
To: cpsc-os@cpsc.gov
Cc: Steve Moshier, Moshier Steven
Subject: 'Petition HP 00-4, Petition to Ban Bath Seats'

October 12, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

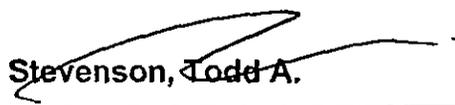
The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drowning involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Steven Moshier
1835 39th Street
(319)373-1931


Stevenson, Todd A.


34

From: Debra Lewis [Debra-Lewis@uiowa.edu]
Sent: Thursday, October 12, 2000 6:10 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath
October 12, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D C 20207

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby
Bath Seats Federal Register August 22, 2000 (Volume 65, Number 163,
page 50968)

The undersigned citizen strongly urges you to grant the petition
of the Consumer Federation of America et al to ban
baby bath seats. We are alarmed at the high incidence of babies
drowning in this product and believe it poses an unreasonable risk of
injury and death to children. At least 66 children have died when using
this product and an additional 37 were involved in near drownings
involving bath seats. Already in the first six months of this year at
least five babies have died.

Bath seats have a very short useful life. They are not recommended for
use until six months of age, when most infants can sit securely. Once
an infant can pull up (generally between seven and nine months) or
attempt to stand while holding onto objects, infant bath seats should be
discontinued, thus limiting its useful life to approximately two
months. Recent research has found that parents and care givers of
infants that use baby bath seats engage in more risk taking behavior than
parents and caretakers not using bath seats. Parents and care givers may
see this product as a safety device and thereby have a false sense of
security with respect to its use. In addition, bath seats are
incompatible with bathtubs meeting the current voluntary standard for
bathtub slip resistance. For these reasons and the growing number of
drowning deaths, we believe there is substantial evidence supporting a ban of
this product.

Please vote to grant the petition of CFA and the other petitioning
organizations. Thank you.

Sincerely,

Debra Lewis
1609 Richmond Road NE
Cedar Rapids, IA 52402

Stevenson, Todd A.

Bath Seats 35

From: Maureen Foster [mfoster@gfsd.org]
Sent: Friday, October 13, 2000 7:38 AM
To: cpsc-os@cpsc.gov
Subject: 'Petition HP 00-4, Petition to Ban Bath Seats'

Please ban Baby Bath Seats . The rate of death is alarming as too many parents think these seats keep babies safe in the tub.
Thank you.
Maureen Foster

Stevenson, Todd A.

Bath seats

.36

From: Marge Bann [MargeBann@alliant-energy.com]
Sent: Friday, October 13, 2000 12:12 PM
To: Cpssc-os@cpssc.gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats' in the subject field

October 04, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Marge Bann
7300 42nd St. NE
Cedar Rapids, IA 52411
H - (319) 393-4760
W - (319) 398-4896

Stevenson, Todd A.

37
Vater Sud

From: Jack Barnes [jack.barnes@wcom.com]
Sent: Friday, October 13, 2000 9:32 AM
To: cpsc-os@cpsc.gov
Cc: Vozenilek, Beth Ann
Subject: RE: Comments on Petition (HP 00-4) by CFA et al

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Jack Barnes
102 Johnson St W
Norway, IA 52318
319-227-2260

~~Stevenson, Todd A.~~

Bath Seats 38

From: jldougla@collins rockwell com
Sent: Friday, October 13, 2000 10 15 AM
To: cpsc-os@cpsc gov
Subject: Ban of Baby Bath Seats

October 13, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register. August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Joy Douglas
2650 27th Ave.
Marion, IA 52302
319-373-5406

Stevenson, Todd A.

39
bath seats

From: tmmccart@collins rockwell com
Sent: Friday, October 13, 2000 10 21 AM
To: cpsc-os@cpsc gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you

Sincerely,
Tanya McCarthy
3037 Circle Dr NE
Cedar Rapids, IA 52402
319-362-8844

FEDERAL OFFICE OF THE SECRETARY
2000 OCT 16 P 2 29

October 14, 2000

VIA FEDERAL EXPRESS

Ms. Sadye E Dunn
Director, Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway — Room 502
Bethesda, MD 20814-4408

RE: Petition HP 00-4, Petition to Ban Bath Seats

Dear Ms. Dunn:

This letter is *in support* of the ban on bath seats (bath rings). At this writing there are only two major manufacturers of the product; others have, responsibly, gotten out of the market. The majority of the fatalities are children under 7 months. Since babies don't start sitting up unassisted until 6-7 months, these children are *barely* able to sit up unassisted! As such, they may still be somewhat unstable on dry land but even more unstable when put in water.

Overview

Water – in and of it self – is a clear and present danger to small children. Even experienced swimmers have had tragedies when put in situations that were no match for their expertise. The water hazard to small children is why we have pool enclosures, pool alarms, toilet locks, etc. To put a child *in* a product *in* water that deliberately gives the false sense of security that the product somehow protects the infant while in the water is *ludicrous!!* Because the product gives the *illusion* of safety ... that the child can sit up unassisted in the device and the device surrounds the child ... parents fill the bathtub with entirely too much water.

Put an adult in water and the body is somewhat buoyant. A person who holds their breath will float. A child's center of gravity is above the navel. Put a child *in* the product, put water in the tub to *above* the child's navel *or better*, and the child who lacks any weight from the navel down will be buoyant as well. The CPSC's IDIs – presented at the February 2000 ASTM meeting in Orlando, indicated that children were drowning in water in excess of 3 inches. The IDIs at the October 2000 meeting indicated the water depth in many instances was as great as 7 inches!

ASTM Standard

The ASTM standard for this product is *not* a safety standard, rather a *performance* standard for the product — and, like so many other standards, attempts through the

performance standard to claim that the standard is a safety standard. Such performance standards “back into” safety *only after* children are injured or die in a product. Having visited RAM Consulting and seen their “Enabling Safety” presentation, I must state as they do that if the product design is not safe, then 100% of the product produced will be unsafe! Since over 90% of CPSC’s recalls are for *design defects*, there is no way to try to patch a poorly designed product with any number of performance tests!

The *performance* test for the ASTM standard on bath rings is unrealistic and in no way approximates *real life* use of the product. The standard requires the product to be tested on a clean, smooth surface, a constant water temperature of 105 degrees, and no additives in the water. This is a *performance* test for the product, but is *not* the way in which caregivers will use the product

- First, if the caregiver uses a cleanser (even Soft Scrub), the surface will be clean but *not* smooth. New bathtubs must meet the ASTM standard for slip-resistant surfaces and, therefore, are *not* smooth. If consumers use skid strips in their tub, the tub surface is also *not* smooth!
- There is no way for a caregiver to maintain a constant water temperature
- More importantly, caregivers *will* use soap and/or other additives in the baby’s bath water.

Since the performance standard does *not* test the product for the way in which manufacturers *know* the product will be used, the manufacturers knowingly market a product which they *know* caregivers will “misuse”. Thus, the unsuspecting caregiver has been “set up” to misuse the product each time they put the child and product in the bathtub! Then, at the ASTM meetings the consumer is faulted repeatedly for either misuse of the product or for leaving the child unattended.

Of *crucial* importance is that there is absolutely *no* way to make this product *safe* for use by caregivers of small children. The ASTM standard for an anti-slip surface on bathtubs has been in effect for roughly 20 years. As such, the surface parents are placing these products on is *not* smooth. If the tub surface is not smooth, there is no way to get suction cups to adhere tightly to the tub surface. Thus, manufacturers have set up caregivers to *misuse* the product, since manufacturers know that if (i) the tub surface is not smooth and (ii) the use of additives (e.g., soap) may affect how the product suctions, that there is a high probability the product will not adhere (suction) tightly to the tub surface.

Incident Data

At my first ASTM meeting a little over a year ago (August 1999), the meeting opened with CPSC incident data on bath rings. CPSC gave the historical perspective on the incident data associated with the product:

- When the standard was first enacted there were 18 deaths associated with the product. At the August 1999 ASTM meeting, the body count was up to 42 – up *2½ times* the *initial* death toll for the product.
- The petition for the bath ring ban – as published in the Federal Register – indicated that as of June 2000 there were 66 deaths.
- Unbelievably, by the time of the most recent ASTM meeting on October 12, the body count was now up to 74 – now over *four times* the original death toll that prompted the standard!

Even with a body count that has nearly doubled in just *one* year, the ASTM subcommittee refuses to do the *responsible* thing – voluntarily withdraw the product from the market or put internal pressure on its members to eliminate the item from its product line. Instead, they continue to blame caregivers for misuse and for leaving the child unattended. The penalty for misuse, incorrect use, leaving a child unattended in any product should not be death!

Conclusions

The tragic and horrible irony with the ASTM standard for bath rings is that the stronger the standard gets, the more deaths that are occurring. It is *unconscionable* that a couple of major manufacturers actively protect *and defend* their company's financial/product interests, while blindly ignoring the mounting body count associated with the product! Considering that bath rings are really only designed for about a 2 month period in child's life (at best), the body count for the product is staggering. Worse yet, the death toll for the product continues to rise at an alarming rate.

A sad commentary on ASTM and voluntary standards in general is that standards are *data driven* — unless there are injuries with a product, ASTM subcommittees refuse to be proactive in addressing potential hazards raised at the meetings.

If the CPSC votes against a ban on this product, I am forced to ask "Just *how much data* will it take to *drive* the CPSC into banning the product later on? How many more lives have to be lost in that time frame?"

Enough is enough!

We've already lost *too many* children with this product in the short span of the product's history. Since the manufacturers will not voluntarily take the product off the market, and since ASTM will not force the voluntary withdrawal of the product, the CPSC *must* force the ban on the product to prevent any further needless and *senseless* loss of life from future sale of these bathing products

I would also *strongly encourage* CPSC to recall all such items which have previously been sold! In such a recall, both the CPSC and the bath ring manufacturers need to create as high an awareness of bath ring dangers as Burger King did with the Pokemon ball! Otherwise, these products will continue to circulate in the secondary market with the same deadly consequences!

Sincerely,



Margie Cowan
11851 Dunlop Court
Reston, VA 20191
mcowan@erols.com

Stevenson, Todd A.

*bath
seats
41*

From: kdbading@collins rockwell com
Sent: Monday, October 16, 2000 4 11 PM
To: cpssc-os@cpssc gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register. August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et al to ban baby bath seats We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Karen Bading
818 Oakland Rd. NE
Cedar Rapids, IA 52402
(319) 295-0839

Stevenson, Todd A.

*Bath
seats 42*

From: jdmosins@collins rockwell com
Sent: Monday, October 16, 2000 9 49 AM
To: cpssc-os@cpssc gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby
Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163,
page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et. al. to ban
baby bath seats. We are alarmed at the high incidence of babies
drowning in this product and believe it poses an unreasonable risk of
injury and death to children. At least 66 children have died when using
this product and an additional 37 were involved in near drownings
involving bath seats. Already in the first six months of this year at
least five babies have died.

Bath seats have a very short useful life. They are not recommended for
use until six months of age, when most infants can sit securely. Once
an infant can pull up (generally between seven and nine months) or
attempt to stand while holding onto objects, infant bath seats should be
discontinued, thus limiting its useful life to approximately two
months. Recent research has found that parents and caregivers of
infants
that use baby bath seats engage in more risk taking behavior than
parents and caretakers not using bath seats. Parents and caregivers may
see this product as a safety device and thereby have a false sense of
security with respect to its use. In addition, bath seats are
incompatible with bathtubs meeting the current voluntary standard for
bathtub slip resistance. For these reasons and the growing number of
drowning
deaths, we believe there is substantial evidence supporting a ban of
this product.

Please vote to grant the petition of CFA and the other petitioning
organizations. Thank you.

Sincerely,

John D. Mosinski
3037 Circle Drive N. E.
Cedar Rapids, Iowa 52402
(319) 362-8844

Stevenson, Todd A.

43

From: Jodi Custer [jodi_custer@globalcrossing.com]
Sent: Monday, October 16, 2000 10:16 AM
To: 'cpsc-os@cpsc.gov'
Subject: cpsc-os@cpsc.gov October 04, 2000
October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D C 20207

RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby
Bath Seats Federal Register August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

- > Jodi Custer
- > 1039 32nd St. NE, Cedar Rapids, IA 52402
- > 319-365-4991
- >

Stevenson, Todd A.

Bath
seats 44

From: Connie_Echternacht@nas.adp.com
Sent: Monday, October 16, 2000 10:55 AM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats, Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months.

Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk-taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use.

In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Connie Echternacht
8746 Flamingo Drive
Chanhassen, MN 55317
(952) 361-0053

~~Stevenson, Todd A.~~

Bath seats 45

From: Jaime L Jasper [jaimejasper@hotmail.com]
Sent: Monday, October 16, 2000 9 10 PM
To: cpsc-os@cpsc.gov
Subject: Banning of baby bath seats

October 16, 2000

Office of the Secretary Consumer Product Safety Commission Washington, D.C.
20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath
Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Bob & Brenda Barger
3110 Southland Street
Cedar Rapids, IA
319-364-3430
bkbarger99@aol.com

Jaime Jasper
1315 Elm Court
DeWitt, IA 52742
319-659-9354
jaimejasper@hotmail.com

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>.

Share information about yourself, create your own public profile at <http://profiles.msn.com>.

~~Stevenson, Todd A~~

*Vote
seats*
76

From: Pospisilr@aol.com
Sent: Monday, October 16, 2000 9 28 PM
To: cpsc-os@cpsc.gov
Subject: Dangerous Baby Bath Seats

October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Robin R. Pospisil
51 Butcher Road
Martelle IA 52305
319-482-2066

~~Stevenson, Todd A.~~

ban bath seats

77

From:
Sent:
To:
Subject:

Becky Cooper [Beckyc@perx.com]
Monday, October 16, 2000 1 06 PM
'cpsc-os@cpsc.gov'
Petition HP 00-4, Petition to Ban Bath Seats

I/we, the undersigned citizen(s) strongly urge you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. I/we am/are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, I/we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Becky Cooper
7201 Marywood Circle
Austin, TX 78723
512-391-2046

Stevenson, Todd A.

48
Baby seats

From: Jason Knapp [jason.knapp@wcom.com]
Sent: Tuesday, October 17, 2000 10:42 AM
To: cpsc-os@cpsc.gov
Subject: Ban Bath Seats

October 17, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition

of the Consumer Federation of America et al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Jason M. Knapp
1050 Grand Ave #6
Marion, IA 52302
319 373-2661

>

Steyenson, Todd A.

From:
Sent:
To:
Subject:

e cesari@att net
Tuesday, October 17, 2000 9:25 AM
cpsc-os@cpsc.gov
'Petition HP 00-4, Petition to Ban Bath Seats'

*Bath
seats*

October 17, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al.
seeking a Ban of Baby Bath Seats Federal Register:
August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

Erica Cesari
1280 Larpenteur Ave W #307
St. Paul, MN 55113
651-487-0443

Stevenson, Todd A.

bath seats

50

From: Cathy Jo Barber [cjbarber@blue weeg uiowa edu]
Sent: Tuesday, October 17, 2000 12 03 AM
To: cpsc-os@cpsc.gov

October 16, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby
Bath Seats Federal Register August 22, 2000 (Volume 65, Number 163,
page 50968)

The undersigned citizen strongly urges you to grant the petition
of the Consumer Federation of America et al. to ban
baby bath seats. We are alarmed at the high incidence of babies
drowning in this product and believe it poses an unreasonable risk of
injury and death to children. At least 66 children have died when using
this product and an additional 37 were involved in near drownings
involving bath seats. Already in the first six months of this year at
least five babies have died.

Bath seats have a very short useful life. They are not recommended for
use until six months of age, when most infants can sit securely. Once
an infant can pull up (generally between seven and nine months) or
attempt to stand while holding onto objects, infant bath seats should be
discontinued, thus limiting its useful life to approximately two
months. Recent research has found that parents and caregivers of
infants
that use baby bath seats engage in more risk taking behavior than
parents and caretakers not using bath seats. Parents and caregivers may
see this product as a safety device and thereby have a false sense of
security with respect to its use. In addition, bath seats are
incompatible with bathtubs meeting the current voluntary standard for
bathtub slip resistance. For these reasons and the growing number of
drowning
deaths, we believe there is substantial evidence supporting a ban of
this product.

Please vote to grant the petition of CFA and the other petitioning
organizations. Thank you.

Sincerely,

Cathy Barber
100 Mayflower Hall #702A
Iowa City, IA 52242

(319)353-1188

Stevenson, Todd A.

Booth
51

From: empenne@collins rockwell com
Sent: Tuesday, October 17, 2000 3 26 PM
To: cpsc-os@cpsc gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 17, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you

Sincerely,

Erin M. Penne
6222 Rockwell Dr, NE #203
Cedar Rapids, IA 52402
319-395-7759

~~Stevenson, Todd A.~~

From: Kathie King-Hoffman [kathie_king-hoffman@globalcrossing.com]

Sent: Wednesday, October 18, 2000 8 57 AM

To: 'cpsc-os@cpsc.gov'

Subject: Petition HP 00-4, Petition to Ban Bath Seats

October 18, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

I strongly urge you to grant the petition of the Consumer Federation of America et. al. to ban baby bath seats. I am alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may

see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, I believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you.

Sincerely,

10/18/00

Kathie King-Hoffman
1114 15th Ave SW
Cedar Rapids, IA 52404
319.298.1445

October 19, 2000

Office of the Secretary
Consumer Product Safety Commission
Room 501
4330 East-West Highway
Bethesda, Maryland 20814

To whom it may concern:

We are writing to offer our suggestions and our opinions on the Proposed Rule "Petition HP 00-4, Petition to Ban Baby Bath Seats." This is a very important topic that touches the lives of millions of people across the country. It is literally a life or death situation and requires much attention and scrutiny. We have therefore decided after much research and evaluation that baby bath seats should not be banned. When used appropriately, this product is safe and provides beneficial and valuable assistance to parents and caregivers throughout the country. The problems arise when parents use this product in an incorrect manner, with no common sense. Approximately four (4) deaths per year can be attributed directly to improper use of baby bath seat products, while annual sales usually remain in the millions. To counteract the potential disadvantages associated with this product, we offer several solutions to assist in minimizing the potential for serious or fatal accidents.

Recommendation #1: Place a warning label directly on the product and make the package warning more noticeable

One of our primary recommendations concerns the warning labels included with this product. It is obvious to us that the size, location, and coloration of the warnings are inadequate to provide sufficient warning to consumers. We strongly suggest that on all products such as this, an identical warning be placed not only on the packaging, but also on the product itself. You are aware that products such as this are frequently "handed down" while instructions and vital warnings are rarely included. The "hand-me-down" is generally just the product itself. A long-lasting and appropriate safety warning placed directly upon the product would be the most logical and efficient way of preventing fatal or serious accidents.

Concerning the label on the product packaging itself, this should be noticeable, understandable, and communicable to all consumers. The font size and coloring should be of sufficient quality to catch the consumers' attention and effectively convey the warning. Some industries will surely protest that a bright red warning label will deter prospective purchasers and might therefore lead to a decrease in sales. Since we are offering these suggestions as industry-wide recommendations—for all similar products—we do not see this as hurting any one individual company's profits. If people are determined to purchase a product such as this, a warning label will probably not greatly affect a consumer's decision. Federal regulations, which proscribe the size and location of these warnings, must be followed explicitly. In some cases it may be necessary for a

company to exceed these minimal requirements and take additional steps to protect consumer safety.

Recommendation #2: Disassociate the product from the word "safety"

The disassociation of the word safety from the bath seats can be accomplished in two steps. The word "safety" should be removed from the product, the packaging, and the instruction or warning sheet. Secondly, the product should not be marketed as a safe product (example. taken off safety web pages and off of other lists which promote it as a safe product) Safety web pages promote them as a product to help with safe bathing, and this is an erroneous statement Baby bath seats should only be used for convenience's sake, never safety's sake This distinction should be made extremely clear to the consumer The word "convenience" should be emphasized on the packaging rather than the word "safety". This is an important step which should be taken to change the way parents see this product, it would hopefully reduce the accidents and deaths associated with improper use of the product. Obviously, caregivers think that using the product gives them added security which in turn promotes risk-taking behavior. This unfortunately leads to incidents where babies have drowned. We believe that if the word safety is taken off the package, product, and instruction/warning sheet, then caretakers will be less likely to associate the product with safety. This recommendation includes one manufacturer, Safety First, taking its current brand name off the product. These bath seats should not be marketed as a safe product by the manufacturer or other safety related organizations. This would be an appropriate action in making caregivers realize that baby bath seats should not be related with safe bathing. These seats have been linked with numerous deaths, and the manufacturers have stated that the product is only for convenience We believe it is necessary to stop the confusion that occurs through associating a product made for convenience with a product made for safety.

Recommendation #3: Weight limits in lieu of age

The next recommendation that our group decided to focus on was for companies to re-evaluate the way they market their baby bath seats, insisting on marketing toward age as opposed to weight Our main intent as a group is to reach out to companies in hope that they realize age is not an ideal way to set limits on their products. Our primary concern is with the safety of one's child. This is reflected in our recommendation that a company change its name from Safety First; we believe it gives a false sense of security. We all know that some children, during the stages of early development, are sometimes bigger or develop quicker than other children (and vice versa). With this in mind, parents usually feel that a certain product is safe because his or her child fits within the age requirements, while in fact the child may be too heavy, thereby posing a safety hazard. If the child is too heavy, it only requires a split second for the child and the bath seat to topple over. We firmly believe that there has to be some sort of change in the marketing of baby bath seats and that companies have to be held accountable for their actions. While accidents do occur, companies have a responsibility not only to themselves, but also to the consumer, of insuring the safety of children

Recommendation #4: Place a water-depth marker directly on the product

One of the important precautions that parents should take is realizing the amount of water that should be in the tub while bathing the child. We understand that not everyone in society has common sense when it comes to things like this. We believe that the safety of the product can be improved if the seat itself had some sort of water level marker in a bright color to make certain that parents take this precaution. The marker should be set at a point where in case the baby fell out of the seat, he or she would not be in danger of drowning. A low water level marker will also help parents realize that the seat is not a safety guard for them to leave the infant alone—it is their responsibility to be there ensuring that the water marker is not passed, placing the infant in danger of drowning. The danger precautions should be placed in different areas of the product itself, on the box, and in the manual that the product comes with. The main danger in the possibility of drowning is water, not the product itself. Therefore it is important for the manufacturers to advise consumers of how much water is too much when bathing the infant. The water level markers will help do just that. If the manufacturer can make aware to the consumer how important it is to follow these regulations, parents will begin to realize that this product is not a safety net. It is merely an aid for the parent to bathe their child.

Recommendation #5: Make product suction cups with a higher quality rubber

In more than 90% of the incidents, what has happened is that the adult left the baby unattended. In the majority of the cases, it has been for a period of less than five minutes. The baby bath seats are useful and 100% effective only for a short period of time, even less than four (4) minutes. Both the baby bath seat and the bath ring are attached to the bathtub surface via suction cups during its use. But the baby rapidly outgrows the ability of the suction cups to remain attached to the bottom of the bathtub—thereby allowing it to flip over once the baby starts moving and changing positions. In our opinion these suction cups should be made of stronger material in order to support the infant at all times and for a longer period of time.

But how do these suction cups come off? A suction cup will come off when the air pressure on the outside becomes lower than the pressure inside the suction cup. When suction cups are applied properly to a clean, dry, and nonporous surface that stays close to the same temperature, they *should* stay up indefinitely.

Some of the precautions for adults using the bathtubs should be:

Suction cups must be replaced every six months,
Clean surface area before use; and,
Never leave infant unattended under any circumstances.

Some precautions for the manufacturers of the baby bath seats should be:

Increase the suction cup diameter;
Conduct an investigation of exactly how much weight the suction cups can hold;
The baby bath seat should come with a replacement suction cup;

Detailed instructions in the box explaining how the seat could flip over, and,
Make the suction with a higher quality rubber

Recommendation #6: Make the Baby Bath Seat Adjustable

The baby bath ring used to bathe babies could be adjustable if manufactures would want them to be. As we have seen, the regular bath rings used to bathe babies have been associated with the increase of babies drowning in the tub. An example is a case of a baby drowning when the mother could not take the baby out of the bath rings in time, leading to the baby drowning. In order to avoid babies drowning we suggest the following:

Make the baby bath rings adjustable in both width and height dimensions.

Width: Have, on the sides of the chair, a mechanism to adjust the chair so parents can adjust the seat to the size of their baby. By adjusting the sides of the chair the baby would be more secure since the chair would be appropriate to his or her size. There would not be any excuse for the baby to fall out of the ring and drown because he or she could not get out of the ring.

Height: Having the height adjusted is important because if the ring is high enough, then even should there be too much water in the bathtub, no drowning would occur. The seat would be higher than the level of water.

Have a better frame material; material that is not too slippery for the child.

Have a safety restraint system on the seat.

All of these recommendations are simply suggestions and guidelines which we hope the Federal government, manufacturers, and appropriate authorities will consider and perhaps implement into this issue. Parents must take responsibility for caring for their children, and they must do so in a way that ensures safety. There is no need to ban baby bath seats; however, there are changes that can be put in effect that will hopefully ensure the protection and the life of any child who is affected by this product.

Thank you for your concern and your attention to this matter.

Sincerely,

Mr. Travis L. Letellier
Mr. Eddie Alvarez
Mr. JC Castro
Ms. Tania Gutierrez
Ms. Rosemary Alvarado
Ms. Stephanie Ostapowich

Stevenson, Todd A.

From: Travis Letellier [travisletellier@hotmail.com]
Sent: Thursday, October 19, 2000 4:34 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Baby Bath Seats



Baby Bath Letter.doc

To whom it may concern:

Please find attached a letter containing suggestions and opinions on HP 00-4.

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>.

Share information about yourself, create your own public profile at <http://profiles.msn.com>.

Bath seats
54

E. Marla Felcher
325 Harvard Street
Cambridge, MA 02139
(617)441-9714

October 20, 2000

Ms Sadye E. Dunn
Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207-0001

RE. Petition HP-00-4, Petition to Ban Bath Seats

Dear Ms. Dunn,

I am writing to comment on the petition filed by the Consumer Federation of America and other consumer groups to ban infant bath seats. I am in full support of this ban.

I am a freelance journalist and a consumer member of ASTM committee F-15. After attending ASTM bath seat meetings for two years, I have come to the conclusion that there is no better example of the inadequacy of industry voluntary standards than the case of bath seats. During the five years the bath seat standard was under development, the bath seat committee repeatedly disregarded the CPSC's requests, the arguments of F-15 consumer members, and the continuing bath seat death toll. The final standard does not call for any significant structural changes to existing bath seat designs. Therefore, there is no reason to believe the voluntary "safety" standard will reduce bath seat fatalities.

Manufacturers and Commissioner Gall repeatedly blame bath seat drownings on caregiver behavior. Yet in making such an argument, they are overlooking an important piece of information - **why** caregivers behave this way. Dr. Clay Mann (phone 801-585-9161) of the University of Utah has conducted research that I urge all the CPSC commissioners to read before voting on this important petition. Dr. Mann's conclusion: By providing a "hands-free" support for a baby, bath seats foster the impression that it is safe to leave a child alone "just for a minute," and thereby **increase** the likelihood that a child will drown.

That a "safety" standard now exists for a product as deadly as bath seats reduces the credibility of the entire voluntary standard-setting process. It also provides disturbing evidence that manufacturers sometimes put profits ahead of safety. The costs associated with bath seats - to babies and their families and to the public health system - far outweigh the product's benefits.

Sincerely,



Marla Felcher

Stevenson, Todd A.

55

From: Sue_Fuller@rsmi.com
Sent: Friday, October 20, 2000 3:09 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath

October 20, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned citizen strongly urges you to grant the petition of the Consumer Federation of America et al to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children. At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died.

Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months. Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance. For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product.

Please vote to grant the petition of CFA and the other petitioning organizations. Thank you

Sincerely,

Sue Fuller
1841 County Home Rd
Marion, IA 52302
319-377-6794



1301 Pennsylvania Avenue, N.W.
Suite 1000
Washington, D.C. 20004 1707
(202) 662-0500
(202) 393-2072 Fax
www.safekids.org

Chairman

C Everett Koop, M.D.

President

Martin R. Lichelberger, M.D.

Executive Director

Heather Paul, Ph.D.

October 23, 2000

Sadye F. Dunn
Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207-0001

RE: Petition HP 00-4, Petition to Ban Bath Seats

Dear Ms. Dunn:

On behalf of the National SAFE KIDS Campaign, I am writing in regard to a petition filed by the Consumer Federation of America and other consumer groups to ban infant bath seats. The National SAFE KIDS Campaign is in full support of a rule, to be issued by the U.S. Consumer Product Safety Commission, to ban baby bath seats and bath rings.

Comprised of over 290 state and local coalitions, the National SAFE KIDS Campaign is the first and only national organization dedicated solely to the prevention of unintentional childhood injury - the number one killer of children ages 14 and under. The Campaign strongly believes that baby bath seats and bath rings pose an unreasonable risk of injury and death to children. Both bath seats and rings encourage dangerous consumer behavior by making caregivers believe that a baby is in a relatively safe environment, and as a result, the baby may be left unattended in the water. As babies can drown very quickly if left alone in the bathtub, hazardous products that encourage a false sense of security should be banned from the marketplace.

As drowning is the leading cause of unintentional injury-related death among children ages 1 to 4, the Campaign feels that it is extremely important to address the deadly combination of bathtubs and unattended babies through the ban of bath seats and rings. We hope that the U.S. Consumer Product Safety Commission will revisit its 1994 decision regarding bath seats and rings.

I am available to answer any questions that the U.S. Consumer Product Safety Commission might have relating to our position. As always, the Campaign looks forward to working with the U.S. Consumer Product Safety Commission on this and other issues in the future.

Sincerely,

Heather Paul, Ph.D.
Executive Director

Stevenson, Todd A.

57

From: LaDawn Smith [lowawordsmith@yahoo.com]
Sent: Monday, October 23, 2000 3:31 PM
To: cpsc-os@cpsc.gov
Subject: Petition HP 00-4, Petition to Ban Bath

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al.
seeking a Ban of Baby
Bath Seats Federal Register: August 22, 2000 (Volume
65, Number 163,
page 50968)

The undersigned citizen strongly urges you to grant
the petition
of the Consumer Federation of America et. al. to ban
baby bath seats. We are alarmed at the high
incidence of babies
drowning in this product and believe it poses an
unreasonable risk of
injury and death to children. At least 66 children
have died when using
this product and an additional 37 were involved in
near drownings
involving bath seats. Already in the first six
months of this year at
least five babies have died.

Bath seats have a very short useful life. They are
not recommended for
use until six months of age, when most infants can
sit securely. Once
an infant can pull up (generally between seven and
nine months) or
attempt to stand while holding onto objects, infant
bath seats should be
discontinued, thus limiting its useful life to
approximately two
months. Recent research has found that parents and
caregivers of
infants
that use baby bath seats engage in more risk taking
behavior than
parents and caretakers not using bath seats. Parents
and caregivers may
see this product as a safety device and thereby have
a false sense of
security with respect to its use. In addition, bath
seats are
incompatible with bathtubs meeting the current
voluntary standard for
bathtub slip resistance. For these reasons and the
growing number of
drowning
deaths, we believe there is substantial evidence
supporting a ban of
this product.

Please vote to grant the petition of CFA and the
other petitioning
organizations. Thank you.

Sincerely,

LaDawn Smith
1400 Second AV SE #103
Cedar Rapids, IA 52403
319-362-6134

Do You Yahoo'?

Yahoo! Messenger - Talk while you surf! It's FREE.

<http://im.yahoo.com/>

~~Stevenson Todd A.~~

*Letter
no. 58*

From: Stephanie_Turner@rsmi.com
Sent: Monday, October 23, 2000 10:24 AM
To: cpsc-os@cpsc.gov
Cc: beth.vozenilek@worldcom.com
Subject: RE: Comments on Petition (HP 00-4) by CFA et al seeking a Ban of Baby

OFFICE OF THE SECRETARY
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON D.C. 20207

PETITION TO BAN BABY BATH SEATS HP 00-4

Baby bath seats and rings truly are an invitation to danger. This past June I have had the misfortune of learning this tragic lesson first hand. On June 8th my 7 month old baby girl drown in her Safety 1st Baby Bath Seat. She was rushed by ambulance to emergency care. But still lost her life 24 hours later.

I used the baby bath seat every day from the time Olivia was 5 and 1/2 months old until the day before her death. I liked the seat so well because it made me feel safe giving my daughter a bath. I was so comfortable with the seat that I took a risk that I as a loving caring mother would have never otherwise taken.

I never even thought of the danger involved in briefly leaving the room that day. But the consequences were grave. When I briefly stepped out of the room on that dreaded day, I heard not one splash, not one cry. Still I returned only to find my beautiful daughter trapped completely underneath the water.

I had previously had successful experiences briefly turning my back or even stepping out of the room while Olivia was bathing to grab a forgotten towel or answer the phone. Never before had there even been a clue of a problem. In fact there were occasions where the suction cups had stuck so well that Olivia's father had to assist me in removing the seat.

Before Olivia was big enough for the bath seat. I was always in the bath with her. It was the only way I felt safe handling her slippery wet soapy body. Her father always assisted getting baby safely in and out of tub.

The bath seat is made for hands free bathing of your baby. When, in all actuality you should never take your hands off your baby for even 1 split second while they're in the water. I know that if it hadn't been for that seat holding my baby securely upright and out of the water that I would have never stepped away from my daughter. And all who loved her would still have the special joy only she could touch our hearts with.

I was a good parent. Being the oldest of 5 children and 19 1st cousins by 9 years, I had plenty of experience around and with little ones. I have every confidence in myself as a mother, and know that my daughter was very well taken care of. This tragedy is absolutely not the result of bad parenting as some people find easier to believe. It is the result of this product and it's power to misguide caring parents.

Since this terrible tragedy has occurred there has been a vast number of people come forward and admit that they too had taken the same risk I did when there children were young. Fortunately they were lucky and their misguided actions had never turned into tragedy. These are good respectable parents who serve as

mentors, teachers and nurses in our community, not parents who don't care.

Knowing that this product has the power to fool even the most educated safety conscience parents, I ask you should a child's life be up to chance? Can we sleep at night knowing this product is out there being brought into new homes every day posing a risk most people are completely oblivious to and do nothing about it? We have the opportunity once again to prevent this from happening to another child, another parent. And as a responsible people we must make the right decision.

Maybe the 54 additional deaths that have occurred since it was decided that this product not be banned weigh too heavy on the conscience to admit mistake and now do the right thing. But pointing the condemning finger of blame at good nurturing parents is not going to save the next victim's life. Banning this product and getting it off of the shelves will.

Just think about my daughter and the 53 other children who have lost their lives since 1994 when your choice was education. And realize that your choice was unsuccessful then and will be unsuccessful again. Had you made the right choice the 1st time you had the opportunity to make a difference that product would have never made it into the 54 homes in the first place. Let alone, taken our children from us. And that would have been a difference that meant something.

I urge you to make the right decision in this great country where we take pride in loving and protecting our children and ban these death traps. Do not let this product rob another baby's life, another family's hopes and dreams. Enough is enough, and 67 deaths is 67 too many. We must not sit idly by and watch this any longer. We must take action and ban these products.

Respectfully,

Stephanie Lynn Vozenilek

2418 9th Avenue S.W.
Cedar Rapids, IA 52404

319-896-5400 Office
319-286-0194 Home

*Paul
Cevellos* 59

From:
Florida International University Students
Gerald Hew
Sahyl Marin
Danny Rodrigo
Audrey Castro
Paul Cevallos

October 18, 2000

To:
Office of the Secretary
Consumer Product Safety Commission
Washington, D C. 20207

RE: DOC # 00-21257

To Whom It May Concern:

We are requesting the Consumer Product Safety Commission to re-examine the baby bath seats in light of the additional deaths and new information identified in petition HP-004. In 1994 the commission ruled against banning the seats, deciding it would just inform the public of the possible risks associated with leaving the infants unattended. Obviously this did not suffice because fifty-two additional deaths have been reported since and the product is still out in the market. The baby bath seats might be practical but this practicality leaves far too much room for accidents. As future parents, we would like to see the rule revoked. The key points that we want to address are the inefficiency of the suction cups that cause the product to tip over, the lack of warning labels on the product, and the false sense of security it gives to the parents and caretakers.

The baby bath seat is intended to hold the infant in a sitting position. The suction cups at the bottom of the chair are supposed to stick to the tub's surface, which would prevent the chair from tipping over. The damage to the child typically occurs when the seat tips over. The effectiveness of the draft requirements for suction cups is a concern for us because most bathtubs today have a textured non-skid surface. The reason for this is to prevent slipping accidents in the bathtub. It may not be obvious to every bath seat consumer whether their tubs are textured or not, but the suction cups on the baby bath seats cannot affix to a textured bathtub's surface properly. This reason is what causes the majority of the suction cup failures.

It has been reported that, after the bath seat has been tipped over, it is very difficult to free the infant from the product. There have been two reported fatal incidents where the caregiver was present but unable to remove the infant from the device. One of the cases involved a six-month-old infant whose seat had tipped over sideways. In total, nine drownings were reported as a result of the product tipping over. Each year at least eight babies drown as a result of the bath seat slipping. In the cases where the product

has tipped over, the seat itself has contributed to the drowning by weighting the child down and making it difficult for the caregiver to remove the infant from under the water

Another concern is with the warning labels. The warning labels should not only be on the outside of the box but also on the product itself. Since the baby bath seat has such a limited life-span, usually only lasting until the child outgrows it, it gets passed down to friends and family. When this occurs usually the prior user has thrown away the box. Without the box, the next person to use the seat will not know that the seat should not be used on textured surfaces. Now, it should be common knowledge that you do not leave a baby unattended, but some consumers need to read the warning labels in order to understand that the seats are not a safety-nest for their child to be left alone in. This brings us to our next topic: Dealing with the false sense of security that the bath seat portrays

This false sense of security makes the product more favorable for banning. Research demonstrates that users of the baby bath seats engage in more risk taking behavior than parents who do not use the seats. Any improvements made to the product can increase risky behavior due to the impression that the bath seats are safer. This would increase the probability that the infants would be left alone while in the bath tub. Research indicates that the more luxurious looking the bath seat, the more confidence the parent or caregiver will have in leaving the child alone. Without the bath seats, parents will have their hands more occupied, but that will give them a chance to bond more with their children and pay more attention to them. This will decrease the chances of leaving a child unattended.

There is always a danger in handling small children. One can never predict what they are going to do and what accidents could incur. Drowning is the third leading cause of accidental death in the United States. There have been sixty-six drowning deaths to infants and thirty-seven near drowning incidents. We would like to see something being done to prevent any further drowning associated incidents involving bath seats.

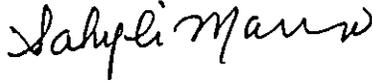
We would like you to please consider the previous comments before finalizing your decision.

Thank you,

Gerald Hew
17240 SW 83 Ct
Miami, Fl 33157
(305) 251-7078



Sahyli Marin
9736 NW 122 Terr.
Hialeah Gardens, Fl 33018
(305) 606-6118



Daniel Rodrigo
13427 SW 13 Lane
Miami, Fl 33184
(305) 228-4328



Audrey Castro
12412 SW 18 Terr
Miami, Fl 33175
(305) 321-6176



Paul Cevallos
9725 NW 52 Street Apt# 113
Miami, FL 33178



By FAX and E-MAIL

October 23, 2000

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats, Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)

The undersigned 18 state and local consumer organizations strongly urge you to grant the petition of Consumer Federation of America et. al. to ban baby bath seats. We are alarmed at the high incidence of babies drowning in this product and believe it poses an unreasonable risk of injury and death to children.

At least 66 children have died when using this product and an additional 37 were involved in near drownings involving bath seats. Already in the first six months of this year at least five babies have died. Bath seats have a very short useful life. They are not recommended for use until six months of age, when most infants can sit securely. Once an infant can pull up (generally between seven and nine months) or attempt to stand while holding onto objects, infant bath seats should be discontinued, thus limiting its useful life to approximately two months.

Recent research has found that parents and caregivers of infants that use baby bath seats engage in more risk taking behavior than parents and caretakers not using bath seats. Parents and caregivers may see this product as a safety device and thereby have a false sense of security with respect to its use. In addition, bath seats are incompatible with bathtubs meeting the current voluntary standard for bathtub slip resistance.

For these reasons and the growing number of drowning deaths, we believe there is substantial evidence supporting a ban of this product. We urge the Commission to vote to grant the petition of CFA and the other petitioning organizations. Thank you

Sincerely,

American Council on Consumer Awareness, Inc (MN)
Arizona Consumers Council
California Public Interest Research Group
Columbia Consumer Education Council (SC)

RE: Comments on Petition (HP 00-4) by CFA et. al. seeking a Ban of Baby Bath Seats, Federal Register: August 22, 2000 (Volume 65, Number 163, page 50968)
Page two of sign-on letter

Connecticut Public Interest Research Group
Consumer Action (CA)
Democratic Processes Center (AZ)
Florida Action Coalition Team
Illinois Public Interest Research Group
Iowa Public Interest Research Group
Kansas SAFE KIDS Coalition, Inc.
Massachusetts Public Interest Research Group
Michigan Consumer Federation
North Carolina Consumers Council, Inc.
Oregon State Public Interest Research Group
Pennsylvania Citizens Consumer Council
Virginia Citizens Consumer Council
Wisconsin Public Interest Research Group

BY FAX

TO: Office of the Secretary
U.S. Consumer Product Safety Commission

FROM: Mary Ellen R. Fise

DATE: October 23, 2000

RE: Comments on HP 00-4

Included in this fax are comments (two pages) being filed on behalf of 18 state and local consumer organizations in support of Petition HP 00-4. A copy has also been e-mailed to the Office of the Secretary. Please notify me (phone 410-296-4290) if there are any transmission problems.
Thank you



"Representing consumers' real interests"

Petition HP 00-4
Petition to Ban Bath Seats
Comments Submitted by Consumer Alert
October 23, 2000

Introduction

Consumer Alert is pleased to comment on the petition to the Consumer Product Safety Commission (CPSC), which requests the banning of baby bath seats because the product instills a false sense of security in parents, who may then leave their babies unattended and expose them to the risk of drowning

Consumer Alert does not support the granting of the petition relating to bath seats for reasons outlined below. However, in the broader interests of consumer safety, it is encouraging that the petition filed by the Consumer Federation of America, et al, represents a long-overdue recognition that "safer" technology may produce a less safe world. It is hoped that this recognition would lead to both CFA and the CPSC considering the Commission's role in product safety from a "risk vs risk" perspective. That is, in its analysis of risk, the Commission should be aware that in seeking to protect consumers from a specific risk, its actions may increase other risks. As a safety regulatory agency, the CPSC should be required to analyze both sides of the risk equation when faced with a policy decision.

The petitioners request that the CPSC ban a product because it presents an example of "risk compensation." Risk compensation is the concept that people adjust their behavior to compensate for changes in perceived risk. That is, if a product is perceived as decreasing a certain risk, people may engage in behavior that offsets the reduced risk -- they may act to increase the risk.

Consumer Alert would caution the Commission that granting the petition on those grounds would open to challenge a host of CPSC mandates for design of consumer products. There are innumerable examples of products under CPSC rules that would lead consumers to think the products protect them or their children and thus lead them to engage in risk-taking behavior.

It is even conceivable that almost every rule mandated by CPSC could be called into question by granting the petition on the grounds provided by the petitioners. Other petitions using the same arguments could be brought against such products as redesigned high chairs, bunk beds, cribs, ad infinitum.

Background

In July 2000 the Consumer Federation of America (CFA) and eight other groups petitioned the CPSC to ban the products – baby bath seats.

Baby bath seats (or bath rings) are used to support a baby who cannot yet sit up unassisted in a regular bathtub. The device frees an adult's hands so that bathing the baby is easier. Bath seats usually come with suction cups to attach to the tub surface, with a plastic seat and openings for the baby's legs.

According to the petitioners, there have been 66 incidents of drowning associated with baby bath seats since 1983. In almost all cases, the drowning occurred when the parent or adult caregiver bathing the baby left the room to perform another chore, and the baby was left unattended.

The Petitioners' Contention

CFA's petition says that to simply blame parents or caregivers for the loss of the child in a bath seat drowning incident "absolves the product of having any causal role in the drowning incidents."

The petitioners say that the inherent design of bath seat products induces a "false sense of security" among users. "This 'sense of security' leads to increased risk-taking behavior among those using the product even when the irresponsible nature of caregivers is taken into account."

In support of its contention, the petition cites research done by the Intermountain Injury Control Research Center at the University of Utah to support its argument. The research was conducted by Dr. Clay Mann and presented to the National Congress on Childhood Emergencies in Baltimore on May 27.

According to the petition, Mann's research shows that "parents and caregivers of infants that use bath seats engage in more risk taking behavior than parents and caregivers not using baby bath seats. "Caregivers using bath seats prepare baths with deeper water and are more likely to leave a child unattended in the bath for conscious, willful reasons (e.g., to perform household chores). This study demonstrates that enhanced risk taking behavior persists even when the irresponsible nature of caregivers is taken into account. There is a false sense of safety that is propagated by having a mechanical aid to 'help' hold a slippery baby upright."

"Human Tragedies," Not "Product Failures"

The facts are that tragically some babies do drown in bathtubs -- about 50 small children per year. Those statistics include about nine children a year who drowned in bath tubs while they were in the bath seat. The common factor in the drownings is that the babies were left alone -- sometimes even for short periods of time -- in the tubs.

In its approach to product safety, Consumer Alert suggests that there has to be a balance between producer responsibility and user responsibility. Producers have a responsibility to produce products that do not have manufacturing or mechanical defects that can cause injury or death. Consumers, as users of those products, have a responsibility to use them according to directions. No product is "safe"—every product could conceivably cause injury to some person or persons. But some products are "safer."

This is not the first time that the Commission has focused attention on baby bath seats. CPSC Commissioners had addressed the issue previously, when CPSC staff proposed to initiate formal rulemaking on the products in 1994.

At that time, the Commissioners voted two-to-one against rulemaking and decided instead to work with the industry to begin a public information campaign to warn parents and caregivers never to leave children unattended in bathtubs. The decision was made on the basis that the bath seats exhibited no mechanical or design defects that created a hazard.

The current Commissioners should keep in mind the statement of former Commissioner Jacqueline Jones-Smith in 1994, who clearly pointed out the facts and the issues: "Bathtubs and unattended babies are a deadly combination. No product, no device, no convenience of any kind can substitute for the physical presence of a parent or caregiver. The incidents associated with bathtub seats and rings that have occurred were all tragic and preventable events. But these were all human tragedies and not product failures. These bath seats and rings contained no manufacturing or design defects that constituted a mechanical hazard."

While every single drowning death of an infant in a tub is regrettable, and preventable, banning the bath seat seems to be a peculiar remedy. Faulting a product — bath seats for babies — because it is "too safe" seems to be an odd position for both for CPSC and CFA. The criticism seems to be that the seats lull parents into a false sense of security that they can leave their infants unattended. However, most parents should know that where children, especially infants and toddlers, are concerned, no product design can substitute for parental attention.

Unfortunately, it is not likely that banning the bath seats will reduce the number of babies drowning each year in bathtubs; in fact, a ban may increase drowning accidents. From statistics cited in a recent newspaper article, it appears that about nine children using bath seats drown per year versus 41 small children who die each year from bathtub drownings without a bath seat being involved. Tragically, the primary cause seems to be parents who leave babies alone in bathtubs.

A Dilemma for the CPSC

The concept of banning a product because it is too safe also flies in the face of many other CPSC mandates for the redesign of products never intended for use with small children.

There is a certain irony and inconsistency in the CFA petition to the CPSC. Both the CPSC chairman and the consumerist group overlook those arguments when the Commission itself mandates rules for other consumer products

The concept of banning a product because it is too safe flies in the face of many other CPSC rules calling for the redesign of products never intended for use with small children.

One prominent example is children's bunk beds, which carry warning labels that children under six shouldn't use them. Some parents, perhaps thinking that guard rails on the top bunks make such beds "safe" for their toddlers, have put small children in bunk beds -- even in the upper bunks -- and have suffered the tragic consequences.

Some CPSC data seem to support that hypothesis. For example, from January 1990 through September 1997, CPSC received reports of 54 bunk-bed related deaths of children, with almost all (96 percent) of the victims three years of age and younger (<http://www.cpsc.gov/businfo/frnotices/fr98/bunkbed.html>)

CPSC should apply the same logic to bunk beds as CFA would have them apply to bath seats. Thus, the question arises: Would upper bunks without railings have been "safer" for those children since most parents would never dream of putting an infant or a toddler there? It can be argued that the CPSC-mandated design of bunk beds encourages dangerous consumer behavior by instilling a false sense of security in a parent. Under this logic, the bunk beds thus present a "hidden hazard."

The Issue of Risk Trade-Offs

It has been Consumer Alert's observation that too often regulators avoid looking at the trade-offs inherent in safety regulations or in attempts at risk reduction -- by reducing one set of risks, you may increase another. That approach is critical in any consumer protection regulation -- there is a need to raise questions about how a proposed regulation meant to improve safety may entail greater risk to some segments of the population. That very issue arose with child-resistant packaging -- that many seniors who found it difficult to open medicines were negatively impacted

Consumer Alert had raised that issue previously with the CPSC in public comments relating to bunk beds. That is, consumers may not themselves take proper precautions in product use because they may be misled into thinking that there is "zero risk" -- an unattainable goal.

Devices and products designed for increased consumer protection may have some unintended consequences. Increasingly safer products can lead to increased risk-taking

Biased Risk Analysis

Attempting to prevent harm by limiting the use of technologies or by insisting on standards that do not recognize risk trade-offs may be counterproductive. Specifically, it may result in the failure to adopt new technologies that significantly reduce actual and

potential risks. In addition, insisting on a level of safety that approaches zero risk can actually harm consumers by causing increases in costs that can price "safer" products out of range for the average consumer, or by creating the "moral hazard" problem of risk compensation.

The CPSC thus must take care not to engage in biased risk analysis, which can occur in two ways -- both of which undermine consumer safety.

(1) The Commission could focus only on the "moral hazard" problem -- the product is "too safe" and thus parents engage in "risk compensation" -- a higher level of risk-taking

If the CPSC takes this narrow approach, then innovations in consumer product safety would all be called into question. Features that are more protective -- "safer" products -- would not as likely be introduced under this concept. "Safer" products on the market would be banned.

(2) The Commission could focus only on the need to protect people who would misuse a product or ignore directions.

That approach -- the traditional one for the CPSC -- creates both a "moral hazard" problem and other safety concerns that could arise from mandating design of products so that they are "fail-safe" -- such as higher costs so that consumers instead use a riskier substitute.

But the CPSC as a regulatory agency can't have it both ways -- mandating "safer" products and trying to ban other "safer" ones. Whether attempts to force products to be "safe" under all circumstances can lead to behavior that increases risks is indeed a serious question that the CPSC needs to grapple with in relation to its own actions. But banning products like the baby bath seats that have no manufacturing and design defects flies in the face of reason and commonsense.

Submitted by
Frances B. Smith
Executive Director
Consumer Alert

~~Stevenson, Todd A.~~

62

From: Beth Vozenilek [beth vozenilek@wcom.com]
Sent: Tuesday, October 24, 2000 2:29 AM
To: Cpsc-Os@Cpsc.Gov
Subject: Petition HP 00-4, Petition to Ban Bath Seats' in the subject field.

On June 9, 2000 my 7-month old granddaughter, Olivia Jade Gardner died 24 hours after nearly drowning in a 'Safety First' baby bath seat.

If you will for a few minutes, put yourself in my place. For 7 months I saw my daughter, Stephanie take very good care of Olivia. Not once during that time

did I ever have any doubts about Olivia's care or well-being. I realize I'm asking you to take my word on that, but anyone who knew Steph would say the same thing. This isn't something that is happening to parents on drugs, this is happening to good people, good parents, who loved their babies very much, but just were misled (being fooled by the sturdiness of the seat) and now have to live the rest of their lives with this tragedy. I'm not sure if you (the 3 deciding commissioners) are parents or grandparents, but if you are, you can only imagine, therefore, my shock that dreadful June afternoon when I received that frantic call from Steph from the hospital, and our world fell apart.

I remember Steph's words as we stood alongside Olivia's hospital bedside the wee hours of that awful night.. I remember her words so well, as I too, as you are today, stood struggling to understand how this could happen.

"Mom", she said "I'm so sorry, I just got so comfortable, seeing her in that seat, so happy and playing. I thought she was safe, it never even occurred to me that the seat might tip, never even thought about how it could, or I would have never ever left that room."

I know you will hear many arguments, all the finger pointing. The manufacturers hiding behind their warning label, pointing at the parents/caregivers.

But the numbers speak volumes. The warning label is not working!!! And whose paying the price?? Is it the manufacturers? They are content to sit back, doing nothing, as the death tally climbs. And what a price the parents/caregivers pay. I know firsthand of the pain. Olivia was my only grandchild, and my heart aches for her. And the pain I see Steph in everyday. She has to say nothing, because I can see her pain clearly everyday in her eyes.

The seats are misleading parents, fooling them into believing they are something they are not. I know for a fact, that if that seat would have never entered my daughter's home, Olivia would be alive today. There is NO WAY, if she was bathing her in her sink, without the (false) security of the baby bath seat, would she have ever taken her hands off Olivia.

You are appointed to protect consumers from products that are not safe.

And I ask of you this day, to REACH OUT AND PROTECT YOUR SMALLEST, MOST PRECIOUS CONSUMER OF ALL!!!

Listen to your hearts. If these seats were "safe", would there be 67 Plus deaths associated with them??

And before you cast your vote, ask yourself...HOW MANY MORE BABIES, IN JUST ONE YEAR FROM NOW, DO YOU THINK WILL DIE IF YOU ONCE AGAIN VOTE NOT TO BAN???

Thank-you & May God Bless you and give you the wisdom to do the right thing. Get these deathtraps off the shelves !!

Beth Vozenilek
1194 Linn Ridge Road
Mt Vernon, Iowa
52314
319 375-1229 Work
319 366-6748 Home

**In the United States of America
Before the Consumer Product Safety Commission**

**In The Matter of the Petition of
Consumer Federation of America,
The Drowning Prevention
Foundation, et al. to Ban Baby
Bath Seats**

NO. HP00-4

**INITIAL COMMENTS IN OPPOSITION BY THE JUVENILE
PRODUCTS MANUFACTURERS ASSOCIATION**

The Juvenile Products Manufacturers Association (“JPMA” or “the Association”) is a not-for-profit trade association comprised of more than 400 manufacturers, importers and distributors of juvenile products, which are used in the care of infants. The Association is dedicated to the promotion of the safe responsible use of such products for infants. JPMA promotes public information and safety campaigns, such as Baby Safety Month, adherence to voluntary and mandatory safety standards, and distributes millions of safety brochures and product inserts to the public, promoting sound infant care practices.

The Association is submitting these comments in opposition to the above-cited Petition, requesting that the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) determine that infant bath seats present a mechanical hazard pursuant to Section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261, and should be considered a banned hazardous substance in accordance with Section 2(q)(1)(A) of the FHSA. Petitioners argue that the product category encourages “risk-taking behavior” by the caregiver, and that such behavior is more prevalent with the public that chooses to use the product than those who do not use bath seats. Simply put, the available evidence and record does not support Petitioners’ contention and there is no adequate basis, in fact or law, to ban these products from the marketplace. The American public finds these products useful and they may actually help prevent serious injuries and deaths.

I. The Product Category

Infant bath seats, rings and reclining tubs are consumer products intended to assist in bathing infants by providing an environment in which an infant can be confined to make bathing easier. The infant sits within the confines of the product. Most products are designed to permit easy access to the caregiver bathing the child. Bath seats and rings are generally not recommended for use until six months of age or when the child can sit upright unassisted. They are usually discontinued in use when a child seeks to escape the confines of the product or can stand up while holding onto other objects. These products have a useful product life of several months with both lower and upper limits being determined by the development and ability of the child. Consumers perceive significant advantages associated with using the products. They report that, by supporting the infant, they enable the infant to be bathed more easily. Additionally, they are reported to significantly reduce the likelihood of injury (serious or otherwise) that may be associated with slips and falls. They also reduce potential injury from slips, falls and muscular strain to caregivers who frequently bathe children.¹ These products are useful bathing aids favored by the consuming public.²

II. Background

The Commission has Previously Rejected the Relief Sought by Petitioners

The Petitioners (“Consumer Federation of America” or “CFA” and associated advocacy groups) have requested that the CPSC issue a rule banning baby bath seats and bath rings from use by the American public. The Petitioners inaccurately assert that this category of bathing aids pose an unreasonable risk of injury under the theory that they imbue parents and other caregivers with a false sense of security that children placed in the products will be safe in water-filled bathtubs when left alone.

¹ A Focus Group Study to Evaluate Consumer Use and Perceptions of Baby Bath Rings/Seats, CPSC P-93-5839, p. 6, 14.

² Recent media attention about the Petition has resulted in overwhelming public support for the continued use of the products. More than 95% of public contact with the Association or its members have indicated favorable views toward these products.