



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Nancy A. Nord
 Commissioner Thomas H. Moore

ITEM:

Final Rule Exempting Boston Billow Nursing Pillow and Substantially Similar Nursing Pillows
(Briefing Package dated November 25, 2008)

DECISION:

The Commission voted unanimously (2-0) to publish the draft *Federal Register* notice with changes for the Final Rule exempting Boston Billows Nursing Pillow and substantially similar nursing pillows from the Commission's regulations at 16 C.F.R. § 1500.18(a)(16)(i).

Commissioner Moore issued the attached statement with his vote.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due December 10, 2008



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

STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE FINAL RULE EXEMPTING BOSTON BILLOW NURSING PILLOW AND
SUBSTANTIALLY SIMILAR NURSING PILLOWS
December 10, 2008

The specific nursing pillow at issue here is semi-circular to fit around the nursing mother, tubular in shape and round in circumference, all of which tend to discourage the pillow's use for any purpose in the nursery other than nursing. I encourage all nursing pillow manufacturers who seek to use this exemption to produce products in shapes and circumferences that are not conducive to being used as a pillow in an infant's sleep or play environment. I also believe they should make it clear in their advertising and packaging that the pillow is not intended to be used for infant sleeping or other non-nursing activities involving the infant and that they should avoid pictures or diagrams that show the product being used in any non-nursing activity. Manufacturers might even consider using another term to describe their product, since caregivers may not see the difference between being able to use a "pillow" in one context and not being able to use it in another.

Nursing pillows are made for use with infants and some of the pillows on the market appear by their size and shape to be capable of accommodating a sleeping infant. While we have thus far not been able to directly link this type of nursing pillow to any infant deaths, we do not know what will happen if more nursing pillows are filled with polystyrene beads or pellets, a result that could flow from this decision. I hope that our hazard identification and compliance staffs will keep an eye on how these products are being made, marketed, and used and investigate any incidents involving these pillows.