



UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION

MINUTES OF COMMISSION MEETING

Decisional Matter: Notice of Proposed Rulemaking: Safety Standard for Bassinets and Cradles (Briefing package dated February 28, 2024, OS No. 0286)

March 20, 2024

Chair Alex Hoehn-Saric convened the March 20, 2024 meeting of the U.S. Consumer Product Safety Commission in open session at 10:00 a.m. Commissioners Peter A. Feldman, Richard Trumka Jr., and Mary T. Boyle were in attendance. The Chair made welcoming remarks and summarized the agenda item for the meeting.

Chair Hoehn-Saric introduced the decisional matter before the Commission and introduced staff that was present to address questions from the Commission: Celestine Kish, Sr. Engineering Psychologist, Division of Human Factors; Alex Moscoso, Associate Executive Director for Economic Analysis; Duane Boniface, Assistant Executive Director, Hazard Identification and Reduction; Mary House and Charlotte Alton, Attorneys from the Office of the General Counsel.

Chair Hoehn-Saric advised that each Commissioner would have five minutes to ask questions of staff, with multiple rounds as necessary, followed by consideration of amendments. Before the first round of questions, the Chair stated that it is not appropriate to ask questions that address statutory interpretation or legal advice given to the Commission by the Office of the General Counsel in open session.

Chair Hoehn-Saric then called for questions for staff. The Commissioners did not have any questions for staff. The Chair excused staff and the Commissioners commenced consideration of the draft proposed rule to revise the safety standard for bassinets and cradles, as well as any amendments to the proposed rule. The Chair advised that each Commissioner would be recognized by order of seniority and would have three minutes to explain any amendments, followed by five minutes of questions from Commissioners.

Chair Hoehn-Saric introduced a Manager's Amendment to seek public comment on whether wider bassinets that would allow infants to sleep sideways "be tested for side-to-side tilt in each position that a baby could be placed." (See attachments for the complete text of the Manager's Amendment).

Chair Hoehn-Saric called for a second, and Commissioner Feldman seconded the motion. Chair Hoehn-Saric recognized each Commissioner in order of seniority for questions or comments. The Commissioners expressed support for the amendment. Hearing no further comments, the Chair moved for a vote on the

amendment. The Commission voted unanimously (4-0) to adopt the amendment; the adopted amendment is attached.

The Chair called for any other amendments and, hearing none, moved for approval of the draft proposed rule to revise the safety standard for bassinets and cradles, as amended, and publication of the same in the *Federal Register*. The Chair called for a second and Commissioner Feldman seconded the motion. The Commission voted unanimously (4-0) to approve the draft proposed rule as amended and to publish the same in the *Federal Register*.

Chair Hoehn-Saric stated that each Commissioner would have up to 10 minutes for closing remarks. The Chair provided his closing remarks and then recognized each Commissioner for closing remarks.

There being no other business, Chair Hoehn-Saric adjourned the meeting at 10:10 a.m.

For the Commission:

Alberta E. Mills

Attachments: 1. Manager's Amendment Proposed by Chair Hoehn-Saric
2. Statement by Commissioner Boyle

Manager's Amendment

Notice of Proposed Rulemaking: Safety Standard for Bassinets and Cradles March 20, 2024

On page OS 86:

At the end of question for comment F.2., insert after “chin to chest incidents,” “and any other hazard patterns.”

Insert a new question for comment F.3. as follows: “The proposed test method would require that the side-to-side tilt test be conducted on all sides of the bassinet, if the unit is circular, square, or has no obvious lateral sides. Would it improve safety to require that bassinets wide enough to allow an infant to sleep sideways be tested for side-to-side tilt in each position that a baby could be placed? If so, what would be the appropriate width for such a consideration?”



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814
COMMISSIONER MARY T. BOYLE

Statement of Commissioner Mary T. Boyle on Vote to Advance Proposed Rulemaking on Bassinets and Cradles

March 20, 2024

Today, the Commission voted unanimously to advance a Notice of Proposed Rulemaking to revise the safety standard for bassinets and cradles. I thank CPSC staff for their work over many years to develop the array of strong safety standards for durable and infant toddler products that CPSC now has on the books following Congressional direction—over 15 years ago—to put such standards into place. This latest effort builds on the statutory command that the Commission periodically review and revise these standards to ensure that they provide the highest level of safety for such products that is feasible.

It is fitting that the Commission's first such review involves bassinets, a product geared not only for infants generally, but largely for the youngest of infants—from newborns to three or four months of age—a cohort that is at heightened risk. For example, infants two to six months of age, premature infants, and infants who are born as a set of multiples are at the highest risk of positional asphyxia because they may be able to move in the sleep environment but can lack the physical capability to self-rescue from a hazardous situation.

Indeed, data from a number of our recent rulemakings confirms that the majority of incidents involve the youngest infants. Of the fatalities associated with infant loungers, for example, more than 80% involved infants three months and younger. The recently approved notice of proposed

rulemaking on Infant Rockers showed a similarly concerning pattern in the youngest age group. That is why I offered amendments to that proposed rulemaking, approved by the Commission, seeking comment on a number of issues, including whether a minimum age should be specified; information on the biomechanical differences that impact the risks of injury and death for premature infants and infants under 4 months; and whether the product should include a warning label aimed specifically at that age group.

In the context of bassinets, a product intended largely for the youngest of the youngest, providing the highest level of safety feasible must inform the path forward. As we continue our work on infant products in general, including the review and revision of rules already in place, we should continue to focus on the youngest age group and those infants with immature physiological systems, so that we can reduce the heightened risk for this most vulnerable population. One of the most solemn responsibilities we have is to protect that population, and I believe the proposed bassinet rule provides a roadmap to do so through improved performance requirements and enhanced warnings. I look forward to receiving stakeholder comments on these proposals.