



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
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**STATEMENT OF COMMISSIONER ELLIOT F. KAYE
ON THE PASSAGE OF A SAFETY STANDARD FOR INFANT SLEEP PRODUCTS**

June 9, 2021

In 2008, consumer product safety was in a state of crisis. Congress responded by boldly passing the Consumer Product Safety Improvement Act (CPSIA), which overhauled the Consumer Product Safety Commission (CPSC). Probably the most important part of the CPSIA was Section 104, also known as the Danny Keysar Child Safety Notification Act or Danny's Law. Congress made it clear that the old process of endlessly relying on voluntary standards to address hazards with durable nursery products meant no meaningful standards for those products at all. As has sadly been proven time and again, an unregulated marketplace is often a dangerous and deadly marketplace.

Section 104 was a landmark provision that changed not only the rulemaking procedures for durable nursery products, but really also the culture of safety around how we regulate them. I haven't always agreed with how slowly the rules have sometimes developed or even how overly deferential the process has been to the voluntary standards timelines. But, I think that we can all agree that Section 104 has vastly simplified and accelerated, as Congress intended, the way we oversee these products and the rules that we write. And it has led to far stronger – and now mandatory – safety requirements.

However, despite the Commission having promulgated many Section 104 rules since 2008, there was a major gap that had persisted in certain infant sleep products. Many products were subject to no requirements at all. This reality ran counter to the false sense of security parents have had about whether these products were subject to any performance standards and testing before they came to market.

They were not. And that was a major problem.

These certain types of infant sleep products will be unregulated no more. On June 2, 2021, the Commission voted 3 to 1 to approve staff's recommendation to publish a final rule for a mandatory safety standard for all infant sleep products. By doing so, we took a major step in aligning with parents' safety expectations and with closing the safety gap.

I was proud to strongly support this rule. I would have loved for it to happen sooner, but there was a lot of work that went into this rulemaking. Staff worked extremely hard at the ASTM-level with a lot of different parties and on their own to write and develop this rule. They deserve a tremendous amount of credit for their persistence. We are really grateful for the work that they did. Their work, as well as the work of all those stakeholders who pressed for strong standards, means safer products for babies. Just as Congress intended.