



## Memorandum

**TO:** The Commission  
Alberta Mills, Secretary

**THROUGH:** Austin Schlick, General Counsel  
Mary Boyle, Executive Director  
DeWane Ray, Deputy Executive Director for Safety Operations

**FROM:** Duane Boniface  
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**SUBJECT:** Question for the Record: Crib Mattresses

**DATE:** December 8, 2021

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This memorandum provides staff response to a question for the record from Commissioner Feldman about the final rule for crib mattresses.

1. You asked for information about staff's competitive analysis done to ensure that the standard-setting used as part of the development of the original mattress standard was consistent with the Commission's obligations under 16 CFR 1031.5. You also asked about staff's check-list that was used and staff's analysis. You further asked that staff provide you with that checklist and any other relevant information related to competitive concerns related to the standard setting and/or this rulemaking.

**Staff Response:** CPSC's regulations for Commission involvement in voluntary standards (codified at 16 CFR section 1031.5) require that "The Commission will consider the extent to which the following criteria are met in considering Commission involvement in the development of voluntary safety standards for consumer products." Subparagraph (d), the fourth criterion, specifies that the Commission consider "[p]rovisions for periodic and timely review of the standard, including review for anticompetitive effects, and revision or amendment as the need arises." To evaluate this element, staff reviewed the ANSI Essential Requirements,<sup>1</sup> where Section 3.3 outlines requirements pertaining to competition. Staff also reviewed ASTM International's "Regulations

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<sup>1</sup> <https://www.ansi.org/american-national-standards/ans-introduction/essential-requirements>.

Governing ASTM Technical Committees" April 2016<sup>2</sup>, which contain an expanded set of requirements pertaining to competition in Section 19. Staff's documentation of its review of the 16 CFR section 1031.5 criteria for the crib mattress standard will be provided. This form is filed by the Designated Representative when the standard is proposed for addition to CPSC's Operating Plan, and the elements are reviewed each year thereafter.

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<sup>2</sup> See also: <https://www.astm.org/Regulations.html>, due to work on ASTM website, best accessed at present through the internet archive:  
<https://web.archive.org/web/20210123181453/https://www.astm.org/Regulations.html>.