



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING

April 3, 1991

5401 Westbard Avenue

Bethesda, Maryland

The April 3, 1991, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Jacqueline Jones-Smith. Commissioners Carol G. Dawson and Anne Graham were present.

Agenda Matter.

Crib Corner Post Extensions Petition, HP 90-1

The Commission considered Petition HP 90-1 from the Danny Foundation which requests the Commission to amend the mandatory crib regulations to ban any crib having a corner post extending above the top edge of the end panel or any other "catch point" on which a cord around a child's neck, a shirt strap, or clothing could become entangled. The Commission had received information from the staff on issues raised by the petition in a briefing package dated March 5, 1991, and the Commission was briefed by the staff on the petition at the Commission meeting of March 20, 1991. The Commission also received comments filed on behalf of the petitioner concerning the staff's briefing material in a letter dated March 19, 1991.

Following discussion at today's meeting, the Commission voted unanimously (3-0) on motion of Chairman Jones-Smith to deny Petition HP 90-1 in its entirety. The staff was directed to draft a letter of denial of the petition for Commission approval.

Chairman Jones-Smith filed a statement concerning her vote in this matter, a copy of which is attached.

There being no further business on the agenda, Chairman Jones-Smith adjourned the meeting.

For the Commission:

A handwritten signature in cursive script that reads "Sadye E. Dunn".

Sadye E. Dunn, Secretary

Attachment



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Statement of
Chairman Jacqueline Jones-Smith
on Crib Corner Post
Extension Petition
April 3, 1991

Deaths and injuries associated with crib corner post extensions (corner posts) and catch points are indeed tragic. They involve one of the most vulnerable segments of our population - infants - in an environment in which young children spend a lot of time, often unattended, almost every day.

After considering the information presented by the staff in light of the criteria set forth in the Commission's statutes and the regulations at 16 CFR 1051, however, I voted to deny the petition submitted by the Danny Foundation, requesting a rule banning cribs having any corner post or any other "catch point" on which a child's neck cord, shirt strap or clothing could become entangled.

I found the following facts compelling. Since the publication of the voluntary standard setting a 0.59 inch limit for corner posts, eleven deaths occurred. Where reported, however, in all but one incident, the date of purchase of the crib was before the publication of the voluntary standard. One incident involved a crib that conformed to the voluntary standard. Two incidents involved corner posts that came close to meeting the standard.

The information about the three cases noted above led, in 1990, to a revision of the voluntary standard to a 0.06 inch limit. This limit, according to staff, allows only for changes that may result in wood shrinkage or swelling when flush corner posts are subjected to variations in humidity or temperature.

Additionally, the staff states that from 1984 through 1989, it observed at trade shows very few cribs that failed to conform to the existing voluntary standard. Based on the staff's experience with the previous standard and the few incidents reported involving corner posts meeting that standard, it appears at this time that the revised voluntary standard is likely to adequately address the risk posed by corner posts and there is likely to be substantial compliance with the standard.

With regard to other catch points, the data indicates ten fatalities from 1973 through January 15, 1991, while nine million cribs are in household use each year. While certainly tragic, I concur with the staff's analysis that the data do not warrant regulatory action at this time.

In a recent letter, the Danny Foundation "request[ed] that the Commission conditionally grant this Petition but that it continue its final consideration of the Petitioner (sic) until March 1992," pending a report on how widely publicized the revised standard is; the accumulation of further compliance and injury data; and a report on the results of meetings between the Commission staff, industry and the Danny Foundation on solving used crib and educational outreach problems. I do not support granting this request because I believe it would be an inappropriate use of the Commission's regulatory authority. Indeed, I do not believe the statute allows the Commission to take such an action.

The admitted area of concern of the Danny Foundation is the safety of older cribs with higher corner posts. This agency shares that concern and has worked extensively in educating the public about the problems associated with older cribs and the hidden hazards associated with necklaces, cords and other ties around infants' necks. The staff is currently working with the industry on educational efforts to address the continuing problem with older cribs. I am looking forward to the staff's briefing on these proposed efforts.