



United States  
**Consumer Product Safety Commission**

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:      Chair Alexander D. Hoehn-Saric  
   Commissioner Peter A. Feldman  
   Commissioner Richard Trumka Jr.  
   Commissioner Mary T. Boyle

ITEM:

Final Rule: Safety Standard for Adult Portable Bed Rails  
(Briefing package dated June 28, 2023, OS No. 0226)

DECISION:

The Commission voted unanimously (4-0) to approve publication of a *Federal Register* notice as drafted, to issue a final rule to address the risk of entrapment associated with adult portable bed rails, pursuant to section 7 and 9 of the Consumer Product Safety Act. The draft final rule establishes performance requirements for adult portable bed rails with a 30-day effective date following publication of the final rule in the *Federal Register*.

Chair Hoehn-Saric, Commissioners Trumka and Boyle issued respective statements regarding this matter.

For the Commission:

Alberta E. Mills  
Secretary

\*Ballot Vote due July 5, 2023.

Attachments: Statement by Chair Hoehn-Saric  
Statement by Commissioner Trumka  
Statement by Commissioner Boyle



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

**CHAIR ALEXANDER D. HOEHN-SARIC**

**Statement of Chair Alexander Hoehn-Saric on  
Issuance of a Final Safety Standard for Adult Portable Bed Rails**

July 6, 2023

The Consumer Product Safety Commission (CPSC) issued a new safety standard today to prevent head and neck entrapments caused by adult portable bed rails. For too long, aging and infirmed Americans have risked injury and death from bed rails purchased to protect and assist them. CPSC staff identified more than 300 fatalities associated with adult portable bed rails from 2003 and 2021, with more than 80 percent of the fatalities involving victims aged 70 or older. In recent years, CPSC increased its efforts to identify and recall defective bed rails and with today's vote we establish a safety standard to address these risks in the future. I am pleased to support this standard, which will save lives.

More than a decade ago, advocates filed petitions urging the Commission to address the unreasonable risk of injury and death posed by adult portable bed rails. In 2014, the Commission voted to defer the petitions and to provide an opportunity for a voluntary, consensus standard to be developed. In March 2022, five years after a consensus standard was adopted by industry, staff reported to the Commission that industry was continuing to build unsafe bed rails that did not comply with their own safety standards. At that time, I joined my fellow Commissioners in voting to move forward with a mandatory rule.

CPSC's new rule will require adult portable bed rails to meet safety standards to prevent head and neck entrapment. I am grateful for the advocates who filed those essential petitions. And I thank the many CPSC staff who have worked on this issue for years, throughout the voluntary standards development process and on the rulemaking package. I look forward to a safer future for those who need this assistance.

CPSC will continue our work to identify product safety risks to older Americans, and to address those risks through standards development and enforcement as well as information and education to the public.



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**COMMISSIONER RICH TRUMKA JR.**

**CPSC FINALIZES ROCK-SOLID NEW SAFETY RULE FOR ADULT  
BEDRAILS: SAVING LIVES AND \$300M A YEAR IN COSTS TO  
AMERICANS**

**JULY 6, 2023**

Today, the Commission voted to finalize a new safety rule for adult portable bedrails that will address 92% of deaths caused by entrapment and strangulation and save \$300 million annually in costs to Americans.<sup>1</sup> Seventeen people die every year, on average, after becoming entrapped in portable bedrails. 80% of those victims are 70 or older, 70% are women, and 58% suffer from at least one underlying medical condition like Alzheimer's or Parkinson's. 50% of these deaths occur in the home.<sup>2</sup>

This rule will protect some of our most vulnerable citizens and should be used as a blueprint for all future CPSC rulemakings. This is a rock-solid safety standard with undeniable benefits to the American people.

I was proud that the final rule includes my proposals to limit stockpiling of unsafe products and to have the rule take effect a mere 30 days after we publish it, which is the shortest time period generally allowed by law. When we have a solution, I view it as our duty to put it into force as fast as possible so that we can start saving lives. And that's just what we did here. This is good government in action.

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<sup>1</sup> Consumer Product Safety Commission, Final Rule: Safety Standard for Adult Portable Bed Rails, OS-165

<sup>2</sup> Id., OS-10 through OS-12



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**COMMISSIONER MARY T. BOYLE**

**Commissioner Mary T. Boyle Statement to Approve Mandatory Safety Standards  
for Adult Portable Bed Rails**

**July 6, 2023**

I voted with my colleagues today to approve new mandatory safety standards for adult portable bedrails because I am firmly committed to protecting the vulnerable consumers and caregivers who turn to these products for help.

The risks associated with adult portable bedrails fall disproportionately on vulnerable consumers, including seniors and disabled individuals, as well as their families and caregivers. From 2003-2021, CPSC incident data shows 284 fatalities related to rail entrapments; more than 80 percent of the victims were over 70 years old. These deaths were frequently gruesome: entrapments where the victim's head or neck was caught, stuck, wedged or trapped between the mattress and the bed rail, between bed rail bars, or between a bed rail and another item of furniture. The new standards address these hazards, thanks to the careful work of CPSC staff and the dedication of the advocates who petitioned CPSC in 2013 to examine the need for rulemaking.

As the record amply demonstrates, this new rule is necessary to reduce the unreasonable risk of injury and death associated with adult portable bedrails. Despite years of accumulated evidence of fatalities and injuries involving entrapment in these bedrails, manufacturers have failed to take the actions necessary to mitigate known hazards. Now is the time for change. I call on those who manufacture and sell these products to take responsibility and to bring your products into compliance. The Commission's vote sends a clear message that this rule is important and that enforcement will be a high priority.

In closing, I note that according to CPSC incident data, 70 percent of the victims were women. I am persuaded that gender differences shape the risk profiles for many consumer

products, and I will continue to advocate for consideration of these issues in our data collection as well as our analysis and testing. To take an example from another federal safety agency, the use of female crash test dummies in NHTSA's automobile testing is a very recent development. As CPSC examines our own practices and assumptions, I expect that we too will take affirmative steps to account for gender differences and diversity of all kinds in pursuit of safety for all consumers.