



United States
Consumer Product Safety Commission

Record of Commission Action
Commissioners Voting by Ballot*

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

ITEM:

ASTM's Revised Safety Standard for Infant Swings
(Briefing package dated September 7, 2022 OS# 0150)

DECISION:

The Commission voted (4-1) to approve publication of a *Federal Register* notice as drafted, to issue a direct final rule to update the ASTM standard (ASTM F2088-22) incorporated by reference in the Safety Standard for Infant Swings.

Chair Hoehn-Saric, Commissioners Baiocco, Feldman and Boyle voted to approve publication of the notice as drafted.

Commissioner Trumka voted to determine that the proposed revision does not improve the safety of infant swings and therefore not approve publication of the notice in the *Federal Register*. Commissioner Trumka issued a statement with his vote.

For the Commission:

Alberta Mills

Alberta E. Mills
Secretary

*Ballot vote due September 13, 2022

Attachment: Statement by Commissioner Trumka



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

COMMISSIONER RICH TRUMKA JR.

ONCE AGAIN: ANOTHER TWEAK TO AN INFANT PRODUCT WARNING LABEL FAILS TO IMPROVE SAFETY OF PRODUCT

SEPTEMBER 14, 2022

Yesterday, the Commission voted to revise a safety standard for infant swings. I voted against the rule change because it fails to improve the safety of infant products, as I recently did with a similar change to the infant bouncer rule.

In 2012, CPSC converted an optional standard relating to the safety of inclined infant swings to a mandatory rule. If the underlying optional rule changes, the Commission must determine whether the change improves safety. When it does not, we must vote against the change.

Here, the proposed changes make minor alterations to the warning label on infant swings but do not improve safety. While the update seems to relate to the very real risk of infants sleeping in the products, it does not change the design of the products to make them safe for sleep. I see no evidence that the proposed warning label will change how consumers use these products.

As I have stated on multiple occasions, I expect voluntary standards bodies to provide all necessary evidence to the Commission demonstrating that a revision to a product safety rule under Section 104 of the Consumer Product Safety Improvement Act improves safety. Here, that information was not provided, and thus I am compelled to vote against this change.

I will also continue to reiterate that only a firm, flat surface is safe for infant sleep. Warning labels on inclined products do not make them safe for sleep.