



Record of Commission Action
Commissioners Voting by Poll*

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

ITEM:

Notice of Proposed Rulemaking: Safety Standard for Nursing Pillows
(Briefing/Ballot Vote Package dated August 23, 2023, OS# 0242)

DECISION:

The Commission voted unanimously (4-0) to approve publication of the *Federal Register* notice as drafted, to issue a notice of proposed rulemaking to establish a consumer product safety standard for nursing pillows.

For the Commission:

Alberta E. Mills
Secretary

*Ballot vote due September 8, 2023.
(The Commission voted by poll on September 5, 2023, to convert the decisional meeting regarding this matter to a ballot vote).

Attachment: 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

Chair Hoehn-Saric Statement on Vote to Issue Proposed Safety Standard for Nursing Pillows

September 11, 2023

The Commission voted to issue a Notice of Proposed Rulemaking to establish a safety standard for nursing pillows. This is an important step forward in our ongoing effort to protect the most vulnerable among us by improving the safety of infant products.

CPSC is aware of more than 150 deaths of infants in nursing pillows, with the vast majority of those occurring when the pillow is used for sleeping. The proposed rule would establish performance requirements that address hazard patterns associated with nursing pillows and reduce the likelihood that they will endanger infants, while maintain the utility of nursing pillows for feeding babies.

CPSC staff has been working on this proposed rule while also participating in the voluntary standards process with a wide range of stakeholders. But while voluntary standards may be followed by responsible manufacturers, only mandatory standards can be enforced against knock-off products that flow into to America through online platforms. I encourage all interested parties to read the proposed rule carefully and to submit comments. Your feedback will strengthen any final rule that we issue and will help us save infant lives.



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COMMISSIONER RICH TRUMKA JR.

CPSC PROPOSES COMMONSENSE NEW RULE TO STOP A PATTERN OF INFANT DEATHS IN NURSING PILLOWS

SEPTEMBER 11, 2023

The Commission voted unanimously and with bipartisan support on a proposal to stop a pattern of infant deaths in nursing pillows. This proposed rule was designed to preserve the useful function of nursing pillows—allowing caregivers to comfortably feed babies—while eliminating their hazardous use for sleep. This proposed rule on nursing pillows is the next step in the march towards eliminating preventable infant sleep deaths, and I look forward to seeing a final rule soon.

Between 2010 and 2022, at least 154 infants died when put to sleep in a nursing pillow.¹ The proposed rule addresses the elements of nursing pillows that appear to pose a risk of injury and death to infants, based on an analysis of infant deaths in nursing pillows.²

Nursing pillows are NOT safe for sleep. These products can pose a risk of suffocation due to their plush, pillowy nature. Infants placed in nursing pillows while *not* in a caregiver's lap are also at an increased risk of positional asphyxia, including neck hyperextension or hyperflexion, when an infant's position shifts so that their head falls against their chest or tilts backwards over the top of the pillow. When propped on an angled, pillowy surface, young babies have been reported to scoot or roll themselves into unsafe positions at an earlier age than might otherwise be developmentally possible.

Parents and caregivers: NEVER put your child to sleep on a soft, pillowy surface like a nursing pillow. Only a firm, flat surface is safe for sleep.

¹ Notice of Proposed Rulemaking: Safety Standard for Nursing Pillows, at page OS-14 (available at: <https://www.cpsc.gov/s3fs-public/Notice-of-Proposed-Rulemaking-Safety-Standard-for-Nursing-Pillows.pdf?VersionId=kq4qN.5uTjM6VuaN2015ky8bIKGYii3P>) (Aug. 2023).

² Erin M. Mannen, Ph. D., et al., "Pillows Product Characterization and Testing" (available at: https://www.cpsc.gov/s3fs-public/Pillows-Product-Characterization-and-Testing-Final-Report-with-CPSC-Staff-Statement.pdf?VersionId=omVlmybShqzcQM4GQzepWSlz.s_iOxNC) (June 2022).



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COMMISSIONER MARY T. BOYLE

COMMISSIONER MARY T. BOYLE STATEMENT ON VOTE TO ADVANCE PROPOSED RULEMAKING ON NURSING PILLOWS

September 11, 2023

Today the Commission voted unanimously to issue a notice of proposed rulemaking to set performance requirements for nursing pillows.

The Commission has long warned against the use of pillow-like infant products, including a specific warning in 2020 about nursing pillows. At that time, the agency announced it was investigating the entire class of products, stressing that when infants fall asleep or are left unattended on nursing pillows, they are at risk for death or serious injury.

Nearly three years have elapsed since that warning. Although I certainly would have preferred to see action much earlier, I welcome the fact that we are now considering regulatory options to help reduce the number of fatalities and injuries associated with these products.

I believe the proposal recognizes the utility of nursing pillows, while also underscoring that when it comes to our most vulnerable consumers, safety must remain paramount. Striking the right balance between those sometimes competing concerns can be difficult, but I am optimistic that we are moving in that direction—ensuring useful products are also safe.

I look forward to reviewing comments from the public on this proposal.