



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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CPSC IMPLEMENTS SAFE SLEEP FOR BABIES ACT, EXPANDING ON 2022 INFANT SLEEP PRODUCTS RULE AND CLOSING LOOPHOLES

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An inclined sleeper by any other name is still an inclined sleeper—and still poses an unreasonable risk of death to infants. The new CPSC rule announced today states our ability to clear the market of dangerous inclined products no matter what a manufacturer calls them and no matter how they market them. I hope that manufacturers receive the clear message that they cannot rename an inclined sleeper, make minor design changes, and keep selling it. Products that babies can sleep in need to be safe for sleep.

Today, the CPSC voted to expand on the protections included in the agency’s 2022 Infant Sleep Products Rule¹ with two new rules implementing the Safe Sleep for Babies Act. The Safe Sleep for Babies Act bans both crib bumpers, a category of products responsible for at least 107 infant deaths between 1990 and 2016 alone,² and inclined infant sleepers designed like the recalled Fisher-Price Rock n’ Play, which was linked to over 100 infant deaths.³

The manufacturers of some infant products have known from the start that their products were risky and violated safe sleep advice, and CPSC was working to address these dangers through enforcement of the Infant Sleep Products Rule. Now, CPSC has the additional enforcement tools provided by the Safe Sleep for Babies Act, which widens the scope of the Infant Sleep Products Rule by additionally banning products “*designed* [emphasis added] to provide sleeping accommodations for an infant up to 1 year old.”⁴ The Infant Sleep Products Rule banned products “*marketed or intended* [emphasis added] to provide a sleeping accommodation for an infant up to 5 months of age.”⁵

As one of the original sponsors of the Safe Sleep for Babies Act, Congressman Tony Cardenas, wrote in his statement heralding the signing of the Safe Sleep for Babies Act:

*Last year, the CPSC approved a new federal rule that will require products marketed or intended for infant sleep to meet a federal safety standard limiting the incline of sleepers to 10 degrees or lower. However, if a product by nature of its design soothes a baby to sleep, it must be safe for sleep. This bill would expand on the protections included in the CPSC rulemaking and remove these dangerous products from the marketplace.*⁶

With our new rules, the Commission is following Congress’ direction to address the design elements that present a danger to infants. I am thankful to the members of Congress who championed consumer protection through their work on the Safe Sleep for Babies Act:

Representatives Tony Cárdenas, Jan Schakowsky, and former Congressman Mondaire Jones, and Senators Tammy Duckworth, Rob Portman, Richard Blumenthal, and Sherrod Brown.

Some 3,400 babies under age one still die suddenly and unexpectedly in their sleep environment each year.⁷ We are one step closer to a future where parents can trust the safety of the products they use with their babies—particularly those products with a design that accommodates a sleeping infant.

¹Consumer Product Safety Commission, “CPSC’s New Federal Infant Sleep Products Safety Standard Takes Effect” (June 2022), available at: <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSCs-New-Federal-Infant-Sleep-Products-Safety-Standard-Takes-Effect>

²Consumer Product Safety Commission, “CPSC Staff Response to the Record of Commission Action on Crib Bumpers” (Sept. 2016), available at: <https://www.cpsc.gov/content/CPSC-Staff-Response-to-the-Record-of-Commission-Action-on-Crib-Bumpers>

³Consumer Product Safety Commission, “Fisher-Price Reannounces Recall of 4.7 Million Rock ‘n Play Sleepers; At Least Eight Deaths Occurred After Recall” (Jan. 2023), available at: <https://www.cpsc.gov/Recalls/2023/Fisher-Price-Reannounces-Recall-of-4-7-Million-Rock-n-Play-Sleepers-At-Least-Eight-Deaths-Occurred-After-Recall>

⁴Safe Sleep for Babies Act, H.R. 3182, 117th Congress (2022), available at: <https://www.congress.gov/bill/117th-congress/house-bill/3182/text>

⁵Consumer Product Safety Commission, “Safety Standard for Infant Sleep Products” (June 2021), available at: <https://www.federalregister.gov/documents/2021/06/23/2021-12723/safety-standard-for-infant-sleep-products>

⁶Congressman Tony Cardenas, “President Biden Signs Cárdenas Safe Sleep for Babies Act Into Law” (May 2022), available at: <https://cardenas.house.gov/media-center/press-releases/president-biden-signs-cardenas-safe-sleep-for-babies-act-into-law>

⁷Marlene Cimon, “Despite a Decades-Long Effort, Babies are still Dying of SIDS,” Washington Post (April 2022), available at: <https://www.washingtonpost.com/health/2022/04/10/how-common-is-sids/>