



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

This is a DRAFT RCA.
It will be replaced by a Final RCA.

Commissioners Voting: Chairman Inez M. Tenenbaum
Commissioner Nancy A. Nord
Commissioner Robert S. Adler

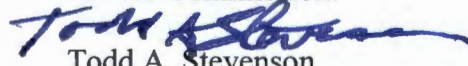
ITEM:

Petition CP 12-2; Request for Commission Action Regarding Crib Bumpers
(Briefing Package dated May 15, 2013, OS No. 5665)

DECISION:

Petition CP 12-2, from the Juvenile Products Manufacturers Association, requested that the Commission initiate rulemaking to distinguish and regulate "hazardous pillow-like" crib bumpers from "non-hazardous traditional" crib bumpers under sections 7 and 9 of the Consumer Product Safety Act. The Commission voted unanimously (3-0) to grant the petition and directed staff to initiate rulemaking to address the risk of injury associated with the use of crib bumpers. However, the Commission rejected the JPMA's framework because it is too narrow in scope. The Commission would like to explore all available rulemaking options, not just those under sections 7 and 9 of the Consumer Product Safety Act. The Commission would also like to assess other types of crib bumpers, in addition to the two types specified by the JPMA. Furthermore, the Commission included two directions to CPSC staff. First, CPSC staff is to provide the Commission with a briefing package that describes the possible regulatory options the Commission may take to address the risk of injury associated with crib bumpers, including a staff assessment of the effectiveness of any related voluntary consumer product safety standard, as well as an assessment of whether a more stringent standard would further reduce the risk of injury associated with crib bumpers. Second, CPSC staff is to explore and, as possible, develop performance requirements and test methods that identify which types of crib bumpers have characteristics that present safety hazards. The staff has also been directed to assess whether crib bumpers provide any safety benefit. The assessment should include a review of representative samples of crib bumpers and should include an assessment of mesh bumpers and bumpers that individually cover crib slats (also known as vertical bumpers). Chairman Tenenbaum submitted the attached statement regarding the issue.

For the Commission:


Todd A. Stevenson
Secretary

* Ballot vote due May 24, 2013

(Commissioner Adler extended the vote due date from May 21, 2013.)

Attachment: Statement of Chairman Tenenbaum



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

CHAIRMAN INEZ M. TENENBAUM

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION DECISION
TO GRANT THE PETITION REQUESTING RULEMAKING
TO ESTABLISH A PERFORMANCE STANDARD FOR CRIB BUMPERS**

June 3, 2013

On May 9, 2012, the Juvenile Products Manufacturers Association (JPMA or Petitioner) filed a petition requesting that the U.S. Consumer Product Safety Commission (CPSC or the Commission) initiate rulemaking to establish a performance standard for crib bumpers that distinguishes between, as Petitioner characterizes them, “hazardous pillow-like” and “nonhazardous traditional” products. On May 24, 2013, the Commission voted unanimously to grant JPMA’s petition. The accompanying direction we provided to CPSC staff as it commences rulemaking on crib bumpers, however, is even more important than the vote to grant the petition itself.

Crib bumpers are typically, although not universally, padded fabric panels with ties, intended to line the sides of an infant’s crib. Crib bumpers have been a staple in crib sales marketing, and in many American nurseries, for years. Their utility and safety benefits, however, are certainly up for debate. Tragically, many infant deaths have been linked to the use of crib bumpers. The extent of any association between crib bumpers and infant deaths is at the core of the ongoing debate.

With my strong support, CPSC staff initiated a new review of the incident data involving the role of crib bumpers in infant deaths. That review can be found in the staff briefing package.¹ In addition, individuals and organizations outside the agency have conducted reviews in prior years. The results of the reviews, both from CPSC staff and from outside the agency, have varied. Because we—and, more importantly, families with babies—desperately need clarity, we directed our staff to commence rulemaking on crib bumpers, but in a broader, more comprehensive—and, I believe, more effective—fashion than the Petitioner requested.

Petitioner’s Request and the Commission Vote

The JPMA petition requested that the Commission initiate rulemaking to distinguish between what JPMA deems to be hazardous and nonhazardous bumpers. As an initial matter, the Commission voted not to limit the rulemaking to the Petitioner’s specific request. The Commission found this approach too narrow.

¹ The staff briefing package, dated May 15, 2013, can be found here:
www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2013/CribBumpersBriefingPackage.pdf

Rather, we provided a two-part direction to CPSC staff. First, we directed staff to assess any voluntary consumer product safety standard that addresses the risk of injury associated with crib bumpers, as well as to assess whether a more stringent standard would further reduce the risk of injury associated with the product. We have found this approach extremely effective and efficient when promulgating mandatory standards for products covered under Section 104 of the Consumer Product Safety Improvement Act of 2008, known as the “Danny Keysar Child Product Safety Notification Act.”

Second, the Commission directed CPSC staff to explore and, as possible, develop performance requirements and test methods that identify which types of crib bumpers have characteristics that present a safety hazard. Related to this work, we also directed CPSC staff to assess whether crib bumpers are associated with any safety benefits, such as prevention of limb entrapment in crib slats. The assessment should include a review of all types of crib bumpers, including mesh bumpers and vertical bumpers. I believe it is important to include this specific direction to ensure we have as illuminating a set of scientifically driven data as possible. While existing analyses of incident data are helpful and should play a role in the rulemaking process, we must also review and consider scientific data that measures objectively, for instance, the airflow in and around an infant’s face when different types of crib bumpers are used.

Looking Forward

The death of an infant is a devastating and life-changing event for a family. The staff package contains new and valuable research, indicating a connection between infant deaths and crib bumpers, which I find deeply concerning. I want to extend my condolences to each family who has lost a child under these circumstances. I remain personally invested, each and every day, in doing everything possible to prevent such tragedies from occurring.

We all share the common goal of protecting children and families from dangerous products, and we are especially sensitive to concerns regarding products that are intended to be part of an infant’s sleep environment. Our vote marks the next step in a complicated and resource-intensive process to assess crib bumpers scientifically and objectively. It is my hope and intention that this process will enable us to state definitively whether crib bumpers are an unnecessary hazard in cribs. Families deserve nothing less than this.

In the meantime, I continue to advise parents and caregivers to remember that when it comes to your baby’s sleep environment, “Bare is best!” NEVER add pillows, quilts, sleep positioners, comforters, or cushions to your baby’s crib, bassinet, and play yard. For more advice on safe sleep environments, please visit our Crib Safety Guide at: www.cpsc.gov/en/Safety-Education/Safety-Guides/Kids-and-Babies/Cribs/.

Before you do, though, it bears repeating: Bare is best!