



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

MINUTES OF COMMISSION MEETING
March 24, 2010

Chairman Inez M. Tenenbaum convened the March 24, 2010, 9:00 a.m., meeting of the U. S. Consumer Product Safety Commission in open session. Commissioners Thomas H. Moore, Robert S. Adler and Anne M. Northup were in attendance. Commissioner Nancy A. Nord was not present. Chairman Tenenbaum made welcoming remarks and introduced the decisional matter.

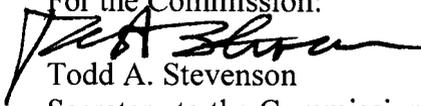
Notice of Proposed Rulemaking (“NPR”) for Bassinets and Cradles under Section 104(b) of the CPSIA

Chairman Tenenbaum asked the Commission whether there was any discussion about the issuance in the *FR* of a proposed rule for safety standards for bassinets and cradles under section 104(b) of the CPSIA. After brief comments from Chairman Tenenbaum and Commissioner Northup, Chairman Tenenbaum asked for any motions. Commissioner Adler made a motion, seconded by Commissioner Moore, to approve publication of the draft NPR proposing a standard for bassinets and cradles in the *Federal Register* (“*FR*”) without change. There being no discussion, the Commission voted unanimously (5-0) to approve the motion and approve publication of the draft *FR* notice of the NPR without change. Commissioner Nord voted by written ballot. Chairman Tenenbaum and Commissioner Nord issued the attached statements with their votes.

Definition of Children’s Product – Proposed Interpretative Rule

Jonathan Midgett, Engineering Psychologist, Division of Human Factors, and Hyun Kim, General Attorney, Office of General Counsel, briefed the Commission on the publication of a draft *FR* notice on a proposed interpretative rule providing guidance on the factors that must be considered when evaluating what is a children’s product. After their briefing, the Commissioner discussed the proposed rule and the staff responded to questions. Commissioner Northup expressed concern that the 30 days for comments was too short of a period to allow for public comments. No decisions were made during this part of the meeting.

There being no further business on the agenda, Chairman Tenenbaum adjourned the meeting at 10:00 a.m.

For the Commission:

Todd A. Stevenson
Secretary to the Commission



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CHAIRMAN INEZ M. TENENBAUM

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION DECISION
REGARDING THE NOTICE OF PROPOSED RULEMAKING FOR BASSINETS AND CRADLES
UNDER SECTION 104(b) OF THE CONSUMER PRODUCT SAFETY ACT OF 2008**

Today the Commission voted to proceed with publication of a Notice of Proposed Rulemaking for bassinets and cradles under section 104(b) of the Consumer Product Safety Improvement Act of 2008.

As we have demonstrated with the recent recalls of cribs, high chairs, and infant slings, CPSC will take swift action to address hazards that can threaten the lives of infants and children. One product area addressed by the proposed rule is infant hammocks. The proposed rule clarifies CPSC's intent to keep infant hammocks within the standard for bassinets and cradles. Due to dangers of suffocation, the proposed standard would require a rigid sleep surface and other important performance requirements that many infant hammocks do not currently provide. Most infant hammocks likely will be unable to meet the proposed performance criteria because they lack a rigid sleep surface and instead position infants in a semicurled position.

Some believe that a separate standard may be necessary for infant hammocks. While we greatly appreciate the work being undertaken by ASTM International and the Juvenile Products Manufacturers Association to develop a separate voluntary standard specific to hammocks, we cannot ignore the fact that there have been three reported deaths, six reported nonfatal injuries, and five reported noninjury incidents involving infant hammocks since 2006. Therefore, I believe that until an effective voluntary standard is created, these risks cannot remain unaddressed and infant hammocks should remain within the bassinet and cradle standard.

CPSC's staff research indicates that most of the firms that rely primarily or entirely on infant hammocks are small businesses under Small Business Administration guidelines. For this reason, I am particularly interested in hearing from small businesses that may be impacted by the proposed rule. In addition, I will request that CPSC staff make an increased effort to reach out to small businesses to inform them of our effort, and to let them know that we would like to have their input as we consider making this proposed rule final.

An additional component of this proposed rule strengthens required warnings in order to increase consumers' awareness of potential hazards, including the hazards posed by soft or extra bedding. Similar to cribs, bassinets and cradles are designed for an infant to sleep in unattended. What is striking and tragic about a review of incidents relating to traditional bassinets and cradles is that since 2006, 56 of 61 deaths associated with bassinets and cradles involved the presence of soft or extra bedding, pillows, blankets, or mattresses that were not approved by the manufacturer. As we move forward to ensure that cribs and bassinets are manufactured to a standard that is as safe as possible, we also must ensure that parents and caregivers are aware of the suffocation dangers associated with the use of soft bedding and pillows, or the strangulation risks associated with the use of mattresses not intended for use in a particular crib, bassinet, or similar children's sleep environment. These warnings are strengthened by language in the proposed rule.

Further, parents and caregivers must be made aware that cradles and bassinets are designed for use by children until the earlier of five months, or when a child begins to push up on his or her hands and knees. One half of all children who became entrapped and died in bassinets were over six months old. This proposed rule also would strengthen the warning language to alert caregivers of the age and developmental guidelines for these products.

We look forward to bringing this rule to final form to ensure the safety of young infants.