



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

**MINUTES OF COMMISSION MEETING**  
May 26, 2010

Chairman Inez M. Tenenbaum convened the May 26, 2010, meeting of the U. S. Consumer Product Safety Commission at 10:00 a.m. in open session. Commissioners Thomas H. Moore, Nancy A. Nord, Robert S. Adler and Anne M. Northup were also in attendance.

Final Rule for Infant Walkers under Section 104(b) of the CPSIA and Revocation of the Ban of Certain Baby Walkers in 16 C.F.R. §§ 1500.18(a)(6) and 1500.86(a)(4)

Chairman Tenenbaum made opening remarks and introduced the pending decisional matter before the Commission. Chairman Tenenbaum called for any discussion or questions for the staff on the final rule for infant walkers. There being none, Chairman Tenenbaum asked for any motions. Commissioner Adler moved for adoption of the draft standard before the Commission. Chairman Tenenbaum asked the Commission for any discussion about the motion. There being none, Chairman called for a vote. The Commission voted unanimously (5-0) to adopt the motion. Commissioner Adler commented about the final rule. General Counsel Cheryl Falvey advised the Commission that the vote needed clarification, because the motion that was made was to move to adopt the standard, but the package before them is for a notice of a proposed rule that also includes a revocation. Commissioner Adler moved to approve publication in the *Federal Register* of the draft final rule on baby walkers and that would incorporate the revocation of the standard with respect to baby walkers. Commissioner Moore seconded the motion. Chairman Tenenbaum called for a vote on the motion pending. The Commission voted unanimously (5-0) to adopt the motion.

Chairman Tenenbaum and Commissioner Moore issued the attached statements with their votes.

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

For the Commission:

A handwritten signature in black ink that reads "Todd A. Stevenson".

Todd A. Stevenson  
Secretary to the Commission

Attachment: Statement of Chairman Tenenbaum  
Statement of Commissioner Moore



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**May 26, 2010**

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION  
DECISION REGARDING THE FINAL RULE ON THE MANDATORY SAFETY  
STANDARD FOR INFANT WALKERS**

The vote of the Commission today establishing a mandatory standard for infant walkers is another important step forward in the Commission's efforts to better ensure the safety of nursery products. Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to evaluate voluntary consumer product safety standards for certain durable infant and toddler products. We are to make mandatory only those standards that provide children with a sufficient level of protection. If the voluntary standards are inadequate, we must improve them in order to ensure that all mandatory durable nursery product safety standards "provide the highest level of safety for such products that is feasible."

Although injuries from walkers generally have decreased over time, during the period of 2004 to 2008, infant walkers were associated with eight fatalities, as well as approximately 3000 injuries annually to children under fifteen months of age. For the mandatory standard approved today, the Commission considered the ASTM F977-07 standard. For the final rule, this standard has been improved by recommendations made by Commission staff and informed by the comments we received in response to the Notice of Proposed Rulemaking we issued in September of 2009. Because the mandatory standard approved today will govern the safety of infant walkers going forward, CPSC also has voted to withdraw the existing mandatory standard governing infant walkers, baby-bouncers, and walker-jumpers only as it relates to infant walkers. The withdrawal will be effective upon the effective date of the new mandatory standard.

The safety of children is of the highest importance to me and to the Commission, and CPSC continues the rigorous safety review of durable nursery product standards. In addition to the twelve specific infant and toddler products mandated for our review by Congress in the CPSIA, we will evaluate additional nursery product voluntary standards to ensure that they also are sufficiently protective of our nation's most vulnerable consumers. Further, we have identified additional products, such as bedside sleepers, infant slings, and baby hammocks that currently lack a voluntary standard and should be considered for product safety standards due to the potential risk of injury associated with their use. Accordingly, Commission staff is working with ASTM, urging them to create strong voluntary standards for these products as the basis for our consideration for future mandatory standards.

Our experiences developing these rules have taught us that the more robust and protective a standard adopted by the voluntary standard body, the easier it is for CPSC to create an appropriate and

effective mandatory standard. One such example is the ASTM crib standard. At my direction, as part of the section 104 standards review, Commission staff has worked diligently and cooperatively with ASTM as it developed a revised crib standard. The commitment CPSC's technical representatives on the committee have shown to working with ASTM on this issue has led to the creation of a standard designed to protect children from known and emerging crib-related hazards such as with dropsides, insufficient slat strength, and wear over time. ASTM ultimately has crafted a standard that I believe will markedly reduce these potential risks to children. I commend the Commission staff for their work, and I look forward to ASTM's continued dedication and cooperation with us as we develop future durable nursery product standards.



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
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STATEMENT OF THE HONORABLE THOMAS H. MOORE  
ON THE FINAL RULE FOR INFANT WALKERS UNDER  
SECTION 104(b) OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT (CPSIA)  
May 26, 2010

I voted today to approve the final rule on infant walkers, more commonly known as baby walkers. This rule makes the voluntary ASTM standard, with improvements developed by our staff, a mandatory consumer product safety standard pursuant to section 104 of the CPSIA. Our agency has been concerned for many years about babies being injured while using walkers.

In 1992, the Commission was petitioned by the Consumer Federation of America, the American Academy of Pediatrics, the Washington Chapter of the American Academy of Pediatrics, Consumers Union and the National Safe Kids Campaign to ban the sale of baby walkers in the United States. In 1993, when the Commission voted to deny that petition, there were 27,000 injuries to babies every year associated with baby walkers. The majority of the injuries were from babies in walkers falling down stairs, many were falls down basement steps. Baby walkers accounted for a higher number of injuries annually than any other type of nursery product. About one-third of the injuries were considered "more severe." These injuries included concussions, burns, fractures and internal organ injuries. On average, two babies died in baby walkers each year between 1989 and 1993.

While the Commission denied the petition, it did not drop the issue, but directed staff to do research to determine whether there were ways to address the hazards associated with baby walkers. One possibility was the Canadian approach. In 1989, a voluntary standard went into effect in Canada that increased the width of baby walkers to preclude their passage through a standard door opening. Manufacturers were not willing to redesign their products for the relatively small Canadian market, so the voluntary standard had the effect of banning baby walkers in Canada (a ban that was formalized by the Canadian government in 2004). The much larger size of the American market, however, meant that performance requirements were more likely to be followed by baby walker manufacturers in the U.S. market. The industry was not prepared to consider performance requirements to address the hazard. When the Commission began a rulemaking proceeding on baby walkers in August of 1994, the American (ASTM) voluntary standard for baby walkers addressed falls down stairs only through a warning label.

The publicity generated by the petition about the high number of injuries to babies in walkers, along with the introduction of stationary activity centers as safer alternatives to baby walkers, led to a decline in traditional walker use that was reflected in the injury statistics even before the Commission began the baby walker rulemaking. However, it was only after the rulemaking was initiated that industry seriously began to address performance requirements for

walkers related to stair falls. The voluntary standard that was published in 1997, with enormous input from our staff, has resulted in a remarkable reduction in baby walker-related injuries.

The Commission terminated its rulemaking proceeding in 2002, after monitoring the effectiveness of and compliance with the voluntary standard and reviewing the most recent baby walker injury statistics. At that time, taking into account an increase in births, the rate of walker injuries had declined 65% from the rate in 1995. Our Office of Compliance was vigilant in monitoring baby walker conformance with the voluntary standard. In 2005, alarmed that there had already been six baby walkers recalls, the Director of the Office of Compliance issued a letter to all manufacturers, importers and retailers of baby walkers, informing them that any walker that did not meet the stair-fall protection would be considered defective and presented a substantial risk of injury to young children and would be recalled from the marketplace. In all, ten baby walkers were recalled between 2001 and 2010 because they did not meet the stair-fall requirements.

The number of injuries related to baby walkers is now down 88% from 1994. However, the majority of the current injuries are still from falls down stairs. I imagine that some of those injuries are from walkers that do not meet the ASTM voluntary standard. Having a mandatory standard will make it much easier to stop noncomplying walkers at the ports before they enter our marketplace. All of the ten recalled walkers mentioned above were imported into this country. I am hopeful that the improvements our staff has recommended to the standard will help to further reduce injuries related to baby walkers.

We will need to continue to monitor the injuries and establish a plan for revisiting the baby walker standard in the future. In 2002, when I voted to terminate the first baby walker rulemaking, I asked the staff to consider whether the standard should include tests for ensuring that friction strips maintain their ability over time to stop a walker. Depending upon the material used, the degradation of the friction strips may not be so much a function of overuse as it is one of aging. For example, rubber dries out and becomes brittle over time. If baby walkers are stored and then handed down in families or sold in the resale market, rubber friction strips could become less effective in stopping the walker as the strips age. Staff looked at the issue of friction strips more in the context of their overuse as opposed to degradation through aging. I hope that the next time we look at the baby walker standard this issue will be reviewed.

I would also like to see a review of the eight pound falling weight that is used to simulate the force a child in a baby walker can generate to move the walker. In the Appendix to ASTM F977-07, it notes that the use of the eight pound weight was based on the testing of only ten children, ranging in age from 6 ½ to 11 months. Since baby walkers are used by older children, and standards tend to protect the children who are most at risk—with this product, the stronger, more mobile children—it would behoove the Commission to review this provision when it revisits this standard in the future to make sure that eight pounds is protective enough for older children using the product.

I also think that we should be attentive to whether manufacturers shift to producing baby walkers without parking brakes in the future. The final rule requires a parking brake performance test for those baby walkers that have this feature, but it does not require the feature.

This testing requirement and the expense associated with it may lead manufacturers to just omit the feature from future production. I agree with some commenters that to have the ability to momentarily immobilize the baby walker adds an important element of safety to the product. I hope that manufacturers do not find the testing requirement, by itself, a disincentive to continuing to produce baby walkers with parking brakes.

Particularly given the time constraints they had to work under, staff has done an impressive job on their review of this standard and I appreciate their hard work and dedication. Most of the injury reduction we have seen in baby walkers over the last fifteen years is due to their talent and perseverance.