



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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Memorandum

March 12, 2010

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Maruta Z. Budetti, Executive Director

FROM : Robert J. Howell, Assistant Executive Director, Office of Hazard Identification
and Reduction
Celestine T. Kiss, Project Manager, Toddler Beds Project

SUBJECT : CPSC Staff Response to Commissioner Nord's Questions on the March 10,
2010, Staff's Draft Proposed Rule for Toddler Beds Briefing Package

Introduction

On March 10, 2010, the U.S. Consumer Product Safety Commission (CPSC) staff briefed the Commission about the draft proposed rule for toddler beds. After the briefing, Commissioner Nancy Nord sent a memorandum, dated March 11, 2010, with follow-up questions about the CPSC staff's briefing package that was used as the basis for the March 10th briefing.

The following is the staff's response to the Commissioner's questions.

Question on the economic impact:

"At the briefing I asked how staff would go about obtaining information to provide the Commissioners a better understanding of the economic impact of this proposed standard. Staff responded that a request for this information could be included in the Notice of Proposed Rule. What other steps could staff undertake to provide an analysis of the economic impact of the new rule?"

CPSC Staff Response:

Aside from requesting comments in the toddler bed NPR¹, Directorate for Economic Analysis (EC) staff would need to survey toddler bed suppliers. The Paperwork Reduction Act (PRA) requires approval from the Office of Management and Budget for a Federal Government

¹ In the bassinet and cradle package, we added a question to the draft Federal Register notice on this issue: "The Commission seeks comment on the costs associated with these product modifications." A similar statement can be added to the toddler beds Federal Register notice if the Commission agrees.

information collection directed to more than nine persons. In order to conduct a complete survey, CPSC staff would need to obtain OMB clearance for the collection of this information, a process that could take substantial time to complete.

As stated in the initial regulatory flexibility analysis submitted as part of the NPR briefing package, the majority of the impact from the staff-recommended rule is actually a consequence of toddler beds not meeting the requirements of the current voluntary standard, the minimum that CPSC is charged by Congress with implementing. The additional costs associated with the staff-recommended modifications and additions are expected to be minimal.

Question on the height of toddler beds:

“I would like to pick up on an issue raised by Commissioner Northup about the height of the toddler beds. Since 87% of the injury data is related to falls out of beds, why doesn’t the proposed rule address the height of the toddler bed in addition to the height of the guard rail?”

CPSC Staff Response:

The height of the toddler bed is already restricted to provide “free access and egress” to a user 15 months or older. As we have seen with playground equipment, there really isn’t a “safe” height that would eliminate bumps and bruises from falls. Therefore, we would not expect to see a change in the injuries from falling out of the bed by restricting the height of the bed any further. It is for this reason that we have attempted to address the falls by requiring higher and more secure guardrails.

Question on the six months effective date:

“On page 39 of the briefing package, staff states that six months will be sufficient time for manufacturers to comply with the new requirements in the proposed rule. What data did staff use to base this determination?”

CPSC Staff Response:

It is standard operating practice for ASTM to issue an effective date of six months after publication for companies to be in compliance to their standards; therefore, staff deferred to that practice. In the bassinet and cradle package, we added a question seeking comment on “how long it would take manufacturers of bassinets and cradles to come into compliance with the rule.” A similar question could be added to the toddler bed rule.