



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

Memorandum

Date: February 11, 2009

TO : Office of the General Counsel
Office of Hazard Identification and Reduction
Office of Compliance and Field Operations

FROM : Todd A. Stevenson, Director, 
Office of the Secretary

SUBJECT : **Options to Address Crib Safety Hazards**; Advance Notice of Proposed
Rulemaking; Request for Comments and Information
Published in the *Federal Register* November 25, 2008
Comments due by January 26, 2009

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
1	1/23/09	Greg Zochowski Owner	Pacific Rim Woodworking, Inc.
2	1/26/09	David T. Tayloe, Jr., MD FAAP President	American Academy of Pediatrics 601 13 th Street, NW Suite 400N Washington, DC 20005
3	1/26/09	Robert Waller, Jr., CAE President	Juvenile Products Manufacturers Association Inc.

Options to Address Crib Safety Hazards; Advance Notice of Proposed Rulemaking; Request for Comments and Information

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
4	1/26/09	Nancy A. Cowles Executive Director	Kids in Danger
		Donald L. Mays Senior Director of Product Safety	Consumers Union
		Rachel Weintraub Director of Product Safety and Senior Counsel	Consumer Federation of America
		Janell Mayo Duncan Senior Counsel	Consumers Union
		Jack Walsh Executive Director	Keeping Babies Safe
		Ed Meirzwinski Federal Consumer Program Director	U.S. Public Interest Research Group
		Elizabeth Hitchcock Public Health Advocate	U.S. Public Interest Research Group
5	1/26/09	William Suvak Chairman	ASTM Subcommittee F15.18

Stevenson, Todd

From: Pacific Rim Woodworking [sales@pacificrimwoodworking.com]
Sent: Friday, January 23, 2009 4:02 PM
To: Crib ANPR
Subject: 16 CFR Chapter II, Advance Notice of Proposal Rule Making

To: Consumer Products Safety Commission
RE: 16 CFR Chapter II, advance notice of proposal rule making
From: Greg Zochowski, Owner of Pacific Rim Woodworking INC

My small company, Pacific Rim Woodworking, Inc., has made solid maple cribs since 1996, using wood from Pacific Northwest forests and completing every part of the manufacturing process in Eugene, Oregon.

The comment I wish to make about pending legislation comes from the viewpoint of a small business that sells approximately 300 to 400 cribs per year. If we had to have testing done by the JPMA it would be so costly that we would probably not be able to compete. Each random test would require us to provide a crib free of charge, pay for shipping and pay for the test. We could not compete with the larger companies, particularly those that manufacture their cribs overseas. Our margin is very small on cribs as it is and we might have to raise prices beyond what the market could bear.

Our shop adheres to strict standards for our cribs and we have not had any cribs fail. We have drawings as well as written instructions to assist customers in assembly of our cribs. We take pride in the quality of our solid maple wood and our assembly with mortise and tenon joinery.

Detroit Testing Laboratory tested our cribs in 1998 for compliance with ASTM 1669-88, ASTM 966-96 and CR Part 1508. We passed without a hitch. We also comply with ASTM 1669-07 and 16 CFR for Lead. Our hardware for the drop-side and mattress supports from GEM INDUSTRIES also meets the lead standard of ASTM 1169-07. Pacific Rim has issued a Certificate of Compliance to meet the Consumer Product Safety Commission Product Safety Act of 2008.

I believe that the current CPSC and ASTM standards are adequate to keeping our customers safe.

Sincerely,

Greg Zochowski
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American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



2

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January 26, 2009

Nancy Nord
Acting Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814
ID No.: E8-27753

Dear Chairman Nord,

The American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, strongly supports strengthening and expanding crib safety standards for all full size and non-full size cribs with stationary or drop-side construction, as published in the *Federal Register* on November 25, 2008.

The AAP strongly recommends that the CPSC update and improve the crib safety standards by mandating the ASTM crib standards for all full size and non-full size cribs, as well as improving the requirements regarding drop-side crib systems and assembly instructions. Since September 2007, the CPSC has recalled over six million cribs due to failures related to hardware, wooden slats, and other issues. The existing mandatory and voluntary crib standards that establish required dimensions, spacing of components, mattress support systems, crib-side performance and warning systems have made great strides in preventing many deaths and injuries. Still, it is clear that the performance requirements must be strengthened to prevent further injuries and death associated with poorly constructed and manufactured drop-side and stationary cribs.

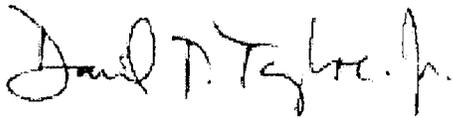
In addition to incorporating the current voluntary ASTM standard, the new mandatory standard should establish adequate performance requirements addressing a variety of issues related to crib systems and their hardware. CPSC's own investigations have shown that drop-side cribs are most likely to experience hardware problems due to their additional moving parts and non-rigid connections, compared to static or non-drop side cribs. The drop-side corners may disengage from the tracks located on the crib ends or safety stops may become nonfunctional, permitting the drop-side to detach from the crib. On all types of cribs, issues have been found with bolted connections loosening, gluing problems, and screw-to-metal insert failures. Wood quality and strength should also be examined, particularly because cribs may be used over many years by multiple children. Mattress fit should be examined to ensure that dangerous gaps do not exist between the mattress and crib frame. These types of defects may go undetected by parents or caregivers, and many worsen during the normal use and abuse of cribs over time.

Assembly instruction issues should also be addressed in the mandatory standards. Improving labeling and assembly instruction requirements will provide parents with the necessary information to construct a crib properly, with the minimum possibility of error or confusion. Finally, warning labels for cribs and mattresses should be reviewed and updated or improved as appropriate.

Cribs are designed for a parent or caregiver to leave a baby unattended safely for hours at a time. Unfortunately, some cribs may pose a serious threat to a child's health and safety, thereby negating their intended purpose. Parents deserve the confidence to know the cribs they purchase are held to the highest safety standards possible. The AAP has worked strenuously to reduce injuries and deaths from unsafe cribs by establishing guidelines for parents to use in evaluating these products and fully supports CPSC's efforts to strengthen crib standards.

In closing, the AAP appreciates the opportunity to share our support for strengthening safety standards for full size and non-full size cribs. If the AAP may provide further assistance or information, please contact Cindy Pellegrini in the Academy's Washington Office at 202/347-8600.

Sincerely,



David T. Tayloe, Jr., MD FAAP
President

DTT:km

American Academy of Pediatrics

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Facsimile Cover Page

To: Todd Stevenson
Secretary, Consumer Product Safety
Commission

Company: Consumer Product Safety Commission

Phone:

Fax: 301/504-0127

From: Kristen Mizzi
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Fax: 202/393-6137

Date: 1/26/2009

**Pages including this
cover page: 3**

Comments:



January 26, 2009

Office of the Secretary
 Consumer Product Safety Commission
 Room 502
 4330 East-West Highway
 Bethesda, MD 20814

RE: JPMA Comments on Section 104 Crib Safety Hazards

The Commission is required by Section 104 of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”) to examine and assess, in consultation with consumer groups, juvenile product manufacturers, and independent child product engineers and experts, the voluntary standards for juvenile products commencing one year from enactment (by August 14, 2009) and to consider revisions to existing mandatory regulations and/or adoption of new regulations. This consumer safety specification ASTM F-1169 and ASTM F-406 addresses crib and non-full size crib safety in a much more extensive manner than the existing mandatory crib safety regulations at 16 CFR 1508. The ASTM standard relies upon a consensus standard setting process which analyzes existing accident data that were previously identified by the U.S. Consumer Product Safety Commission (CPSC). Previously, CPSC received reports of strangulation incidents associated with crib corner post extensions and incidents concerning failure of crib hardware and other structural components of cribs that also resulted in fatalities. In response to the accident data collected by the CPSC, the development of ASTM consumer safety specifications to minimize the risk of injury or death due to: failure of mattress support hardware, failure of glued or bolted connections, drop side latch failure, and dislodgment of teething rails and dynamic performance requirements for the structural integrity of cribs. The ASTM safety specifications also address incidents associated with poor maintenance or assembly by means of requirements of the contents of instructional literature that must accompany a crib.

ASTM Dynamic Performance Standards Are More Comprehensive than existing CPSC Full Size Crib Regulations

The Commission has issued mandatory standards under the Federal Hazardous Substances Act (FHSA) for both full-size cribs and non-full-size baby cribs (16 CFR 1508 and 1509 respectively). A full-size crib is defined at 16 CFR 1508 as a bed designed to provide sleeping accommodations for an infant and used in the home, with the following interior dimensions: 71 1.6 centimeters (28 5/8 inches) wide by 133 1.6 centimeters (52 3/8 5/8 inches) long. In addition, a non-full-size crib is defined at 16 CFR 1509 with the same wording as a full-size crib, but with dimensions that are either greater or smaller than the ones contained in 16 CFR 1508. The regulation specifically excludes mesh/net/screen cribs, non-rigidly constructed cribs, cradles, car beds, baby baskets, and bassinets. However, these regulations are inadequate in their scope and comprehensiveness when compared to ASTM F-1169 and ASTM F-406 which also establish more extensive performance requirements and test procedures to assure the structural integrity of cribs. They also contain design requirements addressing entanglement on crib corner post

extensions, dynamic testing for hardware and structural integrity, requirements for warning labels and instructional material. In addition such standards incorporate by reference mandatory requirements at 16 CFR 1303 (Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint), 16 CFR 1500.50–.52 (Test Methods for Simulating Use and Abuse of Toys and Other Articles Intended for Use by Children), (16 CFR 1501 Method for Identifying Toys and Other Articles Intended for Use by Children Under Three Years of Age Which Present Choking, Aspiration or Ingestion Hazards Because of Small Parts) and the 16 CFR 1508 Requirements for Full-Size Baby Cribs.

ASTM F-1169 Sections 3, 4.5, 6, 7, Parts of Section 8, 9 and 10 should be subject to a Notice of Proposed Rulemaking as amendments and additions to 16 CFR 1509. In addition Sections *5.4 Corner Posts, 6.1 Mattress Support System Vertical Impact Test Requirements, 6.2 Crib Side Test Requirements, 6.4 Crib Side Latch Test Requirements, and 6.5 Plastic Teething Rail Test requirement* provisions should be expressly included as part of 16 CFR 1508, et. seq. In addition the specific test requirements at *7.1 Mattress Support System Vertical Impact Test, 7.2 Crib Side Test, 7.2.4 Procedure for Drop Side Cyclic Test, 7.2.5 Drop Side Static Test, 7.2.6 Stationary Side Cyclic Test, 7.2.7 Stationary Side Static Test, 7.4 Crib Side Latch Test, 7.4.4 Drop Side Latch Test, 7.4.5 Folding Side Latch Test, and 7.5 Plastic Teething Rail Test* should also be included in an amendment to the existing mandatory full size crib regulations. Certain instructional and Crib Warnings at Sections 8.3 and 8.4 should also be considered as part of such rulemaking.

In addition the following dynamic performance or testing provisions of ASTM F-406 should be incorporated into the mandatory non-full size crib standard at 16 CFR 1509 et. seq.:

Scissoring, Shearing, or Pinching 5.7, Latching and Locking Mechanisms 5.9, Openings 5.10, Protective Components 5.11, Labeling 5.12, Stability 5.13, Cord Length 5.14 Coil Springs 5.15 Mattress 5.17 Protrusions 5.18, Performance Requirements for Rigid Sided Units 6 Vertical Impact Testing 6.2, Mattress Support Testing 6.2.1, Side or End Testing, or Both 6.2.2 Mattress Support System Testing 6.3, Side(s) or End(s) Latch Testing, or Both 6.4 Dropsied Latch Testing 6.4.1, Foldable Side or End Latch Testing 6.4.2 Plastic Teething Rail 6.5 Performance Requirements for Mesh/Fabric Units 7, Height of Sides 7.1, Side Deflection and Strength 7.2, Floor Strength 7.3, Top Rail Covering Material 7.4, Mesh Requirements 7.5, Mesh Openings 7.5.1, Mesh Strength 7.5.2, Fabric Material Requirements 7.6, Fabric Strength 7.6.1 Mesh/Fabric Assembly Requirements 7.7, Sewn Assembly 7.7.1, Seam Strength 7.7.2, Mesh/Fabric Attachment Strength 7.7.3, Test Methods 8, Mattress Support Impact Test for Rigid Sided Cribs 8.1, Side or End Impact Test, or Both, for Rigid Sided Cribs 8.2, Dropsied Impact Test 8.2.2, Dropsied Static Test 8.2.3, Stationary Side or Foldable Side Impact Test 8.2.4, Stationary Side or Foldable Side Static Test 8.2.5, Mattress Support System Test for Rigid Sided Cribs 8.3, Side or End Latch Test, or Both, for Rigid Sided Cribs 8.4, Test Method for Dropsied Latch 8.4.2, Procedure for Vertical Dropsied Latch Tests 8.4.3, Procedure for Horizontally Hinged Dropsied Latch Test 8.4.4, Test Procedure for Latches to Prevent Folding of a Foldable Side or End 8.4.5.

It is uncontroverted that these ASTM standards provisions have been extremely effective at reducing risks to infant occupants in full and non-full size cribs and merit consideration for

incorporation in a proposed amendment to the existing mandatory safety requirements applicable to such products.

CPSC Should Embark on a Comprehensive, as Opposed to Piecemeal Rulemaking Process

CPSC staff has noted that because of the amount of information necessary to address the range of technical issues involved in evaluating the hazards posed by cribs, and the amount of time needed by CPSC staff to evaluate that information prior to the Commission issuing a notice of proposed rulemaking under section 104(b) (1) (B), the Commission is using this ANPR as part of the consultation process. CPSC staff has further commented that the issuance of the ANPR seeking additional comments does not begin the rulemaking process for full size and non-full-size cribs mandated by section 104(b) (1) (B) of the CPSIA, which will be done when the Commission determines to do so according to its priorities and resources. However, based upon the list of information sought it appears that the CPSC staff is too narrowly focusing its effort on collecting information on hardware attachments for drop side crib designs and wood slat performance. As noted above the existing ASTM standards have been remarkably effective at reducing fatalities related to crib use. The failure to acknowledge and incorporate such data as a basis for adoption and incorporation of such effective requirements should be addressed as part of an overhaul of the existing Mandatory full size and non-full size crib regulations. Such information should have been included in the ANPR. On March 21, 2007 CPSC Acting Chair Nancy Nord specifically noted that there had been a remarkable “89 percent reduction in crib related deaths”¹. In addition comparative data on entrapment and suffocation risks related to non use of full and non-full size cribs should have been solicited for comparative risk analysis². Any fatality is tragic, but the cited documents referenced in the briefing package do not clearly delineate fatalities related to hardware failure and fatalities related to misuse or non-use of crib hardware in the reassembly and reasonable maintenance of cribs subject to repeated re-assembly, which apparently accounted for a predominance of the 29 fatalities referenced over a dozen year period. In addition the age and condition of the cribs involved was conspicuously absent from the briefing package. This is significant since as the ANPR did note: “Missing, damaged or broken hardware can result in the partial separation of a crib component from the rest of the crib. This can generate gaps that may allow an infant’s body to pass through and trap the infant at the head or neck, resulting in strangulation deaths”. Any such analysis should have requested comments on ways to ensure that cribs are not re-assembled with makeshift, missing or damaged hardware and ways to better educate consumers about such hazards. In addition consideration of additional dynamic performance testing of drop side hardware in addition to the demonstrably effective side rail testing already incorporated into the current ASTM standards, needs to be realistic and not result in destruction of the structural components of the crib to which such hardware is attached. Under these circumstances, CPSC should embark on a comprehensive, as opposed to a piecemeal rulemaking process.

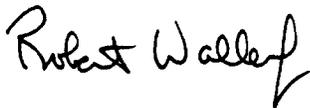
¹ Testimony of the Honorable Nancy A. Nord, Acting Chairman, Submitted to the Senate Subcommittee On Consumer Affairs, Insurance and Automotive Safety, March 21, 2007

² PEDIATRICS Vol. 105 No. 3 March 2000, pp. 650-656 AMERICAN ACADEMY OF PEDIATRICS:
Changing Concepts of Sudden Infant Death Syndrome: Implications for Infant Sleeping Environment and Sleep Position

Consideration of Additional Standards

As the staff undertakes consideration of additional alternatives, such as additional dynamic performance test criteria, restricting dimensions of drop sides altogether, or other structural integrity requirements The Juvenile Products Manufacturers Association (JPMA) believes it's important to consider the risks incurred by caregivers in relation to the benefit afforded. Prior to developing standards that reduces consumer choice and potentially increase cost to consumers, the Commission staff needs to undertake a comprehensive risk benefit analysis. Without any specific proposals being presented by CPSC staff at this time, JPMA reserves the right to file supplemental comments on specific proposals. As the CPSC considers additional international standards, we urge the Commission staff to undertake a harmonized approach to revisions to the regulations. JPMA is currently reviewing The British Standards Institute (BSI) and Canadian crib standards with a review towards harmonization, to extent reasonable and hazard based. JPMA recognizes that the existing ASTM standards are more comprehensive and effective than current mandatory regulations at 16 CFR 1508 and 1509 and urges the Commission first and foremost to consider amending such regulations to include those dynamic performance requirements that are effective. A natural extension of such process will likely be enhancement of dynamic performance requirements also focused on drop side hardware and material integrity, based upon testing that verifies clear delineable benefits. With an 89% reduction in infant fatalities attributable to improvements which are the direct result of such standards, the CPSC staff is urged to use such requirements as a blueprint for overhauling the mandatory full size and non-full size standards.

Respectfully submitted,



Robert Waller, Jr., CAE
President
(856) 642-4402

Stevenson, Todd

From: Yarissa Reyes [yreyes@ahint.com]
Sent: Monday, January 26, 2009 2:08 PM
To: Crib ANPR
Subject: Comments on Section 104 Crib Safety Hazards
Attachments: CPSIA Section 104 Comments-Crib Safety Hazards.doc

To Whom It May Concern:

Attached please find comments from the Juvenile Products Manufacturers Association on Section 104 of the CPSIA-Crib Safety Hazards.

Respectfully Submitted,

The Juvenile Products Manufacturers Association (JPMA)
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***Consumers Union * Consumer Federation of America*
* Kids In Danger * Keeping Babies Safe *
* U.S. Public Interest Research Group ***

January 26, 2008

Office of the Secretary
Consumer Product Safety Commission
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Comments of Consumers Union, Consumer Federation of America, Kids In Danger, Keeping Babies Safe and the U.S. Public Interest Research Group to the U.S. Consumer Product Safety Commission on Options to Address Crib Safety Hazards: Advanced Notice of Proposed Rulemaking

Introduction

Consumers Union of U.S., Inc. (CU), Consumer Federation of America (CFA), Kids In Danger, Keeping Babies Safe and the U.S. Public Interest Research Group (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter (“Advanced Notice of Proposed Rulemaking” or “ANPR”).¹

Section 104(b)(1)(A) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314, August 14, 2008, “requires the Commission in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, [to] examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products.” The Commission published this ANPR in order to commence the consultative process with stakeholders to examine and assess the effectiveness of the voluntary standards for full size and non-full size cribs. We submit these comments in response to CPSC’s ANPR. We also encourage the Commission to comply with section 104(b)(1)(A) of the CPSIA by holding a series of in-person meetings with stakeholders invested in crib and child safety.

¹ “Options to Address Crib Safety Hazards; Advance Notice of Proposed Rulemaking; Request for Comments and Information” 73 Fed. Reg. 71570 (November 25, 2008).

The need for stronger crib standards

Since September 2007, 4.13 million full size cribs have been recalled. Most of those cribs were certified by the Juvenile Products Manufacturers Association, indicating compliance with the ASTM standard for full-size cribs, which includes the mandatory federal standards as well. While several of the cribs were recalled for clear violations of the standards (side height requirement violations and lead paint exceeding 600ppm), most were recalled for hardware or structural failures. For the purposes of this ANPR, we will focus on drop side hardware issues, but it should be noted that other hardware issues and structural integrity of slats and other wooden parts also need to be addressed in a mandatory standard.

We agree with the Commission staff that there are not adequate performance requirements in either the mandatory or ASTM voluntary standards pertaining to: (1) the durability of drop-side systems and related hardware, (2) the durability of other crib hardware, (3) wood strength or quality, and (4) the hazards that can result from incorrect assembly.

We believe crib manufacturers and importers will be best able to answer market data questions and those regarding manufacturing costs. Therefore, we will focus our comments on the benefits of various alternatives, household data/information and incident data.

Benefits of Alternatives

One alternative to requiring stronger testing for drop side cribs is to ban drop sides altogether. Requiring all cribs to have four stationary sides would eliminate the hazards of drop sides and related hardware, both in cases where they fail and in situations when the side is left down. However, drop side cribs are a popular option for many parents; in particular, shorter caregivers, and those with back problems or other disabilities. So while some safety organizations advise parents to consider stationary side cribs to avoid drop side problems, rigorous testing is still needed for those in the marketplace. In addition, in failure incidents, drop sides, mattress supports and even stationary sides hardware fail in similar ways and more stringent testing would reduce all the failure modes.

Testing considerations and current standards

In drafting a stronger mandatory standard to address hardware failures, we urge CPSC to consider all current test methods in other standards, including crib standards from Underwriters Laboratories (UL) developed in 2001, British Standards Institute (BSI), Health Canada, and the International Organization for Standardization (ISO), as well as retailers' internal testing methods that have been shared with CPSC (such as those from Toys"R"Us). The UL standard was developed with input from many parties and appears to be the most rigorous

standard currently available – exactly what is needed to stop the myriad failures we see in the field.

The current ASTM standard (ASTM F 1169) is too weak to adequately protect children from unsafe cribs. Almost all the recent recalls from CPSC were tested to this standard and yet failed while in use. The ASTM subcommittee on full-size cribs has been discussing hardware failures for at least 10 years, with no substantive changes to the standard. CPSC cannot merely rely upon this standard for the substance of its mandatory standard due to the many limitations of this standard, including inadequacies documented by CPSC's staff, such as: inadequate performance requirements pertaining to the durability of drop-side systems and related hardware, inadequate performance requirements pertaining to the durability of other crib hardware systems, inadequate requirements pertaining to assembly hazards, and inadequate performance requirements pertaining to wood strength or quality.

One of the most important provisions to include in a CPSC mandatory crib standard is a durability test which is sometimes called a "racking test." This test includes moving the crib and applying forces that more accurately imitate a child in a crib for longer periods of time. This test mimics shaking the crib in a way that might loosen hardware or stress plastic parts. CPSC should also consider banning plastic hardware as part of the drop side mechanism or adding a stress test for parts since these parts have been shown to break, deform, or fall out completely during normal use of the crib.

Household data and crib usage

In addition, CPSC should utilize the Commission's internal human factors and research staff as well as other available experts to study more thoroughly how cribs are shipped, assembled, used, disassembled and transported once they leave the manufacturer. Information about post manufacturing processes will lead not only to better testing methods that will more closely mimic real use, but also will lead to information supporting material requirements, assembly parameters, warnings, and instruction guidelines that may be needed to protect against improper assembly and other factors in failures. It should come as no surprise that new parents may not assemble a crib in the same way as the engineer who designed the product.

Real-world factors must be considered in the drafting of a new mandatory standard. Importantly, many, if not most, cribs are used for more than one child. Cribs are often kept in the family and used for siblings, given to friends or family members for another child to use, sold at garage sales or donated to charity. Even cribs that convert into toddler beds are often reconverted into cribs later for a subsequent child or are given away or sold for use as both a crib and toddler or twin bed. Cribs used only by one child may be disassembled and reassembled while moving, changing rooms or simply installing new carpeting or other household

maintenance. Design, manufacturing and testing should take all of these foreseeable circumstances into consideration. For example, if convertible cribs are not meant to be reassembled as cribs after being used as a toddler or other size bed, then that conversion should be made impossible by the design.

Incident data

CPSC should review all incident data it has obtained, but should also use Internet and survey research to obtain a full and realistic picture of the scope of hardware and drop side failures. Some incident reports available through CPSC show that parents attempt to fix problems themselves rather than report them as a failure. It can be assumed, therefore, that the incident data CPSC has obtained is merely the tip of the iceberg. Either people are not reporting breakage, are attempting do-it-yourself fixes, or are not aware of the breakage. One recent news program in the Chicago area illustrates this point. One of the two families interviewed discovered only after the recall announcement that their crib had broken slats, hidden behind bumper pads.

We applaud the strong language in the ANPR calling for stronger standards and look forward to working closely with CPSC's staff to develop a standard that will provide the assurance parents need that their children will be safe in their cribs.

Respectfully submitted,

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Stevenson, Todd

From: Nancy A. Cowles [nancy@kidsindanger.org]
Sent: Monday, January 26, 2009 4:42 PM
To: Crib ANPR
Subject: Comments on CPSC Crib ANPR
Attachments: Crib CPSC ANPR comments.doc

Please find our comments below and attached.

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Kids In Danger is a nonprofit organization dedicated to protecting children by improving children's product safety. Learn more at www.KidsInDanger.org. Read what's new at our [KID Blog](#).

Raise money for Kids In Danger by searching the Internet or shopping online with GoodSearch - www.goodsearch.com - powered by Yahoo!



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Consumers Union * Consumer Federation of America
*** Kids In Danger * Keeping Babies Safe ***
*** U.S. Public Interest Research Group ***

January 26, 2008

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Comments of Consumers Union, Consumer Federation of America, Kids In Danger, Keeping Babies Safe and the U.S. Public Interest Research Group to the U.S. Consumer Product Safety Commission on

Options to Address Crib Safety Hazards: Advanced Notice of Proposed Rulemaking

Introduction

Consumers Union of U.S., Inc. (CU), Consumer Federation of America (CFA), Kids In Danger, Keeping Babies Safe and the U.S. Public Interest Research Group (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter (“Advanced Notice of Proposed Rulemaking” or “ANPR”).¹¹

Section 104(b)(1)(A) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314, August 14, 2008, “requires the Commission in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, [to] examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products.” The Commission published this ANPR in order to commence the consultative process with stakeholders to examine and assess the effectiveness of the voluntary standards for full size and non-full size cribs. We submit these comments in response to CPSC’s ANPR. We also encourage the Commission to comply with section 104(b)(1)(A) of the CPSIA by holding a series of in-person meetings with stakeholders invested in crib and child safety.

The need for stronger crib standards

Since September 2007, 4.13 million full size cribs have been recalled. Most of those cribs were certified by the Juvenile Products Manufacturers Association, indicating compliance with the ASTM standard for full-size cribs, which includes the mandatory federal standards as well. While several of the cribs were recalled for clear violations of the standards (side height requirement violations and lead paint exceeding 600ppm), most were recalled for hardware or structural failures. For the purposes of this ANPR, we will focus on drop side hardware issues, but it should be noted that other hardware issues and structural integrity of slats and other wooden parts also need to be addressed in a mandatory standard.

We agree with the Commission staff that there are not adequate performance requirements in either the mandatory or ASTM voluntary standards pertaining to: (1) the durability of drop-side systems and related hardware, (2) the durability of other crib hardware, (3) wood strength or quality, and (4) the hazards that can result from incorrect assembly.

We believe crib manufacturers and importers will be best able to answer market data questions and those regarding manufacturing costs. Therefore, we will focus our comments on the benefits of various alternatives, household data/information and incident data.

Benefits of Alternatives

One alternative to requiring stronger testing for drop side cribs is to ban drop sides altogether. Requiring all cribs to have four stationary sides would eliminate the hazards of drop sides and related hardware, both in cases where they fail and in situations when the side is left down. However, drop side cribs are a popular option for many parents; in particular, shorter caregivers, and those with back problems or other disabilities. So while some safety organizations advise parents to consider stationary side cribs to avoid drop side problems, rigorous testing is still needed for those in the marketplace. In addition, in failure incidents, drop sides, mattress supports and even stationary sides hardware fail in similar ways and more stringent testing would reduce all the failure modes.

Testing considerations and current standards

In drafting a stronger mandatory standard to address hardware failures, we urge CPSC to consider all current test methods in other standards, including crib standards from Underwriters Laboratories (UL) developed in 2001, British Standards Institute (BSI), Health Canada, and the International Organization for Standardization (ISO), as well as retailers' internal testing methods that have been shared with CPSC (such as those from Toys"R"Us). The UL standard was developed with input from many parties and appears to be the most rigorous standard currently available – exactly what is needed to stop the myriad failures we see in the field.

The current ASTM standard (ASTM F 1169) is too weak to adequately protect children from unsafe cribs. Almost all the recent recalls from CPSC were tested to this standard and yet failed while in use. The ASTM subcommittee on full-size cribs has been discussing hardware failures for at least 10 years, with no substantive changes to the standard. CPSC cannot merely rely upon this standard for the substance of its mandatory standard due to the many limitations of this standard, including inadequacies documented by CPSC's staff, such as: inadequate performance requirements pertaining to the durability of drop-side systems and related hardware, inadequate performance requirements pertaining to the durability of other crib hardware systems, inadequate requirements pertaining to assembly hazards, and inadequate performance requirements pertaining to wood strength or quality.

One of the most important provisions to include in a CPSC mandatory crib standard is a durability test which is sometimes called a "racking test." This test includes moving the crib and applying forces that more accurately imitate a child in a crib for longer periods of time. This test mimics shaking the crib in a way that might loosen hardware or stress plastic parts. CPSC should also consider banning plastic hardware as part of the drop side mechanism or adding a stress test for parts since these parts have been shown to break, deform, or fall out completely during normal use of the crib.

Household data and crib usage

In addition, CPSC should utilize the Commission's internal human factors and research staff as well as other available experts to study more thoroughly how cribs are shipped, assembled, used, disassembled and transported once they leave the manufacturer. Information about post manufacturing processes will lead not only to better testing methods that will more closely mimic real use, but also will lead to information supporting material requirements, assembly parameters, warnings, and instruction guidelines that may be needed to protect against improper assembly and other factors in failures. It should come as no surprise that new parents may not assemble a crib in the same way as the engineer who designed the product.

Real-world factors must be considered in the drafting of a new mandatory standard. Importantly, many, if not most, cribs are used for more than one child. Cribs are often kept in the family and used for siblings, given to friends or family members for another child to use, sold at garage sales or donated to charity. Even cribs that convert into toddler beds are often reconverted into cribs later for a subsequent child or are given away or sold for use as both a crib and toddler or twin bed. Cribs used only by one child may be disassembled and reassembled while moving, changing rooms or simply installing new carpeting or other household maintenance. Design, manufacturing and testing should take all of these foreseeable circumstances into consideration. For example, if convertible cribs are not meant to be reassembled as cribs after being used as a toddler or other size bed, then that conversion should be made impossible by the design.

Incident data

CPSC should review all incident data it has obtained, but should also use Internet and survey research to obtain a full and realistic picture of the scope of hardware and drop side failures. Some incident reports available through CPSC show that parents attempt to fix problems themselves rather than report them as a failure. It can be assumed, therefore, that the incident data CPSC has obtained is merely the tip of the iceberg. Either people are not reporting breakage, are attempting do-it-yourself fixes, or are not aware of the breakage. One recent news program in the Chicago area illustrates this point. One of the two families interviewed discovered only after the recall announcement that their crib had broken slats, hidden behind bumper pads.

We applaud the strong language in the ANPR calling for stronger standards and look forward to working closely with CPSC's staff to develop a standard that will provide the assurance parents need that their children will be safe in their cribs.

Respectfully submitted,

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^[1] "Options to Address Crib Safety Hazards; Advance Notice of Proposed Rulemaking; Request for Comments and Information" 73 Fed. Reg. 71570 (November 25, 2008).

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January 26, 2009

TO: Office of the Secretary,
Consumer Product Safety Commission
4330 East West Highway, Bethesda,
Maryland 20814

Subject: ANPR for Options to Address Crib Safety Hazards

I am writing in reference to the recent Advance Notice of Proposed Rulemaking (ANPR) for Options to Address Crib Safety Hazards released November 18, 2008 to obtain data to help in the development of a mandatory regulation as required by section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA).

ASTM Subcommittee F15.18 on Cribs, Toddler Beds, Play Yards, Bassinettes, Cradles, and Changing tables has been actively engaged in developing voluntary consensus standards to address issues related to crib safety since 1988 and have published ASTM F1169-07 *Standard Specification for Full-Size Baby Crib* and F406-08a *Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards*. These standards are living documents that have been frequently modified and improved to address emerging hazards and new products that come to market, often with the direct participation and input from the CPSC staff. These standards are

widely accepted and are included as a part of the Juvenile Product Manufacturers Association (JPMA) certification program.

The November 18 ANPR identifies several areas of concern with the current ASTM standards for Cribs and Play Yards including the Durability of Crib Hardware, Drop Side Stresses, Assembly Hazards, Wood Quality and other issues. Many of these issues have been discussed in various working sessions of our committee and the process to develop consensus solutions to address these important topics is underway. It is my understanding that representatives from JPMA, who have been very active in the effort to address these issues, are in the process of updating CPSC staff on several suggested modifications that they intend to propose to the full F15.18 subcommittee as improvements to F1169 and F406. These proposals, if deemed to address the issues highlighted in the ANPR by the CPSC staff, will be presented to the subcommittee and entered into our balloting process so that the existing standards can be updated.

We encourage CPSC Staff to remain engaged and assist us in making the necessary modifications to address the issues identified to the existing voluntary standards that have already been widely accepted in the industry and are part of a highly regarded certification program. Once these existing standards are modified, we recommend that the Commission propose that substantive performance requirements in F1169 and F406 be considered and incorporated by reference to the existing full size crib standard at 16 CFR 1508 in a future rulemaking to satisfy the requirement in section 104 of (CPSIA); rather than embarking on a separate, independent effort to develop a new mandatory rule to address these topics that will expend Commission resources in a duplication of effort that will likely result in increased confusion in the marketplace.

Please feel free to contact me or Len Morrissey at ASTM International (610-832-9719 / lmorris@astm.org) if you have any questions or if we can be of any assistance.

Sincerely

William Suvak, Chairman
ASTM Subcommittee F15.18

cc: K. Pilarz, F15 Chairman
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