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United States Senate

WASHINGTON, DC 20510 - 3505

September 29, 2014

Elliot F. Kaye
Chairman
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Kaye:

I am concerned about the lack of a mandatory performance standard for crib bumpers in the United States. While I appreciate the work the U. S. Consumer Product Safety Commission (CPSC) has done to ensure products sold in the U.S., such as cribs, are safe for infants and children, more must be done to protect babies while they sleep. I urge the CPSC to expedite its review of this issue and consider promulgating a clarifying standard to help protect infants and children from unsafe sleep environments.

According to a study published in the *Journal of Pediatrics* using CPSC data, between 1985 and 2005 there were 27 cases of infant death that involved soft crib bumpers in some capacity.¹ Currently, the CPSC advocates a "bare is best" approach to crib bedding.² Safety Alerts on the Commission's website recommend that parents and caregivers "remove pillows, quilts, comforters, sheepskins, pillow-like stuffed toys, and other soft products from the crib."³ Unfortunately, the CPSC's safety recommendations for crib bedding are not supported by any mandatory performance standards, and soft bedding remains a significant risk factor for Sudden Infant Death Syndrome (SIDS).⁴

The potential hazard of unregulated crib bumpers and other forms of soft bedding has not only been recognized by physicians, but also by the juvenile products industry itself. In May 2012, the Juvenile Products Manufacturers Association (JPMA) petitioned the CPSC for "a performance standard to distinguish and regulate hazardous pillow-like crib bumpers from non-hazardous traditional crib bumpers" and requested the CPSC to initiate rulemaking to establish a performance

¹ Bradley T. Thach, George W. Rutherford Jr., & Kathleen Harris, *Deaths and Injuries Attributed to Infant Crib Bumper Pads*, 151 THE J. OF PEDIATRICS 271-274 (2007).

² *Soft Bedding Can Be Hazardous to Babies 'Bare is Best'*, CONSUMER PRODUCT SAFETY COMMISSION (2013) available at <http://www.cpsc.gov/PageFiles/112732/5049.pdf>.

³ *Id.*

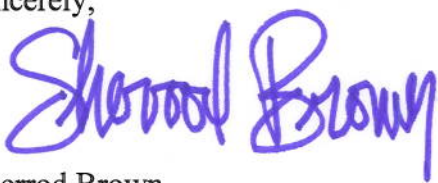
⁴ *Bed Sharing with Siblings, Soft Bedding, Increase SIDS Risk*, NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT (2003) available at <http://www.nih.gov/news/pr/may2003/nichd-05.htm> (finding that soft bedding sharing a bed with somebody else are both risk factors for SIDS).

standard for these products.⁵ On August 13, 2012, the American Society for Testing and Materials (ASTM) International announced the publishing of F1912-12, an enhanced voluntary infant bedding standard that includes requirements for infant bedding and new requirements for crib bumpers. However, more than two years later, there has been little to no movement on behalf of the CPSC to evaluate the current ASTM standard and enact mandatory rulemaking. It is time for the CPSC to prioritize a clarifying standard.

In light of the Commission's own data and the JPMA's petition, I urge the CPSC to work with the ASTM, the JPMA, physicians, and other child safety experts to: (1) establish a mandatory performance standard for crib bumpers, (2) increase public awareness efforts about safe sleep environments for infants and children, and (3) encourage the development and implementation of a clarifying standard for crib bumpers and clear warning statements that support consumer education and choice.

By working together, we can ensure that adequate safeguards remain in place to protect infants and children from serious injury or death while sleeping. Thank you in advance for your consideration.

Sincerely,



Sherrod Brown
United States Senator

⁵ Michael Dwyer, *Petition Requesting a Performance Standard 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*, JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION (2012) available at <https://www.cpsc.gov/PageFiles/84404/JPMAbumper.pdf>.