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CHILDREN'S
PRODUCT
SAFETY

**Consumers
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POLICY & ACTION FROM
CONSUMER REPORTS

NJPIRG
Citizen Lobby



**NATIONAL CENTER FOR
HEALTH RESEARCH**
The Voice For Prevention, Treatment And Policy



July 14, 2017

Governor Chris Christie
Governor's Office
225 West State Street
Trenton, NJ 08625

Dear Governor Christie,

As leading consumer and public health organizations, Consumer Federation of America, Consumers Union, Keeping Babies Safe (KBS), Kids In Danger, National Center for Health Research, NJPIRG Citizen Lobby, and Public Citizen write to urge your support for S2616, an important bill that prohibits the sale of unsafe supplemental mattresses designed for children's products. Both Houses of the New Jersey legislature have passed this bill and we urge your support.

Specifically, the bill bans the sale of unsafe supplemental mattresses intended to be used by children in products such as non-full size cribs, portable cribs, play pens, and play yards.

Supplemental mattresses are mattresses that are sold individually, can be bought for use with the above products, and are advertised as safe. However, according to U.S. Consumer Product Safety Commission (CPSC) data analyzed by CPSC staff, from 2000 through 2016, at least 12 children died in incidents that conclusively involved these supplemental mattresses, with multiple other fatal incidents potentially involving the supplemental mattresses. The majority of the deaths involved a child being wedged between gaps created when the supplemental mattress was added to the play yard or portable crib.

The voluntary standard, ASTM F406-15, acknowledges the risk of injury or death associated with supplemental mattresses with a warning label telling parents not to use these mattresses, and

instructing consumers to only use the original mattress pad contained in the play yard package. It also provides that mattresses in children's products should meet certain standard consumer safety specifications, such as setting forth the allowable thickness of a mattress, selling a product with the mattress included, only using a mattress provided by the manufacturer, and including a warning about the risk of infant suffocation.

Seemingly in contradiction to these requirements and standards, supplemental mattresses continue to be marketed to consumers for use in portable cribs, play pens, and play yards and present a risk to babies of injury and death.

Our groups applaud bipartisan legislation in New Jersey that would finally ban the sale of supplemental baby mattresses in that state. The legislation A1139/S2616, which "prohibits sale of unsafe supplemental mattresses designed for children's products," has passed both the House and the Senate.

If the legislation is adopted, retailers caught selling supplemental mattresses would be fined up to \$10,000 for a first offense and up to \$20,000 for any subsequent offense. Additionally, there could be punitive damages and the awarding of treble damages and costs to the injured party.

Last year, Consumer Federation of America, Kids In Danger, and Consumers Union, among other organizations, expressed support for a Keeping Babies Safe petition that urged the CPSC to ban supplemental mattresses nationally due to the suffocation hazard they pose to infants. The groups continue to urge the CPSC to ban these mattresses or effectively address, through a mandatory standard, the risk of injury associated with the use of the mattresses.

Importantly, a number of retailers are working to stop selling supplemental mattresses due to the hazards they pose to children. Toys "R" Us, Sears, Kmart, Buy Buy Baby, Target, and Wayfair state that these products are never sold in their stores or online.

We urge you to immediately sign this bill into law to protect the infants and young children of New Jersey.

If you have any further questions about this legislation, please do not hesitate to contact Rachel Weintraub at Consumer Federation of America at (202) 939-1012 or rweintraub@consumerfed.org.

Thank you for your consideration.

Sincerely,

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