



December 13, 2016

Office of the Secretary  
Consumer Product Safety Commission  
4330 East West Highway, Room 820  
Bethesda, MD 20814

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Comments of Kids In Danger, Consumers Union, and Consumer Federation of America to the Consumer Product Safety Commission on the Proposed Rule for a Standard for Baby Changing Products (CPSC-2016-0023-0001)**

**Introduction**

Kids In Danger (KID), Consumers Union (CU), and Consumer Federation of America (CFA), (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter.<sup>1</sup>

**Background**

Section 104(b) (Danny’s Law) of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, 122 Stat. 3018 (“CPSIA”), requires the CPSC to promulgate consumer product safety standards for certain durable infant and toddler products. In this Notice of Proposed Rulemaking (“NPR”), the CPSC is seeking comment on its proposed safety standard for baby changing products. The proposed rule adopts the voluntary standard ASTM F2388-16, “Standard Consumer Safety Specifications for Baby Changing Tables for Domestic Use,” but with modified requirements for structural integrity, restraint system integrity, and warnings on labels and in instructional literature.<sup>2</sup>

**Recommendations**

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<sup>1</sup> “Safety Standard for Baby Changing Products,” Fed. Reg. 66881 (September 29, 2016).

<sup>2</sup> Id.

We support the staff recommendation to adopt ASTM F2388-16 with the additional requirements for structural integrity, restraint system integrity and warnings and instructions. Changing units are ubiquitous – with some now built into play yards, others available as accessories for cribs, and still others sold as traditional freestanding units. Babies use these products through a long period of developmental growth – from newborns with limited mobility to toddlers who can move quite freely and quickly. The product must allow safe usage throughout that time period.

The NPR describes 182 reported incidents involving changing units, including 5 fatalities and 30 injuries, occurring between January 1, 2005, and December 31, 2015, and reported to the CPSC through various reporting mechanisms. Additionally, CPSC staff identified 1,305 injuries reported in the National Electronic Injury Surveillance System (“NEISS”) records retrieved for changing unit incidents from January 1, 2005, to December 31, 2014. This extrapolates to 31,780 changing unit related injuries nationally. Seventy-five percent of the children were under one year old.

As might be expected, falls are a leading cause of injury on changing tables, and are involved in 94% of injuries reported in NEISS and 64% of nonfatal injuries reported through other methods.

We agree that the hazard patterns involved in these injuries and reports must be addressed through additional requirements on structural integrity, the integrity of the restraint system, and the language in warnings and instructions.

We support strengthening the requirements for hardware by prohibiting threaded fasteners on key structural elements and providing anti-loosening hardware or glue in manufacturer-installed threaded fasteners on these same key structural elements. This has been added to other durable infant and toddler product standards and proven effective.

We support adding testing requirements for restraint straps. While restraints are not required, they should perform as expected if included. Consumers rely on them for extra security when a baby is on the unit and should be able to count on them to work effectively.

We support the proposed rule’s additions to ASTM F2388-16’s warnings label content and placement sections. We agree that these changes will increase the potential impact of the warnings and help capture and maintain the caregiver’s attention. While warnings are the last resort for safety, it is important that when used, that they are clear, concise, and designed to be as effective as possible.

We support the changes recommended by the CPSC to the warnings to describe the fall and suffocation hazards and to list precise actions to avoid each hazard. As with other products intended for the care of infants, it is often not the purchaser or assembler of the product who is using it with the child, but relatives, other caregivers, and visitors to the home.

Our organizations encourage the CPSC to add pictograms to the warnings to more effectively convey the hazard and avoid language barriers that may minimize comprehension of these warning labels. Using the internationally recognized symbol of a red circle with a line through it, the CPSC could draft specific pictograms showing the hazardous conditions that have led to deaths and injuries such as an unattended child, sleeping child or other hazards.

We support the six-month effective date.

### **Conclusion**

Our organizations support the additional requirements for warnings and for structural and restraint system integrity in the proposed safety standard for baby changing products. We urge the CPSC to also consider the inclusion of pictograms to more fully convey the hazards addressed in the warnings.

Respectfully submitted,

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