



Consumer Federation of America

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Office of the Secretary
U.S. Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814
Via: cpsc-os@cpsc.gov and www.regulations.gov

Comments of Rachel Weintraub, Legislative Director and General Counsel with Consumer Federation of America to the U.S. Consumer Product Safety Commission regarding the Notice of Proposed Rulemaking of Ban of Crib Bumpers, CPSC Docket No. 2022-0024

Consumer Federation of America (CFA) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. CFA submits these comments in response to the U.S. Consumer Product Safety Commission's (CPSC) Notice of Proposed Rulemaking (NPR) regarding the Ban of Crib Bumpers.

CFA strongly supports the Safe Sleep for Babies Act (SSBA), which became law on May 16, 2022 and which requires that crib bumpers shall be considered a banned hazardous product under the Consumer Product Safety Act. The CPSC, in a separate notice, is seeking to terminate the pending rulemaking on crib bumpers and liners that the CPSC initiated under section 104 of the Consumer Product Safety Improvement Act. (CPSC Docket No. CPSC-2020-0010). The CPSC is now proposing to codify the ban on crib bumpers in the SSBA

Hazard

Crib bumpers *appear* to be common and harmless nursery items – they are available in the marketplace, are often depicted in crib advertisements, and are believed by parents to be necessary for comfort and safety in large part because of their availability and comments by salespeople in stores. Crib bumpers were created with the intent to keep children safe from falling out of the crib or from getting caught in the rails. In reality, due to the strong crib safety standard and the lack of injuries caused by limb entrapment in cribs, there is no utility of crib bumpers, while the risks are significant. These products are not necessary and are dangerous.

Critically, crib bumpers can turn deadly when a baby's face becomes pressed against the bumper or wedged between the bumper and the crib side or mattress, resulting in suffocation. American Academy of Pediatrics (AAP) Safe Sleep Guideline require "placing babies alone, on their back, and on a flat, firm surface with no loose fabric or soft bedding nearby. Padded crib bumpers are not consistent with the AAP's Safe Sleep Guidelines. The availability of crib bumpers in the

marketplace is confusing to parents and contradicts AAP’s safety messages as well as the CPSC’s safe sleep message, “Bare is Best.”

Definitions

The Commission proposes codifying the definition of “crib bumper” used in the SSBA, which states that a “crib bumper” means “any material that is intended to cover the sides of a crib to prevent injury to any crib occupant from impacts against the side of a crib or to prevent partial or complete access to any opening in the sides of a crib to prevent a crib occupant from getting any part of the body entrapped in any opening.”¹ This definition includes “a padded crib bumper, a supported and unsupported vinyl bumper guard, and vertical crib slat covers; and does not include a non-padded mesh crib liner.”²

CFA strongly supports these definitions and supports this language. However, we have concerns about mesh liners. First, the product is not necessary. Second, placing anything other than a well fitted sheet on a crib mattress confuses parents understanding of and contradicts the meaning of “Bare is Best.” Third, while incident data is currently limited on mesh liners, we urge the CPSC to closely monitor incident data and take regulatory and/or enforcement action if needed.

Request for Comments

1. Effective Date

The SSBA includes that the effective date for its ban on crib bumpers shall be “not later than 180 days after enactment” of the Act which means not later than November 12, 2022. While we think this effective date is unnecessarily long, we certainly do not believe that the CPSC should make it any longer. The clear language of the statute should be implemented, and it is consistent with the 6-month implementation period included in the CPSC’s 2020 NPR.

2. Inventory

The SSBA states that its ban on crib bumpers applies to crib bumpers “regardless of the date of manufacture.” We appreciate the inclusion of this unambiguous language in the statute. We agree with the CPSC’s interpretation that crib bumpers manufactured before the effective date and crib bumpers manufactured or sold after the effective date are banned.

3. Testing and Certification

We hope that the consequence of the clear language of the SSBA will be to effectively ban crib bumpers, but since non-padded mesh crib liners are not within the scope of the SSBA’s ban, we urge the CPSC to require a certificate of conformity and testing to ensure that mesh liners will be securely attached to cribs so that they will not pose suffocation, fall, strangulation, or other hazards to infants. This should include use and abuse testing and other requirements for the attachment mechanisms and other elements of mesh crib liners. CPSC should engage in ongoing

¹ <https://www.govinfo.gov/content/pkg/FR-2022-07-26/pdf/2022-15906.pdf>

² <https://www.govinfo.gov/content/pkg/FR-2022-07-26/pdf/2022-15906.pdf>

data surveillance about these products to identify any emerging hazards as they potentially expand their market share.

Conclusion

CFA has consistently and strongly supported the SSBA. We urge the CPSC to finalize this rule as quickly as possible, to enforce it rigorously, and regulate mesh crib liners so that the impacts of this important source of law impact the marketplace as soon as the law allows.