

*** American Academy of Pediatrics * Consumer Federation of America *
* Consumer Reports * Kids In Danger * Public Citizen * U.S. PIRG Education Fund ***

April 13, 2020

The Honorable Robert S. Adler, Acting Chairman
The Honorable Elliot F. Kaye, Commissioner
The Honorable Dana Baiocco, Commissioner
The Honorable Peter A. Feldman, Commissioner
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Acting Chairman Adler and Commissioners Kaye, Baiocco, and Feldman:

Our coalition of medical and consumer organizations strongly urges the Consumer Product Safety Commission (CPSC) to finalize without delay its rule on infant sleep products proposed under section 104 of the Consumer Product Safety Improvement Act (CPISA).¹ One year ago, on April 12, 2019, Fisher-Price and the CPSC announced the recall of about 4.7 million Rock ‘n Play inclined sleepers. Since that time, there have been a number of additional recalls, but many inclined sleepers remain on the market and continue to place infants at a serious risk of death from suffocation.

To date, at least 92 infant deaths are linked to inclined sleepers, including at least 73 infant deaths reported to the CPSC and 19 additional infant deaths identified by Consumer Reports.² Finalizing a strong rule is essential to reduce confusion and help parents and caregivers across the country trust that the infant sleep products they buy and use for their babies are safe. A safety standard for infant sleep products must be strong enough to prevent the manufacture and sale of all inclined products with a back angle greater than 10 degrees that are intended or marketed for any duration of sleep, including those that refer to “napping,” “resting,” “snoozing,” or similar terms.³ In addition, we urge the CPSC to follow through on its stated intent to finalize a safety standard that keeps off the market other infant sleep products with known risks, including in-bed sleepers, which have been linked to infant deaths.⁴

Our organizations have persistently called for stronger measures to promote safe sleep environments for infants. For example, Consumer Reports has continued to investigate and report on the dangers associated with infant inclined sleepers and in-bed sleepers, and the American Academy of Pediatrics (AAP) has long urged people not to use infant inclined sleep products because they conflict with the organization’s evidence-based safe sleep recommendations.⁵ All of the undersigned organizations have pressed the CPSC for strong regulatory and compliance actions, commended the agency as it has taken steps forward, and submitted individual comments supporting the proposed safety standard for infant sleep products. We also have urged Congress to pass the Safe Sleep for Babies Act of 2019, which would ban infant inclined sleepers and crib bumper pads. The bill passed the U.S. House of Representatives in December 2019 and now awaits action by the U.S. Senate.⁶

We understand that the CPSC has been adapting to the COVID-19 pandemic and implementing related safety precautions, which is causing unavoidable delays for some of the agency's work; however, there is no reason to delay the final rule for infant sleep products given there is no additional research or testing that is needed for the CPSC to issue a strong and final mandatory safety standard. Dr. Erin M. Mannen's groundbreaking research,⁷ along with the 92 documented infant deaths linked to inclined sleepers and the AAP's safe sleep recommendations, clearly provide sufficient evidence to finalize a rule ensuring that infant sleep products with a back incline greater than 10 degrees are kept out of the marketplace. Similarly, the CPSC's proposal sufficiently documents how having strong mandatory standards in place for *all* infant sleep products, including in-bed sleepers, would further reduce the risk of injury associated with infant sleep products and minimize confusion for parents and caregivers on infant safe sleep best practices.

In summary, all infant sleep products should adhere to the strong, mandatory safety standards for bassinets, cribs, or play yards. This will protect children by preventing the manufacture and sale of products that inherently conflict with the American Academy of Pediatrics safe sleep recommendations -- which include that babies should be placed alone to bed on a firm, flat surface in their own space, with no extra bedding. The proposed rule for infant sleep products is critical to minimize the risk of future infant injuries and deaths in unsafe sleeping conditions. We urge the CPSC to finalize its proposed safety standard for infant sleep products without delay. The safety of babies across the country depends on it.

Sincerely,

American Academy of Pediatrics

Consumer Federation of America

Consumer Reports

Kids In Danger

Public Citizen

U.S. PIRG Education Fund

cc: Mary Boyle, Executive Director, CPSC
Joseph Martyak, Director of Communications, CPSC
John "Gib" Mullan, General Counsel, CPSC
Alberta Mills, Secretary, CPSC

¹ 15 U.S.C. 2056a; CPSC, *Safety Standard for Infant Sleep Products*, supplemental notice of proposed rulemaking, 84 Fed. Reg. 60949 et seq. (Nov. 12, 2019) (CPSC Docket No. 2017-0020-0010) (online at: www.federalregister.gov/d/2019-23724).

² CR, "New Evidence Shows More Infant Deaths Tied to Inclined Sleepers Than Previously Reported," (March 11, 2020) (online at: www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported).

³ This includes all inclined sleep products identified in the CPSC's proposal, including frame-type inclined sleep products, hammocks, compact inclined sleep products, and accessory inclined sleep products.

⁴ Letter from Celestine Kish, Project Manager, Infant Inclined Sleep Products, CPSC to Scott Lewis, Subcommittee Chairman for ASTM Bassinets and Cradles and Richard Rosati, Subcommittee Chairman for ASTM Infant Incline

Sleep Products, ASTM International (Dec. 12, 2019) (online at: www.regulations.gov/document?D=CPSC-2017-0020-0016); *see also* Joint letter from the AAP, Consumer Federation of America, CR, Kids In Danger, Public Citizen, and U.S. PIRG Education Fund urging the CPSC not to delay infant sleep rules (Jan. 22, 2020) (online at: www.regulations.gov/document?D=CPSC-2017-0020-0022); CR, “More Infant Sleep Products Linked to Deaths, a Consumer Reports Investigation Finds” (Oct. 21, 2019) (online at: www.consumerreports.org/child-safety/more-infant-sleep-products-linked-to-deaths).

⁵ AAP, “SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment” (Nov. 2016) (online at: pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf).

⁶ CFA, KID, CR, and Public Citizen, joint letter to House Committee on markup of product safety bills (July 16, 2019) (online at: advocacy.consumerreports.org/wp-content/uploads/2019/07/CFA-KID-CR-PC-to-House-EC-on-product-safety-bills-at-full-committee-markup-7-16-2019.pdf);

⁷ Mannen EM. Biomechanical Analysis of Inclined Sleep. Tab B of CPSC Staff Supplemental Briefing Package on Infant Sleep Products. 2019 (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts_10_16_2019.pdf#page=91) at PDF p. 154.