



POLICY & ACTION FROM  
CONSUMER REPORTS

**Comments of Consumers Union to the U.S. Consumer Product Safety Commission on the  
Public hearing: “Agenda and Priorities FY 2018 and/or 2019”**

**July 26, 2017**

**Presented by William C. Wallace, Policy Analyst**

On behalf of Consumers Union (CU), the policy and mobilization arm of Consumer Reports (CR),<sup>1</sup> thank you for the opportunity to testify about the CPSC’s agenda and priorities. Consumer Reports is an independent, nonprofit organization that works side by side with consumers to create a fairer, safer, and healthier world. We appreciate the chance to present our views to you on the Commission’s agenda and priorities for the next two fiscal years.

Throughout CR-CU’s history, our purpose of identifying marketplace hazards and improving product safety has always been a core part of who we are, and it remains just as important today. As our organization evolves to account for a new media landscape, new ways to interact with consumers, and new mechanisms for effecting change, we have bolstered our capabilities in recent months through major staff additions—including new senior leaders on policy advocacy, grassroots mobilization, and scientific integrity, and a new director of product safety. We also have developed an improved ability to line up activities across our organization to support policy and marketplace goals that serve consumers’ interests.

With this talented group joining our existing team of experts, we at CR-CU are well positioned to marshal our organization’s diverse capabilities for meaningful consumer impact. In carrying out our work, we assess safety risks, investigate their impact on consumers, and inform the public and the CPSC when we find unsafe products—all on a data-driven basis. We push for safety standards to protect consumers from the risk of injury, including both mandatory consumer product safety standards and voluntary industry standards that should be reached through an open, consensus-based process. We support and defend the critical role of the CPSC, not just for consumers, but also for the sake of a fair marketplace in which companies benefit if they meet their responsibilities for their products to be safe.

With these broader objectives in mind, we highlight several topic areas in the following comments that we hope the agency will emphasize in fiscal years 2018 and 2019. We determined these areas through consideration of numerous factors, including our analysis of injury data, the

---

<sup>1</sup> As the world’s largest independent product-testing organization, Consumer Reports uses its more than 50 labs, auto test center, and survey research center to rate thousands of products and services annually. Founded in 1936, Consumer Reports has over 7 million subscribers to its magazine, website, and other publications.

vulnerability of affected consumers, and the sufficiency of current safety protections. These topics are divided into four categories: (1) home hazards; (2) outdoor products; (3) infant and toddler products; and (4) chronic hazards. A fifth section addresses CPSC’s resources and other capabilities. We note that we discuss the product safety issues of greatest current concern to us—injuries and deaths from furniture tip-overs and carbon monoxide poisoning from portable generators—at the beginning of their respective categories.

## **Home hazards**

We urge the CPSC to prioritize several hazards that consumers can and do encounter around their home—or, in the case of some electronics, in their pocket—that are “hidden,” or that may be unknown or poorly understood while still posing a substantial risk.

### *Furniture and TV tip-overs*

We appreciate the agency’s work to improve public awareness of the hazard from furniture and television tip-overs. This includes the agency’s excellent “Anchor It!” campaign to encourage parents and caregivers to securely anchor furniture and TVs. However, the risk of injury or death to young children remains significant.<sup>2</sup> With approximately 33,100 emergency department-treated injuries and 489 fatalities per year associated with tip-overs,<sup>3</sup> and a child injured every 24 minutes, on average, as a result of a TV or furniture tip-over incident,<sup>4</sup> the Commission should use every tool at its disposal to ensure hazardous products are addressed in a manner that eliminates known risks.

We also look forward to working with the CPSC, our non-profit and public health partners, and all stakeholders to improve the voluntary industry standards covering the safety of clothing storage units. We are active members of the ASTM subcommittee F15.42 on furniture safety, and are exploring the best ways to evaluate these products. We have pressed for a stronger standard and have called on manufacturers to take more meaningful actions to improve the stability of their products—but we have not seen the kind of urgency and industry-wide accountability that consumers need. Accordingly, in the coming months, we plan to intensify our efforts related to tip-over hazards.

### *Carbon monoxide and smoke alarms*

According to the National Fire Protection Association, working smoke alarms increase the chance of surviving a fire by 50%, and between 2009 and 2013, fires in homes with no smoke alarms caused an average of 940 deaths per year (38% of home fire deaths). An additional 510 people per year (21% of home fire deaths) were fatally injured in fires in which smoke

---

<sup>2</sup> See “Chilling video of dresser tip-over illustrates dangers of unanchored furniture,” Consumer Reports (Jan. 3, 2017) (online at: [www.consumerreports.org/child-safety/dresser-tip-over-video-unanchored-furniture-dangers](http://www.consumerreports.org/child-safety/dresser-tip-over-video-unanchored-furniture-dangers)).

<sup>3</sup> CPSC, Product Instability or Tip-Over Injuries and Fatalities Associated With Televisions, Furniture, and Appliances: 2016 Report (online at: [www.cpsc.gov/Product-Instability-or-Tip-Over-Report-August-2016](http://www.cpsc.gov/Product-Instability-or-Tip-Over-Report-August-2016)).

<sup>4</sup> CPSC, “Anchor It!” (2015) (online at: [www.anchorit.gov](http://www.anchorit.gov)).

alarms were present but failed to operate.<sup>5</sup> According to the Centers for Disease Control and Prevention (CDC), during 2010–2015, a total of 2,244 deaths resulted from unintentional carbon monoxide (CO) poisoning, with 393 of those deaths occurring in 2015.<sup>6</sup>

Consumer Reports stresses the importance of installing and maintaining smoke and CO alarms, and looks forward to continuing to work with the CPSC to reduce deaths and injuries from fires and carbon monoxide poisoning in the home. Our most recent buying guide and ratings on these alarms—released online in August 2016—offer consumers comparative information about different products that we tested.<sup>7</sup> Additionally, in March 2017, Consumer Reports named three CO alarms purchased on Amazon and eBay as “Don’t Buy: Safety Risk” products because they failed critical performance tests and were not certified to meet the UL carbon monoxide alarm standard.<sup>8</sup> We reported our findings to the CPSC and to both retailers, which removed the products from their websites.

### *Liquid laundry packets*

The safety of liquid laundry detergent packets remains a significant problem—including, as a result of recent investigative work by Consumer Reports, the risks to adults with dementia.<sup>9</sup> With regard to the risks to young children,<sup>10</sup> the ASTM F3159-15 standard may lead to a meaningful drop in injuries, and we currently are working closely with all stakeholders to ensure that there is adequate data to measure the standard’s effectiveness. However, given the demonstrated ongoing threat to young children, CPSC should consider promulgating an enforceable mandatory standard if the voluntary standard is not effective. We will continue to urge households where children younger than 6 are ever present to skip these products altogether until there is a meaningful decline in injuries, and we recently extended this recommendation to households with cognitively-impaired adults.

### *Window covering cords*

---

<sup>5</sup> National Fire Protection Association, Smoke Alarms in U.S. Home Fires (online at: [www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/fire-safety-equipment/smoke-alarms-in-us-home-fires](http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/fire-safety-equipment/smoke-alarms-in-us-home-fires)).

<sup>6</sup> CDC, Quick Stats: Number of Deaths Resulting from Unintentional Carbon Monoxide Poisoning (online at: [www.cdc.gov/mmwr/volumes/66/wr/mm6608a9.htm](http://www.cdc.gov/mmwr/volumes/66/wr/mm6608a9.htm) )

<sup>7</sup> Consumer Reports, “CO & Smoke Alarm Buying Guide” (Aug. 29, 2016) (online at: [www.consumerreports.org/cro/co-and-smoke-alarms/buying-guide](http://www.consumerreports.org/cro/co-and-smoke-alarms/buying-guide)).

<sup>8</sup> Consumer Reports, “3 Carbon Monoxide Alarms Named 'Don't Buy: Safety Risk' by Consumer Reports” (Mar. 14, 2017) (online at: [www.consumerreports.org/carbon-monoxide-alarms/consumer-reports-rates-off-brand-carbon-monoxide-alarms-purchase](http://www.consumerreports.org/carbon-monoxide-alarms/consumer-reports-rates-off-brand-carbon-monoxide-alarms-purchase)).

<sup>9</sup> See “Consumer Reports Finds Liquid Laundry Detergent Pods Pose Lethal Risk for Adults with Dementia,” Consumer Reports (June 15, 2017) (online at: [www.consumerreports.org/media-room/press-releases/2017/06/consumer\\_reports\\_finds\\_liquid\\_laundry\\_detergent\\_pods\\_pose\\_lethal\\_risk\\_for\\_adults\\_with\\_dementia](http://www.consumerreports.org/media-room/press-releases/2017/06/consumer_reports_finds_liquid_laundry_detergent_pods_pose_lethal_risk_for_adults_with_dementia)).

<sup>10</sup> See “The problem with laundry detergent pods,” Consumer Reports (July 16, 2015) (online at: [www.consumerreports.org/cro/magazine/2015/07/the-problem-with-laundry-detergent-pods](http://www.consumerreports.org/cro/magazine/2015/07/the-problem-with-laundry-detergent-pods)); “Laundry Detergent Pods Caused Surge in Chemical Eye Burns in Children,” Consumer Reports (Feb. 7, 2017) (online at: [www.consumerreports.org/product-safety/laundry-detergent-pods-sharp-increase-chemical-eye-burns-in-children](http://www.consumerreports.org/product-safety/laundry-detergent-pods-sharp-increase-chemical-eye-burns-in-children)).

Efforts to address the risk of injury to young children from hazardous, accessible window covering cords remain inadequate. On average, one child dies every month in an incident associated with this hazard,<sup>11</sup> adding up to hundreds of child fatalities in the more than 30 years that the problem has been well understood. To prevent future tragedies, the CPSC should develop a mandatory standard to eliminate the risk of strangulation, and should propose such a rule without delay.<sup>12</sup> In May 2013, we and eight other groups petitioned the CPSC to promulgate a mandatory safety standard for window coverings.<sup>13</sup> We are glad the Commission has advanced the petition since that time, and urge it to keep moving forward.

### *Battery and electronics system safety*

In the second half of 2016 alone, the CPSC recalled more than 2.5 million units due to lithium-ion battery fire hazards, nearly two million of which were Samsung Galaxy Note 7 smartphones.<sup>14</sup> In early September 2016, Consumer Reports had called for Samsung to officially recall the Galaxy Note 7 after we learned that defective products were still being sold in some retail outlets even after the company announced it would cease all sales.<sup>15</sup> In the following weeks, Samsung and the CPSC officially announced the recall of all the phones.<sup>16</sup>

In light of the problems with Samsung Galaxy Note 7 phones and other recent safety issues involving the electrical systems of other products, such as hoverboards, we are concerned about the continued potential fire hazards of lithium-ion batteries.<sup>17</sup> We urge the CPSC to continue its important research on battery safety and continue urging manufacturers to build safe electrical systems that meet effective standards.

### *Mattress flammability*

According to National Fire Protection Association estimates, home mattress fires caused one-third (3,100) of the 9,400 estimated reported home structure fires that began with mattresses

---

<sup>11</sup> CPSC, “Window Covering Cords Information Center” (online at: [www.cpsc.gov/Safety-Education/Safety-Education-Centers/Window-Covering](http://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Window-Covering)).

<sup>12</sup> See “Safety standards for window blinds and shades need to be tougher,” Consumer Reports (June 5, 2015) (online at: [www.consumerreports.org/cro/news/2015/06/window-covering-safety/index.htm](http://www.consumerreports.org/cro/news/2015/06/window-covering-safety/index.htm)).

<sup>13</sup> Parents for Window Blind Safety et al., *Petition for Rulemaking: Eliminating Accessible Cords on Window Covering Products* (May 2013) (docketed by CPSC as CP13-2 at: [www.regulations.gov](http://www.regulations.gov)).

<sup>14</sup> Consumers Union calculations based on CPSC Recall List (online at: [www.cpsc.gov/Recalls](http://www.cpsc.gov/Recalls)).

<sup>15</sup> See “Samsung Should Officially Recall the Galaxy Note 7,” Consumer Reports (Sept. 2, 2016) (online at: [www.consumerreports.org/smartphones/consumer-reports-samsung-should-officially-recall-galaxy-note7/](http://www.consumerreports.org/smartphones/consumer-reports-samsung-should-officially-recall-galaxy-note7/)).

<sup>16</sup> “Samsung Expands Recall of Galaxy Note7 Smartphones Based on Additional Incidents with Replacement Phones; Serious Fire and Burn Hazards,” Consumer Product Safety Commission (Oct. 13, 2016) (online at: [www.cpsc.gov/Recalls/2016/samsung-expands-recall-of-galaxy-note7-smartphones-based-on-additional-incidents-with](http://www.cpsc.gov/Recalls/2016/samsung-expands-recall-of-galaxy-note7-smartphones-based-on-additional-incidents-with)) (release).

<sup>17</sup> See “Why Lithium-Ion Batteries Still Explode, and What’s Being Done to Fix the Problem,” Consumer Reports (Sept. 21, 2016) (online at: [www.consumerreports.org/safety-recalls/why-lithium-ion-batteries-still-explode-and-whats-being-done-to-fix-the-problem/](http://www.consumerreports.org/safety-recalls/why-lithium-ion-batteries-still-explode-and-whats-being-done-to-fix-the-problem/)); “What’s Behind the Increase in Lithium-Ion Battery Fires on Planes?,” Consumer Reports (June 7, 2017) (online at: [www.consumerreports.org/product-safety/whats-behind-the-increase-in-lithium-ion-battery-fires-on-planes/](http://www.consumerreports.org/product-safety/whats-behind-the-increase-in-lithium-ion-battery-fires-on-planes/)).

and bedding per year in the 2007-2011 time frame; 16% (52) of the 330 mattress and bedding civilian fire deaths per year; 37% (502) of the 1,350 mattress and bedding civilian injuries per year; and 37% (\$132 million) of the \$361 million in direct property damage per year.<sup>18</sup> Mattress fires continue to pose a significant risk to consumers, and the CPSC should keep prioritizing work to reduce associated deaths and injuries during the next two fiscal years.

### *High-powered magnet sets*

CPSC estimated in 2014 that potentially 2,900 emergency-department-treated magnet set ingestions occurred in the United States from January 1, 2009, through December 31, 2013.<sup>19</sup> We supported the strong mandatory safety standard for these products that was returned to the Commission by the Tenth Circuit Court of Appeals in November 2016, and we urge the Commission to expeditiously replace the standard with new measures that will prevent the kind of extensive, severe injuries that occurred in past years.

### *Floor slip injuries*

CPSC staff has estimated that between 2012 and 2014, there were nearly 570,000 emergency department-treated injuries and 197 fatalities that occurred due to accidental slips and falls, with older Americans being the most at risk.<sup>20</sup> While we recognize that the CPSC chose not to move forward on a recent petition for rulemaking related to disclosure of slip resistance for flooring, we look forward to working with the agency to determine effective approaches for reducing slip-and-fall injuries.

## **Outdoor products**

Consistent with our home improvement testing program and frequent coverage of outdoor recreation, Consumer Reports dedicates significant attention to the safety of consumer products that are intended for outdoor use. There are several of these products whose hazards merit special emphasis from the Commission in the next two fiscal years.

### *Portable generators*

We appreciate the work by the CPSC to examine the risk of carbon monoxide (CO) poisoning associated with portable generators. As the incident data make tragically clear, education and warning labels alone are not enough to protect consumers from carbon monoxide poisoning. With an average of about 70 deaths and several thousand non-fatal injuries annually,<sup>21</sup> we agree with the Commission that performance requirements are needed.

---

<sup>18</sup> National Fire Protection Association, RE: CPSC Request for Comments: Review of the Standard for the Flammability (Open Flame) of Mattress Sets under Regulatory Flexibility Act Sec. 610; Docket No. CPSC-2006-0011 (online at: [www.regulations.gov/document?D=CPSC-2006-0011-0010](http://www.regulations.gov/document?D=CPSC-2006-0011-0010)).

<sup>19</sup> CPSC, Final Rule: Safety Standards for Magnet Sets, 79 Fed. Reg. 59961 (Oct. 3, 2014).

<sup>20</sup> CPSC, Briefing package on Petition CP 16-1 (Dec. 7, 2016) (online at: [www.cpsc.gov/content/petition-cp-16-1-labeling-requirements-regarding-slip-resistance-of-floor-coverings](http://www.cpsc.gov/content/petition-cp-16-1-labeling-requirements-regarding-slip-resistance-of-floor-coverings)).

<sup>21</sup> CPSC, Proposed Rule: Safety Standard for Portable Generators, 81 Fed. Reg. 83556-83615 (Nov. 21, 2016).

Consumer Reports periodically tests and rates generators, including portable generators, and is exploring potential changes to the testing to account for portable generators' carbon monoxide emissions. We also recognize, however, that effective safety standards are those that apply across the marketplace.

Accordingly—and especially given the inadequacy of current voluntary standards—we support the CPSC's proposed rule, and urge the Commission to keep moving forward on its development of a mandatory safety standard. In addition to limiting CO emissions in products covered by the rule, the agency should consider the potential role of a shutoff mechanism as a failsafe. A comprehensive CO safety standard would include both a prevention-based approach—through emissions reductions—as well as a detection system that can shut down the generator when the CO emissions level exceeds a set limit. We look forward to continuing to work together with both the CPSC and industry to achieve changes that would protect consumers from harm.<sup>22</sup>

### *Pressure washers*

Injuries resulting from pressure washers remain a significant risk, as scrutinized in a Consumer Reports story published in March 2016. Our analysis of CPSC data showed that pressure washers sent an estimated 6,057 people in 2014 alone to an emergency room with injuries related to pressure washer use.<sup>23</sup> Due to an extreme potential risk of laceration, we are no longer recommending pressure washers that come with nozzles that produce sprays of less than 15 degrees, and are asking manufacturers to stop including tips and settings that produce streams finer than 15 degrees. The CPSC should consider making the same recommendation.

### *Bike helmets*

In 2015, more than 1,000 U.S. bicyclists died, and there were almost 467,000 bicycle-related injuries, with approximately 85,000 head injuries attributable to bike accidents. Annually, about 26,000 of these bicycle-related injuries to children and adolescents are traumatic brain injuries treated in emergency departments. As has long been established, bicycle helmets reduce head injuries by up to 50%.<sup>24</sup>

Consumer Reports' most recent story on bike helmets, which included updated ratings of numerous products, outlined how biking may present a greater risk of head injury to consumers

---

<sup>22</sup> We are aware of recent developments regarding the voluntary standard being crafted by portable generators manufacturers, and look forward to reviewing a proposed standard soon.

<sup>23</sup> "Pressure Washer Safety Alert," Consumer Reports (Mar. 8, 2016) (online at: [www.consumerreports.org/pressure-washers/safety-alert-under-pressure](http://www.consumerreports.org/pressure-washers/safety-alert-under-pressure)).

<sup>24</sup> CDC, Bicycle Safety (June 5, 2017) (online at: [www.cdc.gov/motorvehiclesafety/bicycle/index.html](http://www.cdc.gov/motorvehiclesafety/bicycle/index.html)); Bicycle Helmet Safety Institute from the Department of Transportation 2017 report on bicycle injuries, "Helmet Statistics" (June 2017) (online at: [www.bhsi.org/stats.htm](http://www.bhsi.org/stats.htm)); CDC, Head Injuries and Bicycle Safety (Jan. 28, 2015) (online at: [www.cdc.gov/healthcommunication/toolstemplates/entertainmented/tips/headinjuries.html](http://www.cdc.gov/healthcommunication/toolstemplates/entertainmented/tips/headinjuries.html)); American Association of Neurological Surgeons, Sports Related Head Injury (online at: [www.aans.org/en/Patients/Neurosurgical-Conditions-and-Treatments/Sports-related-Head-Injury](http://www.aans.org/en/Patients/Neurosurgical-Conditions-and-Treatments/Sports-related-Head-Injury)) (accessed July 11, 2017).

than is commonly understood.<sup>25</sup> We continue to look forward to working with the agency and all stakeholders to ensure that the CPSC bicycle helmet standard continues to drive the market toward helmets that provide greater protection from impact.

### *Pool safety*

From 2005 to 2014, an average of 3,536 fatal non-boating-related unintentional drownings occurred annually in the United States, or about ten deaths per day. About one in five people who die from drowning are children 14 and younger. Over 4,100 children younger than age 5 suffer submersion injuries and require emergency room treatment; about half are seriously injured and are admitted to the hospital for further treatment.<sup>26</sup> The CPSC rightly recognizes pool safety as a critical part of its current portfolio, and the subject should remain a priority as long as injuries and deaths remain elevated.

### *Drones*

Consumer drones are selling at an increasingly fast pace.<sup>27</sup> As these products reach the market, some will inevitably contain safety defects, as a GoPro model did in November 2016.<sup>28</sup> No federal agency—neither the CPSC nor the Federal Aviation Administration (FAA)—wielded sufficient oversight of that recall. To ensure that product safety issues related to drones are prevented to the greatest extent possible and resolved effectively when they do occur, the CPSC should be playing a role. The agency has too much relevant expertise not to be involved when product safety hazards emerge that involve drones. While 15 U.S.C. 2052(a)(5)(F) excludes aircraft from the definition of “consumer product,” we have urged Congress to clarify agency roles.<sup>29</sup> If the FAA is not going to oversee drones adequately from a product safety perspective, or adequately utilize the CPSC’s expertise, then the CPSC should be able to coordinate recalls and protect consumers from drone safety defects that could hurt them.

### *Table saws*

More than 30,000 table saw injuries occur annually, with an average of ten amputations happening every day on the products.<sup>30</sup> We were pleased to see the Commission publish a notice

---

<sup>25</sup> Consumer Reports, “Find the Best Bike Helmet” (June 30, 2016) (online at: [www.consumerreports.org/bike-helmets/find-the-best-bike-helmet](http://www.consumerreports.org/bike-helmets/find-the-best-bike-helmet)).

<sup>26</sup> CDC, “Unintentional Drowning: Get the Facts” (Apr. 28, 2016) (online at: [www.cdc.gov/homeandrecreationalafety/water-safety/waterinjuries-factsheet.html](http://www.cdc.gov/homeandrecreationalafety/water-safety/waterinjuries-factsheet.html)).

<sup>27</sup> See, e.g., “U.S. drone sales have more than doubled from last year,” Recode (Apr. 10, 2017) (online at: [www.recode.net/2017/4/10/15245234/us-drone-sales-doubled-from-last-year](http://www.recode.net/2017/4/10/15245234/us-drone-sales-doubled-from-last-year)).

<sup>28</sup> “GoPro Drone ‘Recall’ Raises Oversight Questions,” Consumer Reports (Nov. 11, 2017) (online at: [www.consumerreports.org/safety/go-pro-drone--recall--raises-jurisdictional-questions](http://www.consumerreports.org/safety/go-pro-drone--recall--raises-jurisdictional-questions)).

<sup>29</sup> *Id.*

<sup>30</sup> Kevin C. Chung and Melissa J. Shauver, *Table saw injuries: epidemiology and a proposal for preventive measures*, National Institutes of Health PubMed Central (Nov. 2013) (online at: [www.ncbi.nlm.nih.gov/pmc/articles/PMC4154236](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4154236)); Sadeq R. Chowdhury, Ph.D., Caroleene Paul, Survey of Injuries Involving Stationary Saws, Table and Bench Saws, 2007-2008, U.S. Consumer Product Safety Commission (March 2011).

of proposed rulemaking in May to address the unreasonable risk of blade-contact injuries on table saws. A performance standard to limit the depth of a cut is a sensible approach that is feasible to meet and, according to the agency’s estimates, would yield aggregate net benefits of between \$625 million and \$2.3 billion per year. As it receives comment and carries out any additional research it may need to undertake, the Commission should keep moving forward on the mandatory safety standard for table saws.

## **Infant and toddler products**

### *Safe sleep*

The risks to infants from padded crib bumpers are severe.<sup>31</sup> We agree with the November 2016 joint policy statement by several commissioners that there is a “clear risk of injury or death associated with padded crib bumpers” and that parents and caregivers should not use them.<sup>32</sup> The continued presence of padded crib bumpers on store shelves is misleading to consumers, and we do not support it—in short, the products should not be for sale.<sup>33</sup> We support ongoing work at ASTM International to address the hazards that these products present, as well as state- and local-level efforts to ensure that unsuspecting parents or caregivers do not put their children at risk.

Aftermarket mattresses for certain cribs, play pens, and play yards also pose a risk to infants, and are inconsistent with ASTM F406-15, the voluntary standard for non-full-size baby cribs/play yards.<sup>34</sup> This standard specifically includes a warning label instructing consumers not to use supplemental mattresses or anything other than the original mattress pad. The presence of these aftermarket mattresses on the market may also lead to consumer confusion or unsafe sleep. We were pleased to see the majority of commissioners vote recently to direct CPSC staff to initiate a rulemaking under section 104 of the Consumer Product Safety Improvement Act (CPSIA) to promulgate a mandatory consumer product safety standard that will address the risk of injury associated with the use of crib mattresses, as well as supplemental and aftermarket mattresses used in play yards and portable cribs.

Recently, “baby boxes” have increased in popularity. These products do not currently meet any relevant safety standards, and accordingly, we have reminded parents and caregivers

---

<sup>31</sup> See, e.g., American Academy of Pediatrics, “SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment” (Oct. 24, 2016) (online at: [pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf](http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf)).

<sup>32</sup> Joint statement of CPSC Chairman Kaye and Commissioners Adler, Robinson, and Mohorovic recommending parents and caregivers not use padded crib bumpers (Nov. 3, 2016) (online at: [www.cpsc.gov/s3fs-public/Joint%20Statement%20on%20Padded%20Crib%20Bumpers%20FINAL%2011.3.16.pdf](http://www.cpsc.gov/s3fs-public/Joint%20Statement%20on%20Padded%20Crib%20Bumpers%20FINAL%2011.3.16.pdf)).

<sup>33</sup> See American Academy of Pediatrics, “CPSC Fails to Ban Crib Bumpers Dangerous to Infants” (Nov. 4, 2016) (online at: [www.aap.org/en-us/about-the-aap/aap-press-room/pages/CPSC-Fails-to-Ban-Crib-Bumpers-Dangerous-to-Infants.aspx](http://www.aap.org/en-us/about-the-aap/aap-press-room/pages/CPSC-Fails-to-Ban-Crib-Bumpers-Dangerous-to-Infants.aspx)).

<sup>34</sup> See CPSC, “Safe to Sleep® - Crib Information Center” (online at: [www.cpsc.gov/Safety-Education/Safety-Education-Centers/cribs](http://www.cpsc.gov/Safety-Education/Safety-Education-Centers/cribs)) (accessed July 11, 2017); ASTM International, ASTM F406 - 15 Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards (2015) (online at: [www.astm.org/Standards/F406.htm](http://www.astm.org/Standards/F406.htm)).



that the safest place for a baby to sleep is a crib meeting CPSC standards.<sup>35</sup> The baby box idea may reflect safe sleep principles—namely, that a bare sleep surface is best, and that parents and caregivers should always place a baby on his or her back to sleep—but we have cautioned parents and caregivers about using any product that does not meet strong safety standards. We encourage CPSC support for the relevant ASTM subcommittees developing standards that would ensure these products are safe.

#### *Pending and future CPSIA Sec. 104 standards*

We strongly support and applaud the agency’s ongoing efforts under Section 104 of the Consumer Product Safety Improvement Act, through which a broad group of stakeholders develop strong safety standards in a consensus-based process and the CPSC promulgates a mandatory standard that is either substantially the same or more stringent. As a result of the robust safety standards developed through this process, numerous infant and children’s products are manufactured to be far safer than they once were, and compliance must be tested and certified by a third party.

As the CPSC’s work continues in this area, the agency should pursue strong final rules addressing hazards associated with booster seats, infant inclined sleep products, and baby changing products. We also expect to see proposed rules in the near future regarding several other product types, as soon as relevant voluntary standards subcommittees have completed important work. We look forward to reviewing these proposals and urge the Commission to continue, in fiscal years 2018 and 2019, to make its Section 104 activities a top priority, given the demonstrated record of success.

#### *Strollers*

Over 1 million strollers have been included in recalls since the mandatory stroller standard came into effect in September 2015. Earlier, between the publication of the final rule and its effective date, nearly 5 million strollers were included in recalls.<sup>36</sup> Through Consumer Reports’ testing, we have identified several strollers in recent years that have not performed well in our tests, including a handful that we named a “Don’t Buy: Safety Risk.” In overseeing the mandatory stroller standard, CPSC should be vigilant for possible defective products or those that do not meet the standard.

### **Chronic hazards**

#### *Pending matters*

We remain concerned about the serious health risks posed by certain phthalates, and while we were pleased to see the agency publish a proposed rule in 2015, we have been

---

<sup>35</sup> “Doctors, Safety Advocates Have Unanswered Questions About Popular ‘Baby Boxes,’” *Consumerist* (May 25, 2017) (online at: [consumerist.com/2017/05/25/doctors-safety-advocates-have-unanswered-questions-about-popular-baby-boxes](http://consumerist.com/2017/05/25/doctors-safety-advocates-have-unanswered-questions-about-popular-baby-boxes)).

<sup>36</sup> Consumers Union Calculations based on CPSC Recall Data (online at: [www.cpsc.gov/Recalls?field\\_rc\\_date\\_value\[min\]\[date\]=&field\\_rc\\_date\\_value\[max\]\[date\]=&combine=stroller](http://www.cpsc.gov/Recalls?field_rc_date_value[min][date]=&field_rc_date_value[max][date]=&combine=stroller))

disappointed by the delay since. We strongly support the majority of the rule's provisions, and CPSC should finalize its phthalates rule without additional delay.

Consumers rightly expect products in their homes to meet flammability standards—but not at the expense of being exposed to potentially toxic chemicals. CPSC should address non-polymeric, additive organohalogen flame retardants in children's products and other specific product categories under the Federal Hazardous Substances Act (FHSA), and encourage manufacturers to instead use barriers and inherently non-flammable materials.

### *Research and testing*

The CPSC has an important role to play in researching and assessing chronic hazards to human health that may lie in consumer products. This should include CPSC-directed work, such as the Healthy Children research program; interagency work, such as the crumb rubber research underway with the CDC and Environmental Protection Agency, and possibly also additional work in partnership with universities or other expert researchers. The CPSC and other government agencies are grappling with how to decipher trends from data on chronic hazards, and we at Consumer Reports are doing the same, supporting your work as we undertake our own.

### **CPSC capabilities**

The CPSC is a critical agency that lacks the resources it would need to carry out all that it is capable of doing. The agency should receive additional funding and staff to implement fuller programs to prevent consumer harm, including within its hazard identification, voluntary standards development, international outreach, and import surveillance functions. It also should receive additional funding and staff to respond to safety problems in the marketplace, including within its field operations, compliance, and rulemaking functions.

We commend the CPSC for its commitment to monitor imports of products at as many ports as possible to prevent entry of dangerous products into the U.S. marketplace. CPSC should also continue to more broadly monitor the marketplace to ensure that older unsafe products are removed from the second-hand market and childcare facilities, including through close work with online retailers to rid prominent websites of illicit or harmful products.

We have long supported, and continue to strongly support, the *SaferProducts.gov* public database. Thanks to this tool, consumers, medical providers, and safety professionals are better informed about potential safety hazards in the marketplace. Industry also receives valuable feedback regarding hazards associated with their products. In fiscal years 2018 and 2019, the agency should continue its efforts to make *SaferProducts.gov* as up-to-date and consumer-friendly as possible, to increase public awareness and use of this tool, and to use consumer postings to help track trends and identify emerging hazards. We also encourage the agency to conduct frequent follow-up investigations of recurring types of consumer complaints.

On the public communications side, it is critical for the CPSC to be a vocal advocate for consumer safety the way it has been in the past—such as on issues like the Samsung washing machine and Galaxy Note 7 recalls, hoverboards, and the Ikea recalls for furniture that could too

easily tip onto young children. In addressing these and other pressing issues, the CPSC in recent years has played a critical role in informing the public about potential hazards as quickly and prominently as possible. The agency should continue serving in that role.

## **Conclusion**

In conclusion, we greatly appreciate CPSC's important efforts to address hazards associated with consumer products, and applaud the Commission for its leadership and achievements over the past year. We look forward to continuing to work with the agency to fulfill its mission in fiscal years 2018 and 2019.