



January 4, 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, Consumer Federation of America, and the National Center for Health Research to the Consumer Product Safety Commission on the Proposed Rule for a Standard for Infant Bouncer Seats (CPSC-2015-0028-0001)**

**Introduction**

Kids In Danger (KID), Consumers Union (CU), Consumer Federation of America (CFA), and the National Center for Health Research (NCHR) (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 infant bouncer seats. The proposed rule adopts the voluntary standard ASTM F2167-15,

---

<sup>1</sup> “Safety Standard for Infant Bouncer Seats,” Fed. Reg. 26386 (October 19, 2015).

“Standard Consumer Safety Specifications for Infant Bouncer Seats,” but includes modifications in the warning label content and placement requirements.<sup>2</sup>

### **Recommendations**

We support the staff recommendation to adopt ASTM F2167-15 as well as the strengthening additions to the warning label requirements. Many families and caregivers use infant bouncer seats to position a young infant in a semi-reclined position in many settings throughout the home and to allow the baby’s movement to create soothing motion. The product becomes unstable and unsafe for infants above the recommended developmental stage. Babies that can turn, sit up or pull out of loose restraints can get in positions leading to death or injury.

The NPR describes 277 reported incidents involving bouncer seats, including 11 fatalities and 51 injuries, occurring between January 1, 2006, and February 2, 2015, and reported to CPSC through various reporting mechanisms. Additionally, CPSC staff found 672 bouncer-related incidents, including two fatalities, reported in the National Electronic Injury Surveillance System (“NEISS”) records retrieved for bouncer incidents from January 1, 2006, to December 31, 2013, involving children 12 months old and younger.

As with other small seats for infants, the danger in the bouncer seat -- as shown by the incident data the CPSC reviewed in preparing the proposed rule -- is when a child falls asleep and/or wriggles into an unsafe position. Many babies fall asleep in the bouncers and parents are often reluctant to move them to a safer sleep environment. The fatalities show a disturbing pattern where babies fall asleep in bouncers and are left unattended. Either in sleep or upon awakening, the child is able to turn into the back of the seat or fall out, leading to suffocation or positional asphyxia. In some cases, the child falls out of the chair unto soft bedding. Injury data also shows that falls from elevated surfaces are a major concern.

While we agree that additional test requirements in the standard might not be needed to address the foreseeable use that leads to deaths and injuries, we are concerned that reliance upon warnings alone will not reduce the behavior. We urge CPSC to continue to work with the

---

<sup>2</sup> Id.

regulated community to use design and visual cues other than warnings to direct caregivers to safer use of the product.

We support the proposed rule's additions to ASTM F2167-15'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. The two content changes recommended by the CPSC -- to always use restraints even if a child is sleeping and to make the developmental milestone of when the product becomes hazardous (sitting up) clearer to caregivers -- are important. We also recommend the addition of a stronger statement on the hazard of babies being able to turn into unsafe positions in Section 8.3.4.2. We recommend language such as "Babies have suffocated when bouncers tipped over on soft surfaces or when they are able to turn themselves around in the seat."

We also support the placement changes recommended by the CPSC to make the warnings more visible to caregivers as they use the seat each time. As with other products intended for the care of very young 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 minimize comprehension of these warning labels. Using the internationally recognized symbol of a red circle with a line through it, the CPSC could draft pictograms showing the hazardous conditions that have led to deaths and injuries such as an unrestrained child, extra padding or placement on a bed or elevated surface.

We support the six-month effective date.

### **Conclusion**

Our organizations support the additional requirements for warning position and content for infant bouncer seats. We urge the CPSC to also consider a stronger statement of the hazard

caused by babies turning around in the seat and the inclusion of pictograms to more fully convey the hazards addressed in the warnings.

Respectfully submitted,

Nancy Cowles  
Executive Director  
Kids In Danger

Rachel Weintraub  
Legislative Director and General Counsel  
Consumer Federation of America

William C. Wallace  
Policy Analyst  
Consumers Union

Paul Brown  
Government Relations Manager  
National Center for Health Research