



December 24, 2018

Office of the Secretary  
U.S. 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, Consumer Federation of America, Consumer Reports, Public Citizen, and US PIRG to the Consumer Product Safety Commission on the Proposed Rule: Amendment to Requirements for Consumer Registration of Durable Infant or Toddler Products (CPSC-2018-0018-0001)**

**Introduction**

Kids In Danger (KID), Consumer Federation of America (CFA), Consumer Reports (CR), Public Citizen (PC) and US PIRG (PIRG) (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced proposed rule, which we support.<sup>1</sup>

**Background**

Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) is known as the Danny Keysar Child Product Safety Notification Act. It requires that for “durable infant or toddler products,” the U.S. Consumer Product Safety Commission (CPSC) must (1) issue a mandatory rule for each product based on the applicable voluntary standard, and (2) issue a rule requiring consumer registration for such products.<sup>2</sup>

In 2009, the CPSC issued a regulation to implement the product registration requirement, so that consumers can receive direct notification in the event of a recall. The rule is codified at 16 CFR Part 1130, Requirements for Consumer Registration of Durable Infant or Toddler Products. Both the requirement for new standards and the consumer registration requirement are based on the definition of “durable infant or toddler product” in section 104(f) of the CPSIA: “durable

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<sup>1</sup> “Amendment to Requirements for Consumer Registration of Durable Infant or Toddler Products,” Fed. Reg. Volume 83, No. 195, October 9, 2018, p. 50542 (hereinafter “Proposed Rule”) *et seq.*

<sup>2</sup> 15 USC 2056a.

products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.” The statute lists 12 product categories included within the definition, such as cribs, toddler beds, high chairs, strollers, and swings.<sup>3</sup> CPSC added an additional six categories by regulation to cover products commonly considered durable infant or toddler products.<sup>4</sup>

This amendment would add the definition of “durable infant or toddler products” from CPSIA section 104(f), as codified at 15 USC 2056a(f), to the section of 16 CFR Part 1130 addressing product registration. The purpose of this addition is to clarify the types of products covered as durable infant or toddler products in the rule, since the law does not limit them to those listed in the statute. This proposed rule also changes how product categories are listed in the case of infant carriers (adding sling carriers under that heading), in the case of bedside sleepers (under bassinets), and by changing the term “changing table” to “changing products” to more fully cover the types of products designed for this purpose.<sup>5</sup>

### **Recommendations**

Our organizations support updating the Code of Federal Regulations so that Part 1130 provides more clarity on the types of products covered by the product registration section. Section 104 of the CPSIA was never intended to be a definitive list of products to be covered by mandatory standards and product registration requirements. Rather, it listed products addressed by voluntary standards at the time, and included other products generally considered to be durable infant or toddler products. We supported the CPSC’s previous addition of additional product categories at the time the rule was written, and we strongly support the CPSC’s continual addition of new products to the rule as they are developed and put into the marketplace. It would be inconsistent with statute and not make sense to neglect protecting children simply because new product categories are now available.

We support the proposed 30-day effective date for most of the changes. While the CPSC has proposed that the effective date for contoured changing pads should be 12 months after the publication of a final rule because these products have not been subject to the requirement in the past, we disagree. Many manufacturers of contoured changing pads make other durable infant or toddler products and already have a registration program in place. For others, a registration program should not take longer than six months to implement since product registration program technology has advanced significantly since 2009. We urge the CPSC to shorten the proposed effective date for contoured changing pads to six months after the date of the final rule’s publication.

Regarding future revisions of Part 1130, we recommend that the CPSC continue to work to protect children with the ASTM International Juvenile Product Subcommittees and add new product categories as new products come to market. In addition, the CPSC should continue to explore ways to use new registration technology to improve, and add to, the registration card

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<sup>3</sup> *Id.*

<sup>4</sup> 16 CFR Part 1130.

<sup>5</sup> Proposed Rule at p. 50545.

and online registration methods already required by the CPSIA.<sup>6</sup>

### **Conclusion**

Our organizations support updating the product registration rule in 16 CFR Part 1130, which pertains to Section 104 of the CPSIA. We support an effective date of 30 days after publication of a final rule, except for contoured changing pads, which should have a six-month effective date. We also recommend continued efforts to include in the regulation both additional durable infant or toddler products and improved means of product registration.

Respectfully submitted,

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<sup>6</sup> 15 USC 2065a(d) and (e).