



The New York State Senate and Assembly
Albany, NY

May 29, 2019

Dear Members of the New York State Senate and Assembly:

As safety advocates and the parents of children killed by dressers that tipped over, we strongly urge you to vote in favor of “Harper’s Law” ([A.4421B](#) / [S.1627B](#)), a bill to help protect children from deadly furniture tip-over incidents. Every two weeks, a child in the United States tragically dies from a piece of furniture, a television, or an appliance tipping over onto them. Dressers and similar furniture are particularly deadly. Yet both the furniture industry and the federal government have been slow to act.

New York has the chance to stand up for children’s safety and pass a straightforward law to help prevent these deaths. “Harper’s Law,” named after 3-year-old Harper Fried of Monroe, N.Y., who died from a furniture tip-over incident, would require retailers of certain new dressers and other clothing storage units to sell only units that meet minimum stability standards and come with wall-anchoring kits, so that parents have equipment that can help keep their children safe.

Specifically, the bill would require all new clothing storage units sold by retailers to meet standards endorsed or established by the federal Consumer Product Safety Commission (CPSC), or if no such standard exists, an ASTM International standard prescribing that furniture contain a tip restraint device (such as a wall anchoring kit or another kind of anti-tip kit) and carry a permanent warning label. Retailers could continue to sell units that are within the bill’s definition of “furniture” but are outside the scope of these standards, but only if the retailers make sure that tip restraint devices are readily available to consumers and they post a conspicuous safety notice about the tip-over hazard and the utility of tip restraint devices. A retailer who violates these requirements would be liable for a civil penalty of up to \$500 for each violation.

Our organizations recommend that consumers anchor dressers and similar furniture to the wall. The provisions of Harper’s Law would help advance that goal by improving access to tip restraint devices, which can also be made more directly available if manufacturers bundle them with products and include them as part of the purchase, as prescribed by the voluntary industry safety standard ASTM F2057-17.¹

¹ ASTM International, *Standard Safety Specification for Clothing Storage Units* (2017) (online at: www.astm.org/Standards/F2057.htm).

At the same time, our groups have been vocal that ASTM F2057-17 does not adequately protect children from the risk of death or injury. We have said—on the basis of our testing²—that it would be feasible for furniture manufacturers to meet a substantially stronger standard that protects more children and covers more dressers, and also have called on the CPSC to supplant this voluntary industry standard with a strong, mandatory safety standard. In recent months, CPSC officials have begun to agree with our recommendations, calling on industry to strengthen the voluntary standard;³ taking steps toward a mandatory standard;⁴ and issuing a notice to manufacturers, importers, distributors, and retailers informing them that the CPSC will now consider dressers defective if they are within the scope of the current voluntary standard but fail to meet its provisions.⁵

However, it is likely to take considerable time for the federal government and the furniture industry to strengthen stability requirements for dressers and other clothing storage units. In the meantime, more consumers—and especially young children—are at risk from furniture tip-over incidents. In the absence of strong action, to date, by the CPSC and manufacturers to establish robust stability standards, state bills such as Harper’s Law can play a significant and vital role in reducing deaths and injuries related to clothing storage unit tip-overs.

We strongly urge you to vote in favor of Harper’s Law ([A.4421B](#) / [S.1627B](#)). If you have any questions about the bills or would like more information, please contact any of the organizations below.

Sincerely,

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Consumer Federation of America

William Wallace
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Nancy Cowles
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² See, e.g., Kids In Danger and Shane’s Foundation, *Furniture Stability: A review of data and testing results* (Aug. 9, 2016) (online at: [kidsindanger.org/wp-content/uploads/Furniture_Stability_Report_Final_\(1\)1.pdf](https://kidsindanger.org/wp-content/uploads/Furniture_Stability_Report_Final_(1)1.pdf)); Rachel Rabkin Peachman, “Furniture Tip-Overs: A Hidden Hazard in Your Home,” *Consumer Reports* (Mar. 28, 2018) (online at: www.consumerreports.org/furniture/furniture-tip-overs-hidden-hazard-in-your-home).

³ CPSC, “Acting Chairman Ann Marie Buerkle Prepared Remarks for the 2019 International Consumer Product Health and Safety Organization Annual Symposium” (Feb. 27, 2019) (online at: cpsc.gov/About-CPSC/ann-marie-buerkle/Speeches/acting-chairman-ann-marie-buerkle-prepared-remarks-for-the).

⁴ CPSC, “Minutes of Commission Meeting: Decisional Matter – CPSC FY 2020 Performance Budget Request to Congress” (Mar. 13, 2019) (online at: www.cpsc.gov/s3fs-public/2020%20Performance%20Budget%20-%20Comm.%20Meeting%20Minutes.pdf?dFRVaoE_tlxvibk4RKK6apwMI_ME5gL9).

⁵ CPSC, Letter from DeWane Ray, Deputy Executive Director, to manufacturers, importers, distributors, and retailers of clothing storage units (Feb. 27, 2019) (online at: cpsc.gov/s3fs-public/Clothing%20Storage%20Unit_Letter%20to%20Manufacturers_Importers_Distributors_and_Retailers_2.27.19.pdf?YAB4PSB0Q8uWUybGOr8bCvW_RUCKXSf0).

The Consumer Federation of America is a nonprofit association of nearly 300 consumer groups that, since 1968, has sought to advance the consumer interest through research, advocacy, and education. www.consumerfed.org

Consumer Reports is an independent, nonprofit membership organization that works side by side with consumers to create a fairer, safer, and healthier world. For 83 years, CR has provided evidence-based product testing and ratings, rigorous research, hard-hitting investigative journalism, public education, and steadfast policy action on behalf of consumers' interests. Unconstrained by advertising or other commercial influences, CR has exposed landmark public health and safety issues and strives to be a catalyst for pro-consumer changes in the marketplace. From championing responsible auto safety standards, to winning food and water protections, to enhancing healthcare quality, to fighting back against predatory lenders in the financial markets, Consumer Reports has always been on the front lines, raising the voices of consumers. www.consumerreports.org

Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by fighting for product safety. KID was founded in 1998 by the parents of sixteen-month-old Danny Keysar who died in his Chicago childcare home when a portable crib collapsed around his neck. www.KidsInDanger.org

The NYS American Academy of Pediatrics represents more than 5,000 primary care pediatricians, pediatric medical subspecialists and pediatric surgical specialists across New York State dedicated to the health, safety and well-being of infants, children, adolescents and young adults. www.nysaap.org

Parents Against Tip-Overs (PAT) is a nationwide coalition of parents who want to see an end to TV and furniture tip-over injuries and deaths. The group was founded in 2018 by parents of young children who have lost their lives from a furniture tip-over incident. www.stoptipovers.org