



December 16, 2019

U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative:

Consumer Reports (CR), the independent, non-profit member organization, urges you to **vote yes on H.R. 3172**, a bill that would help parents and caregivers protect their babies from getting hurt or killed by products that are not safe for infant sleep yet remain on the market.

H.R. 3172 would ban two types of infant products—infant inclined sleep products and crib bumper pads—as hazardous products under section 8 of the Consumer Product Safety Act. Both of these products are associated with dozens of infant deaths, with at least 73 deaths linked to infant inclined sleepers and at least 48 deaths linked to crib bumpers.<sup>1</sup> CR testified before the House Energy and Commerce Committee in June 2019 in support of these measures,<sup>2</sup> and now urges your approval of H.R. 3172 on the House floor.

Infant inclined sleep products and crib bumpers directly conflict with safe sleep recommendations established by the American Academy of Pediatrics (AAP).<sup>3</sup> These guidelines, developed through a rigorous, multi-year process to evaluate the state of the medical evidence, advise that babies should be placed to bed on a firm, flat surface in their own space, with no extra bedding.

It is clear—based on the AAP recommendations, additional research we outline below, and the dozens of infant deaths that have occurred—that inclined sleep products and crib bumpers are not safe for infant sleep, and they should not be for sale. As long as these products remain on store shelves and online, well-meaning parents and caregivers may unwittingly put countless infants at risk. Today, you have the opportunity to help protect these infants.

Accordingly, we urge you to **vote yes on H.R. 3172**, and look forward to working together to ensure a safe sleep environment for infants and a safe marketplace for all consumers.

Sincerely,

A stylized handwritten signature in black ink, appearing to read 'W. Wallace'.

William Wallace  
Manager, Home and Safety Policy

A handwritten signature in black ink, appearing to read 'Oriene Shin'.

Oriene Shin  
Policy Counsel

*Please see below for additional information*

### **Infant Inclined Sleep Products**

- In October 2019, the Consumer Product Safety Commission (CPSC) released a report, led by Erin M. Mannen, Ph.D., of the University of Arkansas for Medical Sciences, which bolstered AAP’s safe sleep recommendations.<sup>4</sup> The study analyzed inclined sleeper incident data, evaluated product design, examined how infants move and use their muscles on flat and inclined surfaces, and concluded that these products are unsafe for infant sleep. The CPSC issued a proposed rule based in part on the Mannen Study that would prohibit infant inclined sleep products,<sup>5</sup> but it is unclear whether the CPSC will finalize this proposal.
- CR has been investigating the safety of infant inclined sleep products for more than a year, and published a series of stories on dozens of previously undisclosed infant deaths linked to models of inclined sleepers.<sup>6</sup> The stories prompted recalls by Fisher-Price and Kids II of over 5 million inclined sleepers.
- With several inclined sleep products remaining on the market today, CR has called on manufacturers and retailers to recall and to stop selling all inclined sleepers. In November 2019, Consumer Reports President and CEO Marta Tellado sent letters to major manufacturers and the Juvenile Products Manufacturers Association calling for recalls of all infant inclined sleep products. Later that month, CR sent letters to 15 retailers, online platforms, and associations urging them to stop the sale of the inclined sleepers. eBay, Amazon, Buy Buy Baby, Walmart, and two smaller retailers, You Are My Everything and Albee Baby, agreed that the risks of infant inclined sleepers are too great, and they committed to remove the products from their store shelves and online stores.<sup>7</sup> Nevertheless, most manufacturers and retailers have failed to take similar action, underscoring the importance of Congress passing legislation to ban the products.

### **Crib Bumper Pads**

- The risks to infants from crib bumper pads and similar products are serious. CR and our partner organizations—including AAP, Consumer Federation of America, and Kids In Danger—have warned parents and caregivers for almost a decade against using crib bumper pads. According to the AAP safe sleep recommendations, crib bumper pads for infants “have been implicated as a factor contributing to deaths from suffocation, entrapment, and strangulation.”<sup>8</sup>
- In November 2016, several CPSC commissioners released a joint policy statement 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>9</sup> While these commissioners recognized the danger of the products, the CPSC as an agency has failed to prohibit bumper pads and similar products,<sup>10</sup> leaving it necessary for Congress to act.

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- <sup>1</sup> CPSC, “CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products” (Oct. 31, 2019) (online at: [www.cpsc.gov/content/cpsc-cautions-consumers-not-to-use-inclined-infant-sleep-products](http://www.cpsc.gov/content/cpsc-cautions-consumers-not-to-use-inclined-infant-sleep-products)); Washington Post, “Dozens of infant deaths have been tied to a popular baby product. But regulators are too paralyzed to act” (Nov. 23, 2019) (online at: [www.washingtonpost.com/business/economy/dozens-of-infant-deaths-have-been-tied-to-a-popular-baby-product-but-regulators-are-too-paralyzed-to-act/2019/11/23/c6348d68-f5a1-11e9-a285-882a8e386a96\\_story.html](http://www.washingtonpost.com/business/economy/dozens-of-infant-deaths-have-been-tied-to-a-popular-baby-product-but-regulators-are-too-paralyzed-to-act/2019/11/23/c6348d68-f5a1-11e9-a285-882a8e386a96_story.html)).
- <sup>2</sup> CR, “Written Testimony of William Wallace, Manager, Home and Safety Policy, U.S. House of Representatives Committee on Energy and Commerce, Subcommittee on Consumer Protection and Commerce” (June 13, 2019) (online at: [docs.house.gov/meetings/IF/IF17/20190613/109635/HHRG-116-IF17-Wstate-WallaceW-20190613.pdf](https://docs.house.gov/meetings/IF/IF17/20190613/109635/HHRG-116-IF17-Wstate-WallaceW-20190613.pdf)).
- <sup>3</sup> AAP Task Force on Sudden Infant Death Syndrome, SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, *Pediatrics*, 2016;138(5):e20162938, October 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>4</sup> Mannen EM. Biomechanical Analysis of Inclined Sleep. Tab B of CPSC Staff Supplemental Briefing Package on Infant Sleep Products at 60. 2019 (online at: [www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts\\_10\\_16\\_2019.pdf#page=91](http://www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts_10_16_2019.pdf#page=91)).
- <sup>5</sup> CPSC, *Safety Standard for Infant Sleep Products*, supplemental notice of proposed rulemaking (Nov. 12, 2019) (84 Fed. Reg. 60949).
- <sup>6</sup> CR, “Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says” (Apr. 8, 2019; last updated Aug. 14, 2019) (online at: [www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says](http://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says)); CR, “Four More Deaths Linked to Infant Sleepers Like the Fisher-Price Rock 'n Play Sleeper” (Apr. 11, 2019; last updated May 16, 2019) (online at: [www.consumerreports.org/child-safety/more-deaths-linked-to-infant-sleepers-like-fisher-price-rock-n-play-sleeper](http://www.consumerreports.org/child-safety/more-deaths-linked-to-infant-sleepers-like-fisher-price-rock-n-play-sleeper)).
- <sup>7</sup> CR, “Consumer Reports praises Amazon, Walmart, and Buy Buy Baby for banning infant inclined sleepers, calls again for immediate recalls by manufacturers” (Dec. 5, 2019) (online at: [advocacy.consumerreports.org/press\\_release/cr-inclined-sleepers-amazon-walmart-bbb-dec-2019](http://advocacy.consumerreports.org/press_release/cr-inclined-sleepers-amazon-walmart-bbb-dec-2019)).
- <sup>8</sup> *Supra* note 3.
- <sup>9</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>10</sup> Washington Post, “Dozens of infant deaths have been tied to a popular baby product. But regulators are too paralyzed to act” (Nov. 23, 2019) (online at: [www.washingtonpost.com/business/economy/dozens-of-infant-deaths-have-been-tied-to-a-popular-baby-product-but-regulators-are-too-paralyzed-to-act/2019/11/23/c6348d68-f5a1-11e9-a285-882a8e386a96\\_story.html](http://www.washingtonpost.com/business/economy/dozens-of-infant-deaths-have-been-tied-to-a-popular-baby-product-but-regulators-are-too-paralyzed-to-act/2019/11/23/c6348d68-f5a1-11e9-a285-882a8e386a96_story.html)).