



**Written Comments of Consumer Reports to the
U.S. Consumer Product Safety Commission on:
“Agenda and Priorities FY 2021 and/or 2022”
William Wallace, Manager, Home and Safety Policy**

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Consumer Reports (CR), the independent, non-profit member organization,¹ welcomes the chance to submit comments on the CPSC’s agenda and priorities for the next two fiscal years.

Improving product safety always has been a core part of CR’s mission, and it remains just as important today. 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.

The CPSC’s work remains as essential as ever during the COVID-19 pandemic. With millions of people remaining at home for extended periods, it is an especially important time to help protect them from hidden product hazards in the home. We understand that the pandemic is having a substantial impact on the agency’s work, particularly insofar as CPSC staff are not able to conduct laboratory testing; nevertheless, the agency must move forward everywhere it can.

With these broader objectives in mind, we highlight topic areas in the following comments that we encourage the agency to emphasize in fiscal years 2021 and 2022. We divide them into two categories: (1) the CPSC’s role and capabilities; and (2) hazards around the home.

¹ Founded in 1936, Consumer Reports uses its dozens of labs, auto test center, and survey research center to rate thousands of products and services annually. CR works together with its more than 6 million members for a fairer, safer, and healthier world, and reaches nearly 20 million people each month across our print and digital media properties.

The CPSC's role and capabilities

The CPSC is a critical agency with an indispensable public health and safety mission, and it plays a significant role in protecting U.S. consumers, despite lacking many of the tools and resources it would need to carry out all that it is capable of doing. It is essential for the CPSC to make effective use of the tools and resources it has; to leverage actions by companies, standards development organizations, advocates, and consumers to advance the public interest; to maximize the availability of information and accountability to the public regarding product safety; and to identify ways to improve the agency's work in the future. As it pursues these goals, we urge the agency to focus on several topics in particular.

Safety leadership and expertise

It is critical for the CPSC and Commission members to be vocal advocates for consumer safety. This leadership role should include communication of key safety messages on persistent safety hazards, as well as informing the public about new potential product hazards as quickly and prominently as possible. It also should include public and private efforts to push for companies and industry organizations to take key actions in support of safety that they may not want to undertake, and support for mandatory requirements when companies do not act voluntarily. The CPSC should set a high bar for safety culture, safety standards, and responses to safety issues. The agency should repeatedly and consistently urge companies and industry associations to reach that high bar, and require them to do so when they do not act on their own.

In addition, the Commission must value the safety expertise of CPSC staff. Staff should be empowered to take leadership roles in voluntary standards development, and should be permitted to cast votes on ballot items on the basis of their safety expertise and their independent assessment of the matter at hand. They also should be able to conduct research, educate the public, identify and reduce hazards, and pursue compliance and enforcement actions as the law and their experience dictate. As an independent regulatory agency, the CPSC has been directed by Congress to look out for the safety of Americans in a manner relatively insulated from outside pressures. The work of CPSC staff should always reflect this charge.

CR welcomes the creation of the Consumer Ombudsman role. We are thrilled to see this important idea become a reality, and appreciate the hard work required to make it happen. CR looks forward to working with the Consumer Ombudsman going forward, and to helping ensure to the best of our ability that this role is successful in connecting consumers and advocates with the agency's critical work, and vice-versa.

Increased use of civil penalties

CR strongly urges the CPSC to put the agency's civil penalties authority to far greater use, and take a more aggressive approach to violations of the statutes and regulations under the agency's jurisdiction. The CPSC uses a range of tools, including its authority to levy civil penalties, to hold companies accountable and help change corporate behavior. Civil penalties are essential to enforcing against unlawful conduct that could place consumers at risk, including failures to report potential defects or misrepresentations made to the CPSC. As warranted, the

agency should not hesitate to levy fines at the highest levels permitted under the law to deter future violations.

Historically, civil penalties have been underutilized, and in recent years, the Commission has shied away even more from using this important tool. In fiscal years 2018 and 2019, the agency entered into a total of three settlement agreements that included civil penalties; in 2016 and 2017, it entered a total of 11 such settlements. Even worse, the CPSC has not announced *any* assessment of civil penalties since November 2018—a span of 18 months. This must change.

Active participation in voluntary standard development

Given that the Consumer Product Safety Act generally requires the CPSC to rely on voluntary standards, it is especially important for the agency to help ensure that the voluntary standards-setting process yields timely and significant safety benefits to consumers. The Commission should consider each of the following to be a key agency priority: (1) CPSC testing and other research to provide data and direction to voluntary standard panels; (2) informed, vocal, and influential CPSC staff participation in voluntary standard panels; (3) open and balanced voluntary standard panels and fair standards development processes; (4) continual progress for safety on voluntary standard panels, including timely and robust updates to standards; and (5) retaining the credible use of mandatory standards to achieve safety goals through regulation if voluntary standards would not adequately reduce the risk of injury or if it is not likely that there will be substantial compliance.

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 safety standards in a consensus-based process and the CPSC promulgates a mandatory standard that is either substantially the same or more stringent. Numerous infant and children's products are now manufactured to be far safer than they once were, and compliance must be tested and certified by a third party. We urge the Commission to continue, in fiscal years 2021 and 2022, to make its Section 104 activities a top priority, given the demonstrated record of success. We especially urge the CPSC to prioritize finalizing strong safety standards for infant sleep products and crib bumpers/liners.

Effective recalls and enforcement

Perhaps the most common way that consumers interact with the CPSC is when they learn of product recalls. CR applauds the recent increase in needed recalls, especially those pertaining to products that place infants and children at risk of injury and death. We urge the CPSC to keep pursuing recalls aggressively and to make use of all available tools to protect consumers from harm, especially during these difficult times. Furthermore, the agency should reject any efforts by companies to delay recalls due to the current public health crisis. CR understands that the COVID-19 pandemic is likely to have a significant impact on participation in recalls, and we fully support the CPSC's efforts to inform the public of potential delays of certain remedies.

When a recall is warranted, CR considers it best for consumers if the recall happens as quickly, as completely, and as easily as possible. Recalls vary greatly in how well they fulfill

these goals, and accordingly, we urge the CPSC to do all it can to make recalls more effective and verify that companies get unsafe products off the market and out of homes. A key component of ensuring fast and effective recalls is to have strong corrective action plans with terms that serve the public—not just the terms that recalling companies seek. The CPSC should continue working to employ novel communication and outreach tools, improve companies’ implementation of recalls, and draw on consumer behavior research, including on the use of incentives, to help ensure that recalled products are removed from use.

When a manufacturer fails to recall a hazardous product, the CPSC must find ways to alert retailers and consumers. The agency also should never issue, or allow a company to issue, just a general warning to the public when far stronger or more specific action is needed. Finally, the CPSC should take appropriately strong enforcement action against any entity that offers recalled or violative products for sale. In doing so, the agency should at a minimum demand the active cooperation of all that facilitate such sales, including online platforms and marketplaces.

Market surveillance

CR urges the CPSC to strengthen its commitment to market surveillance, while acknowledging the disruptions the COVID-19 pandemic has had on many of the agency’s functions. It is critical for the CPSC to monitor imports of products at as many ports as possible to prevent entry of dangerous products into the U.S. marketplace. The CPSC should also continue to more broadly monitor the marketplace to ensure that unsafe products are removed from online platforms, second-hand markets, and child care facilities. Today’s various online marketplaces play a major role in how consumers buy and sell products, and their influence continues to grow. While individual marketplaces’ policies and practices vary, consumers too often encounter unsafe products for sale that these entities have failed to keep off of their sites.

We also urge the CPSC to strengthen its surveillance related to the growing issue of counterfeit goods. The scale of the counterfeit problem, its breadth, and its impact on consumers are all on the rise in the U.S. market, and growth in e-commerce is a major driver. Counterfeits can harm consumers’ safety or health, defraud them, and otherwise fail to deliver on what consumers reasonably thought they were buying. Where these products are prohibited under a CPSC-administered statute, the agency should take action to stop their distribution and sale.

Availability of information and accountability to the public

Unfortunately, the CPSC operates under severe constraints on its ability to communicate clearly with the public about critical safety issues. The CPSC should be able to inform the public about legitimate safety hazards in a timely and complete manner regardless of whether or not a company wants that to occur. The agency should work to do so as broadly as possible within the confines of the statutory language of Section 6(b) of the Consumer Product Safety Act, while updating agency interpretations of Section 6(b) to maximize public availability of information and minimize internal agency administrative burdens to the greatest extent possible. As much as it can, the CPSC must prioritize its statutory mission to protect consumers over the anonymity of companies when their products have created a substantial risk of injury to the public.

While recognizing the significant effect of Section 6(b) on the agency, we urge the CPSC to take several steps regarding the availability of information and agency accountability to the public. First, it should be an agency priority to reduce Freedom of Information Act (FOIA) backlogs and other factors that cause responses to FOIA requests to be delayed, including beyond the dates by which responses are required. Second, the agency should develop ways for the public to more readily ascertain whether a company is living up to its obligations under a recall and is effectively getting unsafe products off the market and out of homes. This effort should include greater public availability of what has been agreed to under a corrective action plan, and the routine posting of monthly corrective action plan reports on *CPSC.gov*. Third, it is critically important for companies to follow through on their commitments to issue a recall and carry out related actions. Even if it cannot disclose the names of the companies or the products involved, the CPSC has an obligation to the public to push companies to carry out recalls that they have committed to undertake, and to achieve recalls that happen as quickly, as completely, and as easily for consumers as possible.

In addition, we continue to strongly support the *SaferProducts.gov* public database. At the same time, we're concerned that reports of harm received via *SaferProducts.gov* represent an exceedingly small portion of the actual product hazard-related incidents that occur. We have appreciated the opportunity to provide comments and recommendations to the CPSC about the database, and look forward to continuing to work with the CPSC to develop and implement enhancements to *SaferProducts.gov* that would bolster product safety and help protect consumers, including by: increasing reports of harm; taking steps to redesign and clean up parts of the website and ease the reporting process; and improving data source integration and the public availability of *SaferProducts.gov* data.

Funding and staffing

As we have said repeatedly, and as we have communicated to the House and Senate Appropriations Committees, the CPSC should receive at least double its current funding and staff levels to implement fuller programs to prevent consumer harm. We appreciate the efforts of the Chairman and other commissioners to prevent cuts in resources and push for additional funds; at the same time, we recognize that the agency is not currently resourced at a level reflecting that product safety, truly, is a federal priority.

Hazards around the home

In keeping with the overarching recommendations we make, we urge the CPSC to prioritize several hazards that consumers can and do encounter around their home that are hidden, or that may be unknown or poorly understood while still posing a substantial risk.

Safe infant sleep

The U.S. has the highest rate of sudden unexpected infant death (SUID) among all developed nations, and we are committed to preventing these tragedies. CR continues to pressure the CPSC, manufacturers, and retailers to remove from the market hazardous infant sleep products that fail to comply with the American Academy of Pediatrics' safe sleep

recommendations for consumers to place babies alone to bed on a firm, flat surface in their own space, with no extra bedding.²

We commend the CPSC for taking action on infant inclined sleep products over the last year. More than five million infant inclined sleeper units have been recalled, and the Commission has proposed a strong safety standard for infant sleep products that would effectively prohibit inclined sleepers. CR strongly supports this standard and urges the agency to finalize it without delay. In working with consumers across the country, CR has received approximately 22,650 signatures from people in support of this proposed safety standard for infant sleep products.

While medical and epidemiological evidence makes clear that inclined sleep products are not safe for infant sleep, some manufacturers still are unwilling to remove the products permanently from the marketplace. In addition to the continued presence on the market of products eerily similar to the long ago-recalled Nap Nanny, we observe that some manufacturers appear to be trying to side-step the issue by rebranding inclined sleep products as “loungers” or “bouncers” without making significant changes to the product design or marketing. These types of changes fail to fully address the danger to infants, and could potentially leave parents and caregivers confused and their infants at risk of injury and death. This behavior makes it all the more urgent for the CPSC to finalize its strong safety standard for infant sleep products and to seek appropriate compliance actions for inclined sleepers that remain on the market.

In addition, we thank the agency for its proposal to effectively remove padded crib bumpers from the marketplace. As CR testified at the CPSC Crib Bumper Forum earlier this year, the risks to infants from padded crib bumpers are severe. 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.³ In its most recent staff briefing package on crib bumpers, delivered in September 2019, CPSC staff identified 113 fatal and 113 non-fatal incidents related to crib bumpers between 1990 and 2019.⁴ From branded data that the CPSC released in error, CR identified 23 infant fatalities tied to crib bumpers between 2012 and 2018.

The continued presence of padded crib bumpers on store shelves, and especially in-store displays, is misleading to consumers. In January 2020, Consumer Reports queried its consumer research panel of 1,000 people, which included 248 self-identified parents, and asked the parents how they understood crib bumpers in the context of the “bare is best” message. While 73% of the

² 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).

³ 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).

⁴ CPSC staff, Briefing package on “Proposed Rule: Safety Standard for Crib Bumpers/Liners under the Danny Keysar Child Product Safety Notification Act” (Sept. 4, 2019) (online at: www.cpsc.gov/s3fs-public/Proposed%20Rule%20-%20Safety%20Standard%20for%20Crib%20Bumpers-Liners%20Under%20the%20Danny%20.._0.pdf).

parents believed “bare is best” for infant sleep, only 55% of the parents believed that crib bumpers are unsafe to use for infant cribs. This stark contrast in responses—nearly a 20% difference—demonstrates the confusion that crib bumpers create for parents. We urge the CPSC to continue moving forward on its safety standard for crib bumpers/liners to ensure greater clarity for parents and caregivers and greater adherence to the AAP’s safe sleep recommendations for infants.

Furniture tip-overs

Hundreds of deaths from tip-over incidents involving dressers and other clothing storage units (CSUs) have occurred since 2000, and thousands of emergency room-treated injuries happen each year because of these incidents. CR has conducted extensive research, analysis of incident and injury data, and comparative testing of a cross-section of the marketplace of CSUs to determine whether a given model is more or less likely to tip over relative to other models. Based on our investigation, the industry’s voluntary standard leaves too many children at risk. Our testing has demonstrated that it is feasible for dressers at all price points to pass a more rigorous test, and our analysis of the injury and fatality data shows why it is necessary for furniture manufacturers to meet a stronger standard.

While it is essential, where possible, to help avoid tip-over incidents by securing dressers to walls—as the Anchor It! campaign advocates—we recognize that taking this step is not always an option for tenants or those not handy with tools. The current COVID-19 crisis highlights the necessity for sturdier dressers as it keeps millions of people, including children, at home for prolonged periods. Fundamentally, it is the industry’s responsibility to ensure safer and sturdier dressers, and safety should not rely on consumer skill to anchor a dresser to a wall.

CR—in proud partnership with all of the parents who are painstakingly turning their tragedies into progress toward safer dressers—continues to urge the CPSC to set a strong, mandatory safety standard for CSUs, which, among other things, would allow the agency to enforce the rules and more easily gain industry cooperation for recalls. In the meantime, recognizing Section 7 and 9 mandatory standards can take a several years to develop without industry cooperation, CR also continues to urge furniture companies to take stronger action immediately and to protect more children and cover more dressers by increasing the test weight to 60 pounds. It is of the utmost importance for Commissioners and CPSC staff to actively support and encourage members of the furniture industry to support these improvements to the voluntary standard, and we applaud those who have done so or are doing so.

Separately, to help ensure the fastest possible implementation of a stronger standard, we also are supporting passage of legislation in Congress to establish a strong, mandatory standard for the stability of dressers and other CSUs. We are urging Congress to swiftly pass this bill, the STURDY Act, to help prevent avoidable tip-over tragedies.

On the compliance side, we applaud the CPSC’s announcement of recalls involving additional unstable dressers, and notably, dressers under 30 inches tall. CR urges the CPSC to continue to announce recalls of unstable dressers and work to remove them from the market, and ensure that companies offer consumers strong remedies, including the option for full refunds.

Portable generators

CR periodically tests and rates portable generators, including for their ability to reduce the risk to consumers of carbon monoxide poisoning. As the incident data make tragically clear, education and warning labels alone are not enough to protect consumers from this risk. With an average of about 70 deaths and several thousand non-fatal injuries annually,⁵ performance requirements are needed, and the CPSC should implement a mandatory safety standard for portable generators to address the risk of carbon monoxide poisoning and other safety risks associated with the products. Such a standard would apply across the marketplace, make it easier to recall noncompliant products, and more effectively protect consumers.

We support the CPSC's research on portable generators, prior to finalizing a rule, to evaluate the effectiveness of the ANSI/PGMA and UL standards. It is essential to independently evaluate how likely it is that these voluntary industry standards would eliminate or mitigate generator-related deaths, injuries, and illnesses, and to independently assess their adequacy under section 7(b) of the Consumer Product Safety Act. CR anticipates this research can help build toward what we advocate for consumers: a single, strong, enforceable standard that eliminates or significantly reduces deaths and injuries associated with these products.

Magnet sets

CR is highly concerned about tiny, high-powered magnets having returned to the marketplace. The 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, 2013.⁶ CR 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 have occurred.

Internet-connected consumer products

Internet-connected devices are becoming available in the marketplace at a rapid rate, and they present new safety challenges not adequately addressed by current standards or CPSC tools and resources. As we have testified previously before the agency, we urge the CPSC, other government agencies, and all stakeholders to live up to a pro-consumer vision for the Internet of Things (IoT), where companies are obligated to take responsibility for product safety through application of safety-protective product design, development, and production processes. We look forward to continuing to work with the CPSC as it further develops its thinking on IoT and ramps up work to protect consumers from associated product hazards.

⁵ CPSC, Proposed Rule: Safety Standard for Portable Generators, 81 Fed. Reg. 83556-83615 (Nov. 21, 2016).

⁶ CPSC, Final Rule: Safety Standards for Magnet Sets, 79 Fed. Reg. 59961 (Oct. 3, 2014).

Liquid laundry detergent packets

The safety hazards of liquid laundry detergent packets remain significant, including to children and cognitively impaired adults.⁷ Given the ongoing threat to young children demonstrated by exposure data from poison control centers, the CPSC should consider promulgating an enforceable mandatory standard. CR will continue to urge households where children younger than 6 or cognitively-impaired adults are ever present to skip these products altogether until there is a meaningful decline in injuries.

Smoke alarms, carbon monoxide alarms, and appliance fires

According to the National Fire Protection Association, working smoke alarms more than double the chance of surviving a fire, and between 2012 and 2016, fires in homes with no smoke alarms caused an average of 1,020 deaths per year (40% of home fire deaths). An additional 440 people per year (17% of home fire deaths) were fatally injured in fires in which smoke alarms were present but failed to operate.⁸ 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 2015.⁹

CR often stresses the importance of installing and maintaining smoke and CO alarms, and we look forward to continuing to work with the CPSC to reduce deaths and injuries from fires and carbon monoxide poisoning in the home. The most recent CR buying guide and ratings on these alarms offer consumers comparative information about different products that were tested.¹⁰ To help keep consumers safe, CR also has shared information about how to ensure that smoke and carbon monoxide detectors function properly,¹¹ and has sought to help prevent home fires in the first place by providing consumers with information on proper precautions to take.¹²

⁷ 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); “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); see also “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).

⁸ 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).

⁹ CDC, Quick Stats: Number of Deaths Resulting from Unintentional Carbon Monoxide Poisoning (online at: www.cdc.gov/mmwr/volumes/66/wr/mm6608a9.htm).

¹⁰ Consumer Reports, “CO & Smoke Alarm & Carbon Monoxide Detector Buying Guide” (June 8, 2018) (online at: www.consumerreports.org/cro/smoke-carbon-monoxide-detectors.htm).

¹¹ Consumer Reports, “How to Spot and Stop Carbon Monoxide Poisoning” (Oct. 31, 2017) (online at: www.consumerreports.org/home-safety/how-to-spot-and-stop-carbon-monoxide-poisoning); Consumer Reports, Check Smoke and Carbon Monoxide Detectors When Moving Into a New Home” (March 9, 2018) (online at: www.consumerreports.org/smoke-carbon-monoxide-detectors/check-smoke-and-carbon-monoxide-detectors).

¹² See, e.g., Consumer Reports, “How to Prevent Dryer Fires” (Apr. 21, 2020) (online at: www.consumerreports.org/clothes-dryer/how-to-prevent-dryer-fires).

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 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.¹³ 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.

Window covering cords

Efforts to address the risk of injury to young children from hazardous, accessible window covering cords have made progress, but there is more to be done. On average, one child dies every month in an incident associated with this hazard,¹⁴ adding up to hundreds of child fatalities in the more than 30 years that the problem has been well understood. CR continues to support the development, by the CPSC, of a mandatory standard to eliminate the risk of strangulation and prevent future tragedies. In the meantime, we urge all window covering manufacturers to conform to the latest version of the voluntary ANSI/WCMA standard and continue to work urgently to bolster the standard so it also requires custom products to be free of accessible cords. For their part, retailers of window coverings should commit, without delay, to only sell cordless products.

Table saws

More than 30,000 table saw injuries occur annually, with an average of ten amputations happening every day on the products.¹⁵ CR supports a performance standard to limit the depth of a cut, because it is a sensible approach that is feasible to meet and, according to the agency's estimates, would yield large net benefits. We urge the Commission to keep moving forward on the mandatory safety standard for table saws.

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 crashes. Annually, about 26,000 of these bicycle-related injuries to children and adolescents are traumatic brain

¹³ 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).

¹⁴ CPSC, "Window Covering Cords Information Center" (online at: www.cpsc.gov/Safety-Education/Safety-Education-Centers/Window-Covering).

¹⁵ 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); 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).

injuries treated in emergency departments. As has long been established, bicycle helmets reduce head injuries by up to 50%.¹⁶ It is important for the CPSC to work with all stakeholders to ensure that the CPSC bicycle helmet standard drives the market toward helmets that provide greater protection from impact, and CR looks forward to continuing this work.

CR promotes bicycle safety, both by monitoring the helmet market and informing consumers of safe practices.¹⁷ In July 2019, CR published the results of an investigation finding that bike helmets not meeting safety standards were widely available.¹⁸ CR shoppers, working with our testing experts, were able to find and purchase 13 helmets without a label certifying compliance with the CPSC standard for protection from skull fracture. We bought the helmets from four online marketplaces: Amazon.com, Sears.com, Aliexpress.com (a subsidiary of Chinese retail giant Alibaba), and LightInTheBox.com (a global retail company with headquarters in Beijing). These helmets represented a variety of styles, marketed toward road cyclists, mountain bikers, and recreational riders.

These helmets arrived without a required label, which would, at best, leave a consumer uncertain about their safety, and, at worst, indicate that they were not tested according to CPSC standards. The lack of a label itself, or the presence of an improper label (such as just the European “CE” safety standard but no label pertaining to the stronger impact requirements of the U.S. standard) made the helmets non-compliant, meaning they should not have been for sale in the U.S. CR contacted all four online retailers to inform them of what we discovered, and they all said they would remove or already had removed the items. While we were pleased with the swift response, our investigation highlighted a more pervasive issue: products that may threaten consumer safety are easy to purchase, even when regulations say they should not be.

Unfortunately, this is the case even for savvy buyers. The author of CR’s investigative story on bike helmets bought a helmet online for his toddler that claimed to have a CPSC certification on the online product listing, had a four-and-a-half star rating on Amazon, and even arrived with a label inside the helmet claiming certification to the CPSC standard. As CR’s journalist later discovered, that label did not contain all the information required by the CPSC, which is a red flag. The label lacked required information such as the month and year of product manufacture, and the statement saying which CPSC safety standard the helmet complies with, making the helmet not properly certified for safety. CR contacted the CPSC with our findings.

¹⁶ CDC, Bicycle Safety (June 5, 2017) (online at: 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); CDC, Head Injuries and Bicycle Safety (Jan. 28, 2015) (online at: 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) (accessed July 11, 2017).

¹⁷ See, e.g., Consumer Reports, “4 Biking Safety Tips for Commuters” (Sep. 22, 2017) (online at: www.consumerreports.org/safety/biking-safety-tips-for-commuters).

¹⁸ CR, “Bike Helmets That Don't Meet Safety Standards Are Widely Available, Consumer Reports Finds” (July 1, 2019) (online at: www.consumerreports.org/bike-helmets/bike-helmets-that-dont-meet-federal-safety-standards-are-widely-available).

Lawn mowers

According to published academic research, there were 934,394 lawn mower injuries treated in the U.S between 2005 and 2015—an average of 84,944 injuries per year.¹⁹ Between 1990 and 2014, 212,258 children suffered lawn mower-related injuries, many of which resulted in long-term physical, psychological, and financial damage.²⁰ During these periods, the incidence of lawn mower injuries for children and the general population failed to decline.²¹ Considering the severity and persistent incidence of lawn mower-related injuries, the CPSC should dedicate additional staff time and resources to potential design changes and safety equipment that could reduce the risk of injury to consumers.

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.²² 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.

Conclusion

In conclusion, CR greatly appreciates CPSC’s important efforts to address hazards associated with consumer products. We look forward to continuing to work with the agency to fulfill its mission in fiscal years 2021 and 2022.

¹⁹ Christopher Harris, Jonathan Madonick, and Thomas Ryan Hartka, *Lawn mower injuries presenting to the emergency department: 2005 to 2015*, American Journal of Emergency Medicine (Jan. 8, 2018)

²⁰ Karen Ren et al., *Children treated for lawn mower-related injuries in US emergency departments, 1990–2014*, American Journal of Emergency Medicine (Mar. 13, 2017); Marielena Bachier and Alexander Feliz, *Epidemiology of lawnmower-related injuries in children: A 10-year review*, Society of Black American Surgeons (2016).

²¹ *Id.*

²² CDC, “Unintentional Drowning: Get the Facts” (Apr. 28, 2016) (online at: www.cdc.gov/homeandrecreationalafety/water-safety/waterinjuries-factsheet.html).