



March 23, 2022

Division of the Secretariat  
U.S. Consumer Product Safety Commission  
Room 820  
4330 East West Highway  
Bethesda, MD 20814

**Comments of Consumer Reports to the  
Consumer Product Safety Commission on the  
Notice of Proposed Rulemaking:  
“Safety Standard for Operating Cords on Custom Window Coverings”  
Docket No. CPSC-2013-0028**

**I. Introduction**

Consumer Reports, the independent, non-profit member organization, welcomes the opportunity to submit comments to the Consumer Product Safety Commission (CPSC) regarding the agency’s notice of proposed rulemaking to establish a safety standard for operating cords on custom window coverings.<sup>1</sup> We commend the CPSC for proposing a rule that would ensure custom window coverings must adhere to strong and sensible requirements, based on a robust body of evidence, which would protect children from injury.

Consumer Reports also welcomes the CPSC’s decision to pursue concurrently a section 15(j) rulemaking that would deem, as a substantial product hazard, the presence of hazardous operating cords found in stock window coverings or the presence of hazardous inner cords on either stock or custom window coverings.<sup>2</sup> The CPSC’s actions to address both stock and custom window coverings in parallel rulemaking efforts are appropriate and necessary to provide clarity in the marketplace and to protect children from the risk of serious injury or death.

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<sup>1</sup> Founded in 1936, Consumer Reports (CR) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

<sup>2</sup> The CPSC’s proposed rule under section 15(j) also would deem a window covering product to present a substantial product hazard if it lacks a manufacturer label on a stock or custom window covering. CPSC, “CPSC Docket No. CPSC-2021-0038: Substantial Product Hazard List: Window Covering Cords” (Jan. 7, 2022) (online at: [www.federalregister.gov/documents/2022/01/07/2021-27897/substantial-product-hazard-list-window-covering-cords](http://www.federalregister.gov/documents/2022/01/07/2021-27897/substantial-product-hazard-list-window-covering-cords)).

## **II. The CPSC’s proposed rule appropriately addresses hazardous window covering cords after decades of delay and inadequate action in the manufacturer-controlled voluntary standards development process.**

For nearly forty years, the CPSC has been warning parents and the public about the hazards associated with window covering cords. Despite the clear and persistent strangulation hazard, the voluntary standards development process for window covering cords has failed to protect young children from the serious risk of injury or death from strangulation. As a result, fatal and non-fatal incidents related to window covering cords continue to be reported, with at least eight children dying from strangulation by window covering cords every year.

Since 1996, the voluntary standards process has yielded numerous iterations of a standard that have not adequately addressed the serious hazards associated with operating and inner cords. Repeatedly, the voluntary standard has placed the burden on consumers to keep hazardous and accessible cords out of reach of children with many of the updates to the standard focusing on “tension devices,” which require proper installation by the consumer to be effective, and updates to instructions and warnings.<sup>3</sup> Frustrated with the delays and piecemeal attempts to address these hazards, Consumer Reports,<sup>4</sup> along with partner organizations, formally petitioned the CPSC in 2013—nearly nine years ago—to promulgate a strong mandatory standard to eliminate the strangulation hazards posed by accessible cords in all window coverings.<sup>5</sup>

In 2018, ANSI/WCMA A100.1-2018, the American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA-2018) was updated to include stronger safety standards for inner cords for stock and custom window coverings and operating cords for stock window coverings. Despite these updates, ANSI/WCMA-2018 fails to adequately address the hazards associated with the presence of accessible operating cords on custom window coverings, despite including requirements that—if applied more broadly—would help protect children across the board.<sup>6</sup>

There is no good reason why operating cords for custom window coverings should not meet the same requirements as operating cords for stock window coverings. Accessible operating cords for custom window coverings expose children to the same serious risk of injury or death from strangulation as those for stock window coverings. Without requiring custom window covering products to meet the performance requirements of the 2018 voluntary standard, serious incidents related to accessible operating cords on window coverings will continue to occur. As such, Consumer Reports strongly supports the CPSC’s proposed rule to address the strangulation

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<sup>3</sup> 87 Fed. Reg. 1014, 1027-28.

<sup>4</sup> Consumers Union is the former name of the advocacy division of Consumer Reports as well as the former name of the organization as a whole.

<sup>5</sup> Consumer Federation of America, “16 CFR § 1051 Petition for Rulemaking Eliminating Accessible Cords On Window Covering Products” (May 23, 2013) (online at: [consumerfed.org/pdfs/window-covering-petition-final.pdf](https://consumerfed.org/pdfs/window-covering-petition-final.pdf)).

<sup>6</sup> American National Standards Institute, “American National Standard For Safety Of Corded Window Covering Products” (Jan. 8, 2018) (online at: [webstore.ansi.org/standards/wcma/ansiwcm1002018?gclid=CjwKCAiAyPyQBhB6EiwAFUuaklXmrRPI1WnjUmqZ\\_sGB2zGTCf94Ykjd9U4R4pKcWpPB4eOYuYcbehoCW8kQAvD\\_BwE](https://webstore.ansi.org/standards/wcma/ansiwcm1002018?gclid=CjwKCAiAyPyQBhB6EiwAFUuaklXmrRPI1WnjUmqZ_sGB2zGTCf94Ykjd9U4R4pKcWpPB4eOYuYcbehoCW8kQAvD_BwE)).

hazards associated with accessible custom window covering cords and urges the agency to finalize it expeditiously.

### **III. Window covering cords continue to put infants and children at serious risk of injury or death and the CPSC should finalize a strong mandatory standard.**

As documented by the notice of proposed rulemaking and CPSC staff’s briefing package, sufficient data exists to demonstrate the serious safety hazards linked to accessible window covering cords.<sup>7</sup> The incident data shows that piecemeal attempts made through the voluntary standards process have failed, for nearly three decades, to adequately address these serious hazards. Despite the updates made to the voluntary standard in 2018, fatal and near-miss strangulation incidents continue to be reported.<sup>8</sup> The CPSC points out that for most of the reported incidents, “staff did not have enough information available to determine if the window covering was a stock or custom product.”<sup>9</sup>

From January 2009 to December 2020, the CPSC cites a minimum of 194 fatal and near-miss strangulations that occurred among children eight years old and younger.<sup>10</sup> The agency also estimates that at least eight children die each year as a result of strangulation by operating and inner cords on window coverings. CPSC staff was able to determine that at least 35 of the 194 incidents involved custom window coverings and reported that 30 of these 35 incidents were related to operating cords, including pull cords and continuous loops.<sup>11</sup> According to the notice of proposed rulemaking, CPSC staff has advised that the requirements in section 4.3.1 of ANSI/WCMA-2018 “would have prevented 100 percent of the incidents involving operating cords on custom window coverings” if these requirements had been in effect for custom window coverings.<sup>12</sup>

The compiled CPSC incident data includes information on how children have strangled on operating cords, including incidents where the child climbed on an item like a couch and accessed the cord.<sup>13</sup> Operating cords that are accessible and are long enough to wrap around a child’s neck can result in serious injuries, including long-term or permanent vegetative states, or death. Such injuries or death can occur within minutes of a window covering cord wrapping around a child’s neck and applying pressure on the airway, vessels, or nerves in the neck.<sup>14</sup>

Given the severity of the injuries, the hazards that accessible window covering cords present, and the continued industry delays in fully addressing the hazards, the CPSC is well

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<sup>7</sup> CPSC, “Notice of Proposed Rulemaking: Safety Standard for Operating Cords for Custom Window Coverings,” (Jan. 7, 2022) (online at: [www.regulations.gov/docket/CPSC-2013-0028](http://www.regulations.gov/docket/CPSC-2013-0028)); CPSC, “Staff Briefing Package: Notices of Proposed Rulemaking to (1) Add Window Covering Cords to the Substantial Product Hazard List, and (2) Establish a Safety Standard for Operating Cords on Custom Window Coverings” (Oct. 6, 2021) (online at: [www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf](http://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf)).

<sup>8</sup> See 87 Fed. Reg. 1022-23.

<sup>9</sup> *Id.* at 1024.

<sup>10</sup> *Id.* at 1022.

<sup>11</sup> *Id.* at 1015.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 1034.

<sup>14</sup> *Id.* at 1021-22.

within its discretion—and is correct—to promulgate a mandatory standard under sections 7 and 9 of the Consumer Product Safety Act. Consumer Reports agrees that the proposed standard will effectively minimize the strangulation hazards associated with accessible window covering cords that have not yet been adequately addressed.

#### **IV. The CPSC properly determined that operating cords for custom window coverings should be required to adhere to effective minimum safety standards.**

It is appropriate for the CPSC to move forward with a mandatory standard for window coverings after decades of inadequate action. In today’s market, custom window coverings make up an estimated 36-49 percent of all unit shipments, indicating that a large share of the market falls outside the current voluntary standard’s safety requirements for operating cords under section 4.3.1 of ANSI/WCMA-2018.<sup>15</sup>

Moreover, sufficient data exists to demonstrate the continued presence of serious safety hazards linked to accessible window covering cords found on both stock and custom products.<sup>16</sup> As documented repeatedly over the years, operating and inner cords found in both stock and custom window coverings have been the source of too many preventable tragedies. Despite the updates made to the voluntary standard, fatalities and near-miss strangulations continue to be reported every year.<sup>17</sup>

In 2015, window covering manufacturers submitted comments in response to a CPSC advance notice of proposed rulemaking (ANPR) and stated that a mandatory rule would negatively impact the window covering industry.<sup>18</sup> Since the agency’s 2015 ANPR, the 2018 voluntary standard addressed the hazards associated with operating cords for stock window coverings, as well as inner cords for stock window coverings and custom window coverings. The CPSC has determined preliminarily that “window coverings substantially comply with the requirements for operating cords” in ANSI/WCMA-2018.<sup>19</sup> This substantial compliance with the provisions of the 2018 voluntary standard shows that it is feasible for manufacturers to address the serious hazards and adjust product designs to protect children. The CPSC staff makes clear in its briefing package that an unreasonable risk of injury currently remains with operating cords on custom window coverings, and it must be addressed with the promulgation of this proposed rule.

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<sup>15</sup> CPSC, “D+R International Market Research Final Report” (Feb. 2021) (online at: [www.regulations.gov/document/CPSC-2013-0028-1579](http://www.regulations.gov/document/CPSC-2013-0028-1579)), p. 3.

<sup>16</sup> CPSC, “Notice of Proposed Rulemaking: Safety Standard for Operating Cords for Custom Window Coverings,” (Jan. 7, 2022) (online at: [www.regulations.gov/docket/CPSC-2013-0028](http://www.regulations.gov/docket/CPSC-2013-0028)); CPSC, “Staff Briefing Package: Notices of Proposed Rulemaking to (1) Add Window Covering Cords to the Substantial Product Hazard List, and (2) Establish a Safety Standard for Operating Cords on Custom Window Coverings” (Oct. 6, 2021) (online at: [www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf](http://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf)).

<sup>17</sup> 87 Fed. Reg. 1022-23.

<sup>18</sup> *Id.* at 1039.

<sup>19</sup> *Id.*

Progress since the publication of the 2018 voluntary standard may also mitigate previous concerns related to cost.<sup>20</sup> The February 2021 CPSC-commissioned report by D+R International Ltd. (D+R Report) concluded that the voluntary standard “has caused U.S. window covering manufacturers to design and offer cordless lift operations for most window covering categories.”<sup>21</sup> The report also concluded that compliance with the voluntary standard may have raised costs, but “the increased cost for a cordless stock product is still a lower price point than a custom corded product in most cases.”<sup>22</sup> While the proposed rule may—at least temporarily—lead to a modest increase in the price for custom products, it seems highly unlikely the rule will affect stock window coverings in price or design since the rule only applies to custom window coverings.

## V. Conclusion

Inadequate action by industry to address the strangulation hazards associated with window covering cords has resulted in continued reports of injury and death. The CPSC’s proposed rule under its section 7 and 9 authority, combined with the related action under its section 15(j) authority, is necessary to finally remove hazardous window covering cords from all units in the consumer marketplace and prevent future serious injuries and deaths.

The current approach to treat the safety of “stock” and “custom” window coverings differently has failed. It is time for a new approach that will ensure all window coverings meet strong standards that effectively protect children. We urge the CPSC to finalize the proposed safety standard for custom window covering operating cords, in addition to the section 15(j) rulemaking, without delay.

Thank you for your consideration of our comments. We look forward to continuing to work with the CPSC and all stakeholders to eliminate the strangulation hazard associated with corded window coverings.

Respectfully submitted,



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<sup>20</sup> See also Adam Finkel, Sc.D., CIH, “Comments on CPSC 2013-0028: Proposed Safety Standard for Operating Cords on Custom Window Coverings” (Mar. 23, 2022) (online at: [www.regulations.gov/document/CPSC-2013-0028](http://www.regulations.gov/document/CPSC-2013-0028)).

<sup>21</sup> CPSC, “D+R International Market Research Final Report” (Feb. 2021) (online at: [www.regulations.gov/document/CPSC-2013-0028-1579](http://www.regulations.gov/document/CPSC-2013-0028-1579)), p. 28.

<sup>22</sup> *Id.*