



August 11, 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 Availability and Request for Comment:
“Revision to the Voluntary Standard for Bassinets and Cradles”
Docket No. CPSC-2010-0028**

Consumer Reports, the independent, non-profit, and nonpartisan member organization,¹ welcomes the opportunity to submit comments to the Consumer Product Safety Commission (CPSC) regarding the recent revision to the voluntary standard for bassinets and cradles, ASTM F2194-22 ϵ 1.² We write to express our serious concerns with the revised voluntary standard and urge the CPSC to retain its existing mandatory consumer product safety standard.³

Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to promulgate mandatory standards for durable infant or toddler products, which may be based, in whole or in part, on a voluntary standard.⁴ When a standards development organization (SDO) revises a voluntary standard that has been adopted, entirely or partially, as a mandatory standard, section 104(b)(4)(B) of the CPSIA requires SDOs to notify the Commission. The Commission may choose either to allow the revised voluntary standard to take effect after 180 days and be considered a consumer product safety standard issued by the Commission, or alternatively, notify the SDO within 90 days if it determines that the proposed

¹ 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.

² ASTM International F2194-22 ϵ 1, *Standard Consumer Safety Specification for Bassinets and Cradles*.

³ 16 CFR Part 1218.

⁴ These mandatory standards must be “substantially the same as” the relevant voluntary standards, or “more stringent” than the voluntary standards if more stringent requirements would further reduce the risk of injury associated with the products at issue.

revision does not improve the safety of the consumer product covered by the standard and the Commission is retaining its existing mandatory standard.⁵

Currently, the CPSC's mandatory standard for bassinets and cradles incorporates by reference ASTM F2194-13, Standard Consumer Safety Specification for Bassinets and Cradles, with modifications. On July 18, 2022, ASTM International notified the CPSC that it had approved and published a revised version of the voluntary standard for bassinets and cradles. The revised standard creates a new product category within the F2194 standard of “compact bassinets/cradles,” which are exempt from certain requirements and subject to a newly added stability test method for these products.

If adopted by the CPSC, the changes in the revised standard would be highly consequential, and fundamentally they would not improve the safety of bassinets and cradles. The addition of the new compact bassinets/cradles category has occurred without an adequate assessment of the new stability test method and whether the test method properly assesses the safety of these products. In its current form, the revised standard raises serious concerns of an increased risk of instability if compact bassinets are placed directly on raised or unstable surfaces, like couches and beds, with infants at increased risk of falling out and suffering serious injuries. The changes would give parents the misleading impression that these products had been subject to the same rigorous safety testing for stability and other criteria as all other bassinets and cradles, and in the process may give a stamp of approval to unproven sleep products.

CR is also concerned with the potential impact of this revised standard on the agency's final rule for infant sleep products. The agency's mandatory standard for infant sleep products relies heavily on the 2013 version of the bassinet standard to set minimum requirements for all infant sleep products.⁶ If adopted by the CPSC, the revised ASTM F2194 standard would weaken not just one, but two of the agency's mandatory standards and leave numerous infants at greater risk than if the CPSC retained the existing safety standard for bassinets codified at 16 CFR Part 1218. In fact, the agency adopting the revised standard may create a dangerous loophole the infant sleep product's standard intentionally sought to close.

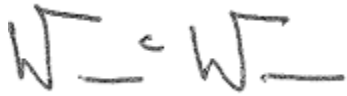
Infant safety must be paramount when evaluating the potential benefits and risks of baby products. We strongly urge the CPSC to retain the current mandatory standard, as the revised standard would not improve the safety of the consumer product covered by the standard.

⁵ Section 104(b)(4)(B) of the CPSIA, 15 U.S.C. 2056a(b)(4)(B).

⁶ As a part of the *Federal Register* notice for its June 2021 final rule establishing the safety standard for infant sleep products, the CPSC specifically discussed why it was important to the new safety standard for the agency's bassinet standard to require units to have a stand, base, or frame. “Unregulated flat sleep products are not required to have a stand. Therefore, these products can be placed directly on the floor or on potentially hazardous or unstable elevated surfaces, such as tables, countertops, soft mattresses, or couches. The ASTM F2194-16e1 bassinets standard addresses this hazard scenario by requiring bassinets to have a stand/base/frame. ASTM F2194-16e1 defines a ‘bassinet’ as a small bed ‘supported by free standing legs, a stationary frame/stand, a wheeled base, a rocking base, or which can swing relative to a stationary base.’” As the agency notes, “CPSC’s bassinet standard, 16 CFR part 1218, currently incorporates by reference performance and labeling requirements in ASTM F2194-13, with modifications set forth in the [Code of Federal Regulations]. CPSC’s mandatory standard is substantially similar to ASTM F2194-16e1.” CPSC, Safety Standard for Infant Sleep Products, 86 Fed. Reg 33,022, 33,043 (June 23, 2021).

Thank you for your consideration of our comments. We look forward to continuing to work with the CPSC and all stakeholders to ensure that all infant sleep products align with expert, evidence-based safe sleep recommendations.

Respectfully submitted,

Handwritten signature of William Wallace, consisting of stylized letters 'W', 'c', and 'W'.

William Wallace
Associate Director, Safety Policy

Handwritten signature of Oriene Shin, a cursive script.

Oriene Shin
Policy Counsel