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Division of the Secretary
U.S. Consumer Product Safety Commission
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 Bassinets and Cradles”
Docket No. CPSC-2010-0028**

I. Introduction

Consumer Reports (CR), the independent, non-profit member organization,¹ welcomes the opportunity to submit the following comments to the Consumer Product Safety Commission (CPSC) regarding its notice of proposed rulemaking (NPR) to revise the existing safety standard for bassinets and cradles.² Millions of infants in millions of households nationwide use these products every day, and we commend the CPSC for proposing this rule that would further improve safety.

As a foundational infant product, a bassinet is often one of the first products that parents purchase for their new baby. It is designed to provide babies with a safe sleep environment for the first months of their lives. Parents and caregivers should always be able to trust that the bassinet they choose meets strong standards that align with evidence-based safe sleeping practices, which include placing a baby alone, on their back, on a firm, noninclined surface in a safe sleep environment without soft objects or loose bedding.³

The agency’s proposal would adopt the ASTM F2194-22 voluntary standard with modifications that remove the compact bassinet category and address five hazard patterns that

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 more than 5 million members across the U.S.

² Consumer Product Safety Commission, “Notice of Proposed Rulemaking: Safety Standard for Bassinets and Cradles” 89 Fed. Reg. 27246 (Apr. 2024) (online at: www.regulations.gov/document/CPSC-2010-0028-0076).

³ AAP, “Sleep-Related Infant Deaths: Updated 2022 Recommendations for Reducing Infant Deaths in the Sleep Environment” (June 21, 2022) (publications.aap.org/pediatrics/article/150/1/e2022057990/188304/Sleep-Related-Infant-Deaths-Updated-2022).

the current mandatory standard does not fully address, and that pose serious safety risks to babies. Specifically, the proposed revisions would address the following hazards that the NPR identified:

- (1) suffocation hazard from non-level bassinets;
- (2) falls, suffocation, skull fractures, and asphyxia hazards from elevated/soft surfaces;
- (3) suffocation hazard from nonflat mattresses;
- (4) containment, tipping, gap trapment, and suffocation hazards from bassinets with design issues; and
- (5) shock and burn hazard from products with electrical issues.

As the agency notes in its proposed rule, it is aware of over 200 incident reports between January 2017 and December 2022, including seven infant deaths and 13 injuries, and used this data to identify the five hazard patterns outlined above. Separately, in December 2021, CPSC staff expressed serious concerns with certain cantilevered bassinets, citing four incidents involving deaths that occurred between 2019 and 2021.⁴ In January 2024, CR called on the CPSC to investigate and address incidents related to the bassinets, which may tilt laterally and cause babies to roll over onto their stomachs or into the corner of the sleep surface, increasing the risk of suffocation.⁵ Our analysis of SaferProducts.gov reports and publicly available reviews found numerous complaints connecting two cantilevered designed bassinets to hazards that could create an unsafe sleep environment for infants.⁶

Overall, Consumer Reports strongly supports the CPSC’s proposal, which would update the existing standard with performance requirements specially tailored to address serious safety hazards putting babies at risk of injury or death. As the CPSC works to finalize these revisions to this safety standard, CR offers more specific comments and recommends minor modifications to the proposed rule below to help ensure that bassinets and cradles provide the highest feasible level of safety for infants.

II. Performance Requirements

The CPSC’s proposed rule appropriately addresses five hazards that bassinets and cradles can pose to infants, including suffocation, containment, asphyxia, and gap trapment. We appreciate the work that went into these proposed requirements and agree that these proposed

⁴ CPSC, “CPSC Staff Letter to ASTM Subcommittee Chair for Bassinets” (Dec. 7, 2021) (online at: www.cpsc.gov/s3fs-public/BassinetwcantileverltrAttachedSpreadsheet120821.pdf).

⁵ CR, “CR letter to CPSC on Kids2 Ingenuity Dream & Grow Bedside Bassinet and Halo BassiNest Flex Portable Bassinet” (Jan. 25, 2024) (online at: advocacy.consumerreports.org/research/cr-letter-to-cpsc-on-kids2-ingenuity-dream-grow-bedside-bassinet-and-halo-bassinest-flex-portable-bassinet); CR, “Consumer Reports Urges Recall of Ingenuity and Halo Bassinets Linked to Baby Suffocation Risks” (Jan. 25, 2024) (online at: advocacy.consumerreports.org/press_release/consumer-reports-urges-recall-of-ingenuity-and-halo-bassinets-linked-to-baby-suffocation-risks/); *See also* CR, “Some Ingenuity and Halo Bassinets Can Tilt Dangerously and Pose Risks to Infants” (Jan. 25, 2024) (online at: www.consumerreports.org/babies-kids/bassinets/ingenuity-and-halo-bassinets-tilt-dangerously-safety-risk-a8700348394).

⁶ Lauren Kirchner, Consumer Reports, “Some Ingenuity and Halo Bassinets Can Tilt Dangerously and Pose Risks to Infants” (Jan. 25, 2024) (online at: www.consumerreports.org/babies-kids/bassinets/ingenuity-and-halobassinets-tilt-dangerously-safety-risk-a8700348394).

requirements will bring about safer bassinets and cradles. We also support the agency’s proposed revisions that would remove the “compact bassinet” category, which includes smaller and more portable bassinets that are more likely to be placed in unsafe locations, including elevated and soft surfaces, like tables, couches, and beds. The agency’s proposal would address the ongoing concerns with compact bassinets putting infants at increased risk of falling out and suffering serious injuries.⁷

Proposed Side Height and Occupancy Surface Height Requirements

CR strongly supports the CPSC’s efforts to establish a minimum side height and occupancy height requirement to help discourage parents and caregivers from placing smaller bassinets on elevated surfaces like countertops, sofas, or adult beds. The CPSC proposes a minimum side height of 27 inches and a minimum occupancy surface height of 15 inches, both of which would help to deter parents and caregivers from placing bassinets and cradles on elevated surfaces. However, CR is concerned that the proposed minimum height could unnecessarily eliminate bassinets and cradles with no known safety issues from the marketplace.

CR’s evaluation of bassinets further supports our concerns. CR’s testing team in charge of bassinets noted that it has reviewed models with side heights between 25 and 27 inches and occupancy surface heights between 13 and 15 inches and was not concerned with the safety of these models. In addition, the proposed rule would require combination products, including play yards and strollers, in bassinet or cradle mode to meet these height requirements. We are concerned the proposed height requirements could unduly limit the availability of these combination products.

As such, CR respectfully asks the CPSC to evaluate and consider lower requirements for side height and occupancy surface height to avoid eliminating safe choices from the marketplace. In our view, reducing the side height and occupancy surface height requirements by two to three inches would still ensure that bassinets and cradles are tall enough to help deter the placement of these products on soft or elevated surfaces. Such a modification may also help to preserve more affordable bassinets and cradles on the marketplace that meet the current mandatory standard and do not raise safety concerns.

Proposed Side Wall Rigidity Requirements

CR strongly supports the addition of the proposed side wall rigidity requirement and test method as well as the CPSC’s application of the stability requirement to all bassinets and cradles. Such requirements are critical to help address the risks of suffocation and falls if an external force is applied to the side wall. The CPSC’s sidewall deflection measurement will also help to ensure that all bassinets/cradles on the market, including those with sidewalls constructed of more flexible material like fabric, fiberfill, or mesh, are better designed to withstand collapse and help to safely contain the infant.

⁷ CR, “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’” (Aug. 11, 2022) (online at: advocacy.consumerreports.org/wp-content/uploads/2022/08/CR-comments-to-CPSC-on-revision-to-vol-std-for-bassinets-and-cradles-08112022.pdf).

Proposed Mattress Firmness Requirements

CR strongly supports the proposed requirement to adopt the after-market requirements from the crib mattress rule into the bassinet and cradle mandatory standard. It is critical that all infant mattresses are firm enough to prevent them from conforming around an infant's nose and mouth, presenting a suffocation hazard. We agree that the proposed firmness requirement would address the suffocation and asphyxia hazards that ill-fitting and overly soft mattresses pose to babies.

Firmness Requirements for Soft Sided Bassinets

The CPSC should include a side firmness requirement to address suffocation and entrapment hazards associated with soft sides that could conform to a baby's face. Such a requirement should substantially address the suffocation or asphyxia hazard that bassinet sides could pose in the event an infant rolls their face into the side of the bassinet.

Proposed Side-to-Side Tilt Requirement

CR agrees with and strongly supports the CPSC's proposal of a maximum side-to-side tilt of zero degrees with a maximum tolerance of one degree. The current market necessitates a strict horizontal tilt requirement to prevent babies from experiencing tilts that lead to them rolling into dangerous positions. As the CPSC's Notice of Proposed Rulemaking notes, "cantilevered designed bassinets that have 7 degree or less side-to-side tilt angle can still facilitate infants rolling before they are developmentally capable of rolling and present a suffocation hazard."⁸

As previously mentioned, CR analyzed SaferProducts.gov reports and publicly available reviews and found numerous complaints connecting cantilevered bassinets to hazards that may not provide a level sleeping surface, creating an unsafe sleep environment. CR also evaluated the bassinets in one of our labs to further assess the reported hazards. Our technical experts noted that the sleep surface of each product tilted significantly when weight was added, supporting parent concerns reported on SaferProducts.gov and in online reviews.⁹ We consider CPSC staff's recommendation of a maximum lateral angle of 0 degrees, with a tolerance not to exceed 1 degree, to be eminently practicable. This change to the current performance requirements is necessary to help address product designs that may create an unsafe sleep environment for infants.

⁸ Consumer Product Safety Commission, "Notice of Proposed Rulemaking: Safety Standard for Bassinets and Cradles" 89 Fed. Reg. 27246, 27261, (Apr. 2024) (online at: www.regulations.gov/document/CPSC-2010-0028-0076).

⁹ CR, "CR letter to CPSC on Kids2 Ingenuity Dream & Grow Bedside Bassinet and Halo BassiNest Flex Portable Bassinet" (Jan 25, 2024) (online at: www.advocacy.consumerreports.org/research/cr-letter-to-cpsc-on-kids2-ingenuity-dream-grow-bedside-bassinet-and-halo-bassinest-flex-portable-bassinet); See also CR, "Some Ingenuity and Halo Bassinets Can Tilt Dangerously and Pose Risks to Infants" (Jan. 25, 2024) (online at: www.consumerreports.org/babies-kids/bassinets/ingenuity-and-halo-bassinets-tilt-dangerously-safety-risk-a8700348394).

Proposed Incline Limitation Requirement

CR supports the proposed rule’s inclusion of a performance and test requirement to measure the sleep surface incline. Including a consistent and repeatable test for all bassinet and cradle products is essential for keeping infants safe. In addition, the CPSC requested comment on whether the maximum 10-degree head-to-toe angle limitation is adequate to address hazard patterns. While CR agrees that 10 degrees is likely a safe incline for sleep, we recommend that the CPSC consider adopting a head-to-toe incline angle limit of 7 degrees to provide an adequate margin of safety. In addition, this would align with Canada, which has a requirement of a maximum incline angle of 7 degrees (as does New Zealand).¹⁰

The American Academy of Pediatrics’ (AAP) safe sleep guidelines also make clear that babies should sleep on “a firm, *noninclined* sleep surface.”¹¹ (emphasis added). A 7-degree incline angle limit would help this important standard to more closely align with this evidence-based recommendation. This lower angle would also ensure that a greater margin of safety is fully incorporated into the bassinet and cradle standard and also reflected in the CPSC’s Infant Sleep Product safety standard.

Proposed Warning Label Requirements for Bassinets/Cradles

CR supports the CPSC’s proposed updates for marking, warning, labeling, and instructional literature. CR also supports the CPSC’s inclusion of after-market bassinet mattresses in its proposed rule. Bassinets with a side height of 27 inches are still small and portable enough to be carried (unsafely) with a baby inside. For this reason, CPSC should also require that all bassinets and cradles, except those that meet 16 CFR 1225, Safety Standard for Hand-Held Infant Carriers, include a specific warning to consumers not to carry bassinets with a baby inside.

While we are in support of the proposed warning label revisions, CR stresses that warning labels and instructions are not a substitute for safe product design. Rather, warning labels and instructions should supplement the proposed rule’s requirements and tests.

White Noise Machines

Finally, CR would like to use this opportunity to respectfully request that the CPSC investigate further the need for limits on noise for infant and children’s products, including the incorporation of white noise machines into bassinets. The increasing use of white noise machines to help soothe infants to sleep has raised concerns that babies may be exposed to too much noise and a risk of long-term hearing damage or loss. In 2023, the AAP released a new policy

¹⁰ Health Canada, “Cribs, Cradles and Bassinets Regulations, SOR/2016-152” (June 17, 2016) (online at: www.gazette.gc.ca/rp-pr/p2/2016/2016-06-29/html/sor-dors152-eng.html); Product Safety New Zealand, “Unsafe goods notice: Inclined infant sleep products,” (Aug. 2020, last accessed Aug. 1, 2024) (online at: www.product.safety.govt.nz/for-businesses/making-sure-products-are-safe/unsafe-goods-notices/inclined-infant-sleep-products).

¹¹ AAP, “Sleep-Related Infant Deaths: Updated 2022 Recommendations for Reducing Infant Deaths in the Sleep Environment” (June 21, 2022) (publications.aap.org/pediatrics/article/150/1/e2022057990/188304/Sleep-Related-Infant-Deaths-Updated-2022).

statement, “Preventing Excessive Noise Exposure in Infants, Children, and Adolescents,” which included findings and guidelines on white noise machines.¹² The AAP’s research shows that babies exposed to prolonged noise exposure may experience hearing loss, which can impact other developmental milestones.

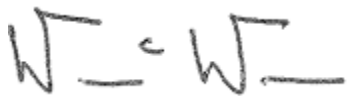
While research has shown that white noise machines can be helpful in soothing and calming babies and getting them to sleep, their benefits should be measured against the potential cumulative effects of regular exposure to white noise for prolonged periods of time. This is especially important for infants, whose ears are smaller and less mature than adults, making them more sensitive to noise. As such, we respectfully urge the CPSC to work with its partner public health and safety agencies to research and determine noise limits for infant and children’s products that take into account the greater vulnerability of children to noise exposure compared to adults.

III. Conclusion

Health and safety are paramount when evaluating the potential benefits and risks of consumer products, especially those for infants and children. All too often, we have seen devastating consequences when there is confusion around how to use an infant or children’s product safely. As the evidence shows, the work is never fully complete when a product continues to evolve to meet consumer needs. Regulators must do all they can to address known or foreseeable hazards and help send a clear message to parents and caregivers that any bassinet or cradle on the market meets strong safety standards designed to keep their babies safe during their first year of life. The CPSC’s proposed revisions to the bassinet and cradle safety standard go a long way toward delivering this message and backing it with substance. The agency should finalize the proposed rule expeditiously and apply an effective date that is as early as possible and not more than the proposed 180 days after the publication of the final rule.

Thank you for your consideration of our comments. We look forward to continuing to work with the CPSC, consumers, and all stakeholders to protect babies, improve the safety of these critical infant products, and ensure that parents and caregivers use them safely and effectively.

Respectfully submitted,



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¹² AAP, “Preventing Excessive Noise Exposure in Infants, Children, and Adolescents” (Oct. 21, 2023) (online at: publications.aap.org/pediatrics/article/152/5/e2023063752/194468/Preventing-Excessive-Noise-Exposure-in-Infants?autologincheck=redirected).