

February 25, 2020

The Honorable Robert Adler, Acting Chairman
The Honorable Elliot Kaye, Commissioner
The Honorable Dana Baiocco, Commissioner
The Honorable Peter Feldman, Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Re: CPSC-2017-0020

Dear Acting Chairman Adler and Commissioners Kaye, Baiocco, and Feldman:

We, the undersigned 95 national and state medical, public health, and consumer organizations, write to express our support for the Supplemental Notice of Proposed Rulemaking on Infant Sleep Products issued on November 12, 2019, by the U.S. Consumer Product Safety Commission (CPSC). We urge the agency to swiftly finalize this proposed rule to protect children and remove dangerous products from the marketplace.

Our organizations are concerned that products intended or marketed for infant sleep that are not bassinets, cribs, or play yards can enter the marketplace today without meeting a safety standard. This is confusing to parents and caregivers, who presume that the infant sleep products they can buy must be safe. The CPSC has a critical role to reduce the risk of injuries and deaths from consumer products, and consistent regulatory oversight is needed to protect infants from sleep-related products that are not safe for sleep.

Infants are uniquely vulnerable in their early stages of development, when immature cardiorespiratory or arousal systems can lead to a failure of the protective responses that older children exhibit.¹ Because of these developmental differences, a sleeping position or environment that is perfectly safe for an older child can pose potentially fatal risks for infants. Safe sleep guidelines, as outlined by the American Academy of Pediatrics (AAP), require placing babies alone, on their back, and on a flat, firm surface with no restraints or loose fabric nearby. These practices have contributed to a substantial decline in sleep-related infant deaths since 1990.

However, inherently dangerous products that are incompatible with these safe sleep guidelines remain on the market. Infants are safest in a supine position on a flat, firm surface. Inclined infant sleep products pose a clear fatality risk, as demonstrated by the CPSC-commissioned report finding that none of the infant inclined sleep products evaluated were actually safe for sleep.² These products include free standing inclined sleep products such as the Fisher-Price Rock 'n Play Sleeper and Kids II rocking sleepers that were recalled in 2019, as well as other products like infant hammocks and the previously recalled Nap Nanny. Although inclined sleep

¹ Filiano JJ, Kinney HC. A perspective on neuropathologic findings in victims of the sudden infant death syndrome: the triple-risk model. *Biol Neonate*. 1994;65(3-4):194–197pmid:8038282.

² See [here](#) beginning on page 91.

products have been associated with 73 publicly reported infant deaths, many remain on the market. Products marketed to support in-bed sleeping likewise do not meet any current safety standard, and pose significant sleep-related death risk by promoting co-sleeping.

This proposed rule would protect children by requiring all infant sleep products to meet requirements in the bassinet standard, which requires a flat surface, no restraints, and adequate side height to safely contain an infant. These requirements -- which should apply to all products intended or marketed for infant sleep that are not currently covered by a mandatory safety standard -- will protect infants including because they will prohibit dangerous inclined sleep products, which are inherently unsafe for infant sleep. Our groups strongly urge the CPSC to swiftly advance this proposal to protect children.

If you have further questions, you may reach out to Zach Laris with the American Academy of Pediatrics at zlaris@aap.org. Thank you for your consideration.

Sincerely,

National Organizations:

American Academy of Pediatrics
Association of Maternal & Child Health Programs
Center for Justice & Democracy
Child Care Aware® of America
Children's Advocacy Institute
Consumer Federation of America
Consumer Reports
Cribs for Kids, Inc.
First Focus Campaign for Children
Keeping Babies Safe
Kids In Danger
MomsRising
National Association of Pediatric Nurse Practitioners
Ounce of Prevention Fund
Parents for Window Blind Safety
Safe States Alliance
U.S. Public Interest Research Group

State and Local Organizations:

AKPIRG
American Academy of Pediatrics - Arizona Chapter
American Academy of Pediatrics - California Chapter 3
American Academy of Pediatrics - Hawaii Chapter
American Academy of Pediatrics Georgia Chapter

American Academy of Pediatrics New York Chapter 1
American Academy of Pediatrics New York Chapter 2
American Academy of Pediatrics New York Chapter 3
American Academy of Pediatrics, Colorado Chapter
American Academy of Pediatrics, Orange County Chapter
American Academy of Pediatrics, Rhode Island Chapter
American Academy of Pediatrics, Utah Chapter
American Family Children's Hospital
Ann & Robert H. Lurie Children's Hospital of Chicago
Arizona PIRG
Arkansas Chapter, American Academy of Pediatrics
Arkansas Chapter, American Academy of Pediatrics
California Chapter 1, American Academy of Pediatrics
CalPIRG
Children's Health Alliance of Wisconsin
Colorado PIRG
ConnPIRG
Delaware Chapter of the American Academy of Pediatrics
Empire State Consumer Project, Inc.
Florida Chapter - American Academy of Pediatrics
Florida PIRG
Georgia PIRG
Idaho Chapter of the American Academy of Pediatrics
Illinois Action for Children
Illinois Chapter, American Academy of Pediatrics
Illinois PIRG
Indiana Chapter of the American Academy of Pediatrics
Iowa Chapter of the American Academy of Pediatrics
Iowa PIRG
Kansas Chapter, American Academy of Pediatrics
Kentucky Chapter of the American Academy of Pediatrics
Louisiana Chapter of the American Academy of Pediatrics
Maine Chapter, American Academy of Pediatrics
Maryland Chapter, American Academy of Pediatrics
Maryland PIRG
Massachusetts Chapter of the American Academy of Pediatrics
MassPIRG
Michigan Chapter American Academy of Pediatrics
Minnesota Chapter of the American Academy of Pediatrics
Missouri Chapter, American Academy of Pediatrics
Missouri PIRG
Montana Organizing Project
NC PIRG
Nevada Chapter of the American Academy of Pediatrics

New Hampshire PIRG

New Mexico PIRG

NJ PIRG

North Carolina Pediatric Society

North Dakota Chapter of the American Academy of Pediatrics

NY Chapter 2 and NY Chapter 3

Ohio Chapter, AAP

Ohio PIRG

Oklahoma Chapter of the American Academy of Pediatrics

OSPIRG

PennPIRG

Pennsylvania Chapter of the American Academy of Pediatrics

PIRGIM (PIRG in Michigan)

Rhode Island PIRG

South Carolina Chapter of the American Academy of Pediatrics

Sudden Infant Death Services of Illinois, Inc.

Tennessee Chapter of the American Academy of Pediatrics

Texas Pediatric Society

Texas PIRG

The Consumer Assistance Council, Inc.

UW Health

Virginia Chapter, American Academy of Pediatrics

WashPIRG

West Virginia Chapter of the American Academy of Pediatrics

Wisconsin Chapter American Academy of Pediatrics (WIAAP) and WIAAP Foundation

Wisconsin PIRG

Wyoming Chapter of the American Academy of Family Physicians (WAFP)

Wyoming Chapter of the American Academy of Pediatrics

Wyoming Medical Society