

Comments

Safety Standard for Toddler Beds

CPSC-2010-0022

Comments Due By July 12, 2010

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0002
Comment from Adam Baker

Submitter Information

Name: Adam Baker

General Comment

I support this proposed regulation and offer the following comments:

Considering that a number of accidents occurred from loose or missing parts, according to information provided by No. CPSC-2010-0022, RIN 3041-AC79. The ability for a consumer to accurately assemble a toddler bed should be given attention. I know that instructions can be vague and that required piece can be missing or there can be additional assembly components added. Resulting in confusion as to why there are, for example, extra screws left over.

The ASTM F 1821-09 voluntary standard contains requirements addressing a number of hazards. The requirements state that instructions must be provided with the bed. I offer the following rewording of requirement 12 to read accurate instructions must be provided with the bed. The rewording would hopefully result in more attention given to product safety as well as safe assembly.

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0003
Comment from Candace Feist

Submitter Information

Name: Candace Feist

General Comment

I am in full support of this proposed regulation. Being a parent of a child who still uses a toddler bed, I want to know that my child is safe while in her bed throughout the night. Taking into consideration all the incidents of entrapments as stated in CPSC-2010-0022, manufacturers and regulators should consider replacing spindles altogether on the toddler bed guardrails. By replacing the guardrail spindles with a full piece of wood or material, children will have a less likely risk of getting a body part entrapped within them.

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0004
Comment from Alexis Singleton

Submitter Information

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Phone: 716-484-7368

General Comment

As a manufacturer, we would like to harmonize the crib and toddler bed standards regarding warning statements on labels (regarding entrapment and strangulation hazards), so that particularly for convertible cribs, the language can be combined. We hope to eliminate redundant statements changing only the noun "crib" to "toddler bed". Combining these warnings will make them more effective.

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0005
Comment from Tulasi Vuyyuru

Submitter Information

Name: Tulasi Vuyyuru
Address: GA

General Comment

I am writing with regard to the safety standard to the toddler beds. I feel that there should be mandatory standards in design and construction of the toddler beds. There were 1,380 injuries were treated in the emergency department in hospitals and 4 fatalities due to toddler beds with in 4 year period from 2005 to 2008. I would agree with the proposed regulation which would increase the safety standards for the toddler beds.

I feel that this is irresistible proof that the mandatory standards must be imposed to make sure that this misfortune does not beat another family in United States of America.

As a mother, I can not imagine my kid is sleeping on a toddler bed which is unsafe.

I am trying to accomplish with my comments is to revise/modify the safety rules which would be safe for the toddlers and also Mom's should not worry about their baby's safety.

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0006
Comment from Richard Robinson

Submitter Information

Name: Richard Robinson
Address: San Francisco,
Organization: Stanford Law School

General Comment

Please see attached comment regarding accessibility of copyrighted standards adopted into proposed federal regulation.

Attachments

CPSC-2010-0022-0006.1: Comment from Richard Robinson

May 12, 2010

Office of the Secretary,
Consumer Product Safety Commission
4330 East West Highway, Room 820,
Bethesda, MD 20814

Re: Comment Regarding Proposed Rules
Implementing Safety Standards for
Toddler Beds, docket no. CPSC-2010-
0022, 75 Fed. Reg. 22291 (April 28,
2010)

To Office of the Secretary, Consumer Product Safety Commission,

The CPSC (Commission) has proposed a rule that adopts consumer product safety standards for toddler beds from ASTM International (formerly the American Society for Testing and Materials) with additional “modifications that strengthen the standard.”¹ The Commission should not incorporate these standards by reference, however, because doing so would limit public access to relevant safety standards.

The ATSM standards are copyrighted, and ATSM restricts access to those willing to pay a membership fee or purchase a license to view a single copy. It is a fundamental principle of a free society that the law, which is binding upon all citizens, should be free for publication to all.² Substantive rules regulating toddler beds would have the force of law, and the public has the right to access these standards without being forced to pay a fee. Moreover, the substantive nature of the proposed standards, the extensive alterations included in the new regulation, and the relative brevity of the ATSM document all militate against incorporating the standard by reference. Rather, the Commission should publish the standards in full, complete with the agency modifications, in the federal register. In the alternative, the rule should include language that ensures the public will have free access to the relevant standards.

Public Access

The circuits are split regarding the issue of whether model codes adopted into law may retain any copyright protection.³ Federal appeals courts across all circuits have

¹ Safety Standards for Toddler Beds, 75 Fed. Reg. 22291 (proposed April 28, 2010) (to be codified at 16 CFR pt. 1217)

² See *Banks v. Manchester*, 9 S.Ct. 36, 40 (1888); See also *Veek v. Southern Bldg. Code Congress Int'l, Inc.* 293 F.3d 791, 798 (5th Cir. 2002) (en banc) (addressing whether model codes adopted into law are copyrightable and noting that “citizens must have free access to the laws which govern them”).

³ *Compare Practice Management Information Corp. v. American Medical Assn.*, 121 F.3d 516 (9th Cir. 1997) (holding that AMA coding system referenced by federal agency retained copyright protection) *with*

consistently held, however, that the public must have access to any copyrighted material that carries the force of law.⁴ The procedures and business practices of ATSM, however, raise a serious issue as to whether the proposed standards for toddler beds would be sufficiently open to the public.

It is unclear whether the public would have free access to the adopted ATSM standard if the rule were promulgated in its current form. The proposed regulation states that “you may obtain a copy of this standard from ATSM International” and lists the company address and website. It also indicates that an interested party may “inspect copies” at the office of the Secretary of the CPSC or at the National Archives and Records Administration.⁵ Despite this language announcing that copies are available, there is reason to believe that the standards will not be accessible if the rule is promulgated as written. In its notice of proposed rulemaking, the Commission states that “[t]he ATSM standard is copyrighted, but can be viewed as a read-only document, *only during the comment period* on this proposal” at the ATSM website.⁶ This language implies that ATSM will control any access to the standards even after they are promulgated and carry the force of law.

An inspection of ATSM’s licensing practices reveals that documents controlled by the organization are available only for a price, and only in a very limited form. According to the ATSM website, an individual may purchase a strictly limited license to view and print one copy of the standards for \$38.00.⁷ Even after paying this fee, however, the purchaser “[has] no ownership or other rights in the ASTM Product.”⁸ According to the ATSM License Agreement, licensees have a limited right to view one copy of the document for individual use.⁹

For a business, obtaining access to the standards is even more onerous. Organizations must pay additional fees to obtain a multi-user subscription, which

Veek, 293 F.3d (explicitly rejecting *American Medical’s* analysis of Supreme Court precedent and holding that model codes adopted into law are not subject to copyright).

⁴ See, e.g. *American Medical* 121 F.3d at 1389 (noting that AMA code was published annually in the federal register).

⁵ 75 Fed. Reg. 22301

⁶ 75 Fed Reg. 22291 (emphasis added)

⁷ www.astm.org/Standards/F1821. Individuals can become members of ATSM for one year for a \$75 fee. Organizations can become members for \$400. <http://www.astm.org/MEMBERSHIP/MemTypes.htm>.

⁸ ATSM License Agreement, available at <http://www.astm.org/COPYRIGHT/>

⁹ The license reads, in part:

[purchasers have] the right to download, view or print *a single copy* of the individual Documents, or portions of such Documents, solely for Licensee's own use . . . Licensee may access and download an electronic file of a Document (or portion of a Document) *for temporary storage* on one computer for purposes of viewing, and/or printing *one copy* of a Document for *individual use*. Neither the electronic file nor the single hard copy print may be reproduced in any way. In addition, *the electronic file may not be distributed elsewhere over computer networks or otherwise* . . . The single hard copy print *may only be distributed to others for their internal use within your organization*; it may not be copied. ATSM License Agreement, available at <http://www.astm.org/COPYRIGHT/> (emphases added). Incorporated as Appendix A.

provides similarly restricted access to authorized users.¹⁰ Even after purchasing a subscription, access to the standards are limited for a year before a new subscription must be purchased. Presumably ATSM would continue to charge these fees for this restricted access after the Commission's proposed rule is promulgated.

Problems With Requiring The Public To Access ATSM's Standards

There are a number of problems with this situation. First, businesses that manufacture Toddler Beds will be forced to enter into a legal relationship with ATSM before they can conform their conduct to the Commission's regulations. The ATSM subscription license requires organizations to police ATSM's copyright and prevent its unauthorized use. Furthermore, nothing in the proposed regulation prevents ATSM from imposing additional limitations or costs on businesses seeking access to the standards. These costs will be especially burdensome for small businesses.

Second, the regulation would burden private citizens who may be concerned that a product they purchase meets federal standards. Before an individual can find out whether a product meets federal standards, he or she must not only locate the relevant regulation, but additionally purchase a copy of the standard from ATSM. This is an unreasonable burden to place on concerned citizens, and it runs counter to the purpose of the Consumer Product Safety Improvement Act.

Conclusion

In light of the significant issues presented by the proposed rule, the Commission should alter the proposal by either publishing a complete version of the Commission's final standards in the federal register, or explicitly ensuring that the public will have free access to any standards in some other fashion.

Sincerely,

Richard Robinson
Stanford Law School

¹⁰ See ATSM Subscription License, available at <http://www.astm.org/COPYRIGHT/>. Incorporated as Appendix B.

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0007
Comment from Susan Carper

Submitter Information

Name: Susan Carper
Address:
PA,

General Comment

To Whom It May Concern:

According to the Safety Standards for Toddler Beds, I agree that the proposed Safety Standards should be addressed. The way to reduce the risk of injuries pertaining to Toddler Beds is through notification. By adding regulations to the instructional literature, the bed, and the carton, you are addressing the seriousness of the Safety Standards pertaining to the bed. This could reduce the fatalities and injuries that have occurred. Furthermore, by doing additional testing on the structure of the Toddler Bed and by revising the ASTM Standard to insure safety, would allow for the consumer to be reassured that this product, if used properly, would be safe. Manufactures need to take responsibility to ensure the products they are bringing to the market are safe for the consumers use.

Sincerely,

Susan Carper

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0008
Comment from Nicholas Rarey

Submitter Information

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General Comment

Since 2005 there has been over 1380 situations where a child has been harmed by the bed he/she was laying in. In 2005, 4 deaths were reported. Of those 4 deaths, 2 were reportedly due to entrapment. Entrapment is listed as the main culprit in toddler bed issues, accounting for 31% of the accidents reported to authorities. While most injuries reported run along the lines of bumps and bruises, it is also common to see lacerations and broken limbs. Broken or faulty guard rails and ill-fitting mattresses seem to be the biggest problem. Of the emergency department treated injuries, 87% were caused by the infant/toddler falling out of the bed to a lower level. All of this information is in the proposal packet. The biggest problems would seem to be the easiest to fix (Stronger railing and better fitting mattresses). It should be obvious that infants/toddlers cannot speak up for themselves, nor provide adequate care for themselves. It is everyone's job to make sure this age group is looked after safely. If a man with no children can see this needs fixed, surely the public at large will see this. I hope this proposed rule gets passed and creates a safer environment for all children to lay and play. Making a tougher standard for which these beds are tested will most definitely save lives and reduce injuries. Not only is a safer product in the best interest of the consumer, it also protects the manufacturer, thereby a win/win for everyone. I applaud you for your action and hope for the passing of this regulation.

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0009
Comment from Heather Dees

Submitter Information

Name: Heather Dees
Submitter's Representative: N/A
Organization: Student of AMU

General Comment

I agree with the proposed rule to increase the safety standard of toddler beds. The United States Consumer Product Safety Commission requires the safety standards to meet the voluntary standards or be more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. In this case, I believe that having more stringent safety standards would reduce the risk of injury. After viewing the fatalities that occurred with toddler beds, it is apparent that most fatalities occurred because of parents negligent however, after looking over the injuries as well some of these could have been prevented if stricter safety standards were implemented. I feel that it is necessary to be specific with warning labels on infant and toddler equipment because some their are parents that just don't know that a 6 month old shouldn't be in a toddler bed. As much as this seems like common sense to most there are parents that don't know any better so these labels could prevent injuries or even deaths of children.

PUBLIC SUBMISSION

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0010
Comment from Rachel Weintraub

Submitter Information

Name: Rachel Weintraub
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Washington, DC, 20006
Email: rweintraub@consumerfed.org
Phone: 202-387-6121
Submitter's Representative: Rachel Weintraub
Organization: Consumer Federation of America

General Comment

See attached file(s)

Attachments

CPSC-2010-0022-0010.1: Comment from Rachel Weintraub

DRAFT

***Consumers Union * Consumer Federation of America*
* Kids in Danger ***

July 12, 2010

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814
Via: www.regulations.gov
Facsimile (301) 504-7923

**Comments of Consumers Union, Consumer Federation of America, and Kids in
Danger to the U.S. Consumer Product Safety Commission
on "Safety Standard for Toddler Beds"
16 C.F.R. 1217**

Introduction

Consumers Union of U.S., Inc. (CU), Consumer Federation of America (CFA), and Kids in Danger (jointly "We") submit the following comments in response to the U.S. Consumer Product Safety Commission ("CPSC" or "Commission") in the above-referenced matter.¹

Background

Section 104(b) of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, 122 Stat. 3018 ("CPSIA"), requires the CPSC to promulgate consumer product safety standards for certain durable infant and toddler products. In this Notice of Proposed Rulemaking ("NPR") the CPSC is seeking comment on its proposed safety standard for Toddler Beds. The proposed standard is "largely the same as" the voluntary standard ASTM F 1821-09, "Standard Consumer Safety Specification for Toddler Beds," but with some modifications that strengthen the standard.²

¹ "Safety Standard for Toddler Beds," Federal Register, Vol. 75, No. 81, 22291 (April 28, 2010).

² Id.

Recommendations

We agree with the CPSC staff's recommendations regarding adoption, with modification, of ASTM's F1821-09 standard. We support CPSC's efforts to establish safety standards more stringent than the voluntary ASTM standard where needed. We believe the additional proposed testing for guardrail stability and slat integrity are vital to keeping children safe in toddler beds. Further, we want to ensure that the scope of the standard includes all toddler beds on the market, including all types of guardrails.

In addition, we support the recommendation for a minimum height requirement for guardrails. As CPSC staff mentions, parents who buy a product with guardrails are most likely assuming that the rails will help retain their child in the product and avoid falls. With a guardrail of an inadequate height, parents have a false sense of security about the effectiveness of the product.

We also support the rewritten warning labels that more accurately reflect the hazards associated with toddler bed use. Warnings are often an inadequate solution to preventing hazards, thus, at a minimum, making them as clear and simple as possible to encourage caregivers to read them is vital. However, the use of the warning, "Always follow assembly instructions," is not useful in the location described. Presumably, the caregiver is reading the warning on a fully assembled product unit and is unlikely to refer to the assembly instructions at that time, or to know if the product was or was not assembled according to directions. A more appropriate place for this warning is on the packaging and the top of the assembly instructions.

Conclusion

For the foregoing reasons, we urge the Commission to adopt these recommendations in its implementation of Section 104(b) of the CPSIA.

Respectfully submitted,

Nancy A. Cowles
Executive Director
Kids in Danger

Rachel Weintraub
Director of Product Safety and Senior Counsel
Consumer Federation of America

Donald L. Mays
Senior Director, Product Safety & Technical Policy
Consumers Union

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Docket: CPSC-2010-0022
Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0011
Comment from Richard Novak

Submitter Information

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VAFB, CA, 93437
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Phone: 805-757-9610

General Comment

The proposed safety regulation to revise the standards of toddler bed design. I've researched this topic and I can see that it appears to have nearly universal appeal. All the past recalls pale in comparison to the deaths and injuries of the children who use the products. The Consumer Product Safety Commission (CPSC)-2010-0022 doesn't seem to have any opposition from the child care industry and that's almost expected. After all, what company is going to complain when the issue at hand involves the death of children? This proposal, dated 28 Apr 10, develops minimum specifications for several aspects of crib design, including height of the upper edge of the guardrail, structural integrity of the guardrail, using greater force when testing the slats of the guardrail, and etc. It covers "any bed sized to accommodate full-size crib mattress having minimum dimensions of 51 5/8 inches by 27 1/4 inches" and which is designed "to provide free access and egress to a child not less than 15 months of age and weighing no more than 50 pounds." Clearly the proposed regulation is very broad in scope and will have an effect on millions of products if approved.

Richard E. Novak



July 12, 2010

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

**Re: NOTICE OF PROPOSED RULEMAKING (NPR): CPSIA SECTION 104:
Safety Standard for Toddler Beds: 16 CFR Part 1217
CPSC DOCKET Number: 2010-0022**

Dear Mr. Stevenson:

The Juvenile Products Manufacturers Association (JPMA) is a not-for-profit trade association representing the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers.

We appreciate the opportunity to comment on the April 28, 2010, Federal Register Notice regarding 16 CFR Part 1217 Safety Standard for Toddler Beds ("NPR"). The Consumer Product Safety Commission ("Commission" or "CPSC") invited comments on 16 CFR Part 1217 pursuant to Section 104 of the Consumer Product Safety Improvement Act ("CPSIA"), which directs the Commission to issue mandatory regulation on durable infant products. In response to the request of the Commission's staff, the Juvenile Products Manufacturers Association, Inc. ("JPMA") submits the following comments. JPMA hopes that these comments will assist the Commission in effectively implementing regulations in a consistent manner with hazard based requirements under ASTM F 1821-09 consensus, hazard based Safety Standards for Toddler Beds and other existing or proposed ASTM Standards promulgated for similarly situated or constructed products, such as the pending ASTM F-1169 version governing full size cribs. JPMA has previously submitted extensive comments on a variety of CPSIA issues. These comments provide our views on the proposed requirements of 16 CFR Part 1217. JPMA reserves the right to supplement or amend its comments as appropriate.

General Comments

JPMA believes that promulgated standards need to be based upon materially accurate data. The existing ASTM F1821-09 defines a toddler bed as any bed sized to accommodate a full-size crib mattress having minimum dimensions of 51 5/8 inches in length and 27 1/4 inches in width and that is intended to provide free access and egress to a child not less than 15 months of age and weighing no more than 50 pounds. These parameters are important since the majority of the incident data involving fatalities cited children that were either too young to be in the bed or to a cord that was a strangulation risk. Three of the four incidents cited involved children less than 15 months of age, not yet qualified to be in a toddler bed. The NPR notice acknowledges this when it states: "It is notable that three of the four reported fatalities involved victims under the age of 15



months, which is recommended in the current ASTM voluntary standard as the minimum age for use of a toddler bed.” We agree with this statement. However, there exists concern that the CPSC staff cited appears to be inflating the number of incidents and that data cited as “related to” or “associated with” are insufficient to rely upon in the absence of data and analysis that establishes that the products proximately caused the incident or injury complained of. In addition, restrictions on bounded perimeter openings in guard rails may prevent potential fatalities but can result in limb entrapment. For example when based upon mandatory slat opening limits for crib slats under 16 CFR 1508 as incorporated in ASTM F-1169, it has long been accepted that limb entrapment within mandatorily established slat dimensions does not present a significant risk of injury or substantial hazard for infant users of the product. The relative limited risk of limb as opposed to head entrapment needs to be accurately noted. In general the incident data is statistically very low with respect to the millions of units sold. It is conceivable that the most recent changes to the ASTM F-1821-09 Standard that just went into effect would likely be sufficient to deal with the relatively small number of incidents involving the product category.

Guard Rail Strength Test

The bed rail strength requirement of 50 pounds of pull resistance with no breakage is excessive without a reasonable justification for the force limit¹. The incident data tangentially references only 2 injuries, both lacerations, from component breakage, but does not indicate guardrails were involved. A review of appropriate existing rationales in comparable standards supports this position. We note that increasingly consumers are using convertible cribs, which have features allowing transformation of cribs into toddler beds in order to prolong useful life of the product. Based upon data it appears that no reasonable basis exists for use of such force limit. ASTM meeting records indicate that CPSC staff had originally proposed a 40 lb force limit commensurate with the existing bedrail Standard force limit. The purpose of the guardrail is obviously not to contain/confine the child. The purpose is to aid in the prevention of a sleeping child from inadvertently rolling off the bed. In that scenario, the resultant force would be a fraction of that being proposed. Additionally, a child pulling on the guardrail from outside of the bed in play would certainly tip most toddler beds over before reaching the 50lb force being proposed. At a minimum, this force should be reduced to match the requirement as specified in the ASTM Bed Rail Standard.

¹ See proposed: 7.9 Test Method for Guardrail Structural Integrity:

(A) 7.9.1 Firmly secure the toddler bed on a stationary flat surface using clamps. Gradually apply 50 lb f to the uppermost horizontal part of the mattress side of the guardrail in a direction perpendicular to the plane of the rail. The force should be applied in the center along the length of the rail and then repeated with the force applied directly over each of the outermost legs of the guardrail. The force should be applied in the direction away from the mattress within a period of 5 s and maintained for an additional 10 s.



Test Methodology

Once the force limit is determined it remains necessary to have a clearly defined testing methodology. Technical issues regarding have been addressed in the ASTM Standard, but are not adequately or consistently referenced in the NPR. Clarity is required as regards the specific test methodology to be employed. Some of our members have noted that questions exist about the need to require that the guardrail be tested in 3 places, instead of just at the most onerous point. Also the proposed regulation states to do the test “*above the leg of the guardrail*”, what if there is no “*leg*”? What about the case of a guardrail that has a contoured upper surface or one which is integral with the sides of the bed? Clearly the test method needs to specify the contact area of the force and how far from the top of the rail this force should be applied. Also the height of the bed rail should be fixed or measured from the mattress support platform so there will be consistency of measurement². We recommend that the test methodology as specified in Appendix A supplied with these comments simply be incorporated fully by reference.

Similarly, the wording in the NPR in section 6.1.1 is not clear in that it states “*.....that allows complete passage of the wedge block,*” referencing the mattress support and not the opening above the mattress support between the mattress and bed side or end. This section reads as if the mattress must be contained. Section 8.4.4.2 also references mattress containment in labeling. These sections need to be addressed for clarity before the Standard is enacted. Whether the mattress must actually be contained within the toddler bed prior to application of testing needs to be clarified.

Clearly when possible, consistent requirements between product categories should be carefully reviewed, prior to adoption.

Slat Integrity Testing

In addition to requirements already contained in ASTM F-1821-09. Additional slat integrity requirements are being imposed³. We note that the language in the proposed

² This was addressed in the March 16, 2010 ASTM meeting as follows – “It was suggested that the guard rail be measured from the top of the mattress support, not the top of the mattress. The dimension should be 10” above the mattress support, or a dimension that will result in the bed rail being 5” greater in height than the thickest mattress recommended by the manufacturer.”

³SEE NPR (7) In addition to the changes to ASTM 1821-09 in paragraph (b)(5) of this section comply with the following:

7.10 Slat/Spindle Testing for Guardrails, Side Rails, and End Structures:

(A) 7.10.1 The spindle/slat static load test shall be performed for all slats and spindles with the spindle/slat assemblies removed from the bed and supported only on the rail corners through a contact area not more than 3 square inches when measured parallel to the longitudinal axis of the end of the rail. Besides the corners, the upper and lower horizontal rails of both linear and contoured shall be free to deflect under the applied force.

(B) 7.10.2 Gradually, over a period of not less than 2 s or greater than 5 s, apply the force specified in 7.10.3 or 7.10.4 at the midpoint between the top and bottom of the spindle/slat being tested. This force shall be applied through a contact area large enough to not cause visible indentation or cutting of the spindle/slat, but not wider than 1 in. (2.54 cm) when measured parallel to the longitudinal axis of the spindle/slat. This weight shall be maintained for 30 seconds.



Toddler Bed standard regarding slat strength should match that in the “new” version of the proposed F1169 Standard for full Size Cribs in all respects.

Warning Statements

This proposed Toddler Bed Standard warning requirements need to match those incorporated in the “new” F1169 Full Size Crib Standard, since a large percentage of cribs on the market today convert to toddler beds. To have similar, but not matching language will result in more labels, more verbiage and less attention paid by the consumer to the important warnings. Much of this issue could be resolved if the proposed Toddler Bed standard allowed language to address these issues rather than requiring exact language. In this regards consistency with the ASTM F-1169 requirement is appropriate.

Therefore we propose the language in ASTM F-1169 (as pending) be specifically incorporated as follows in lieu of proposed Section 8.4.5⁴ :

8.3.1. The warnings shall address the following including the hazard where identical. The warnings may be expressed in different words if those words convey clearly the same warning.

8.3.1.2 Strangulation Hazard:

“Strings can cause strangulation! Do not place items with a string around a child’s neck, such as hood strings or pacifier cords. Do not suspend strings over a crib or attach strings to toys.

“DO NOT place crib near window where cords from blinds or drapes may strangle a child.”

(C) 7.10.3 Test, according to 7.10.2, 25% (or the next highest percentage if 4 does not divide evenly into the total number) of all spindles/slats with a force of 80 lb. Spindles/slats that offer the least resistance to bending based upon their geometry shall be selected to be tested within this grouping of 25%, except that adjacent spindles/slats shall not be tested per 7.10.2. Place an identifying mark on all tested spindles/slats.

(D) 7.10.4 Upon completion of the test described in 7.10.2 and 7.10.3, gradually apply, over a period of not less than 2 s or greater than 5 s, 60 lbf (266.9 N) at the midpoint between the top and bottom of all spindles/slats not previously tested under 7.10.2 and 7.10.3. This force shall be applied through a contact area large enough to not cause visible indentation or cutting of the spindle/slat, but not wider than 1 in. (2.54 cm) when measured parallel to the longitudinal axis of the spindle/slat. This force shall be maintained for 30 s.

(E) 7.10.5 End vertical rails that are joined between the slat assembly top and bottom rails are not considered slats and do not require testing under 7.10.

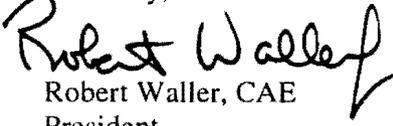
⁴ NPR proposed 8.4.5:

WARNING
STRANGULATION HAZARD
NEVER place bed near windows where chords from blinds or drapes may strangle a child.
NEVER suspend strings over bed.



Conclusion

Whenever possible consistency and uniformity of test methods and procedures is essential to rule promulgation for durable infant products. In this regard consistent, uniform requirements for juvenile products, by category and with due regard to effective existing ASTM standards should be taken into consideration. The burden remains with the CPSC staff to justify any substantive deviation of such ASTM standards and to insure uniform application among similarly situated juvenile products.

Sincerely,

Robert Waller, CAE
President



Appendix A

Terminology

Removable guardrail (n) – a guardrail that can be removed without the use of tools.

Guardrail Strength

6.8 When tested in accordance with 7.9 the guardrail shall not break, detach or create a condition that would present any of the hazards described in Section 5. Removable guardrails, and guardrails that do not have any free ends, that is that they are attached to both the headboard and the footboard, are exempt from this test. For guardrails with 2 free ends, perform this test at each free end.

7.9 Gradually over a period of 5s apply a 40 lb. force to the guardrail from the inside of the toddler bed, outward and perpendicular to the plane of the rail, and hold for 10 secs. The force is to be applied to the geometric center of a 3 x 6 x ½ in. piece of plywood with the long end parallel to the floor.

7.9.1 For guardrails with a rectangular shape, the plywood should be placed with the upper long edge even with the upper long edge of the rail and the short edge even with the free short edge of the rail.

7.9.2 For contoured guardrails that are not rectangular, the plywood shall be placed with the upper long edge of the plywood even with a line drawn parallel to the rail which is 9 in. from the mattress support and the short edge placed so that the downward slope of the free rail edge intersects the corner of the plywood.

Guardrail Height

6.5.2 The upper edge of the guardrail shall be at least 9 inches above the mattress support. This measurement is to be taken from the lowest point on the upper surface of the mattress support within 6 in. of the guardrail to the highest point of the upper edge of the guardrail within 6 in. from the headboard.

PUBLIC SUBMISSION

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Safety Standard for Toddler Beds

Comment On: CPSC-2010-0022-0001
Safety Standard for Toddler Beds

Document: CPSC-2010-0022-0013
Comment from WTO/TBT

Submitter Information

Name: Wang Nini

Address:

Beijing, China,

Submitter's Representative: Wang Nini

Organization: China WTO/TBT National Notification & Enquiry Center

General Comment

See Attached

Attachments

CPSC-2010-0022-0013.1: Comment from WTO/TBT

中国 WTO/TBT 国家通报咨询中心

China WTO/TBT National Notification & Enquiry Center

No.7, Ma Dian Dong Ave, Hai Dian District, Beijing, China, Tel: 86 10 8226 2420 Fax: 86 10 8226 2448

FAX

TO : Anne Meininger WTO TBT U.S. Inquiry Point National Center for Standards and Certification Information National Institute of Standards and Technology 100 Bureau Drive, MS-2160 Gaithersburg, MD 20899-2160	Fax: 301-926-1559 Tel: 301-975-4040 or 301-975-2921 E-mail: nesci@nist.gov or anne.meininger@nist.gov
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China WTO/TBT National Notification & Enquiry Center, Standard and Regulation Researching Center, AQSIQ, P.R.China.	Tel: 86-10-82260618 Fax: 86-10-82262448 E-mail: tbt@aqsiq.gov.cn
Subject: <p style="text-align: center;">Comments from P. R. China on USA Notification G/TBT/N/USA/538 539 540</p> <p style="text-align: center;"><i>Safety Standard for Bassinets and Cradles; Notice of Proposed Rulemaking; Safety Standard for Toddler Beds;</i></p> <p style="text-align: center;"><i>Third Party Testing for Certain Children's Products; Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies To Assess Conformity With Part 1505 and/or Sec. 1500.86(a)(5) of Title 16, Code of Federal Regulations</i></p>	

Comments from P. R. China on USA Notification

G/TBT/N/USA/538 539 540

*Safety Standard for Bassinets and Cradles: Notice of Proposed Rulemaking;
Safety Standard for Toddler Beds;
Third Party Testing for Certain Children's Products; Notice of
Requirements for Accreditation of Third Party Conformity Assessment
Bodies To Assess Conformity With Part 1505 and/or
Sec. 1500.86(a)(5) of Title 16, Code of Federal Regulations*

Dear Sir or Madam,

We appreciate the opportunity to submit comments on the notified regulation proposed by Consumer Product Safety Commission (CPSC), the United States of America.

Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to tbt@aqsiq.gov.cn.

Thank you very much in advance for Consumer Product Safety Commission (CPSC) taking into account comments from P. R. China. Your formal reply will be appreciated.

Best regards,

WANG Nini
Director General
China WTO/TBT National Notification & Enquiry Center
No. 9 Ma Dian Dong Lu, Hai Dian District, Beijing
Post Code: 100088
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Comments from P. R. China on USA Notification

G/TBT/N/USA/538 539 540

*Safety Standard for Bassinets and Cradles: Notice of Proposed Rulemaking;
Safety Standard for Toddler Beds;
Third Party Testing for Certain Children's Products; Notice of
Requirements for Accreditation of Third Party Conformity Assessment
Bodies To Assess Conformity With Part 1505 and/or
Sec. 1500.86(a)(5) of Title 16, Code of Federal Regulations*

The government of the People's Republic of China highly appreciates the efforts the United States have made in the safety of children's product, and thanks U.S.A the opportunity for WTO Members to make comments on notifications of G/TBT/N/USA/538, 539, and 540. After careful study, China would like to put forward following comments on the three U.S. notifications, for your careful consideration and your reply is appreciated.

I Comments on G/TBT/N/USA/538 *Safety Standard for Bassinets and Cradles*

1. In Section B of the Draft, it intends to include infant hammocks under the applicable scope of the new *Safety Standard for Bassinets and Cradles*, however, it also states in the notification that, the practice is unreasonable, and the modifications on the requirement for infant hammocks may lead to eliminate the market for infant hammocks intended to lull colicky babies, even lead caregivers to use similar products intended for older children instead, thereby creating a potentially new hazard.

It is one of the objectives of the WTO/TBT Agreement to protect the human safety and health, and the establishment of *Safety Standard for Bassinets and Cradles* aims to protect the human safety in a better way, however, the elimination of the market for infant hammocks intended to lull colicky babies resulting from which will do harm to the health of infants to certain degree, and the lack for such products is likely to result in the occurrence of new injury accidents, which is obviously against the established goal of the standard, as well as the objectives of the TBT Agreement. Therefore, before an applicable standard is developed or a better solution is provided, it is suggested not to include infant hammocks for special purpose under the applicable scope of the new *Safety Standard for Bassinets and Cradles*, but provide appropriate instructions and warning label for this type of products.

2. In Section E of the Draft, requirements for maximum deflection angle and rest angle, in addition to testing with Mark II CAMI Dummy, the proposed regulation will test with Newborn Infant CAMI Dummy. Mark II CAMI Dummy is to imitate the children of six months old, while the bassinets and cradles only apply to

infants under 5 months. Therefore, it is unreasonable to test with Mark II CAMI Dummy. It is suggested to test all clauses required to be tested with dummy with Newborn Infant CAMI Dummy.

3. Also in Section E of the Draft, “Add a performance requirement and test method for the maximum allowable rock/swing angle and maximum allowable rest angle of sleep surface, and maximum allowable flatness angle”, it will force enterprises to make modifications on their existing designs and production. It is suggested to consider the cycle required by the enterprise to change the design technology and set reasonable period of preparation, so that enterprises have enough time to change the existing technology, and the product meets the requirement of the standard.
4. In Paragraph (B) of “(iii) 7.10 *Fabric Release Test Methods for Enclosed Openings*” on the last page of the notified draft, it mentions “With the torso test probe attached to a force gauge”, it is suggested to change to “Apply a 20 lb force against the fabric inside wall of the product with the torso test probe”, that is, combine Article 7.10.2 with Article 7.10.3, and allow to use other modes of force application instead of the mode of force application with single force gauge.

II Comments on G/TBT/N/USA/539 Safety Standard for Toddler Beds

1. In E.2.d of the notified draft, the force to conduct *slat/spindle testing for guardrails, side rails, and end structures* is increased from 25lbf to 80lbf, the Commission’s staff observed that testing adjacent slats significantly compromised the integrity of the bed rails. Accordingly, the Commission is proposing that 25 percent of the slats be tested at 80lbf and that the remaining 75 percent of slats be tested at 60lbf.

It has given a reasonable basis for testing with 80lbf force in the notification, but there is no relevant statistics or scientific basis for the remaining 75 percent of the slats to be tested at 60lbf. According to Article 2.2 of WTO/TBT Agreement, “Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade”, the Commission is suggested to assess the requirement for 60lbf, and give relevant statistics data, to justify the requirement, otherwise, the clause shall be re-revised, to avoid creating unnecessary obstacles to the trade.

2. The voluntary standard ASTM F 1821–09 defines a toddler bed as any bed sized to accommodate a full-size crib mattress having minimum dimensions of 51⁵/₈ inches in length and 27¹/₄ inches in width and that is intended to provide free access and egress to a child not less than 15 months of age and weighing no more than 50 pounds. While in Article 4 on the second page of the notified draft “*National Injury Estimates*”, the age of patients in these injuries ranged between 4 months and 6 years, which will affect the establishment basis for ASTM F

1821-09 to a certain degree.

III Comments on G/TBT/N/USA/540 *Third Party Testing for Certain Children's Products; Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies To Assess Conformity With Part 1505 and/or § 1500.86(a)(5) of Title 16, Code of Federal Regulations*

Compared to the baseline accreditation requirements for the third party conformity assessment body, there is no objective basis for assessment of additional accreditation requirements for governmental conformity assessment bodies, we believe that the notified regulation is obviously opt to the exclusion of the governmental laboratory, which is inconsistent with the principles of fairness and impartiality required for governmental conformity assessment bodies reflected in "The third party conformity assessment body is not accorded more favorable treatment than other third party conformity assessment bodies in the same nation who have been accredited", and is against the "mutual recognition principle of conformity assessment procedures" under the TBT Agreement.

It is suggested that a governmental conformity assessment body shall be recognized before there is no evidence that the conformity assessment body fails to meet these additional requirement, unless there is evidence that it fails to meet these additional requirement.

If a governmental conformity assessment body must be assessed before the recognition, the operable detail rules for implementation must be issued as soon as possible, to ensure that the legal interest of the governmental laboratory is free from harming.

Comments in Chinese are as the following:

中国政府非常赞赏美国在运输安全方面所做出的努力 ,同时感谢美方给予评议 G/TBT/N/USA/538 539 540 号通报的机会。根据 TBT 协定 2.9.4 条“无歧视地给予其他成员合理的时间以提出书面意见 ,应请求讨论这些意见 ,并对这些书面意见和讨论的结果予以考虑”的规定 ,请对中方的评议意见予以考虑 ,具体意见如下 :

中国政府非常赞赏美方为儿童用品的安全所做出的努力 ,感谢美方履行 WTO 透明度义务 ,给予WTO成员评议G/TBT/N/USA/538 , 539 , 540号TBT通

报的机会。经认真研究，中国愿就美国三项通报提出如下评议意见，请贵方予以慎重考虑，并给予答复。

一、对 USA538 《摇篮车和摇篮安全标准》的评议意见

1、草案第 B 部分，拟将对婴儿吊床暂时列入新的《摇篮和摇篮车安全标准》的适用范围，但通报中同时说明，这一做法存在不合理性，对婴儿吊床要求的修订会导致安抚腹痛婴儿用吊床全部退市，甚至导致婴儿看护人转而使用面向年龄更大的儿童设计的类似产品，从而可能造成新的危险。

保护人身安全和人体健康是 TBT 协定的目标之一，《摇篮和摇篮车安全标准》制定的目的是为了更好的保护人身安全，但其导致的安抚腹痛婴儿用吊床的退市会在一定程度上对婴儿健康造成伤害，此类产品的缺失也极有可能导致新的伤害事故的出现，这一结果显然与该标准的制定目的相违背，也不符合 TBT 协定的目标。因此，在没有制定适用标准或提供更好的解决办法之前，建议不要将特殊用途婴儿吊床划归到《摇篮和摇篮车安全标准》的使用范围中，而对此类产品规定合适的使用说明和警告标识。

2、草案第 E 部分，最大偏斜角和静止角的要求中，除了使用 Mark II CAMI 模型外，本提议法规将增加使用新生儿 CAMI 模型进行试验。Mark II CAMI 模型为模拟 6 个月大小的儿童，而摇篮和摇篮椅只适用于 5 个月以下的婴儿。因此采用 Mark II CAMI 模型来进行测试并不合理，建议所有需要使用模型测试的条款均使用新生儿 CAMI 模型。

3、同样在草案的第 E 部分，“增加关于睡卧面的最大允许摇晃角、最大允许静止角以及最大允许平整度角的性能要求和试验方法”，将迫使企业必须对现有设计、生产进行修改。建议考虑企业改变设计技术所必须的周期，设置合理的准备期，

以使企业有足够时间更改现有技术，使产品达到符合标准要求。

4、通报草案最后一页(iii) 7.10 *封闭式开口的织物松开测试方法* "中的(B) 条提及“将身躯测试探针附着于一个测力计上”，建议考虑更改为：“将身躯测试探针以 20lb 的力顶住产品的织物内壁”，即将 7.10.2 和 7.10.3 条合并，并允许采用其他施力方式代替单一测力计的施力方式。

二、对 USA539 《幼儿床安全标准》评议意见

1、通报草案 E.2.d 中将护栏、侧轨和床尾结构板条/主轴测试 (*Slat/Spindle Testing for Guardrails, Side Rails, and End Structures*) 的力由 25lbf 提高到 80lbf ,委员会的工作人员观察到使用 80lbf 测试相邻板条时会严重危及到护栏的完整性。因此，委员会提议对 25%要测试的板条施加 80lb 的力，剩下 75%的板条在 60lb 力条件下测试。

使用 80lbf 测试在通报中已给出合理依据，但对剩下 75%的板条使用 60lbf 测试取没有给出相关统计或科学根据。根据 WTO/TBT 条款 2.2“各成员应保证技术法规的制定、采用或实施在目的或效果上均不对国际贸易造成不必要的障碍”，建议委员会对 60lbf 的要求进行评估，并给出相应的统计数据，以说明这一要求的合理性，否则应重新修订此条款避免对贸易造成不必要的障碍。

2、ASTM F 1821-09 自愿性标准对幼儿床的定义是容纳标准婴儿床垫的睡床，最少长度和宽度分别为 51⁵/₈ 英寸和 27¹/₄ 英寸，并能让 15 个月或以上、体重不超过 50 磅的儿童自由进出。而在本通报草案第 2 页第 4 条“*全国伤害估计值*” (*National Injury Estimates*) 中，所统计的患者的年龄从 4 个月到 6 岁不等，这一程度会影响 ASTM F 1821-09 的制定依据。

三、对 USA540《关于某些儿童用品的第三方测试；评定联邦法规法典第 16 编第 1505 部分和/或第 1500.86(a)(5)项符合性的第三方合格评定机构的认可要求通告》评议意见

相比对于基准第三方合格评定机构认可要求,关于政府合格评定机构的附加认可要求没有客观的评判依据,我们认为该通报法规有明显排斥政府实验室的倾向,和对政府合格评定机构要求的“相对在同一个国家内被认可的其他第三方合格评定机构,该第三方合格评定机构不能被授予更优惠的待遇”所体现的公平公正原则相悖,并且违背了 TBT 协定下“合格评定程序的互相认可原则”。

建议在 CPSC 在没有任何证据证明某政府合格评定机构不符合这些附加条件之前,应该先认可该合格评定机构,除非有证据表明其不符合附加条件。

如果必须在认可前对政府合格评定机构进行评估,则必须尽快出台具备可操作性的实施细则,以确保政府实验室的合法利益不受损害。

Stevenson, Todd

From: Lauren Pfeiffer [lpfeiffer@ahint.com]
Sent: Tuesday, January 04, 2011 11:17 AM
To: Stevenson, Todd
Subject: NOTICE OF PROPOSED RULEMAKING (NPR): CPSIA SECTION 104: Safety Standard for Toddler Beds
Attachments: JPMA Toddler Bed NPR Supplemental Comments.pdf

Dear Mr Stevenson:

Attached for your reference are comments in response to the Toddler Bed NPR. JPMA submitted comments on July 12, 2010 in response to the NPR. Those comments stand as submitted; however, JPMA wishes to submit the following supplemental comments for your consideration.

Please feel free to contact me if you have any questions.

Regards,
Lauren

Lauren M. Pfeiffer
Assistant Executive Director
Juvenile Products Manufacturers Association
15000 Commerce Parkway
Suite C
Mt. Laurel, NJ 08054
856-380-6818
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December 28, 2010

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

**Re: NOTICE OF PROPOSED RULEMAKING (NPR): CPSIA SECTION 104:
Safety Standard for Toddler Beds: 16 CFR Part 1217
CPSC DOCKET Number: 2010-0022**

Dear Mr. Stevenson:

The Juvenile Products Manufacturers Association (JPMA) is a not-for-profit trade association representing the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers.

The Consumer Product Safety Commission (“Commission” or “CPSC”) invited comments on 16 CFR Part 1217 pursuant to Section 104 of the Consumer Product Safety Improvement Act (“CPSIA”), which directs the Commission to issue mandatory regulations on durable infant products. In response to the request of the Commission’s staff, the Juvenile Products Manufacturers Association, Inc. (“JPMA”) filed comments on July 12, 2010 on the April 28, 2010, Federal Register Notice regarding 16 CFR Part 1217 Safety Standard for Toddler Beds (“NPR”). Those comments **stand as submitted**; however, JPMA wishes to submit the following supplemental comments for your consideration. JPMA hopes that these comments will assist the Commission in effectively implementing regulations in a consistent manner with hazard based requirements under ASTM F 1821 consensus, hazard based Safety Standards for Toddler Beds and other existing or proposed ASTM Standards promulgated for similarly situated or constructed products. JPMA has previously submitted extensive comments on a variety of CPSIA issues. These comments provide our views on the proposed requirements of 16 CFR Part 1217. JPMA reserves the right to supplement or amend its comments as appropriate.

JPMA encourages the Commission to harmonize their final rule with the soon to be published ASTM F 1821-10. As a result, JPMA is noting the recent changes to the standard that were sent to ballot to revise the ASTM standard F-1821-09 Consumer Safety Specification for Toddler Beds. Those items are outlined as follows and referenced in Appendix A.



JPMA

Mattress Retention

The F15.18 Subcommittee on Toddler Beds reviewed a proposal to revise the standard to have Sections 6.1, 6.1.1, 6.1.2 and 8.4.4.2 removed from the standard as they are now obsolete. The subcommittee recommends the addition of an appendix section containing the listed rationale as well.

6.1 Mattress Retention:

6.1.1 The mattress support system, end structures, and side containment shall control the horizontal position of the mattress and prevent it from being moved horizontally creating a horizontal opening that allows complete passage of the wedge block when tested in accordance with 7.1.

6.1.2 The top of the mattress shall not deflect more than 1 in. (25 mm) below the bottom of the mattress support when tested in accordance with 7.1.6.

8.4.4.2 If guardrails are used as the mattress containment means, guardrail(s) provided must be used to avoid the formation of a gap between the mattress and the bed that could cause an entrapment. If the guardrails are an integral part of the design, such that they can not be removed, this need not be addressed.

X.1 Rationale: Appendix

Sections 6.1, 6.1.1, 6.1.2 and 8.4.4.2 are now obsolete to their original intended purpose. The mattress support requirements have been strengthened to eliminate possible entrapment. The platform is tested without the mattress in place.

Toddler Bed Guardrail Testing

The F-1821 subcommittee, after studying the incident data and how it relates to bedrails and bedrail systems, concluded that further definition was necessary to adequately and accurately test the bed rail. Two items need to be kept in memory while these revisions to the standard are considered. 1) The toddler bed is intended to be used by children 15 months old at a minimum, and 2) Recent changes to the current standard have removed all openings associated with the mattress support that could be an entrapment hazard. The height of the bed rail is proposed to be 9 inches from the top of the mattress support in its lowest position. This will provide a consistent point of measurement and is high enough to provide a barrier to prevent roll off from a sleeping child. The strength requirement being proposed is 40 lbs, which is taken from the portable bed rail standard. The application of the test force uses a 3" x 6" x 1/2" board to represent the size of the contact area that would be generated by a child who may roll or lean against it. Elements have been added to the standard that address contoured bedrails.

The F15.18 Subcommittee on Toddler Beds reviewed a proposal to revise the F1821 standard to include the following:

Section 3 – the definition for a *Removable Guardrail*.

Section 6 – performance requirements for *Guardrail Height & Guardrail Strength*



Section 7 – test methods for the *Guardrail Strength Test*.

The subcommittee recommended the addition of an appendix section containing the listed rationale as well. **JPMA**

Terminology

Removable guardrail (n) – a guardrail that can be removed without the use of tools.

Guardrail Height

6.5.2 The upper edge of the guardrail shall be at least 9 inches above the mattress support. This measurement is to be taken from the top of the mattress support in its lowest position within 6 in. of the guardrail to the highest point of the upper edge of the guardrail within 6 in. from the headboard.

Guardrail Strength

6.8 When tested in accordance with 7.9 the guardrail shall not break, detach or create a condition that would present any of the hazards described in Section 5. Removable guardrails, and guardrails that do not have any free ends, that is that they are attached to both the headboard and the footboard, are exempt from this test. For guardrails with two free ends, perform this test at each free end.

Guardrail Strength Test

7.9 Gradually over a period of five seconds apply a 40 lb. force to the guardrail from the inside of the toddler bed, outward and perpendicular to the plane of the rail, and hold for ten seconds. The force is to be applied to the geometric center of a 3 x 6 x ½ in. piece of plywood with the long end parallel to the floor.

7.9.1 For guardrails with a rectangular shape, the plywood shall be placed with the upper long edge of the plywood even with a line drawn parallel to the rail, which is 9 inches from the top of the rail to the top of the mattress support in its lowest position, and the short edge even with the free short edge of the rail.

7.9.2 For contoured guardrails that are not rectangular, the plywood shall be placed with the upper long edge of the plywood even with a line drawn parallel to the rail, which is 9 inches from the top of the rail to the top of the mattress support in its lowest position, and the short edge placed so that the downward slope of the free rail edge intersects the corner of the plywood.

X.1 Toddler Bed Guardrail Testing Rationale: Appendix

The F-1821 subcommittee, after studying the incident data and how it relates to bedrails, and bedrail systems, concluded that further definition was necessary to adequately and accurately test the bed rail. Two items need to be kept in memory while these revisions to the standard are considered. 1) The toddler bed is intended to be used by children 15 months old at a minimum, and 2) Recent changes to the current standard have removed all openings associated with the mattress support that could be an entrapment hazard. The height of the bed rail is proposed to be 9 inches from the top of the mattress support in its

lowest position. This will provide a consistent point of measurement and is high enough to provide a barrier to prevent roll off from a sleeping child. The strength requirement being proposed is 40 lbs, which is taken from the portable bed rail standard. The application of the test force uses a 3" x 6" x 1/2" board to represent the size of the contact area that would be generated by a child who may roll or lean against it. Elements have been added to the standard that address contoured bedrails.



Conclusion

It is hoped that the Commission will consider adoption of the proposed ASTM requirement in whole as a mandatory federal requirement, with the added benefit that it can be subject to revision as merited based upon hazard data. We would encourage the CPSC to work with all stakeholders to assure an efficient, effective rule is finalized without unduly burdening small businesses. We are appreciative for the opportunity to submit these supplemental comments.

Sincerely,

Robert B. Waller

A handwritten signature in black ink that reads "Robert Waller".

President

APPENDIX A

September 27, 2010

TO: F15 Main Committee
FROM: Subcommittee F15.18 on Toddler Beds
SUBJECT: Revision to F 1821

The subcommittee has discussed and approved the following changes to the standard:

These proposed revisions are intended to address:

- 1. Mattress Retention**
- 2. Guardrail Strength Test**

Please submit your vote.

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ITEM 1 – Mattress Retention

September 24, 2010

TO: F15 Main Committee

FROM: F15.18 Subcommittee on Toddler Beds

SUBJECT: Ballot

The F15.18 Subcommittee on Toddler Beds reviewed a proposal to revise the standard to have Sections 6.1, 6.1.1, 6.1.2 and 8.4.4.2 removed from the standard as they are now obsolete. The task group recommends the addition of an appendix section containing the listed rationale as well.

6.1 Mattress Retention:

6.1.1 The mattress support system, end structures, and side containment shall control the horizontal position of the mattress and prevent it from being moved horizontally creating a horizontal opening that allows complete passage of the wedge block when tested in accordance with 7.1.

6.1.2 The top of the mattress shall not deflect more than 1 in. (25 mm) below the bottom of the mattress support when tested in accordance with 7.1.6.

8.4.4.2 If guardrails are used as the mattress containment means, guardrail(s) provided must be used to avoid the formation of a gap between the mattress and the bed that could cause an entrapment. If the guardrails are an integral part of the design, such that they can not be removed, this need not be addressed.

X.1 Rationale: Appendix

Sections 6.1, 6.1.1, 6.1.2 and 8.4.4.2 are now obsolete to their original intended purpose. The mattress support requirements have been strengthened to eliminate possible entrapment. The platform is tested without the mattress in place.

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ITEM 2 – Guardrail Strength Test

September 24, 2010

TO: F15 Main Committee

FROM: F15.18 Subcommittee on Toddler Beds

SUBJECT: Ballot

The F15.18 Subcommittee on Toddler Beds reviewed a proposal to revise the F1821 standard to include the following:

Section 3 – the definition for a *Removable Guardrail*.

Section 6 – performance requirements for *Guardrail Height & Guardrail Strength*

Section 7 – test methods for the *Guardrail Strength Test*.

The task group recommends the addition of an appendix section containing the listed rationale as well.

Terminology

Removable guardrail (n) – a guardrail that can be removed without the use of tools.

Guardrail Height

6.5.2 The upper edge of the guardrail shall be at least 9 inches above the mattress support. This measurement is to be taken from the top of the mattress support in its lowest position within 6 in. of the guardrail to the highest point of the upper edge of the guardrail within 6 in. from the headboard.

Guardrail Strength

6.8 When tested in accordance with 7.9 the guardrail shall not break, detach or create a condition that would present any of the hazards described in Section 5. Removable guardrails, and guardrails that do not have any free ends, that is that they are attached to both the headboard and the footboard, are exempt from this test. For guardrails with 2 free ends, perform this test at each free end.

Guardrail Strength Test

7.9 Gradually over a period of 5s apply a 40 lb. force to the guardrail from the inside of the toddler bed, outward and perpendicular to the plane of the rail, and hold for 10 secs. The force is to be applied to the geometric center of a 3 x 6 x ½ in. piece of plywood with the long end parallel to the floor.

7.9.1 For guardrails with a rectangular shape, the plywood shall be placed with the upper long edge of the plywood even with a line drawn parallel to the rail, which is 9 inches from the top of the rail to the top of the mattress support in its lowest position, and the short edge even with the free short edge of the rail.

7.9.2 For contoured guardrails that are not rectangular, the plywood shall be placed with the upper long edge of the plywood even with a line drawn parallel to the rail, which is 9 inches from the top of the rail to the top of the mattress support in its lowest position, and the short edge placed so that the downward slope of the free rail edge intersects the corner of the plywood.

X.1 Toddler Bed Guardrail Testing Rationale: Appendix

The F-1821 subcommittee, after studying the accident data and how it relates to bedrails, and bedrail systems, concluded that further definition was necessary to adequately and accurately test the bed rail. Two items need to be kept in memory while these revisions to the standard are considered. 1) The toddler bed is intended to be used by children 15 months old at a minimum, and 2) Recent changes to the current standard have removed all openings associated with the mattress support that could be an entrapment hazard. The height of the bed rail is proposed to be 9 inches from the top of the mattress support in its lowest position. This will provide a consistent point of measurement and is high enough to provide a barrier to prevent roll off from a sleeping child. The strength requirement being proposed is 40 lbs, which is taken from the portable bed rail standard. The application of the test force uses a 3 X 6 X 1/2 board to represent the size of the contact area that would be generated by a child who may roll or lean against it. Elements have been added to the standard that address contoured bedrails.

On the last ballot, the Committee approved the removal of sections 6.1, 6.1.1, 6.1.2. These sections referenced the tests described in 7.1.2 – 7.1.6. We neglected to, but should have, balloted to remove these as well since they will now be obsolete when the sections that reference them are removed. In addition, if they are removed then 7.1.1 can become 7.1 *Test Mattress* and the words *Mattress Retention* after 7.1 can be removed.

Standard Consumer Safety Specification for Toddler Beds¹

7. Test Methods

7.1 *Test Mattress*—A4 ± 1/8 in. (100 ± 3 mm) thick by 51 5/8 ± 1/8 in. (1310 ± 3 mm) long by 27 1/4 ± 1/8 in. (690 ± 3 mm) wide, open cell, polyurethane foam pad having a density of 1 lb/ft³ (16 kg/m³), having a compression load deflection of 30 lbf (133 N) when tested in accordance with Test Methods D3574, Method B1, to a 25 % deflection, covered with a 5 to 15 gage vinyl material, 0.005– to 0.015–in. (0.13– to 0.38–mm) thick shall be used to represent a mattress during the performance of the test in 7.2.4:

7.1.2 Secure the bed so that it cannot move during the performance of the following tests.

7.1.3 Using a 3-in. (76-mm) diameter flat, rigid disk, gradually apply a 5 lbf (22 N) horizontally within a period of 5 s to the edge of the mattress at the vertical midpoint and maintain for 30 s in a location that produces the largest gap in the horizontal plane between the end support structures, side rails, or guardrails and the edge of the mattress.

7.1.4 After the test described in 7.1.3 has been performed, any gap in the horizontal plane that permits the passage of a vertically oriented 0.19 in. (5 mm) diameter probe with a length of 6 in. (150 mm), minimum, and that has a fully rounded end to pass through without touching either the mattress or the support structure shall be tested in accordance with 7.1.5.

7.1.5 Insert the tapered end of the wedge block, shown in Fig. 2, into any gap identified in 7.1.4 in the most adverse orientation, and gradually apply a 39-lb (17.7 kg) dead weight to the wedge block within a period of 5 s; maintain the load for a period of 30 s.

7.1.6 Place a 3 in. (76 mm) by 7.2 in. (183 mm) sheet of 3/4 in. (19 mm) thick plywood in the most adverse position on the top of the mattress. Do not allow any portion of the plywood to extend over the edge of the mattress. While keeping the plywood horizontal, gradually apply a 50 lbf (220 N) force normal to the plywood within a period a 5 s. Maintain the load for 30 s.

7.2 *Mattress Support System:*

7.2.1 Conduct the following test without a mattress in place unless specified otherwise.

7.2.2 Center a sheet of 3/4 in. (19 mm) thick plywood 19 in. (480 mm) wide by 37 in. (940 mm) long on the mattress support system. Place a mass of 300 lb (136 kg) on the plywood sheet. The mass is to be distributed equally, applied gradually within a period of 5 s and shall remain in place for 5 min. Remove the mass.

7.2.3 Center a sheet of 3/4 in. (19 mm) thick plywood 19 in. (480 mm) square on the longitudinal centerline of the mattress support system with one edge in line with the inside vertical plane of one end structure of the bed. Place a mass of 225 lb (102 kg) on the plywood sheet. The mass is to be distributed equally, applied gradually within a period of 5 s and shall remain in place for 5 min. Remove the mass. Repeat this test at the opposite end structure.

7.2.4 Place the test mattress on the bed. Secure a sheet of 3/4 in. (19 mm) thick plywood 12 in. (305 mm) square in the center of the mattress support. Drop a 50 lb (22.7 kg) mass, whose size falls within the perimeter of the sheet of plywood from a distance of 12 in. (305 mm), 100 times onto the center of the sheet of plywood at a rate of 4 ± 1 seconds per cycle.

7.2.5 *Openings*—Without the test mattress on the bed, insert the tapered end of the wedge block shown in Fig. 2 in the most adverse orientation, into any opening in the mattress support system and gradually apply a 25 lbf (111 N) force perpendicular to the plane of the opening within a period of 5 s. Maintain this force for 30 s.

7.3 *Mattress Support System Attachment and Side Rails Integrity:*

7.3.1 Conduct the following test without a mattress in place.

7.3.2 Apply a downward vertical force of 225 lbf (1000 N) gradually within a period of 5 s evenly over a 2 in. (51 mm) length of the mattress support, 10 in. (255 mm) from the bed end structure attachment point for the mattress support. The load is to be maintained for 30 s. Apply the force to each end structure of the bed.

7.3.3 Apply a downward vertical force of 225 lbf (1000 N) gradually within a period of 5 s evenly over a 2 in. (51 mm) length on the side rail, 10 in. from the bed end structure attachment point for the side rail. The load is to be maintained for 30 s. Apply the force sequentially to each corner of the bed.

7.3.4 Apply a downward vertical force of 225 lbf. (1000 N) gradually within a period of 5 s over a 2 in. (51 mm) length on the side rail, centered between the foot and head end structures on the side rail. The load is to be maintained for a period of 30 s. Apply the load sequentially to each side rail.