



**Before the House Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce
“Keeping Kids and Consumers Safe From Dangerous Products”
Thursday, June 13, 2019
Testimony of Torine Creppy, President, Safe Kids Worldwide**

I submit this testimony on behalf of Safe Kids Worldwide and appreciate the leadership of Chairwoman Schakowsky for holding this hearing, and for her career-long dedication to preventing child injuries because of defective and dangerous products placed in the stream of commerce.

For 31 years, the mission of Safe Kids Worldwide has been preventing injury. This is so important because preventable injury is the number one cause of death of children 19 and under in the United States. Around the world, a child dies every 30 seconds from an injury that could have been prevented. Unintentional injury death happens under a number of tragic scenarios whether they are car crashes in which a child is not properly buckled into their car seat, or when kids are left behind in a hot car, trapped under a piece of furniture which tips over, or when a child swallows and chokes on a piece of a toy which easily breaks off.

Safe Kids is a go-to resource to help parents keep kids safe from car crashes, fires, falls, drowning, poisoning and more. Through more than 400 grass roots coalitions in the U.S. and partners in more than 30 countries, Safe Kids works with children’s hospitals, trauma centers, first responders and public health experts to provide life-saving information to families.

Based on our experience, we have developed an expertise on how the nature of small children can put them at risk and this is especially true when the risk involves a defective product. It is why products in a child’s environment must be produced with special care. It is why federal consumer product law has evolved to consider the special circumstances involving children around their products.

As soon as a child can reach and grab, and then crawl, they become a natural explorer. They use their hands, fingers and mouth to investigate and this can expose a child to deadly risk. That’s where smart consumer product safety policy is indispensable. Based on this reality and expertise, the following are among Safe Kids’ consumer product policy priorities:

Furniture, Television Tip-Overs: Thankfully, Kayli Shoff’s twin boys Brock and Bowdy survived a furniture tip-over, but a home surveillance video caught the boys jumping on a dresser and hanging from its drawers. The furniture came crashing down on them and they received clean bills of health from a pediatrician.¹ They were so fortunate. Just in 2016, at least six children died in tip-overs involving IKEA Malm dressers.²

Safe Kids became engaged in the tip-over issue in 2014 prompted by large, old-fashioned CRT television sets falling on children with fatal results. Often, the televisions were placed on furniture unsecured and would fall on to children who were playing on the furniture. We provided awareness to parents on how they could secure their televisions, furniture and televisions on the top of furniture.

We strongly support legislation introduced this year by Chairwoman Jan Schakowsky, the Stop Tip-overs of Unstable, Risky Dressers on Youth (STURDY) Act, HR2211.³ The bill would require the Consumer Product Safety Commission (CPSC) to set a mandatory furniture standard on dressers to prevent their

tip-over. Our support letter cited CPSC data and an article in *Consumer Reports* which said, “The tip-over problem is epidemic: Someone in the U.S. is injured every 17 minutes by a furniture, television, or appliance tip-over.”⁴

We urge Congress to consider and pass the STURDY Act.

Recall Process: It is vital that parental consumers have the best information about recalled products. Unfortunately, the federal product recall system is behind the times in a world in which new technology is introduced at a “blink-and-you-missed-it” pace. The recall process is fragmented and the reach of the information is ineffective.

Often, the only sources of information about recalled products are the websites of the federal agencies which work with the private sector on recalls. News coverage of recalls is scant, reserved for those involving a large number of units or a particularly controversial product defect. Safety advocacy organizations like Safe Kids and the Consumer Federation of America also provide consumers with recall information, but, again, the reach is tiny compared to the size of the market. In some cases, the company will negotiate with the CPSC to initiate more aggressive outreach efforts, which was the case in the recall of IKEA dressers.

Because of the ineffective reach, only a small percentage of consumers react to a recall by taking advantage of the recourse provided by the company, such as getting a refund or a non-defective replacement, or way to repair or ameliorate the defect. It is believed that IKEA’s recall of Malm dressers was the largest furniture recall in history. When it was originally announced, IKEA said there were 29 million Malm dressers in homes and later that was adjusted down to 17.3 million units. But according to one report, even with the heightened IKEA public campaign, fewer than 2 percent of the dressers were returned for a refund, 7.5 percent of the recalled furniture.⁵ Further, a 2018 Consumer Reports survey found that only one-quarter of families have anchored furniture.⁶

Another defect in the recall process is that four different federal agencies have jurisdiction for identifying and announcing the withdrawal of defective and dangerous products. Most consumer products are under the purview of the CPSC, but motor vehicles, auto systems and child restraint systems are handled by the National Highway Traffic Safety Administration (NHTSA). Medications, medical devices and impure and unsafe food products are examined by the Food and Drug Administration, while the job of ensuring the safety of the commercial supply of meat, poultry, and egg products is within the authority of the Food Safety and Inspection Service (FSIS), of the U.S. Department of Agriculture. The Centers for Disease Control and Prevention (CDC) leads federal efforts involving tainted food from foodborne illnesses such as salmonella. It gets even more confusing because while medications are FDA recalls, their containers and packaging are under CPSC jurisdiction.

Thus, a consumer wanting to keep up with recalled products must travel through a confusing maze. Safe Kids believes there should be a single federal clearinghouse for recalled products from which parental consumers can get automated alerts.

Finally, the reliance of the CPSC on corporate manufacturers receives strong criticism, along with section 6(b) of the federal consumer product law, which requires the agency to get permission from manufacturers about a defective product before releasing their names or information revealing the manufacturer’s identity. We agree with the recent testimony of Kids in Danger: “Parents

should not have to wait until a full recall effort is complete before learning their child is sleeping in a deadly crib, playing with a lead-tainted toy, or riding in a stroller prone to losing a wheel.”⁷

The delay and lack of transparency is the case even when a product is linked to injuries and fatalities.⁶ The negotiations between manufacturers and the CPSC lead to significant delays.

Timeliness was one of several reasons why Fisher-Price and the current state of the consumer product safety system were subject to criticism in the 2019 recall of the company’s Rock ‘n Play sleeper. The popular product was not removed from the market even after *Consumer Reports* documented that at least 32 small children died in them.⁸

Begun in the 1990’s, the national “Back to Sleep” campaign is based on American Academy of Pediatrics (AAP) research and expertise. “Infants should always sleep on their back, on a separate, flat and firm sleep surface without any bumpers or bedding,” said Rachel Moon, who leads the AAP’s Task Force on Sudden Infant Death Syndrome.^{9 10} Fisher-Price sleepers, enabling children to sleep in an incline position, were marketed despite these long-established best practices. Dr. Benjamin Hoffman, MD, FAAP, was a member of the AAP committee that recommended recalling the Fisher-Price sleepers. He dismissed the company’s claims that the incline position helps small children sleep by preventing gastrointestinal issues which disturb infant and toddler sleep. Dr. Hoffman said, “I can’t think of a safe way to have an infant sleep in a product like that regardless of the use or non-use of the buckle.”⁸

The bottom line is that the recall process must be recalled and revamped.

Medicine Poisoning: Another product which draws the attention of curious children are containers of medicines. Safe Kids has conducted research and awareness on this issue for about ten years. The containers rattle and contain products which look like they may be candy. The Poison Prevention Packaging Act requires medicines to be kept in containers which are supposed to be “child-resistant.”¹¹ But children are still able to get into the containers and are poisoned, sometimes fatally. Data involving medicine exposures invites concern even though calls to poison control centers have declined by 20 percent between 2010 and 2016.¹²

- Every nine minutes a child under age 6 visits an ER because of accidental medicine poisoning.
- Every hour a child under age 6 is hospitalized because of accidental medicine poisoning.
- Every 12 days a child under age 6 dies because of an accidental medicine poisoning.¹²

There are at least two issues involving medicine containers. First, they are “child-resistant,” meaning that it is “significantly difficult for children under five years of age to open within a reasonable time, and not difficult for normal adults to use properly.” It does not mean “childproof.” Research tells us that 45 to 55 percent of accidental medicine poisonings involve child-resistant packaging.¹²

Second, there is confusion about the legal requirements and the difference between the two terms “child-resistant” and “childproof.” Our research found that almost half of parents surveyed incorrectly believed that child-resistant packaging means a child won’t be able to get into it at all, and 1 in 3 agreed that medicine in child-resistant packages can be safely stored somewhere visible and handy.

Based on the foregoing, Safe Kids Worldwide and 70 of its state and local coalitions urged the Consumer Product Safety Commission to conduct a public awareness campaign on “the meaning of ‘child-resistant,’ and on the vital importance of the ‘up, away and out of reach and sight’ message.”¹³ We

reiterate the need for such public awareness. In fact, it is all the more pressing today because of the opioid crisis.

Resources for Product Safety: Safe Kids has commended the Consumer Product Safety Commission for what it is able to accomplish with minimal resources and many of the priorities discussed above would require more funding, perhaps substantially more. We believe additional resources are important because so many of the issues involve children and, since the Consumer Product Safety Improvement Act's passage ten years ago, the focus of federal consumer product safety was readjusted to focus on kids.

Some of our discussion here involves providing awareness to parents and caregivers. This is something which the CPSC has excelled at. Safe Kids was deeply involved in passage of the Virginia Graeme Baker Pool and Spa Safety Act, part of which required an annual awareness campaign. Under the law, the CPSC has run the Pool Safely campaign which has been effective. When the agency marked the 10th anniversary of the law, it was noted that there had been zero drain entrapment deaths since the law's enactment. The law was inspired by the entrapment and drowning of an 8-year-old girl.¹⁴

The federal government and taxpayers need not bear all the cost for these efforts; this is an area where public-private partnerships can be key. In addition to the issues discussed above, the following are among the issues which deserve attention and appropriate resources.

- **Carbon Monoxide Poisoning:** For several sessions, we have strongly supported the Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019, HR 1618, which would establish a grant program for states to purchase and install carbon monoxide detectors in homes and promote awareness efforts.¹⁵ We appreciate the leadership of Reps. Anne Kuster (D-NH) and Buddy Carter (R-GA) in their sponsorship of the bill along with the decade-long commitment of Senator Amy Klobuchar (D-MN), as well as Senator John Hoeven (R-ND).
- **Crib Bumpers:** As stated above, we are deeply involved in the tragic loss of the lives of the smallest children to infant suffocation, and one of the principle aspects of the "Back to Sleep" campaign is the imperative that infants and toddlers sleep in a crib without stuffed toys or bedding which can cause suffocation. We are supportive of Rep. Schakowsky's bill to prohibit the sale of crib bumpers, the Safe Cribs Act of 2019, HR 3170.
- **Product Registration Process:** In addition to our hope that the CPSC will spotlight more attention on medicine safety, we believe resources should be available and dedicated to promoting awareness about the product registration process for infant and toddler products, as well as saferproducts.gov so that parents and caregivers know how to report defective products.
- **Age Grading for Toys:** Safe Kids was happy to be included in an awareness effort at the end of 2018, during the holiday shopping season, about the importance of age grading for toys.¹⁶ The age grades help parents keep small objects out of a child's mouth and button batteries from burning through a child's intestinal system. This needs greater attention and reach.
- **Chemicals in Products:** The risk posed by lead in products, paint and water has received a great deal of attention, but there are other chemicals which parents should know more about such as crumb rubber, phthalates, flame retardants and others.
- **Products at the Border and Ports:** We commend the collaboration of the CPSC and the Customs and Border Protection in seizing products at the border and at our ports. Many of the seized products are unique to a child's environment: toys painted with lead; toys with small parts that

can be detached and swallowed; pajamas and similar products which violate federal flammability; counterfeit goods, including child restraint systems. It is vital that this program receive effective funding.

- **Long-Standing High-Risk Issues:** Finally, there are long-standing products which have put children in jeopardy. It is time for safety issues around these products to be resolved. They include cords of window coverings, ATVs and high energy density batteries (lithium). And, just as there are outstanding issues, there are emerging risks and products all the time.

Conclusion: We deeply appreciate the devotion to these important issues by the Committee. Why are these issues so critical? We must do better at protecting our most vulnerable populations. Children, especially small ones, cannot make the decisions to protect themselves from dangerous products or make decisions about their use. Preventable tragedies happen in a split second. Everyday dangers result from a child thinking a pill looks like candy, that an unsecured swimming pool looks irresistible and inviting, that a cord from a window blind becomes a swing, and a device causing strangulation.

Moreover, when you consider the challenges faced by stressed parents, constantly having to multitask, our job becomes even more vital. This is why we believe the above-stated priorities are so important, as are the jobs of the regulatory agencies—including the CPSC—and strong oversight from this Committee. Thank you for your leadership.

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References:

Safe Kids intern Salma Rashid, a student at William & Mary, assisted in the research for this testimony.

¹ Chuck, E. (2017, January 3). Caught on Camera: Dresser Falls on Twin Boys, One Toddler Saves the Other. *NBC News*. Available at: <https://www.nbcnews.com/news/us-news/caught-camera-dresser-falls-twin-boys-one-toddler-saves-other-n702651>.

² Peachman RR, (2018, March 22), Stein, M. (2018, March 23). Furniture Tip-Overs: A Hidden Hazard in Your Home, *Consumer Reports*, Available at: <https://www.consumerreports.org/furniture/furniture-tip-overs-hidden-hazard-in-your-home/>

³ Stop Tip-Overs of Unstable, Risky Dressers on Youth Act, H.R. 2211, 116th Congress (2019). Available at: <https://www.congress.gov/116/bills/hr2211/BILLS-116hr2211ih.pdf>.

⁴ Safe Kids Worldwide letter of support for Representative Jan Schakowsky's STURDY ACT (March 29, 2019) https://a3f81f198a260bc434c5-8f8af7b10ac8f957b05556159de44bb7.ssl.cf5.rackcdn.com/2019/Support_letter_STURDY_Act_04.05.2019.pdf.

⁵ Schwab, K. (2019, February 14). Ikea's Killer Dressers and America's Hidden Recall Crisis. *Fast Company*. Available at: <https://www.fastcompany.com/90298511/ikeas-killer-dressers-and-americas-hidden-recall-crisis>.

⁶ Peachman, RR. (2018, November 5). Furniture Anchors Not an Easy Fix, as Child Tip-Over Deaths Persist. *Consumer Reports*. Available at: <https://www.consumerreports.org/furniture/furniture-anchors-not-an-easy-fix-as-child-tip-over-deaths-persist/>.

⁷ Protecting Americans From Dangerous Products: Is The Consumer Product Safety Commission Fulfilling Its Mission?: Hearing before the Subcommittee on Consumer Protection & Commerce Subcommittee of the House Committee on Energy & Commerce, 116th Cong. (2019) (testimony of Nancy A. Cowles). Available at: <https://docs.house.gov/meetings/IF/IF17/20190409/109316/HHRG-116-IF17-Wstate-CowlesN-20190409.pdf>.

⁸ What We Can Learn from the Fisher-Price Rock 'n Play Recall. *Knowledge@Wharton* (2019, April 23). Retrieved from <https://knowledge.wharton.upenn.edu/article/rock-n-play/>.

⁹ U.S. Centers for Disease Control and Prevention. (2018). *About 3,500 Babies in the US are Lost to Sleep-Related Deaths Each Year*. Available at: <https://www.cdc.gov/media/releases/2018/p0109-sleep-related-deaths.html>.

¹⁰ Bhattarai, A. (2019, April 16). Parents Dread Life 'Without a Rock 'n Play': Fisher-Price Recall Triggers Shock and Frustration. *The Washington Post*. Available at: https://www.washingtonpost.com/business/2019/04/16/parents-dread-life-without-rock-n-play-fisher-price-recall-triggers-shock-frustration/?utm_term=.4f3614783aff

¹¹ Poison Prevention Packaging Act, 15 U.S.C. Sections 1471-1477, available at https://www.cpsc.gov/s3fs-public/pdfs/blk_media_pppa.pdf.

¹² MacKay JM, Samuel E. Safe Medicine Storage: Recent Trends and Insights for Health Educators. Washington D.C.: Safe Kids Worldwide, March 2018. Available at https://www.safekids.org/sites/default/files/safe_medicine_storage-march_2018.pdf.

¹³ Letter from Safe Kids Worldwide and 70 coalitions to the Consumer Product Safety Commission, calling for a public awareness campaign on the difference between "child-resistant" and "childproof" packaging: https://a3f81f198a260bc434c5-8f8af7b10ac8f957b05556159de44bb7.ssl.cf5.rackcdn.com/2018/CPSC_Drug_Safety_Storage_Campaign_With_Signatures_5.9.18-updated.pdf.

¹⁴ Pool Safely. (2017, December 19). CPSC Hails Successes of Virginia Graeme Baker Pool & spa Safety Act as Law Hits 10-Year Mark [Press Release]. Consumer Product Safety Commission. Available at: <https://www.poolsafely.gov/news/cpsc-hails-successes-of-virginia-graeme-baker-pool-spa-safety-act-as-law-hits-10-year-mark/>.

¹⁵ Letter from Safe Kids Worldwide and 24 coalitions in favor of HR 1618.
https://www.safekids.org/sites/default/files/kuster_carter_co_los_final_03.25.19.pdf

¹⁶ The Toy Association. (2018, November 14). CPSC Expands Toy Safety Collaboration Efforts with Retail, Toy Industries & Safe Kids; Top Toy Safety Tips for Shoppers This Holiday Season [Press Release]. Available at: <https://www.toyassociation.org/PressRoom2/News/2018-news/cpsc-expands-toy-safety-collaboration-efforts-with-retail-toy-industries-safe-kids.aspx>.