

**HEALTHY
MOMS.
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BABIES.**



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U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

RE: Docket No. 2022-0025; Comments on Proposed Rule: Ban of Inclined Sleepers for Infants

March of Dimes, the nation's leading nonprofit organization fighting for the health of all moms and babies, is pleased to provide the following comments to the U.S. Consumer Product Safety Commission's (CPSC) July 26th request regarding the proposed rule to ban inclined sleepers for infants under the Consumer Product Safety Act (CPSA).

We began that fight more than 80 years ago as an organization dedicated to eradicating polio in the U.S., a goal that we achieved. We continue that fight today as we work to address some of the biggest threats to moms and babies, such as premature birth and maternal mortality, through research, education, programs and advocacy.

March of Dimes' ongoing work to improve maternal and infant health is more important than ever as our nation is in the midst of a dire maternal and infant health crisis. Rates of preterm birth are increasing, the U.S. is one of the most dangerous places to give birth in the developed world, and there are unacceptable disparities in birth outcomes between women and infants of color and their White peers. An estimated 700 women from complications related to pregnancy each year and more than 22,000 babies die before their first birthday each year.¹ This rate of maternal and infant death is unacceptably high.

Products designed and marketed for use with infants need to be carefully monitored to ensure that these products do not pose a threat to the life of a child during its first year of life when a child is most vulnerable. This is particularly true during the first six months when an infant generally lacks the brain and body development to prevent positional asphyxia, suffocation after rolling into a facedown position and other causes of harm or death.

The March of Dimes "SAFE SLEEP FOR YOUR BABY" guidance includes recommendations to ensure a baby is put to sleep on a flat, firm surface and in a crib or bassinet.² A study to evaluate the design of

¹ March of Dimes 2019 report Card shines spotlight on the U.S. maternal and Infant Health Crisis. (n.d.). Retrieved August 23, 2022, from <https://www.marchofdimes.org/news/march-of-dimes-2019-report-card-shines-spotlight-on-the-u-s-maternal-and-infant-health-crisis.aspx#:~:text=Beside%20the%20increasing%20rates%20of,complications%20also%20are%20unacceptably%20high.>

² Safe sleep for your baby. Home. (n.d.). Retrieved August 23, 2022, from <https://www.marchofdimes.org/baby/safe-sleep-for-your-baby.aspx>

inclined sleep products commissioned by CPSC found that none of the inclined sleep products tested were safe for infant sleep. Between January 2005 and June 2019, the CPSC received reports of 1,108 incidents, including 73 infant deaths, related to infant inclined sleep products.³

Because of this danger, March of Dimes supports efforts by CPSC and Congress to regulate these products through the Safe Sleep for Babies Act (SSBA) and the Safety Standard for Infant Sleep Products (16 CFR part 1236, the ISP Rule). Furthermore, we urge CPSC to continue to recognize the danger these products represent to infants by applying SSBA's standards in this new rule. Future regulatory language should build upon the effective ISP Rule and follow the intent of SSBA. Following SSBA's intent includes preventing companies from evading regulatory oversight by changing marketing tactics and providing a large enough scope to the definition of "design" to ensure that all products that might be used for sleep-related purposes are covered by this regulation regardless of marketing or promotional language.

Unfortunately, banning these products will not prevent second-hand use of inclined sleepers. March of Dimes urges CPSC to engage in a national public health campaign regarding the danger these products pose to infants following in the footsteps of the highly successful SIDS campaign. March of Dimes urges CPSC to set an effective date as soon as practical. Due to the risk to children, CPSC should not postpone the implementation of this regulation any longer than is absolutely necessary.

CPSC should consider "sleeping accommodations" to be any product that is designed, intended, marketed or commonly used by consumers for the purpose of putting a child to sleep, particularly if the sleep is unattended by an adult. This could include a number of factors, including:

- A focus on comforting an infant to a point it could easily fall asleep in the product;
- A product not designed to stimulate an infant or which would prevent a child from sleeping, including a lack of numerous components designed to stimulate an infant;
- A product which design excluded non-sleep related purposes, such as feeding or transportation;
- A product designed to be able to leave a child unattended, where it may fall asleep.

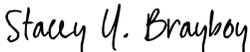
Once this rule has taken effect, CPSC should have the ability through existing authority and the broader scope provided by SSBA to monitor and regulate the market in order to prevent banned products from being marketed and sold. March of Dimes looks forward to a safer environment for infants in the U.S. resulting from preventing dangerous products from being designed, marketed or sold to parents unaware of the danger of sleep-related death posed by these products.

³ CPSC cautions consumers not to use inclined infant sleep products. U.S. Consumer Product Safety Commission. (n.d.). Retrieved August 23, 2022, from <https://www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products>

Thank you again for this opportunity to provide feedback on the proposed rule to ban inclined sleepers for infants. We look forward to continuing to work together to improve our nation's maternal and infant health. If March of Dimes can be of any additional assistance to CPSC regarding this regulation, or other initiatives, do not hesitate to reach out to Andrew Fullerton at 571-257-2326 or afullerton@marchofdimes.org.

Sincerely,

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Stacey Y. Brayboy

Sr. Vice President, Public Policy & Government Affairs