



April 26, 2016



The Honorable Elliot F. Kaye
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Kaye,

It is heartbreaking when we hear of a child's death from a recalled product. We wonder what more could have been done. What could we have done to make sure consumers were aware of the danger? What more could the U.S. Consumer Product Safety Commission (CPSC) and the manufacturer have done to make sure that those with the product in their home participated in the recall? To learn that a tipping IKEA Malm dresser killed yet another child, when the company and the CPSC chose not to do a recall after the first two deaths, is beyond heartbreaking – it is unacceptable. We are writing to ask for the CPSC to do what is needed to prevent further deaths.

Most of the CPSC's announced recalls involve a repair, such as obtaining a replacement part to install or simply new instructions about how to assemble a product. Almost every single one of these efforts has been deemed a "recall." Our organizations, along with many others and the CPSC, have worked to educate and encourage consumers to recognize the need for action when they hear about a recall. Calling it something else reduces the impact of all of that hard work on behalf of safety.

In July 2015, the CPSC and IKEA announced deaths from a tipping dresser, but focused on an education campaign, and did not use the term "recall." There was no mention of the fact that the IKEA dresser in question and possibly others did not meet the voluntary industry standard, ASTM F2057-14. While the standard is considered by many of us and the CPSC staff to be weak,¹ it does require testing that may have prevented this death. This testing requires each drawer be able to withstand a 50-pound weight while open without allowing the dresser to tip. At less than 2 years old, it is unlikely the child in the most recent death weighed more than 50 pounds.

Given the provisions of section 6(b) of the Consumer Product Safety Act, which limits access to information about the CPSC's interactions with companies, we cannot know what discussions took place to develop the corrective action plan for this non-recall. It does seem strange for a company with a product that does not meet accepted industry standards to be allowed to promote only consumer action with anchoring devices rather than formally recalling noncompliant products.

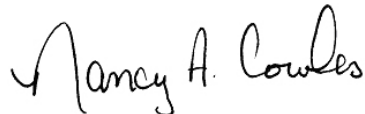
We urge the CPSC to take further action and deem this compliance action a recall. We recommend a stop sale of the type of furniture that was involved in deaths and that does not meet the ASTM standard, as well as refunds for consumers who want them. For those who want to

¹ <http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2016/VoluntaryStandardsActivitiesFY2015AnnualReport.pdf>

anchor the furniture, IKEA should develop a program to provide an incentive for consumers to anchor their furniture.

We ask to meet with you and your staff to discuss this issue. While we have just learned of the most recent death through reporting by the *Philadelphia Inquirer*, your staff has had more time to review and develop a response. We therefore look forward to your response as soon as possible.

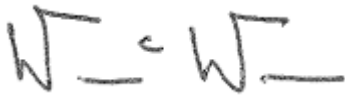
Sincerely,



Nancy Cowles
Executive Director
Kids In Danger
Nancy@KidsInDanger.org
312.595.0649



Rachel Weintraub
Legislative Director and General Counsel
Consumer Federation of America
rweintraub@consumerfed.org
202.939.1012



William C. Wallace
Policy Analyst
Consumers Union
william.wallace@consumer.org
202.462.6262



Diana Zuckerman, Ph.D.
President
National Center for Health Research
dz@center4research.org
202.223.4000