



A nonprofit organization  
dedicated to protecting children by  
improving children's product safety

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**Testimony of Nancy A. Cowles  
Before the House Subcommittee  
On Commerce, Trade and Consumer Protection  
Child Product Safety:  
Do Current Standards Provide Enough Protection?  
October 6, 2004**

**Summary of Points**

- Kids In Danger is a nonprofit organization dedicated to protecting children by improving children's product safety. Our mission is to promote the development of safer children's products, advocate for children and educate the general public, especially parents and caregivers, about children's product safety.
- In 1999, a survey of Illinois voters showed that 79% believed that manufacturers were required to test children's products for safety before they were sold and 67% erroneously believed that the government oversaw that testing. Subsequent surveys show that even larger majorities support such testing. Yet it is still not required and many products make it to store shelves that do not meet standards or whose design puts children at risk.
- There are many flaws with the current recall system. CPSC's own records indicate that an effective recall retrieves or accounts for only 10-30% of the recalled items already in consumer hands.
- Looking just at one product type – the rotating top rail style portable cribs that were made *and* recalled in the 1990's – shows that of the 16 deaths we are aware of, nine took place before the recall and seven afterwards. So even the most effective recall alone will not prevent all deaths from unsafe products.
- Congress should mandate adequate safety testing *before* these products reach store shelves. Voluntary standards and self-reporting have not worked. HR 2911, the Infant and Toddler Durable Product Safety Act, provides a mechanism for strong mandatory standards and independent safety testing before products are sold.
- In addition, this committee should increase its oversight of the CPSC by requiring annual reports on all recall efforts that detail the number of products in consumer use that are returned or accounted for and the efforts made to reach likely users. The Committee should review repeat offenders -- companies with multiple recalls of children's products; and remove the cap on penalties to allow their use as an effective deterrent.

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**DON'T LEARN ABOUT RECALLS FROM YOUR BABY**

**Testimony of Nancy A. Cowles  
Before the House Subcommittee  
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Good Morning Chairman Stearns and Ranking Member Schakowsky and Committee members. Thank you for this opportunity to present our views on the children's product safety system and ways to better protect children.

Kids In Danger is a nonprofit organization dedicated to protecting children by improving children's product safety. We were founded in 1998 by Linda Ginzel and Boaz Keysar, after the death of their son Danny Keysar in a poorly designed, inadequately tested and finally recalled portable crib. Our mission is to promote the development of safer children's products, advocate for children and educate the general public, especially parents and caregivers, about children's product safety.

We have worked with states to implement the Children's Product Safety Act which prohibits the sale or lease of recalled or dangerous children's products or their use in licensed childcare. Currently 7 states have such a law. We provide educational materials on children's product safety to childcare providers, health care professionals, parents and caregivers to alert them to the minefield of dangers facing children. We are working with engineering programs at universities to increase the knowledge of safety and standards that tomorrow's designers will bring to children's products. We are doing

all we can to protect children and welcome this opportunity to speak to you about the problem and solutions.

In 1999, a survey in Illinois<sup>1</sup> showed that 79% of voters believed that manufacturers were required to test children's products for safety before they were sold and 67% erroneously believed that the government oversaw that testing. I predict that any poll of Americans would show a similar disconnect from the real situation. Most parents, caregivers and health professionals I meet believe that if they buy a stroller, high chair, baby swing, or playpen, especially a name brand they recognize, that someone, somewhere has made sure it is safe for their baby. After all, this is America, the land of regulations and testing and liability. They are shocked to learn that we have no law requiring safety testing and that the government only takes action after a product is manufactured, sold, and proved to be unsafe -- a very backwards approach in most people's eyes. Subsequent surveys by the Coalition for Consumer Rights show that super majorities -- 97% -- support a requirement for premarket safety testing. Yet it is still not required and many products make it to store shelves that do not meet standards or whose design puts children at risk.

There are many flaws in the current recall system. Manufacturers have editorial veto power over the press release announcing the recall, allowing them to try to downplay the danger. The only requirement is the press release. Many companies do nothing further to publicize the recall and millions of potential users never hear of the danger. An effective recall retrieves or accounts for only 10-30% of the recalled items

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<sup>1</sup> *Annual Survey of Illinois Voters*, Coalition for Consumer Rights, Chicago, Illinois 1999. Nancy Cowles Testimony, page 3

already in consumer hands. But simply improving the recall system will not prevent injuries and deaths in unsafe products.

Look just at one product type – the rotating top rail style portable cribs that were made *and* recalled in the 1990's. Linda Ginzel lost her son in the first of these cribs, the Playskool Travel Lite. But four other companies picked up on this untested design and used it in their own products. These portable cribs and play yards contained a deadly flaw that allowed the sides to collapse, strangling at least 16 children that we are aware of. The names of these children and some of their stories can be found at our website [www.kidsindanger.org](http://www.kidsindanger.org) in the Family Voices section. Of the deaths we are aware of, nine took place before the recall and seven afterwards. So even the most effective recall will not prevent all deaths from unsafe products.

We believe the answer lies in the simple solution that most parents already believe is the case – all children's products should be tested, by independent laboratories, to strict safety standards, before they can be placed on store shelves. Voluntary standards and self-reporting have not worked.

HR 2911, the Infant and Toddler Durable Product Safety Act, introduced by Representative Schakowsky and supported by 34 co-sponsors provides a mechanism for strong mandatory standards and independent safety testing before products are sold. The legislation would require the CPSC to set up a commission to set mandatory standards for durable infant and toddler products, those products we use to care for a baby – high chair, stroller, crib, portable crib, etc. a total of about 16 products. Unlike the ASTM International committee that sets the voluntary standards, this commission must be

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balanced between consumers, testing laboratories, government and manufacturers. In addition to developing the standards, or adopting current standards as mandatory, the commission will also develop a certification program for independent testing laboratories and the seal that will indicate a product has been independently tested to these strict standards. Then manufacturers will contract with testing labs to certify their products and only products with the safety seal can be sold in the United States. This is the only way to be sure that products meant for our most vulnerable consumers are as safe as we can possibly make them.

In addition, we would urge this committee and Congress to increase its oversight of the CPSC. While companies are required to file monthly reports on the effectiveness of the recall, this information is hidden from view. Congress should request an annual report of all recalls efforts that detail the number of products in consumer use that are returned or accounted for and the efforts made to reach likely users. Perhaps if the woeful numbers shown by most manufacturers were subject to public scrutiny, they might make more of an effort to retrieve the products.

The Committee should review repeat offenders -- companies with multiple recalls of children's products. In a 2003 report, Kids In Danger found that several companies had as many as 12 recalls in a decade as well as fines for not reporting consumer injuries. While any company can have a recall, those that continue to rack up recalls each year clearly need more scrutiny to determine if they are capable of making safe products for children.

We also believe that the cap on penalties should be removed. If penalties become a budgeted item, just the cost of doing business, they will never be an effective deterrent to attempts to hide injuries and continue to sell unsafe products.

The US Consumer Product Safety Commission, with a smaller budget than the FDA has to oversee animal medications, has enormous responsibility to keep the public safe from dangerous products. That responsibility is vital to the health and safety of children. We urge Congress to give the agency the tools they need to do an effective job and to require them to fulfill their responsibility to us all.