



Statement of Michael Dwyer, CAE
Executive Director of the Juvenile Products Manufacturers Association
House of Representatives Committee on Energy & Commerce
Subcommittee on Oversight & Investigations
Hearing On “Crib Safety: Assessing the Need for Better Oversight”
Thursday, January 21, 2010

The Juvenile Products Manufacturers Association, Inc. (JPMA) is a national industry association representing 95% of the \$2.7 billion juvenile products industry (in manufacturers’ sales). JPMA was formed in 1962 with 29 industry companies and has grown to include more than 250 member companies in the United States, Canada and Mexico. These companies manufacture and/or import infant products such as cribs, car seats, strollers, bedding, and a wide range of accessories and decorative items, but not toys and not apparel. Our members produce some of the most effective, life-saving infant products in use.

Core Mission –

The core mission of JPMA is to be an information source, and to provide leadership for the industry and consumers on the production and safe use of infant products. Towards this goal, JPMA publishes *Safe & Sound for Baby*, a full-color, 16-page brochure to promote baby product use and safety. The brochure outlines safety measures for the home and car that will help ensure baby’s safety and is available in English and Spanish. More than 4 million copies of the complimentary brochures have been distributed to consumers through our retail partners and the JPMA website.

JPMA also sponsors Baby Safety Month each September to help educate parents and other child caregivers on the safe selection and use of all baby products. Retail outlets and the media use Baby Safety Month to increase consumer awareness about baby safety. In the past, JPMA has partnered with CPSC and NHTSA on this program. We have also partnered in the past with Safe Kids Worldwide to promote infant safety.

Focus On Improving Safety –

The juvenile products industry has a long history of ensuring that juvenile products are built with safety in mind. Our mission is safety, and the recent recalls of drop sided cribs concern us greatly. As a father blessed with three healthy children, I know the importance of crib safety, including the proper storage, assembly and disassembly of drop sided cribs.

The primary goal of JPMA is to develop consumer education programs related to product safety. JPMA wants all parents to be confident the juvenile products they purchase are designed and built with baby safety in mind. For this reason, JPMA initiated a voluntary certification program in 1976 with the introduction of a program for high chairs. JPMA worked with consumer advocacy groups, representatives from the U.S. Consumer



Product Safety Commission, and other interested parties to develop the standard on high chairs under the auspices of ASTM International (formerly the American Society for Testing and Materials), a highly regarded non-profit organization that publishes numerous, well-regarded standards for materials, products, systems and services.

The CPSC is also a valued partner in the voluntary standard setting process and JPMA is very proud of our 30+ year relationship with the agency.

How the JPMA Certification program works –

Currently there are 20 product categories in the JPMA Certification Program: bassinets/cradles, bath seats, booster seats, carriages and strollers, changing tables, children's folding chairs, frame infant carriers, full-size cribs, gates and enclosures, hand-held infant carriers, high chairs, infant bouncers, infant swings, play yards/non-full size cribs, portable bed rails, portable hook-on chairs, soft infant carriers, stationary activity centers, toddler beds, and walkers. With the recent publishing of new ASTM standards, JPMA is also currently working on adding commercial cribs and infant bath tubs to the program. Currently, 80 companies participate in the JPMA Certification Program and we saw an increase of 15% in participation in the program in 2009.

Manufacturers seeking the JPMA Certification for their products must apply to participate in the program. They must agree to have all of their models in a product category tested by one of two official, independent third party CPSC accredited laboratories, Bureau Veritas or ITS (Intertek Testing Services). JPMA does not test products itself – we rely on the experts at certified product testing laboratories. Nor does JPMA maintain its own safety standards. Manufacturers participating in the program must have their products tested to the relevant ASTM standard for that product.

ASTM and the standards setting process –

ASTM works with regulators, safety advocates, other outside experts, and industry to develop and publish voluntary consensus standards for a wide range of products and services. Committees within ASTM, which are comprised of a balance of manufacturers, consumer groups, representation from the U.S. Consumer Product Safety Commission and other interested parties, develop and revise the standards as necessary. A full consensus standard is developed by a cross-section of stakeholders with an interest in its use. When there is a need for new standards, requests can come from trade associations, government agencies, and professional societies that do not create their own standards. Manufacturers, consumer groups, and even individuals may also request a standard. The request is presented to an ASTM technical committee and the process of standards development begins.

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The ASTM process transcends what entities could do individually because it bridges gaps of technology, combines resources and overcomes lines of competition. The result is a product of the highest credibility, integrity, and marketplace acceptance.

ASTM standards are developed through a three-tiered hierarchy of main committees, subcommittees, and task groups. Task groups perform most of the “leg-work” and research that forms the basis of draft standards. Once the group completes its work, it forwards these drafts through the hierarchy for review and voting. The standard must gain subcommittee, main committee, as well as full Society approval before becoming an official ASTM International standard (there are currently 22,000 members of ASTM). At each level, voting requirements are enforced to ensure fairness. When a draft standard has been reviewed and accepted at all levels, the draft becomes an ASTM standard and is published. Depending upon the need for the standard, drafting and approval can occur in a few months, a year, or more. Fairness in ASTM standards development is ensured through: 1) a required balance of interest between producers, users, and general interest members and 2) a voting process that ensures due process.

Ongoing commitment to infant safety –

Once a manufacturer has become JPMA Certified, their testing responsibility does not end. Manufacturers must test 25% of their models each quarter with the goal that all models are tested at least once a year. If a manufacturer has invested in its own testing lab, it can perform the quarterly testing itself only if it also agrees to send the test reports to an independent lab for review and submit to site inspections by that third party lab to ensure the manufacturer’s lab is capable of performing the required tests on an ongoing basis. Otherwise, a manufacturer seeking JPMA Certification must send its products to an independent third party CPSC accredited lab to meet the regular follow up testing requirements we impose.

To provide additional rigor to the program, the third party lab also pulls product from retail shelves on a quarterly basis and performs testing to all or part of the appropriate ASTM standard.

A manufacturer may only use the JPMA seal on its products after it has fully complied with these program requirements, including full safety testing of all product models to the ASTM standard by independent third party testing labs and submission to the ongoing quarterly testing requirements. Manufacturers who agree to these requirements may place the seal on their products, packaging, and in advertisements (a copy of the seal is attached herein as Attachment A). The manufacturer must adhere to all the guidelines of the program in order to remain a JPMA Certification Program participant.

JPMA publishes a *Directory of Certified Products* which is available to retailers. The directory lists the manufacturers and the products bearing the JPMA Certification Seal. It



is updated twice a year, and is also posted on the JPMA Web site for access by consumers, retailers, media, and the public.

In a 2007 Senate hearing on the reauthorization of the U.S. Consumer Product Safety Commission (CPSC), the CPSC testified that an 89% reduction in crib-related fatalities and an 84% reduction in serious injuries related to the use of infant walker was due to the establishment and effectiveness of ASTM Standards for these products.

Crib Safety –

The safety of our nation's children is always a concern to us. As a result of our extensive experience in this area, JPMA has been positioned to be part of the solution to solving children's product safety issues for over 30 years. JPMA has led the way on crib safety development from the outset. Last year JPMA members took the lead in addressing crib slat integrity and drop side failure issues, working with the ASTM crib subcommittee, which includes representatives from the CPSC and consumer advocacy groups as well as crib manufacturers. Our members' efforts resulted in a modified voluntary standard which incorporates a new crib slat integrity test and the elimination of traditional drop side mechanisms. That updated standard has just been published.

We are also proud of our history of working with advocacy groups such as the Danny Foundation, with whom JPMA collaborated to improve crib safety. Working with the CPSC, the Danny Foundation and the industry, cribs today are safer and fewer children die from corner posts, catch points, problems with structural integrity and other unsafe crib designs. When the Foundation started its programs of education and advocacy, baby cribs caused approximately one hundred deaths per year. According to recently released data from the U.S. Consumer Product Safety Commission, annual crib deaths have been reduced 89% from these levels. JPMA was involved in urging updates to the voluntary ASTM standard to address the hazards that could be addressed by improved designs and dynamic performance testing. Similarly, JPMA has worked to promote crib round-ups with the CPSC for products that have previously been recalled.

The ASTM voluntary standards process is often able to more quickly address evolving safety issues than the mandatory federal standards. The previous changes in the standard regarding crib corner posts is another example. Together, these changes demonstrate that standard setting is an evolving process in which JPMA and our members, as well as the CPSC and the advocacy groups, have been actively involved. This process works because it's based on consensus, and it provides the flexibility necessary to address emerging hazards.

The JPMA Certification Program is a verification process, similar to that included in the Consumer Product Safety Improvement Act. As noted above, products are provided to an independent third party CPSC-accredited lab to verify that they meet the requirements of the ASTM standard. When products are tested, they are assembled and used in accordance with the manufacturer's stated intent as embodied in the assembly and use

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instructions. If the instructions are not followed, risks associated with use of any product may be exacerbated.

Not all recalls occur because of a violation of a regulation or product standard. In addition, recalls do not account for certain factors typically not measurable in a lab, such as unintended use, improper assembly, and excessive wear and tear over time. Most of the reported fatalities with cribs involve multi-use or heirloom cribs that may not have been properly maintained or assembled. Other heirloom cribs handed down do not meet current or recent safety standards.

Tough standards don't necessarily mean a product won't ever get recalled. JPMA is dedicated to promoting the development through ASTM of effective safety standards and promoting infant safety and well being, wherever there are defined risks. JPMA frequently conducts information and education campaigns to reminds parents: not to use any crib with missing, broken, or loose parts; to check hardware from time to time to keep the crib sturdy; to make sure the drop side or any other moving part operates smoothly; to check all sides and corners of the crib for disengagement; and not to use tape, wire, rope or any makeshift hardware to re-assemble any crib.

Safe Sleep –

A very important fact to remember is that cribs remain, by far, the safest place for infants to sleep. Between eighty and ninety percent of the 4,700 or so incidents involving sleep environments and children each year involve parents and care givers putting their children in an unsafe sleep environment that can result in entrapments, suffocation or positional asphyxiation (on the floor on pillows, on adult beds or other household furniture, certain co-sleeping conditions, makeshift sleep environments, etc.).

According to First Candle, a leading infant health organization, research and statistics continue to indicate that babies who sleep in adult beds are at up to 40 times greater risk of dying than those sleeping on their back in a safe crib. In fact, in many jurisdictions, makeshift sleep arrangements are directly implicated in more than 50 percent of all sudden, unexpected infant deaths.

Properly assembled, functional cribs remain the SAFEST place for a baby to sleep. JPMA believes that experts and opinion leaders should take care to stress that point even if a particular crib model is recalled for any reason.

Attachment A

