



September 14, 2009

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

RE: Requirements for Consumer Registration of Durable Infant or Toddler Products

Dear CPSC Secretary:

On behalf of Safe Kids USA, a member of Safe Kids Worldwide (hereinafter “Safe Kids”), I am writing in response to a request for comments, published in the June 29, 2009 issue of the *Federal Register*, about the notice of proposed rulemaking concerning the consumer registration of durable infant or toddler products. **Safe Kids supports the NPRM and offers the following comments to improve the implementation of this important Consumer Product Safety Improvement Act (CPSIA) provision.**

Overall, Safe Kids believes there is a significant need for a consumer registration program for durable infant or toddler products. The term “recall effectiveness” appears to be an oxymoron. We have heard from the Agency itself that recalled products continue to be found in homes, daycare centers and secondhand stores. Our own Safe Kids experience confirms this sentiment. Consumers simply do not know about recalls and when they do hear, often do not pay proper attention. In 2008, the CPSC conducted 563 recalls which involved nearly 60.8 million product units that either violated mandatory safety standards or presented a substantial risk of injury to the public. We know that of these recalls, a large number are in the juvenile product area. Due to a particularly vulnerable population using these items, Safe Kids believes that any enhancement to the recall process, such as the establishment of a consumer registration program for durable infant/toddler products, would be a potentially life-saving endeavor.

Therefore, Safe Kids supports the CPSC’s efforts to carry out the CPSIA and fulfill the statute’s requirement to issue a final rule specifying the requirements for a consumer registration program for durable infant or toddler products.

I. General Comments

A. Analogy to NHTSA's Child Safety Seat Registration Cards

With a background in implementing grassroots safety initiatives, the Safe Kids coalition network regularly reports back to our national office about what they are seeing in communities across the country. In particular, our Safe Kids Buckle Up program enables coalitions to reach out to local communities with child passenger safety messages, car seats and hands-on training. Our experiences over the years in the occupant protection field has given us firsthand knowledge about the car seat registration card program administered by the National Highway Traffic Safety Administration (NHTSA), and we have personally witnessed the effectiveness of this effort. In the event that a parent needs a new child safety seat during one of our car seat check up events, the Safe Kids coalition-trained volunteer will ask the caregiver if he/she would like to fill out the product registration card right then and there. After the card is completed, the Safe Kids coalition takes on the responsibility of mailing in the card to the manufacturer. This ensures that the card gets to the manufacturer and eliminates the possibility of the consumer ignoring the safety card all together or forgetting to fill it out and drop it in the mail. Due to the tremendous success of the car seat registration card program, Safe Kids commends CPSC for looking to NHTSA as a model for its durable infant or toddler product consumer registration requirement. We are hopeful that the success we have seen in the child safety seat registration environment can be replicated in the consumer product environment.

B. Retailers Should be Given the Option to Accept Product Registration Cards

CPSC's NPRM asks for comments on the role of the retailer in accepting completed product registration cards, and Safe Kids believes that the final rule should allow this option. As we have seen at the literally thousands of child safety seat check up events around the country, most parents do not realize the need to mail back the card or forget to do so. We, therefore, do it for them. Retailers could play that same role when a customer buys a durable child product. Retailers should be able to at least try to help consumers complete the product registration cards. Their role could take many forms. Large retail outlets, like chain baby supply or toy stores, may want to establish retail kiosks where consumers could electronically submit their information directly to the manufacturer to register their durable infant or toddler product. In addition, store clerks could also prompt consumers to fill out the cards while waiting to check out; store personnel could then collect the cards at the end of the transaction and ensure that they were mailed. Safe Kids is not suggesting that retailers be required to participate, but merely that they have the option.

C. Nature of Durable Infant or Toddler Products

The CPSC's NPRM asks for comments regarding the scope of durable infant or toddler products as it relates to the product registration card program. Safe Kids believes that the CPSC has a good start with the items that Congress stated that the Commission must include, such as cribs, high chairs, play yards and strollers, but encourages the Agency to not be handcuffed by limiting itself to a definitive list of products for its registration card program. With the ever changing nature of the juvenile product marketplace, new items are introduced into the stream of commerce constantly, and Safe Kids hopes that the CPSC would monitor this situation in case future durable products need to be incorporated into the registration card program.

Safe Kids believes that the CPSC should keep a particular eye out for those products that are inextricably interwoven in a child's daily life. In other words, juvenile products that are not solely used for entertainment purposes, but instead are relied upon by parents/caregivers to hold, contain or transport their child. To us, it is these types of products that have a special place and purpose in a child's life, and therefore demand immediate notification if a hazard/recall exists. We agree with the Commission that infant slings, changing tables, bouncers, children's folding chairs, infant bath tubs and bed rails are products that warrant recall registration. Crib mattresses, toy chests, backpack carriers, doorway jumpers and bike seats/trailers are not listed in the law or suggested by the Commission and could warrant inclusion in the recall card program. The final rule, in any event, should make clear that it is the CPSC's ultimate decision as to whether any particular product should be included on the list of products requiring a registration card.

II. Operational/Format Comments for Consumer Registration Card

A. Omission of Marketing Language/Activity

The CPSC's proposed rule states that manufacturers would be prohibited from using the registration cards for any purpose other than communicating safety or product recall information. Safe Kids wholeheartedly agrees with this concept. The cards should not contain any marketing activity whatsoever and any hint of sales/marketing information will thwart, if not fully dissuade, consumers from registering their products.

B. Conspicuous Location and Inclusion in Instruction Manuals

Safe Kids believes that the consumer registration cards should be in a conspicuous location so that parents/caregivers can easily spot the cards. Child safety seats often have their consumer registration cards attached to the straps of the product so that the parent has to make a concerted effort to remove the card in order to use the car seat. Safe Kids recommends that the CPSC encourage manufacturers to attach the cards in a visible

location on the product and look for placement locations that guarantee that consumers must touch the card before using the product.

In addition, the product's instruction manual should contain a reminder to the parent to complete the consumer registration card and should include electronic web link registration information. Inclusion in the product's instruction manual will also help future owners of the item who receive the product by way of a hand me down after the original card was already mailed.

C. Interplay Between Requirements of CPSIA Section 103 (Tracking Labels for Children's Products) and Section 104 (Permanent Markings on Durable Infant and Toddler Products)

The CPSC requests comments on the interplay between the Section 103 permanent identification marking required on the children's product and the Section 104 tracking label requirement for durable products. The labeling requirements of each Section are meant to enable both the retailer and ultimate purchaser to more easily identify recalled products on the shelves and in homes so that the recalled products can be removed or repaired and, in the case of Section 103, enable the manufacturer to track unsafe products to their precise location. Each Section requires overlapping identifying information and, at the same time, requires additional distinct information. In our view, a durable product manufacturer that complies with one Section does not fulfill the obligation of the other. Safe Kids believes a durable infant and toddler product manufacturer must include both sets of identifying tracking information (possibly in one tracking label). A durable infant or toddler product is by statutory definition a "children's" product. Both sections are, therefore, triggered. We understand that this may result in a durable product being labeled differently and more comprehensively than a regular children's product. This, in our view, is justified given the special role these products play in a child's life and given their active and disturbing recall history.

D. "Required by Law" Provided on Registration Cards

The CPSC proposed requirements for the content of the registration cards, and Safe Kids agrees with and supports the suggested content. We do believe, however, that the importance of the content will be heightened by the addition of a heading or content itself that states that the manufacturer is required by law to include a recall registration card with the product. The heading or content could state: "Products can be recalled by the federal government. We are required by law to provide this product registration card to you." We believe this would add the imprimatur of the federal government and thus convey the importance of product registration to a possibly suspicious consumer. The statement would emphasize the safety purpose of registration as opposed to a non-existent marketing purpose.

E. Prescribed Format is Best to Assist Consumers

The CPSC's NPRM asks for comments on whether there should be a prescribed format to the card or if manufacturers should be allowed flexibility in the card's design. Safe Kids believes that a CPSC-prescribed format is best for consumers with no or very little flexibility allowed. If all the cards look the same for durable infant and toddler products, consumers will, over time, recognize the uniform message/format, and hopefully that recognition and comfort will increase the likelihood of registration.

F. Two-Color Cards May Increase Conspicuousness

The CPSC's proposed rule specifies format requirements for the cards, and Safe Kids suggests that the card be designed to mirror the traditional black and yellow scheme that is often associated with conveying important safety information. These black and yellow signs are commonly accepted and draw a consumer's attention to safety messages. The CPSC may want to consider this design motif for the product registration cards, i.e., a black and yellow border surrounding the card. We understand that two-color printing may be an additional economic burden to manufacturers, but the small incremental cost may be offset by the increased conspicuousness of the cards.

Safe Kids is extremely appreciative of the CPSC's work to enforce CPSIA. As always, Safe Kids looks forward to working with the CPSC on this and other issues in the future.

Sincerely,

A handwritten signature in black ink, appearing to be 'Alan Korn', with a long horizontal line extending to the right.

Alan Korn
Executive Director & General Counsel