



Protecting Children by Improving  
Children's Product Safety

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**Testimony of Nancy A. Cowles  
To the House Committee on Oversight and Government Reform  
Regulatory Impediments to Job Creation Hearing  
February 10, 2011**

Thank you for this opportunity to provide written testimony to the Committee regarding aspects of the Consumer Product Safety improvement Act of 2008, especially the creation of a Publicly Available Consumer Product Safety Information Database.

This testimony is provided on behalf of Kids In Danger (KID), Consumers Union and Consumer Federation of America.

KID is a nonprofit organization dedicated to protecting children by improving children's product safety. The organization was 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.

After Danny died, his parents were shocked to learn that his death wasn't the freak unavoidable accident they had initially thought it to be. They learned from the *Chicago Tribune* the day they buried their son that Danny was the fifth child to die in the Playskool Travel Lite Crib and the twelfth child to die in similarly designed portable cribs. The crib had been recalled five years before Danny died. Since Danny's death, 6 more children have died from the same fatal flaw. I have attached a list of the product's horrific legacy. Consumers can learn of these 18 deaths (and one more in Canada) from Kids In Danger – because KID spent years researching the information, looking through death notices and waiting for the CPSC's interminable FOIA process to get additional information.

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

But the deadly Playskool Travel-Lite Crib is just one of thousands of juvenile products and not every parent whose child is killed or injured in a nursery product will find an organization and put the resources into getting to the truth, nor should that be necessary for safety. Most hope that someone, the manufacturer or the government, will make sure that what happened to their child will never happen to another child. Imagine their horror when they learn that in many cases nothing is done and the product goes on to kill other children. That is the predicament in which the Johns of California found themselves. When their precious son Liam died in 2005, the death was reported to CPSC, but without the database and before a recall, it remained hidden somewhere in the agency's archives. The deadly Simplicity drop-side crib continued to be sold, not only under the Simplicity name, but Graco and others as well. More children died – more than a dozen by some estimates—and it wasn't until the eve of an investigative report by the *Chicago Tribune* in 2007 that some of the deadly cribs were recalled. There have been eight recalls to cover all the deadly Simplicity cribs – and we know that even with all of these recalls, many of them remain in use today.

What do the Playskool Travel-Lite and the Simplicity cribs have in common? Someone with the time and resources spent hours, days and months 'working' the FOIA system at CPSC to get information in spite of the 6(b) clause of the Consumer Product Safety Act, which acts as an effective gag-rule on public safety information from the agency. Or information was obtained from other sources.

The new database at CPSC will change this scenario of secrecy about what should be shouted from the rooftops – dangers in children's products. Here are the benefits from the database:

- Consumers will have an uncomplicated way to report safety problems they have encountered with consumer products. This should eventually increase the amount of safety information CPSC receives, allowing them to more quickly spot injury trends and emerging hazards.

- Consumers will be able review safety reports for a specific product or a type of products, strollers for instance. This will help consumers make informed purchases as well as provide information if they have a problem with a product.
- CPSC and manufacturers will be able to review this information, again leading to earlier detection of product hazards or injury trends. Perhaps we won't have to wait until three children die before a product is recalled, as was the case with the Playskool Travel Lite. The first child died within months of the product being on the market, yet it wasn't recalled until three years later.
- The new Publically Available Consumer Product Safety Information Database will serve another purpose. The 'sunshine' of the database will add to manufacturers' eagerness to respond to product hazards in a more timely fashion. We know of consumers who have contacted manufacturers with a serious safety problem, and one that manufacturers have received multiple reports of from other consumers, only to be told by customer service, "this is the first we've heard of this problem." This public database will let consumers know when, in fact, they are not the only one who experienced this hazard, and a safety problem needs addressing.

It is concerning that the database is included in a hearing on "Regulatory Impediments to Job Creation." The database requires nothing in the way of regulatory burden to manufacturers. Hopefully, they are already responding to reports of hazards or injury that they receive through current channels – their own customer service or CPSC's current reporting system. If they so choose, they can do absolutely nothing about the database – continuing with business as usual. After all, similar reports on injury, as well as many thousands more on non-safety-related issues such as design, color and function, are all over the internet already on Amazon.com, retailer's customer review pages and elsewhere. While business

might prefer than no one ever hear complaints or concerns over their products, I think we can all agree that that should not be the goal of government.

But the Database, after careful construction by CPSC, allows manufacturers to play a much more active role should they choose – they have the ability to review all complaints before the report is posted and people, including other users of that product, can access them, and they have ability to flag a complaint as materially inaccurate or as containing confidential business information which could stop the publication of faulty information and manufacturers can provide a comment on the database for any report posted involving their product – an instant rebuttal. They also have the ability to comment not just prior to publication of the consumer complaint, but also at any point after publication on the database. The process protections for manufacturers are many, and well thought-out.

So while the goal of job creation is a worthy one, restricting consumer access to public information is not the way to create new jobs. Sunshine in this arena can only lead to safer products, more responsive companies, lives and dollars saved through avoided recalls, and consumers who can actively participate in keeping their family safe – rather than waiting for the government to tell us what is safe.

**Kids In Danger** is a nonprofit organization dedicated to protecting children by improving children's product safety. KID's mission is to promote the development of safer children's products, advocate for children and educate the general public about children's product safety. Learn more at [www.KidsInDanger.org](http://www.KidsInDanger.org).

**Consumer Federation of America (CFA)** is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. CFA's web site is [www.consumerfed.org](http://www.consumerfed.org).

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