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Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Room 820
Bethesda, MD 20814

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**Comments of Consumers Union, the Consumer Federation of America, Kids In Danger,
and Public Citizen to the U.S. Consumer Product Safety Commission on the
Notice of Proposed Rulemaking: Safety Standard for Booster Seats
Docket No. CPSC-2017-0023**

Consumers Union, the Consumer Federation of America (CFA), Kids In Danger (KID), and Public Citizen (jointly, “we”) submit the following comments in response to the notice of proposed rulemaking issued by the U.S. Consumer Product Safety Commission (CPSC) regarding a new mandatory safety standard for booster seats.¹ We support the proposed rule and urge the CPSC to finalize it.

Background

Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the CPSC to promulgate consumer product safety standards for durable infant or toddler products.² These standards are to be “substantially the same as” applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

Booster seats are a ubiquitous children’s product. They are used primarily for containing a child up to five years of age for feeding and eating, and are placed on an adult chair for elevating the child to the height of the dining table.

¹ CPSC, “Safety Standard for Booster Seats,” Notice of Proposed Rulemaking, 82 Fed. Reg. 22925 (May 19, 2017). In these comments, the term “booster seat” refers to the products covered by the voluntary standard ASTM F2640-17e1, meaning “a juvenile chair, which is placed on an adult chair to elevate a child to standard dining table height.” The standard does not cover car booster seats, nor do we refer to them in our comments. ASTM International, “Standard Consumer Safety Specification for Booster Seats” (online at www.astm.org/Standards/F2640.htm).

² 15 U.S.C. 2056a.

The CPSC's notice of proposed rulemaking describes 867 incidents related to booster seats, including two fatalities and 146 nonfatal injuries, occurring between January 1, 2008, and September 30, 2016, and reported to the agency through various mechanisms. Based on available age information, the majority of the injuries involved children 18 months of age or younger.³

The data show several scenarios and specific product attributes that have led to injuries. There also has been one consumer-level booster seat recall since January 1, 2008. The documented incidents requiring medical attention predominantly resulted from falls, which could have been caused by hazard patterns including product instability, an insufficient restraint system, and an insufficient attachment method.

Recommendations

In the notice of proposed rulemaking, the Commission proposes a mandatory safety standard for booster seats that incorporates by reference, without modification, the voluntary standard developed by ASTM International (ASTM F2640-17ε1), "Standard Consumer Safety Specification for Booster Seats."⁴ Based on our consideration of the incident data and ASTM Subcommittee F15.16 proceedings, the voluntary standard ASTM F2640-17ε1 adequately addresses known and foreseen hazards, and should be adopted as a mandatory standard.

We anticipate that ASTM F2640-17ε1 would minimize incidents related to tray disengagement, restraint disengagement or absence of a restraint system, the stability of a booster seat while attached to adult chairs, and entrapment within a booster seat, among other hazards associated with use of the product. Once the standard is made mandatory, booster seat products that do not address these hazards in a manner conforming to ASTM F2640-17ε1 would be prohibited from being sold, offered for sale, manufactured for sale, distributed in commerce, or imported.

We agree with the position held by CPSC staff and a majority of subcommittee members in that we do not consider "grip feet" or "friction bottoms" on booster seats to constitute means of attachment of the booster to the adult chair, per Section 6.5 of the voluntary standard. In the case of booster seats using suction as a means of attachment, we consider it appropriate for these products to be required to pass the attachment test in ASTM F2640-17ε1 in order to be compliant.

Additionally, we agree with the ASTM subcommittee on the inclusion of food-service booster seats in the voluntary standard, and emphasize the importance of maintaining the coverage of these products in the mandatory standard. As the notice of proposed rulemaking outlines, food-service booster seats are available for purchase by consumers from third-party retailers and consequently may be found in homes. Parents or caregivers who buy a booster seat for a child should be able to trust that it meets a sufficiently protective safety standard, and should not be put in a position where they unsuspectingly purchase and use a product that

³ CPSC, *supra*.

⁴ ASTM International, *supra*.

provides lesser protection for the child simply because a manufacturer's primary customers are restaurants.

The voluntary standard's warning labels appropriately identify the fall-related hazard patterns and the need for the use of restraints use and the secure attachment of the booster seat to the adult chair. In particular, the phrases "Check that booster seat is **securely attached** to adult chair before each use" and "**Always use restraints** until child is able to get in and out of booster seat without help," can help parents who are able to read them better understand the hazard.

However, we remain concerned that the text warnings will not greatly reduce the nonuse of restraints. Primarily, we urge the CPSC to continue to work with manufacturers to use design and visual cues other than warnings to direct parents or caregivers to the safer use of the product. In addition, while our organizations support the standard, it should be strengthened through the use of pictograms to ensure that the warnings more effectively convey the hazard and prevent language barriers that can minimize comprehension of the hazards. Using the internationally recognized symbol of a red circle with a line through it, pictograms could show the hazardous conditions that have led to deaths and injuries, such as an unrestrained child and a booster seat that is not attached to an adult chair.

We support the proposed effective date of six months after publication of a final rule in the Federal Register. This time frame would provide manufacturers adequate adjustment time while bringing safer products to market reasonably quickly.

Conclusion

We appreciate the work the CPSC has done to identify injuries and hazard patterns associated with booster seats, as well as its other activities to help develop the voluntary standard ASTM F2640-17ε1. We support this standard and its adoption as a mandatory federal rule overseen by the agency, so that all booster seats on the market are safer for children nationwide.

Respectfully submitted,

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