

108TH CONGRESS
1ST SESSION

H. R. 2911

To direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. OWENS, Mr. EMANUEL, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAYNE, Ms. NORTON, Mr. SCHIFF, Mr. ROSS, Mr. BAIRD, Ms. CARSON of Indiana, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infant and Toddler
5 Durable Product Safety Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Unintentional injuries are the leading cause
4 of death among children, and for every such injury
5 that is fatal, approximately 18 children are hospital-
6 ized and 233 are treated by emergency departments
7 for such injuries that are nonfatal.

8 (2) According to the Consumer Product Safety
9 Commission, an average of 65 children under the
10 age of 5 die each year in incidents associated with
11 nursery products, and about 27 of these deaths each
12 year are associated with cribs.

13 (3) In 2001, an estimated 69,500 children
14 under the age of 5 were treated in United States
15 hospital emergency rooms for injuries associated
16 with nursery products, and there were 13,070 inju-
17 ries to children under the age of 5 years associated
18 with strollers alone.

19 (4) Of the 210 recalls issued by the Consumer
20 Product Safety Commission in 2002, 90 (or 43 per-
21 cent) were children's products. Children's products
22 were recalled, on average, nearly 2 times per week,
23 and accounted for over 11,000,000 individual units.

24 **SEC. 3. PURPOSE.**

25 The purpose of this Act is to prevent dangerous chil-
26 dren's products from getting to the market, by requiring

1 independent testing of all durable infant and toddler prod-
2 ucts before they enter commerce.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) COMMISSION.—The term “Commission”
6 means the Consumer Product Safety Commission.

7 (2) DURABLE INFANT OR TODDLER PROD-
8 UCT.—The term “durable infant or toddler prod-
9 uct”—

10 (A) means a durable product intended for
11 use, or that may be reasonably expected to be
12 used, by children under the age of 5 years; and

13 (B) includes—

14 (i) full-size cribs and nonfull-size
15 cribs;

16 (ii) toddler beds;

17 (iii) car seats;

18 (iv) high chairs, booster chairs, and
19 hook-on chair;

20 (v) bath seats;

21 (vi) gates and other enclosures for
22 confining a child;

23 (vii) play yards;

24 (viii) stationary activity centers;

25 (ix) child carriers;

- 1 (x) strollers;
- 2 (xi) walkers;
- 3 (xii) swings; and
- 4 (xiii) bassinets and cradles.

5 (3) PANEL.—The term “Panel” means the In-
6 fant and Toddler Product Review Panel established
7 under section 7.

8 **SEC. 5. CONSUMER PRODUCT SAFETY STANDARDS FOR DU-**
9 **RABLE INFANT AND TODDLER PRODUCTS.**

10 (a) IN GENERAL.—The Consumer Products Safety
11 Commission shall, without regard to sections 7(b)(1) and
12 9(f)(3)(D) of the Consumer Product Safety Act (15
13 U.S.C. 2056(b)(1), 2058(f)(3)(D)), promulgate a con-
14 sumer product safety standard under section 7(a) of the
15 Consumer Product Safety Act (15 U.S.C. 2056(a)) for
16 each durable infant or toddler product.

17 (b) SCHEDULE.—The Commission shall promulgate
18 consumer product safety standards under this section—

19 (1) for at least 7 durable infant or toddler
20 products every 2 calendar years beginning after the
21 date of the enactment of this Act, through 2010;
22 and

23 (2) for all durable infant or toddler products by
24 not later than December 31, 2010.

1 (c) CONSULTATION WITH PANEL.—The Commission
 2 shall promulgate any consumer product safety standard
 3 under this section for a durable infant or toddler prod-
 4 uct—

5 (1) in consultation with the Panel; and

6 (2) after considering the results of a review by
 7 such panel of any existing guidelines for that prod-
 8 uct.

9 **SEC. 6. DURABLE INFANT AND TODDLER PRODUCT COM-**
 10 **PLIANCE CERTIFICATION.**

11 (a) IN GENERAL.—The Commission shall by rule—

12 (1) require that testing and certification re-
 13 quired under section 14 of the Consumer Product
 14 Safety Act (15 U.S.C. 2063) for a durable infant or
 15 toddler product shall be performed by an inde-
 16 pendent third party; and

17 (2) require the use, and prescribe the form and
 18 content, of a label under section 14(c) for such prod-
 19 ucts for which such a certificate is issued, including
 20 a seal prescribed under subsection (b).

21 (b) CONSULTATION WITH PANEL.—The Commission
 22 shall delegate to the Panel the authority to prescribe a
 23 seal that shall be used, under the labeling requirements
 24 under subsection (a)(2), for infant or toddler products
 25 that are certified pursuant to section 14(a) of the Con-

1 consumer Product Safety Act (15 U.S.C. 2063(a)(2)) to com-
2 ply with applicable consumer product safety standards
3 promulgated under this Act.

4 **SEC. 7. INFANT AND TODDLER PRODUCT REVIEW PANEL.**

5 (a) ESTABLISHMENT.—The Commission shall estab-
6 lish an Infant and Toddler Product Review Panel to advise
7 the Commission regarding the implementation of this Act.

8 (b) FUNCTIONS.—The Panel shall—

9 (1) review and report to the Commission re-
10 garding the existing guidelines for durable infant or
11 toddler products; and

12 (2) advise the Commission regarding the pro-
13 mulgation of consumer product safety standards
14 under this Act.

15 (c) MEMBERSHIP.—

16 (1) IN GENERAL.—The Panel shall be com-
17 prised of—

18 (A) representatives of—

19 (i) the juvenile product manufacturers
20 industry;

21 (ii) consumer groups; and

22 (iii) independent child product engi-
23 neers and experts; and

24 (B) Consumer Product Safety Commission
25 engineers.

1 (2) LIMITATION.—Representatives under para-
2 graph (1)(A)(i) shall not exceed 40 percent of the
3 membership of the Panel.

4 **SEC. 8. AMENDMENTS TO CONSUMER PRODUCT SAFETY**
5 **ACT.**

6 (a) REMOVAL OF LIMITATION ON MAXIMUM CIVIL
7 PENALTY.—Section 20(a) of the Consumer Product Safe-
8 ty Act (15 U.S.C. 2069(a)) is amended—

9 (1) in the second sentence by striking “Subject
10 to paragraph (2),” and inserting “Subject to para-
11 graphs (2) and (3),”; and

12 (2) by adding at the end the following:

13 “(4) The second sentence of paragraph (1) shall not
14 apply to any violation with respect to a durable infant or
15 toddler product.”.

16 (b) REQUIREMENTS REGARDING DISCLOSURE OF IN-
17 FORMATION NOT APPLICABLE.—Section 6(b) of the Con-
18 sumer Product Safety Act (15 U.S.C. 2055(b)) is amend-
19 ed by adding at the end the following:

20 “(9) This subsection shall not apply with respect to
21 any durable infant or toddler product.”.

22 (c) DEFINITION OF DURABLE INFANT OR TODDLER
23 PRODUCT.—Section 3(a) of the Consumer Product Safety
24 Act (15 U.S.C. 2052(a)) is amended by adding at the end
25 the following:

1 “(15) The term ‘durable infant or toddler prod-
2 uct’ has the meaning that term has in the Infant
3 and Toddler Product Safety Act.”.

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