



June 13, 2019

The Honorable Jan Schakowsky Chairwoman
Subcommittee on Consumer Protection and
Commerce Committee on Energy and Commerce
2367 Rayburn House Office Building
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Subcommittee on Consumer Protection and
Commerce
Committee on Energy and Commerce
1035 Longworth Building
Washington DC, 20515

Dear Chairwoman Schakowsky and Ranking Member McMorris Rodgers:

On behalf of BreathableBaby, LLC, I am submitting this letter as a statement for the record for the hearing “Keeping Kids and Consumers Safe from Dangerous Products.”

One of the bills the Subcommittee is considering at this legislative hearing, the Safe Cribs Act of 2019, would prohibit the manufacture, sale, distribution or importation of crib bumpers in the United States. In so doing, the bill explicitly includes mesh liners in the definition of a crib bumper. While I support the proposed ban on crib bumpers given the safety risks they pose, I respectfully submit that mesh liners are a very different and safe alternative to crib bumpers and should not be included in this legislation.

A ban on mesh liners would be unprecedented. I am unaware of any product that has ever been prohibited under section 19(a)(1) of the Consumer Product Safety Act (CPSA) without *any* evidence of risk to consumers. Furthermore, it would be similarly unprecedented to ban such a product for failing to affirmatively prove its safety in the absence of that negative evidence.

For nearly 20 years, BreathableBaby has been manufacturing mesh liners for cribs to protect infants from limb entrapment. Our product provides protection from the safety hazards and injuries posed by limb entrapment, such as dislocations and fractures. Furthermore, our mesh liners also provide a much needed degree of relief to sleep deprived parents who rush to their infants’ rooms in the middle of the night – often multiple times – because their child is screaming from being entrapped in the crib slats.

BreathableBaby has sold over 4.5 million mesh liners. Throughout the nearly 20 years that BreathableBaby has sold its mesh liners, there has not been a single report or incident that our product – or any similar mesh liner product – was the cause of any injury or posed any risk. The company’s track record is impeccable. As a result, millions of parents have turned to our mesh liners as a safe and reliable alternative to crib bumpers.

Unlike mesh liners, crib bumpers are typically filled with a padded polyester type material up to 2-inch thick that can restrict breathing and contribute to death or injury due to suffocation if an infant were to be wedged between a mattress or other object in the crib and the crib bumper. Mesh liners pose no such danger to babies. Because mesh liners have no padding and are highly permeable, infants can still easily breathe even if their faces were to be pushed up against our mesh liner.

The evidence, or lack thereof, is straightforward:

- 1) A forensic analysis of the four major U.S. Consumer Product Safety Commission hazard monitoring databases (National Electronic Injury Surveillance System (NEISS), Injury and Potential Injury Incidents (IPII), In-Depth Investigation (INDP) and the Death Certificates File (DTHS) by Econometrica, a Washington DC based data analytics firm concluded:
 - a. With respect to limb entrapment data, the forensic analysis supports the contention that there is a safety need for products that prevent limb entrapments. The analysis of the 2009-2015 IPII database records shows that more than half of all injury incidents that consumers reported to CPSC (288 of 544, or 53 percent) associated with cribs involved arm or leg entrapments.¹
 - b. The NEISS data also confirms that mesh crib liners provide a safety benefit by reducing the rate of limb entrapments in crib slats or rails. Limb entrapments associated with cribs account for an estimated 280 emergency department treated injuries annually. The two largest categories of these injuries were fractures and dislocations.²
 - c. Based on this analysis of all of the CPSC incidents reports since 2009, the study concluded that mesh crib liners appear to provide a potentially substantial safety benefit in the form of reduced numbers of limb entrapment injuries without posing a potential suffocation risk.³
- 2) Testing conducted by Bureau Veritas of the air permeability of 10 traditional crib bumpers and BreathableBaby's four mesh crib liners utilizing ASTM D-737 (Standard Test Method for Air Permeability of Textile Fabrics) confirmed the following:
 - a. BreathableBaby's mesh crib liner products tested between a range of 384.6 to 1013.1 CFM (cubic feet per meter) of airflow. On average, BreathableBaby's four crib liner products were over ten times as permeable to air as the ten traditional crib bumpers that were also tested.⁴
 - b. BreathableBaby's most permeable mesh liner was 46 times more permeable to air than the least permeable traditional crib bumper and was over 14 times more permeable to air than the most permeable traditional crib bumper tested.⁵
- 3) An independent research study on the suffocation hazards of mesh liners by a leading pediatric pulmonary researcher concluded:
 - a. "the combination of laboratory and epidemiologic data make a compelling argument for the safety of the BreathableBaby products. These mesh crib liners do not appear to present a significant restriction to infant breathing airflows, and there is no reason to believe that they would increase the risk of suffocation hazards for infants."⁶

¹ Mesh Crib Liner Hazard Analysis; An Analysis of CPSC Incident Data, Econometrica (April 2016).

² Id.

³ Id.

⁴ Air Permeability Testing of Crib Bumpers and Mesh Crib Liners, Bureau Veritas (April 2016).

⁵ Id.

⁶ Medical and Scientific Perspective On Safety Of BreathableBaby Mesh Crib Liners, Michael S. Schecter, MD, MPH, Professor and Chief, Division of Pulmonary Medicine, Department of Pediatrics at Children's Hospital of Richmond and Virginia Commonwealth University (August 2016).

- 4) To date, every State that has banned the sale of crib bumpers or has proposed legislation to ban the sale of crib bumpers, has explicitly excluded mesh liners from such a ban or potential ban. These States include Maryland, Ohio, New York, Vermont and Missouri.
- 5) Parents want a solution to prevent limb entrapment. A 2015 survey of over 1,000 mothers across the U.S. confirmed that 74.4% used padded crib bumpers or mesh liners, and over 50% of these mothers reported that they used them to prevent arms/legs from getting stuck between slats. If mesh liners were to be included in the ban, there is a high likelihood of unintended consequences and risk to infant safety as parents look to provide makeshift solutions.⁷
- 6) **BreathableBaby has sold over 4.5 million mesh liners since 2002 to satisfied parents without a single incident of injury or death.**

Given the complete lack of any evidence that mesh liners pose any risk to infants, and given the clear safety benefits of preventing limb entrapment, I respectfully submit that including mesh liners in a ban on crib bumpers would be counterproductive and could needlessly expose infants to harm. This position is also supported by Dr. Jonathan Midgett, the Senior Science Advisor to CPSC Commissioner and Former Chairman Elliot Kaye, who recently published a paper stating, in part:

“Actively prohibiting the use of crib bumpers without some alternative may cause some consumers experiencing repeated limb entrapments to resort to makeshift bumpers such as using rolled up blankets, pillows or other cushions. But, if the Commission were to regulate bumpers in such a manner that allowed for mesh liners or other designs with high levels of airflow, as was done in Maryland and Chicago, the market would retain a product that prevents limb entrapments.”⁸

Thank you again for your consideration of this statement for the record. I stand ready to provide any further information to Members of the subcommittee as may be helpful as they deliberate on this bill.

Sincerely,



Jennifer Loesch
Chief Executive Officer
BreathableBaby, LLC

⁷ Crib Bumper and Mesh Crib Liner Attitudes and Usage Study, BreathableBaby (September 2015).

⁸ Cluttered Cribs and Infant Safety: Policy Implications of Selling and Using Padded Crib Bumpers and Messaging about Safe Sleep Environments for Babies, Dr. Jonathan Midgett (September 2016).