

June 5, 2021

The Honorable Carolyn Maloney
Chairwoman
House Committee on Oversight and Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

The Honorable James Comer
Ranking Member
House Committee on Oversight and Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Maloney and Ranking Member Comer,

I am writing you today as a mother who was personally impacted by the negligence of Fisher Price and Mattel Inc. My name is Erika Richter, and I was born and raised in Michigan and now I live in Portland, Oregon. In 2010 I was privileged to get my career started on Capitol Hill with the Honorable John D. Dingell, and I spent a lot of time in the Rayburn House Office Building learning from leaders such as yourselves. However, I never thought I'd be writing a letter to the Committee in this room on a matter that is so tragic and personal to me. If there's one thing that almost ten years in Washington, D.C. has taught me, it's that taking action and speaking out can make a difference. So here I am.

Today I'm writing on behalf of my daughter, Emma Ashleigh Richter, who is no longer with us. Emma was born on July 31, 2018, at Sibley Memorial Hospital right here in the District of Columbia. My partner and I brought our healthy and beautiful baby girl home to Alexandria, Virginia, where we lived prior to tragedy. For two weeks we loved on our daughter, we cherished her, and we were in awe of the beautiful life we created. Then, on August 15, 2018, Emma was taken from us.

As parents of a newborn child, sleep is often a rare commodity, and you take it whenever you can get it. On the evening of August 14, I was lying in bed resting while my partner took over feeding in the living room. After feeding, burping, holding, and admiring his daughter, she finally fell asleep. He placed her in the Rock N' Play next to the couch where he was sitting and, with everyone quietly resting, he decided to grab some shuteye. However, when he woke to check on Emma, he saw her head tilted down, and it looked like she was sleeping. When he picked her up, he realized she was unresponsive. He called out to me and when I came over and took her in my arms, I saw that she was blue. This is a new mother's worst nightmare and I live with that image every waking day.

We called 911 and the operator walked us through CPR. I watched in horror, screaming, as my partner attempted CPR on our daughter while she laid on the kitchen counter. All I could do at that time was pray. So, I dropped to my knees right there in the kitchen and I prayed to God to save my daughter. At that time, I wasn't willing to accept the fact that my daughter was already with God. The only thing that provides me any peace today is knowing she's in His loving arms.

This is not the story I imagined writing about my daughter. I imagined a long story full of laughter and adventures. Instead, my story was written by Hemmingway, and drenched with the tears of lost possibility and gut-wrenching sadness. In case you're unfamiliar with the famous Hemmingway six-word story about baby shoes, it goes like this, "*For sale: baby shoes, never worn*".

While sadness is always attached to loss, this loss is so gut-wrenching because the tragedy that shaped my life could have been prevented. That's why I want to tell my story. We need better checks and balances on infant products, especially when complaints are filed. While the recent update by the Consumer Product Safety Commission (CPSC) was a step in the right direction, it took far too long. In fact, the danger of the Fisher Price Rock N' Play was known for years, but action and public attention was so limited that months went by before I realized it was to blame for my daughter's death. For some mothers, years went by with no answers until Fisher Price recalled the Rock N' Play in the Spring of 2019.

I think it is important for everyone to understand what that time felt like for me. For weeks after Emma died my body ached with pain, wanting to care for a baby that wasn't there. That's one thing about losing a baby that people don't talk about. Your body doesn't know that the baby is gone, and you're still producing milk as if the baby is still there and needs to be fed. I remember vividly crying out in agony every time I had to pump breast milk to avoid an infection. That painful experience is with me forever. I still get body aches from time-to-time. Sometimes when I see an infant in the loving arms of a mother, my limbs feel heavy, and my chest gets tight. I remember what Emma smelled like, what she felt like when she was nestled on my chest. But I'll never forget, for the rest of my days, what it felt like holding her lifeless body that fateful day. A trauma like that doesn't disappear over time.

I'll never forget the moment when I heard the news break about Fisher Prices' decision to recall the Rock N' Play. I was doing everything I could to try to rebuild a life that had any semblance of normal out here in Oregon, far away from the place where my life fell apart. On that evening, I was cooking dinner with the evening news in the background. I heard the words "infant death" and "Rock 'N Play" and immediately stopped stirring. As I walked to the living room, there it was on the TV. A picture of the Rock N' Play, the exact device my daughter died in, plastered on the screen with the words "Rock N' Play Sleeper linked to infant deaths." I dropped the glass of wine I was holding, and it shattered. I fell to my knees, again, my pants soaked in red wine and speckled with shards of glass. I was in shock. I'm still in shock that this happened to us.

When people talk about a mother's intuition, they talk about it like it's some superpower. I guess I didn't have a long time to develop that muscle, but I always felt like there was a piece of the puzzle I was missing when people talked about Emma's passing. This is an incredibly lonely and isolating place to be, knowing in your heart that something is wrong but not being able to

articulate it. But as I was kneeling on the floor that evening, watching the news, I understood what that feeling meant and that I wasn't alone. There were other people who shared in our pain and struggled to understand why this horrible loss had occurred. The endless cycle of "what if this" or "what if that" about Emma's death ended that night, but it also made me desperate to find a solution to make sure no one is forced to live through what we did.

As I watch the death toll rise and more families come forward, I want to say that I *can* imagine what it must have been like for some of those mothers to wait years for an answer. With over 4.7 million Rock N' Plays sold over an almost ten-year span of time; I imagine that there are some mothers out there who don't know these sleepers were unsafe and are still blaming themselves. I can also guarantee that there are some families out there who have these incline sleepers in their homes, and I shudder at the thought. For the over 100 families out there, who have lost their babies in the Fisher Price Rock N' Play, I join in their despair, and I stand by them in their pursuit of justice. As members of the House Oversight and Reform Committee, I plead for your attention and your action. I ask that you stand by us.

In this instance, consumer protections are coming second to shareholders and profit margins. Fisher Price claims to stand by the safety of its product. Even after documents from the CPSC revealed that adequate testing was not conducted on the product prior to it hitting the market. I'll say that again. Adequate testing was not done on an infant product, under the banner of a legacy brand, before it went to retail. This is outrageous, cruel, and unacceptable. The sign-off on the design of the Rock N' Play was done by a doctor who lost his medical license in 2016. And when the first alarms were sounded shortly after the product hit the market, Fisher Price flat out ignored them.

Year after year, pediatricians and advocacy groups cried out to Fisher Price that the Rock N' Play wasn't safe, but those complaints fell on the company executives' deaf ears. Year after year, babies died, and though they knew of this, they did nothing. Who is to say there aren't other dangerous products being produced under the Fisher Price banner? It took almost a decade to do something about the Rock N' Play and even after the recall, they still have the audacity to stand by the safety of it! The product may have been recalled but that doesn't mean these devices just evaporate. They're still out there. They're still dangerous. And if I can save one life by coming forward and joining arms with the other families who suffered, then writing this will have been worth it.

The bottom line is this: If I had known about the dangers of the Rock N' Play, even minutes before Emma was placed in it that day, I would still have my daughter. She would be three years old next month. I still remember holding Emma for the first time. On that day, I knew what it's like to hold your heart in your hands. And I now know what it's like to feel a piece of you die.

I'm no different than any mother who hopes for the best life for her child. I am still Emma's mother, always and forever. In her honor, I'm telling our story so that the death toll of this

tragedy isn't just calculated by an insurance company on the back of an envelope. This tragedy requires accountability and swift action. Without accountability and meaningful reform, this behavior will continue. We cannot believe Fisher Prices' false claims about commitments to safety and corporate responsibility when we have hard evidence that points to deliberate actions to take advantage of an unregulated market of infant sleep products. Emma had her entire life ahead of her. We trusted a name brand because we made assumptions that it was safe. We were wrong.

The recent CPSC rule change is a step in the right direction, but it needs to be codified into law so that it cannot be changed. As a year goes by while we wait for the new rule to be implemented, more lives are at risk. With the immediate threat of danger in front of us, we can't just wait. We need a strong consumer awareness push, and we need even stronger actions by Congress, specifically this Committee, to solidify these necessary changes to ensure product safety, especially for infants, gets the scrutiny it deserves. I urge you to support the Safe Sleep for Babies Act of 2021, which will add inclined sleepers for infants, with an inclined sleep surface greater than ten degrees and crib bumpers, to the list of banned hazardous products under the Consumer Product Safety Act.

With your support, we can hold those responsible accountable and save lives. You have the power to transform this tragedy into a mechanism for something good. Grief and loss can't be divided by party lines. It's a part of life that's equally shared across the aisle. I trust in all of you to think about your own children, and your grandchildren, when you consider the actions that need to be taken to reform this broken system.

Sincerely,

Erika Richter