

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Government Reform
Hearing on: “Sleeping Danger: The Rock ‘n Play Sleeper and Failures in Infant Product Safety”
Monday, June 7, 2021

Chairwoman Maloney, thank you for holding this critical hearing on the Oversight Committee’s investigation into infant deaths associated with Mattel’s Rock ‘n Play Sleeper and the blatant flaws in our country’s consumer product safety system.

On August 13, 2019, Chairman Cummings and Rep. Raja Krishnamoorthi launched an investigation into the recall of inclined sleep products reportedly tied to the deaths of dozens of infants. One of the companies investigated and responsible for recalled inclined sleepers was Fisher-Price, a subsidiary of Mattel that sells the Rock ‘n Play sleeper.

Fisher-Price released the Rock n’ Play sleeper, an inclined-sleep product for infants, in 2009 — four years *after* the American Academy of Pediatrics (AAP) released recommendations for preventing sudden infant death syndrome (SIDS). These recommendations stated that infants should be placed wholly on their back for sleep and that a “firm crib mattress, covered by a sheet, is the recommended sleeping surface.” The Rock n’ Play, however, is designed to permit infants to sleep at about a 30-degree angle, with the infant’s feet at a downward slope from the infant’s head. When Fisher-Price launched the Rock n’ Play sleeper, it explicitly marketed the product for infant sleep despite the AAP’s recommendations.

In early 2019, it was reported that several infant deaths had been linked to the Rock ‘n Play sleeper. One of those deaths was five-month old Ezra Overton from Alexandria, Virginia. Little Ezra died of asphyxia on December 22, 2017 — three days before Christmas — after rolling onto his stomach in the middle of the night while in a Rock n’ Play sleeper.

On April 5, 2019, the Consumer Product Safety Commission (CPSC), the federal agency responsible for oversight of consumer products, and Fisher-Price issued a joint statement alerting the public to infant deaths associated with the Rock ‘n Play and warning that consumers should stop the use of the product for infants more than three months old or as soon as an infant exhibits rollover capabilities.

On April 8, 2019, *Consumer Reports* found that at least 32 infants had died as a result of the Rock n’ Play. Their report raised serious safety concerns about the product, citing medical expert’s sleep recommendations for infants. Shortly after publication of the report, the CPSC announced a recall of the Rock ‘n Play sleeper. By the time it was recalled, approximately 4.7 million Rock ‘n Play sleepers had been sold in the United States. During the approximately ten years this product was on the market, more than 50 infants died while using it.

Inclined sleepers have long been tied to cases of infant death and injury. They operate counter to long-standing safe sleep recommendations issued by the AAP, the National Institutes of Health, and the Centers for Disease Control and Prevention. That is why I was proud to cosponsor the Safe Sleep for Babies Act (H.R. 3172) and the Safe Cribs Act (H.R. 3170) in the

116th Congress, which would have made it unlawful to manufacture, sell, or distribute inclined sleepers for infants.

Under current laws, like the Consumer Product Safety Act (CPSA), product manufacturers largely police themselves. Companies can release products without conducting any research into the safety of their design, and the majority of products are subject only to voluntary standards set by ASTM International, a non-governmental consumer product safety organization. The CPSA also allows manufacturers to override efforts by the CPSC to disclose important safety information about consumer products to the public.

In September 2017, ASTM International released consumer safety standards for infant inclined sleep products. On June 2, 2021, more than three years after the release of ASTM International's standards for inclined sleepers, the CPSC finally approved a new federal rule that eliminates "potentially hazardous sleep products in the marketplace that do not currently meet a CPSC mandatory standard," essentially banning inclined sleepers for infants.

Throughout its 20-month long investigation, the Oversight Committee obtained thousands of documents and conducted seven transcribed interviews with current and former Mattel employees and officials at the CPSC about the safety of the Rock 'n Play sleeper. The Committee's investigation found that Mattel took inadequate steps to ensure the Rock 'n Play inclined sleeper was safe before bringing it to market. Mattel ignored repeated warnings that the product may be unsafe. The company downplayed reports of infants dying in their product. And Mattel continued to market the Rock 'n Play as a product designed for overnight sleep despite evidence that sleeping at an incline put infants at risk of serious harm or death.

Congress must strengthen consumer protection laws to prevent further tragedies. These steps include vesting additional authorities in the CPSC to set safety standards, disclose harms to the public, and require recalls when needed to protect the public from dangerous products.

I thank the Chairwoman for holding this important hearing, and I look forward to holding Mattel accountable for their negligence.