



**UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 4330 EAST WEST HIGHWAY
 BETHESDA, MD 20814**

This document has been electronically approved and signed.

Date: June 15, 2011

VOTE SHEET

TO : The Commission
 Todd Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director

FROM : Cheryl A. Falvey, General Counsel
 Philip L. Chao, Assistant General Counsel, RAD
 Patricia M. Pollitzer, Attorney

SUBJECT : Extension of Compliance Date for Rental and Retail Sale of Cribs to Meet the Commission's Mandatory Standards for Full-Size and Non-Full-Size Cribs

The Small Business Ombudsman has prepared for the Commission a briefing package concerning the impact of the June 28, 2011 compliance date for the Commission's mandatory standards for full-size and non-full-size cribs (75 Fed. Reg. 81766 (Dec. 28, 2010)) on retailers and crib rental companies.

Please indicate your vote on the following options.

Retailers

- I. Allow the retail sale of cribs that do not meet the mandatory crib standards (Final Rule on the Mandatory Safety Standards for Full-Size and Non-Full-Size Cribs, 75 Fed. Reg. 81766 (Dec. 28, 2010)), for some specified time period after the June 28, 2011 compliance date. If yes, please specify time period of extension.

Yes

No

 Signature

 Date

Crib Rental Companies

- II. Allow the short-term rental by crib rental companies of cribs (terms of rent not to exceed 120 days and not to result in the transfer of crib ownership) that do not meet the mandatory crib standards (Final Rule on the Mandatory Safety Standards for Full-Size and Non-Full-Size Cribs, 75 Fed. Reg. 81766 (Dec. 28, 2010)) until December 28, 2012.

Yes

No

Signature

Date



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Date: June 15, 2011

MEMORANDUM

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH : Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM : Neal S. Cohen, Small Business Ombudsman

SUBJECT : Impact of June 28, 2011 Compliance Date for Crib Safety Standards
on Small, Independent Retailers and Small, Crib Rental Companies

This memorandum outlines information that has come to the attention of the Small Business Ombudsman concerning alleged economic hardship related to the compliance date of June 28, 2011 for the new standards for full-size and non-full-size cribs. Certain small, independent retailers of cribs and small crib rental companies and their representatives are asking the Commission for delayed compliance dates. The retailers are requesting a compliance date of December 28, 2011, and the small crib rental companies are requesting a compliance date of December 28, 2012. Another group of small, independent retailers of cribs opposes the request for an extension of the compliance date for retailers.

This memorandum, drafted at the request of the Commission, is not intended to recommend a particular course of action. Rather, the memorandum simply reports the information gleaned by the Small Business Ombudsman from e-mails and informal conversations with crib retailers and crib rental companies in this industry sector. This memorandum does not purport to present a statistically significant analysis of the retail crib and crib rental market as the data required to perform such an analysis is not available.

It is also important to note that the analysis in this memorandum is focused solely on the claims of economic hardship and not on the underlying merits of the new crib standards. The fact that the Commission unanimously passed the new crib standards indicates the Commission's belief that the adoption of those safety standards would result in increased safety for the vulnerable occupants of cribs.

1. SUMMARY

Certain small, independent retailers of cribs submitted letters (including one letter styled as a “petition”)¹ requesting that the Commission extend the compliance date for the crib rule to authorize an additional 180 days for that group to comply with the new crib standards. This additional time would be sufficient for this group of retailers to liquidate its current, non-drop-side crib inventory and to secure an adequate supply of compliant cribs. Another group of similarly situated retailers opposes that request. The opponents of the extension claim that they have worked diligently to liquidate their noncompliant inventory during the 6-month implementation period and assert that they already have suffered significant economic losses. Furthermore, the opponents of extending the compliance date for retailers claim that changing the rules at this time would penalize their good faith efforts to comply with the new federal crib safety rule and cause them to lose sales, suffer margin erosion, and threaten the ability of some businesses to compete and stay in business. The letters received by the Small Business Ombudsman representing both positions are attached to this briefing package in Exhibits A and B, respectively.

If, and how, the Commission chooses to provide relief to the requesting group of retailers represents a policy choice which, based upon the information received, will cause economic loss to one group of retailers and provide relief for another group of retailers. For the group seeking the extension, absent the requested extension, their losses would be tangible in that current inventory would need to be destroyed or exported, which would represent lost revenue from those sales and expenses incurred by first procuring and now destroying or exporting those inventoried cribs. For the group opposing an extension of the compliance date, if an extension is granted, their losses are (and would continue to be) financial costs represented by lost sales opportunities. Their retail competitors—including Internet vendors — with inventoried product would be allowed additional time to sell their noncompliant inventory at lower prices than the vendors with compliant inventory could match.

Letters from crib rental companies all support a delayed compliance date of December 28, 2012, the compliance date established for child care facilities, family child care homes, and places of public accommodation.

¹ Whether the letter submitted as a “petition” meets the legal requirements to be docketed by the Commission as a petition is a matter under consideration by the Office of General Counsel. As the request has not been publicly docketed as of this date, it is being treated equally with other submissions to the Small Business Ombudsman.

2. BACKGROUND

On July 23, 2010, the Commission published a proposed rule to establish mandatory federal safety standards for full-size and non-full-size cribs. (75 FR 43308). CPSC staff worked closely with industry and consumer groups in drafting the precursor ASTM voluntary standards for full-size and non-full-size cribs. In addition, previous Commission activities concerning crib regulations are detailed in the preamble to the proposed rule. On December 15, 2010, the Commission voted unanimously to approve the new standards for full-size and non-full-size cribs, which incorporated by reference the ASTM standards, with some changes.

2.1. Rule Drafting Process

The new crib standard was published in the Federal Register on December 28, 2011. (75 FR 81766). The Commission set an effective date and two compliance dates for the new standards. The Commission set the first compliance date to be the same as the effective date – June 28, 2011 – and made this applicable to most entities and actions subject to the new crib standards. Noting the high cost of transitioning to the new standards for certain groups and the unprecedented nature of placing responsibility for compliance with a CPSC rule on users or providers of a product, the Commission set a later compliance date of December 28, 2012 for child care facilities, family child care homes, and places of public accommodation,

2.1.1. *Economic Analysis*

For the rulemaking, the staff of the Directorate for Economic Analysis prepared initial and final regulatory flexibility analyses to assess the economic impact of the new crib standards on small businesses. These analyses were included in the preambles to the proposed and final rules.

During the public notice and comment period, the Commission received comments from child care service providers concerning the large financial burden that replacing all of the cribs in child care centers would place upon that sector. The commenters noted that child care centers might be driven out of business due to the high costs of replacing the cribs, coupled with the tight budgets and margins in the industry and the generally poor state of the economy. In addition, some commenters noted that they had recently replaced cribs to eliminate drop-side cribs and reported no safety issues with the newer cribs. In response to these comments, the initial regulatory flexibility analysis (included in the final rule) was modified in the final rule to account for the possibility that child care centers could go out of business and to revise, the one-time replacement cost estimate of \$387 million.

Many commenters from the child care service providers requested a longer effective date for their child care centers to spread the compliance costs over a greater period of time and to ensure an adequate supply of cribs. The CPSC did not receive comments directly from hotels or places of public accommodations but did receive one comment concerning

places of public accommodation and the hospitality industry from the Juvenile Products Manufacturers Association.

In response to these concerns, the Commission provided an additional 18 months for child care facilities, family child care homes, and places of public accommodation to comply with the new standards.. Recently, CPSC staff provided information further clarifying the definitions for each of those groups and for other frequently asked questions at the CPSC's Crib Information Center (attached in Exhibit C).

2.1.2. *Economic Analysis, Retailers*

During the public notice and comment rulemaking process, the Commission did not receive comments from retailers or organizations representing retailers of cribs. In the preamble to the final rule, it was noted that CPSC staff was unable to estimate the number of retailers that may sell or provide cribs. Instead, staff estimated that there are approximately 24,985 retail firms in the United States and that the crib retailers would be a subset of that figure. CPSC staff further narrowed the approximate number of small retail firms to 23,236, based on information from the U.S. Small Business Administration. CPSC staff recognized that only a small percentage of these small firms actually sell cribs and that the number of small retail firms affected would likely be much smaller than the 23,236 figure.

Since that time, I have communicated with All Baby and Child, Inc. (ABC), a company that hosts the largest trade show of juvenile products in the United States, and whose board is comprised of juvenile product manufacturers and retailers. In an e-mail from the ABC (attached as Exhibit C), the president of that organization provided a breakdown of the retailers and categories who attend the principal show.

Although the president of ABC is unable to identify with certainty which of the retailers attending the trade show specifically sell cribs, the total number of self-identified retailers at this event is 2,495, approximately 10 percent of the number of retailers estimated by staff in the preamble to the final rule.² The president stated that by adding approximately 10 percent, or another 250 stores, one may have a better estimate of the total retail sector for the juvenile products industry. At the same time, however, some of the stores in ABC's list clearly do not sell cribs. By conservatively eliminating certain obvious categories (independent toy stores, independent gift stores, and independent clothing stores), the number of estimated stores drops to 2,218. In anecdotal conversations with independent crib retailers, it is likely that the number 2,218 would still be an overstatement of the small crib retailer stores, a number which industry representatives estimate to be around 500 independent crib retail stores. In sum, the number of independent stores selling cribs is likely to be much lower than the number of overall retailers cited in the preamble to the final rule.

² Each attendee was asked to select the category that best describes their business and is counted only one time.

2.1.3. *Economic Analysis, Crib Rental Sector*

During the public notice and comment rulemaking process, the Commission did not receive comments from the crib rental industry or organizations representing the crib rental industry.

The principal industry group from whom I received information on the issue of alleged economic hardship is an association called the Baby Travel Pros Association (BTPA). The president of BTPA estimates that it represents approximately 75 small, independent crib rental companies and that there are approximately 75 to 80 other companies that are unaffiliated with the BTPA but provide similar services. The BTPA has no paid staff, and the president and other board members of that organization are all volunteers. Due to their small size and unique position as a lessor of cribs – and not a manufacturer, supplier, or retailer of cribs – the BTPA indicated it was not aware of the CPSC’s public notice and comment rulemaking process last year.

2.2. **Rule Implementation**

When the new crib rule was approved by the Commission, CPSC staff undertook efforts to ensure that consumers and the businesses most likely to be affected by the new regulation were informed and educated about the new requirements. Those efforts, led principally by the Office of Information and Public Affairs, included the following activities:

- Media outreach, which included TV, print, radio, social media, and a satellite media tour, estimated to have reached over 50 million people;
- Conference call and outreach activities providing crib standards information to 270 state and child care licensing officials, foster care, and church child care centers, which reached hundreds of thousands of people. Callers redistributed information through internal listserves, reaching as many as 25,000 within each organization;
- Provided all State Designees with the Crib Standards and Child Care provider guidance publication at the annual State Designee meeting in Chicago, which had 35 states represented;
- Responses given by compliance, legal, public affairs, and technical staff to many of the more than 1,000 questions on the standards;
- Neighborhood Safety Network (NSN) distribution of Safe Sleep and Child Care Provider Guidance materials to 2,800 members;
- Hosted a call with federal and nonfederal partners (the Women Infant Children program, the U.S. Department of Health and Human Services, the Health Resources and Services Administration, Early Head Start, the Administration for Children and Families,

and the American Academy of Pediatrics), representing 100,000 licensed and 200,000 Family Child Care Homes and 260 tribal nations with \$5 billion in block grants;

- In-store and website posting of information about the new standards by certain large national chains, reaching more than 60,000 expected registrants;
- Outreach to hospitals with a potential audience of 3 million parents (in waiting rooms, child birth education classes);
- The creation of the CPSC Crib Information Center page—www.cpsc.gov/cribs—which contains all of the relevant information on the crib safety standards in one location; and
- Dissemination of the crib standard press release, NSN posters, and Crib Q&As to the following organizations:
 - Keeping Babies Safe
 - American Academy of Pediatrics
 - Safe Kids USA
 - Kids In Danger
 - Consumers Union
 - Consumer Federation of America
 - National Safety Council
 - YMCA USA
 - National Association of Child Care Professionals (NACCP)
 - National Child Care Information & Technical Assistance Center
 - National Child Care Association
 - National Association for the Education of Young Children (NAEYC)
 - National Association for Family Child Care (NAFCC)
 - Department of Health & Human Services
 - State Licensing Boards and Agencies
 - Various State and Local Child Care Associations
 - Department of Defense Child Development Centers (CDCs) (800 worldwide).

While retailers were not specifically targeted in outreach, the Office of Information and Public Affairs did reach out to some individual crib rental companies in the southeastern and southwestern United States. No comments had been received from these sectors during the public notice and comment period and the Commission and CPSC staff had no reason to believe there would be any substantial disruption in that industry during the rule writing process. Accordingly, CPSC staff targeted its efforts to areas of concern about implementation of the rule.

When the most recent Q&As were cleared by the Commission during the week of June 13, 2011, the Small Business Ombudsman immediately provided the Q&As to All Baby and Child, Inc. (ABC), the National Independent Nursery Furniture Retailers Association (NINFRA), Baby Furniture Plus Association (BFPA), and the Juvenile Products

Manufacturers Association (JPMA). In addition, we posted the Q&As in the CPSC Crib Information Center. In its recent social media outreach efforts, the Office of Information and Public Affairs linked to the current Q&As.

3. CRIB RETAILERS

3.1. Small retailers seeking a 180-day extension to the compliance date

On April 29, 2011, the Small Business Ombudsman received a letter from Mr. Jim Vieira (attached, with similar supporting letters, in Exhibit A), representing NINFRA. NINFRA is a group of approximately 100 independent nursery furniture retailers that work together to share information and to collectively obtain the best prices for nursery furniture for retail sale. Mr. Vieira noted that the small retailer's market niche is to sell to consumers who want to purchase in-stock merchandise. Mr. Vieira contrasted this approach to what big box discounters do, which is to reportedly rely on a more complex, "just-in-time" inventory structure where cribs are often not available for immediate delivery. Small retailers generally focus on selling mid- to higher-price cribs. This group of small retailers, and others like them, requested an additional 180 days to become fully compliant with the new standards. Small retailers maintain that the manufacturing sector had six months to become compliant and further assert that, in many cases, manufacturers passed their noncompliant cribs onto the retailers who now need additional time to dispose of the inventory.

Below, I have summarized the gravamen of Mr. Vieira's concerns in his correspondence. The additional letters in Exhibit A raise similar concerns. Each issue, in turn, will be responded to in this memorandum.

Retailers continued to receive noncompliant shipments during transition period: Mr. Vieira claimed that some of NINFRA's members, who needed to sell cribs to pay their rents, were offered and purchased noncompliant cribs during the nearly 6-month period between December 28, 2010 and the present because manufacturers were trying to get rid of their noncompliant cribs and certain manufacturers provided assurances that their cribs would be tested eventually and comply with the new standards.³ Mr. Vieira stated that this group of retailers, without significant buying power and lacking clear direction from the CPSC, was at the mercy and the goodwill of manufacturers to follow through on those promises, some of which have materialized and others of which have not. In addition, Mr. Vieira claims that because the first lab testing facilities were not recognized by the CPSC until March 2011, valid, third party testing could not be performed. Therefore, he asserted, manufacturers could not provide retailers with valid certificates of conformity until

³ The Notice of Requirements for these standards permits manufacturers and others to rely upon testing done by laboratories from June 23, 2010 to June 28, 2011 provided that certain conditions are satisfied and that only CPSC recognized laboratories are employed. See *Third Party Testing for Certain Children's Products; Full-Size Baby Cribs and Non-Full-Size Baby Cribs: Requirements for Accreditation of Third Party Conformity Assessment Bodies*. 75 FR 81789, 81791-92.

very recently. He noted as well that while some manufacturers are now providing certificates, others still claim to be unable to test their products or simply have chosen not to test.

Display models: NINFRA members believe that each of their stores, some of which display up to 150 cribs on the showroom floor, must liquidate or destroy each of their noncompliant display samples and replace them with compliant models by June 28, 2011.

Supply: NINFRA also stated that many of its suppliers do not have compliant cribs in stock to provide to retailers and that without merchandise on hand to sell, independent retailers will suffer lost sales beginning on June 29, 2011, as well as losses going forward, until the crib supply stabilizes.

Timing: This group believes that the expenses associated with compliance at this time would represent a great financial burden to its members, some of whom may not survive economically.

Economic Conditions: Mr. Vieira stated that the smaller, independent baby furniture retailers generally have suffered as changes in the marketplace have occurred, such as the advent of Internet shopping and the general lack of enforcement of sales tax collection on such sales. Given the poor state of the economy at present, Mr. Vieira asserts that this added cost runs the risk of putting additional baby furniture dealers out of business and would also likely result in lost jobs.

Layaway: This group of retailers is also concerned about the legality of continuing to sell cribs on layaway to consumers with delayed delivery dates due to the June 28, 2011 compliance date. Layaway, generally for financial purposes, represents a fair percentage of this group's business. Delayed pickup, generally for religious or other reasons, also represents a fair percentage of this group's business.

Furniture Sets: NINFRA members also raised the issue of possible economic losses associated with liquidating or destroying cribs that are otherwise matched and meant to be sold with accompanying furniture pieces, such as dressers and desks. In this situation, certain letter writers emphasized that not only would they suffer a diminution in value of their noncompliant cribs but also a corresponding loss in value of the coordinating pieces, which derive a great deal of their perceived value from being sold as a set with the cribs.

In a conversation with Mr. Vieira, he added the following concerns:

Retrofit kits: Mr. Vieira reported that NINFRA's members were unclear whether the CPSC would approve the use of retrofit kits, including lock washers and warning labels, to make existing inventory compliant with the newly enacted full-size and non-full-size crib standards. I requested that Mr. Vieira provide supporting information that he had received from his suppliers and manufacturers. Mr. Vieira

promptly provided the same and, with his permission, I provided the information to the CPSC's Office of Compliance and other interested parties at the CPSC.

Mr. Vieira and I continued to speak regarding his concerns. I shared the information I had learned from Mr. Vieira with appropriate CPSC employees. On May 12, 2011 and May 13, 2011, I received two additional letters, similar to Mr. Vieira's, requesting a 180-day extension to the June 28, 2011 compliance date. On or about May 17, 2011, I became aware of another similar request received by Commissioner Northup's office.

3.2. Letter writing campaigns

The letter writing campaign intensified on or about May 26, 2011, when an attorney representing All Baby & Child, Inc. (ABC) wrote a letter to the Chairman requesting that the small retailers be granted a 180-day extension to the June 28, 2011 compliance dates for cribs that are not drop-side designs. As explained in less detail above, ABC is a partnership of juvenile products manufacturers and independent specialty store retailers, each of which is represented in equal proportion on ABC's Board of Directors. ABC is known in the juvenile products industry as the host of the industry's largest trade show every year and has not traditionally engaged in such correspondence with the Commission. The ABC trade show receives approximately 15,000 visitors a year, which spans more than 1 million square feet of display space.

Although it is unknown exactly what transpired, it appears that there is a division in the retailer side of ABC because shortly thereafter, the Small Business Ombudsman received another set of letters from small retailers *opposing* the idea of a 180-day extension to the June 28, 2011 compliance date.

3.3. Small retailers opposing a 180-day extension to the compliance date

Beginning on June 3, 2011, and for a few days thereafter, the Small Business Ombudsman received a number of letters from another group of small, independent nursery furniture retailers who opposed any extension of the compliance date established in the final rule. These retailers were mostly associated with another buying group, similar to NINFRA, called Baby Furniture Plus Association (BFPA). I spoke with the Executive Director of BFPA, Ms. Beth Jarabek, on June 3, 2011. She confirmed that her organization and its member businesses were members of ABC and that their letters opposing an extension were as a result of ABC's May 26, 2011 letter. BFPA members work together to buy cribs in bulk and to share costs and information associated with purchasing nursery furniture products for retail sale. BFPA's membership is approximately 75 independent nursery furniture stores. BFPA's members were opposed the request to extend the compliance date for the following reasons:

Doing the right thing: The group represented by BFPA is proud of the due diligence and hard work they did by to ensure that their members would be compliant with the new federal standards on June 28, 2011. The BFPA agreed with the other retailers that it has been somewhat challenging for them to find out the specific information they needed to

know. However, the BFPA stated that it began working closely with the JPMA and its members in October 2010, to begin sorting out the information for its independent retailers. Through communication, the BFPA was able to figure out which models would likely be retrofitted and which needed to be liquidated at an earlier date. The BFPA has provided a sampling of some of its internal correspondence that is attached as Exhibit E.

Already taken their losses: To accomplish their goal to be fully compliant by June 28, 2011, the BFPA members, and others like them, sold the cribs that they knew would not be compliant at rock-bottom prices, generally at or below their cost. They stated that everyone in the crib retail sector was well aware of the fact that mandatory federal crib safety standards were being promulgated.

Although this group of retailers will not need to destroy any existing inventory, having already successfully liquidated its inventory, this group has already suffered economic losses in its efforts to comply with the new crib standards. Their losses are harder to quantify, are wholly financial in nature, and did not result in the specter of a physical pile of noncompliant cribs that will need to be either destroyed or exported. This group believes that it would suffer serious, business-threatening losses if its competitors—both “brick and mortar” and Internet retailers—are allowed to continue to sell noncompliant cribs for an additional six months. Because the changes in the federal law were widely known, this group believes that those with noncompliant cribs in inventory likely find themselves in that position as a result of either poor planning or willful risk-taking.

Competitive disadvantage: As discussed, this group believes that an extension of the compliance date would effectively punish this group financially for having done the “right thing” in directing their actions at complying with a federally mandated compliance date. The BFPA-type stores do not possess noncompliant cribs that they can readily discount to compete with other independent stores and Internet websites. And, they are concerned that others in the industry may have bought their inventory at clearance pricing with full knowledge that the noncompliant cribs might eventually need to be destroyed, nevertheless, hoping that the Commission might extend the compliance dates and thereby allow them to perhaps profit or at least recoup the costs of their investment. (The group opposing an extension noted that during this recent period, some manufacturers were offering their remaining stock at discounted rates but that the BFPA and its members did not “stock up” on those discounted cribs.)

4. CRIB RENTAL COMPANIES

Attached as Exhibit F are letters from companies that rent cribs (and other durable nursery products) on a short-term basis to various parties such as hotels, other places of public accommodation, parents renting summer homes, and grandparents hosting their grandchildren for short periods of time. Many hotels will subcontract with these types of companies instead of seeking to maintain their own cribs and keep up with recalls and regular safety checks.

The Commission did not receive comments from crib rental companies or organizations representing the crib rental company industry during the rulemaking proceeding. As was noted above, the industry group—the Baby Travel Pros Association (BTPA)—reports that it was not aware of the rulemaking process, other than the necessity to remove drop-side cribs from their inventory.

Like many of the child care facilities, many of the crib rental companies transitioned away from drop-side cribs in the year or so preceding the adoption of the new crib standards, and many had recently purchased specialty, non drop-side cribs in 2010, which are not compliant with the new crib standards. (Some of the manufacturers of these commercial cribs have decided that they will not be providing retrofit kits.)

Other concerns of this industry are as follows:

Similar to the hotels and places of public accommodation: This relatively small industry believes that they are similarly situated to child care facilities and places of public accommodation and that they should receive the same amount of time to become compliant with the new standards. The members of this industry market themselves to hotels and other similar places as experts in ensuring that the rental cribs are safely assembled and maintained. The industry believes that the provision of safely assembled and safety-checked cribs for families who are traveling leads to safer sleep environments for infants and children. The businesses in this sector claim to inspect each crib for safety each time a crib is leased. They believe that in the absence of such services, families may choose alternative, less safe sleeping environments for their children. They also believe that like child care facilities and places of public accommodation, they cannot afford to completely replace their inventory in this short time span.

Specialty cribs designed uniquely for this sector: In addition, unlike the retail sector, some of the crib rental companies have expressed concerns about the availability of compliant cribs. Generally, these companies are purchasing a relatively small number of cribs and many choose—for safety and convenience—to purchase cribs specifically designed for their industry. Due to the frequent set up, breakdown, and transport of these cribs, this industry has worked with a couple of crib manufacturers to design and produce durable, foldable cribs that comply with the new standards and for which the hardware does not need to be removed and replaced for each installation. (The industry believes that frequent replacement and reinstallation of hardware will lead to excess wear and tear and increase the likelihood of a safety failure.) While these types of foldable cribs are often made in steel for commercial settings like hospitals and day-care centers, the cribs that many companies use in this industry are wooden, folding cribs, due to the demands of customers for a less industrial feel. It is precisely these cribs— manufactured predominantly by two manufacturers—that are in short-supply or for which the manufacturer is not providing testing or retrofits. Accordingly, some of these companies do not have the ability to purchase compliant cribs at present, or they may have to locate and purchase less desirable, cribs designed for residence from ordinary retailers instead of from their specialty manufacturers.

High season: The high season for most of the crib rental industry is the summer months, due to the increase in travel and when more parents stay in hotels or in other locations, such as summer beach homes, that the crib rental industry supplies. Many companies include this information prominently in their correspondence, due to the heavy economic losses they believe their industry would suffer if forced to adhere to the current compliance date of June 28, 2011.

5. ANALYSIS

The following outlines some of what CPSC staff knows regarding the claims of both sides of this issue.

5.1. Supply of compliant cribs

By and large, all of the small retailers who have contacted the Small Business Ombudsman agree that there is sufficient supply of compliant cribs currently available in the market. While there will certainly be a period during which there will continue to be a somewhat smaller selection of cribs, in terms of models, colors, and prices, these retailers agreed that they would have an adequate supply of compliant cribs for sale on June 29, 2011.

In terms of the issue of laboratory availability and its effect on crib availability, a total of six laboratories are recognized by the CPSC as qualified to test to the 16 C.F.R. 1219 standard. The laboratories were recognized on the following dates: February 2, 2011; March 23, 2011; April 27, 2011 (two labs); May 16, 2011; and June 1, 2011. A total of six laboratories are recognized by the CPSC as qualified to test to the 16 C.F.R. 1220 standard. The laboratories were recognized on the following dates February 22, 2011; March 23, 2011; April 27, 2011 (two labs); May 16, 2011; and June 1, 2011.

The unique characteristics and challenges facing the crib rental industry are discussed above. This sector appears to be in a special situation due to the limited supply of the specific types of crib models that are usually employed by this sector. An owner of one crib rental company informed the Small Business Ombudsman on June 14, 2011, that she had contacted one of the specialty crib manufacturers directly a few weeks ago but hesitated to complete a purchase due to the high cost and her conversion of cribs last year to nondrop-sides. When she finally decided to make the purchase the week of June 13, 2011, that manufacturer reported that they did not have any cribs left to sell her.

5.2. Inventory of noncompliant cribs

Inventory of noncompliant cribs is the principal concern of the retailers who are seeking an extension of the compliance date. Those retailers will not be able to sell their noncompliant cribs on June 29, 2011, and those cribs will need to either be destroyed or exported at additional cost to those retailers. The arguments are examined in turn:

5.2.1. *Ongoing purchases during intermediary period*

The group of retailers seeking an extension has stated that some of their members had to continue purchasing non-compliant cribs—in order to sell new cribs—during the preceding five months since passage of the rule. The group of retailers opposing an extension has stated that they worked with the crib manufacturers to determine which cribs were expected to pass the new standards and which cribs were not expected to pass and would likely need to be liquidated. Parties have informed CPSC staff that manufacturers were offering certain noncompliant cribs at substantial discounts during this period and that certain retailers may have availed themselves of that perceived opportunity.

The extent to which those retailers may now be left with excess inventory may be a function of how certain retailers generally purchase (*e.g.*, large orders that they sell down through a year), the result of speculative purchasing, the result of product pricing and discounting decisions, or merely the result of poor economic conditions.

An analysis of the veracity of each side's claims would likely require a detailed study of many businesses' confidential commercial information and their ordinary purchasing patterns over time to determine whether they have been saddled with excess inventory due to the economic climate or due to other forces, such as a business decision to try to buy noncompliant cribs at a low price and sell them as quickly as possible. There are many possibilities as to why some retailers appear to be in a position where they are seeking additional time and others appear to have planned in such a way that they are opposing such a move.

5.2.2. *Economic conditions*

Nearly all of the retailers with whom I spoke agreed that sales this winter and spring have been significantly down, but CPSC staff is not in possession of a reliable figure as to how much sales were off. One anecdotal figure presented was that sales may have been off by 30 percent.

This small, independent segment of the retail industry has been hard hit over the preceding number of years by the advent of Internet shopping that is often tax-free with free shipping and through the growth of the large discount chains. Cribs, however, are generally the items on which these retailers make the most profit in their stores. While sales appear to have suffered during the preceding three to five months, the group of retailers opposing an extension reports that they worked diligently (and successfully) to sell their remaining stock of inventory during that period, often at or below cost.

5.2.3. *Retrofit kits*

When first contacted by NINFRA, CPSC staff had not yet provided clear guidance on the appropriate use of retrofit kits by manufacturers for cribs in inventory. Such retrofit kits would ordinarily include the addition of lock washers and warning labels and would

make certain existing inventory compliant with the newly enacted full size and non-full size crib standards. (Of course, not all non-compliant inventory could not be made compliant simply by the addition of lock washers and warning labels.) The concern about whether proper retrofit kits would be acceptable to the Commission was voiced from both groups of retailers, those seeking and those opposing an extension.⁴

On June 14, 2011, the CPSC released updated “frequently asked questions”⁵ in which the CPSC staff provided guidance with respect to when retrofit kits are acceptable under the law. Since the new “frequently asked questions” were posted, there has been no further input on that issue from that either group of retailers.

In the short period since that information was circulated, CPSC staff has not heard any further concerns with respect to the use of retrofit kits for cribs which have undergone and passed testing by a CPSC-accepted laboratory.

5.2.4. Timing

The group seeking an extension of the compliance date believes that the expense associated with compliance on June 28, 2011 would represent a great financial burden to its members.

The group of retailers opposing an extension believes that the expense associated with extending the compliance date beyond June 28, 2011 would be a great financial burden to its members.

5.2.5. Display Models

Many letters received from NINFRA members and others expressed concern about the added costs associated with changing out all floor models before the June 28, 2011 compliance date. CPSC staff has stated to multiple parties that the display of a non-compliant crib is not a prohibited act. However, CPSC staff does suggest that (1) the display crib is marked as ‘for display only’ and that (2) drop-side cribs are not displayed at all unless they have been immobilized with immobilizer sets. After June 28, 2011, however, non-compliant cribs – including display models – may not be sold and the civil penalties for engaging in the sale of non-compliant cribs begin at \$100,000 per incident up to a maximum civil penalty of \$15 million.

This information has been provided to retailers who have welcomed the clarification and the ability to transition their floor, display models at a slower pace than the June 28, 2011 compliance date. This information will be added to the “frequently asked questions.”

⁴ Those retailers opposing an extension stated that they would likely reconsider their opposition if CPSC staff did not permit the use of acceptable retrofit kits.

⁵ Attached in Exhibit C and located at: <http://www.cpsc.gov/onsafety/2011/06/the-new-crib-standard-questions-and-answers/>

5.2.6. *Layaway*

CPSC staff recently clarified this issue in its most recent iteration of the “frequently asked questions.” Before June 28, 2011, a retailer can sell a crib that does not meet the new crib standard and may delay delivery until after June 28, 2011, only if a customer pays the full amount due on the crib before that date. (By payment of the purchase price before June 28, the sale is complete and the crib effectively is in the customer’s possession when the crib has been paid for in full.) This addresses some of the situations where due to religious or other beliefs, consumers do not wish to have a crib delivered in the home until after their child’s birth.

However, if a customer purchases a crib under an arrangement where only partial payment of the purchase price of the crib is made before June 28, 2011 (often called layaway), and does not take possession before June 28, 2011, the crib must meet the new crib standards. Under these circumstances, a retailer could not legally provide a noncompliant crib to the customer after June 28, 2011.

Again, this clarity has been welcomed by both sets of retailers and has enabled them to make appropriate choices for their situations.

5.2.7. *Furniture Sets*

It is likely true, as raised by NINFRA, that some retailers would suffer a diminution of some profits through the inability to market nursery furniture sets as a complete set. It is, however, also likely true that many of the cribs sold in sets are convertible to toddler beds and could be sold as a set for that limited purpose (once the crib components were removed from the saleable box.) In that manner, one retailer has reported that some of the diminution of value to the furniture sets could be mitigated.

6. **SAFETY**

Attached in Exhibit G are letters received from parents and consumer groups urging the Commission not to extend the compliance date for retailers. In their letters, those parties express their views that the new crib standards represent a substantial increase in safety for children and that the retailers were provided enough time through the federal rulemaking procedures to take appropriate actions to prepare for the compliance date.

The merits of the relative increased safety factor afforded by the new crib standards and of the various iterations of the precedent voluntary standards were addressed during the original rulemaking proceeding and are beyond the scope of this memorandum. However, it is important to note that in conversations with all of the parties seeking a longer compliance date, all parties agree that drop-side cribs are not included in their respective requests to extend the compliance date.

Otherwise, the fact that the Commission unanimously enacted the new crib standards is accepted for purposes of this memorandum as evidence that the Commission believed that the adoption of those safety standards would result in increased safety for the vulnerable occupants of those cribs.

7. CONCLUSION

This memorandum represents the knowledge possessed by the Small Business Ombudsman at this time. Due to the limitations of this document, including the fact that the information contained herein is anecdotal, that this informal information lacks statistical significance or other formal analysis, and that this document does not purport to convey the overall state of the crib retail or the crib rental market, CPSC staff is not providing a recommendation in this memorandum.

* * *

SUMMARY OF EXHIBITS

EXHIBIT A	LETTERS FROM CRIB RETAILERS <i>SEEKING</i> A DELAYED COMPLIANCE DATE
EXHIBIT B	LETTERS FROM CRIB RETAILERS <i>OPPOSING</i> A DELAYED COMPLIANCE DATE
EXHIBIT C	CPSC GUIDANCE ON CHILD CARE FACILITIES, FOSTER CARE, CHURCHES
EXHIBIT D	LETTER FROM ALL BABY AND CHILD, INC. RE: NUMBER OF RETAILERS IN JUVENILE PRODUCTS INDUSTRY
EXHIBIT E	INFORMATION RE: COMPLIANCE EFFORTS BY THE BABY FURNITURE PLUS ASSOCIATION (BFPA) CRIB RETAILER GROUP
EXHIBIT F	LETTERS FROM CRIB RENTAL COMPANIES <i>SEEKING</i> A DELAYED COMPLIANCE DATE
EXHIBIT G	LETTERS FROM CONSUMER GROUPS, PARENTS, AND OTHERS <i>OPPOSING</i> A DELAYED COMPLIANCE DATE

EXHIBIT A

PETITION



ABC Kids Expo

June 7, 2011

Todd A. Stevenson – Director
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway, Room 502
Bethesda, MD 20814

Received CPSC
2011 Jul 10 A 10:34
Office of the Secretary
FOR

RE: Petition for Rulemaking under CPSIA Section 104, Standards and Consumer
Registration of Durable Nursery Products

On behalf of All Baby And Child, representing independent juvenile furniture retailers nationwide, the undersigned parties to this petition (hereinafter referred to collectively as the Petitioners), respectfully urge the Consumer Product Safety Commission (CPSC or the Commission) to issue a stay of enforcement of the impending rules for full size and non-full size baby cribs (16CFR Parts 1219 and 1220) for a period of (180) days beginning on June 28, 2011. Action by the Commission is urgently needed in light of the upcoming June 28, 2011 deadline for new baby crib requirements.

Recent changes to full size crib regulations have been a source of anxiety as retailers scramble to prepare for the upcoming compliance deadline. The final ruling published in December 2010 made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without dropsides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits.

Information obtained from suppliers was initially verbal and varied widely depending on which supplier we as retailers were talking with. Only recently did retailers begin to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. As an example, one relatively large manufacturer waited until June 3, 2011 before providing any communication in regard to compliance. That statement informed retailers that any crib they produced and which was shipped prior to 5/15/11 *may* not be compliant to 16CFR 1219. They further stated that no retrofit kits would be made available. They added that some existing models are in the process of being tested at BV-Buffalo, while others would no longer be produced and therefore, would not be re-tested to the new regulation. There are additional suppliers that have yet to make any announcement regarding the compliance status of their inventory.

One of the challenges facing small independent retailers in our industry is consumer demand for purchasing in-stock merchandise. This is one of the few advantages small independent retailers have over the mass merchant and large big box discounters. Unfortunately, many of the cribs shipped by suppliers after 12/31/10 will be rendered unsellable on 6/28/11. Without merchandise on hand to sell, these small retailers are

PETITION

going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts retailers at risk of losing precious capital in a struggling economy. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means they now have less than three weeks to sell off every remaining non-compliant display sample (probably at a financial loss) and replace them with compliant models. This is providing their suppliers have 16CFR 1219 compliant full size models on hand, but many simply don't and probably won't until 6/28/11 or later.

Another challenge is how retailers handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in is the religious or personal beliefs shared by some who often don't want the crib in the home until after the child is born. For these reasons, layaway is a big part of specialty business and a viable alternative when funds to make the purchase are not readily available, and the consumer chooses not to assume more credit card debt. Pressuring consumers under present circumstances to take delivery before the imposed deadline could jeopardize sales and impede the liquidation process.

Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to the new rule. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. We are confident that high quality cribs without drop sides are completely safe when used properly and continuing to sell models that were not re-tested to compliance will not pose any imminent danger.

There are very few non-compliant cribs still in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline of 6/28/11. Notwithstanding any extensions of the effective date, a reasonable enforcement policy could be helpful in assuring the availability of safe cribs in the marketplace, to avoid shortfalls in initial availability of compliant cribs. There is much confusion about which cribs retailers can sell on June 29, 2011 and which they cannot. Since we know that cribs produced with designated conformance to ASTM F-1169-09 have had drop sides eliminated and are of sound quality, with the addition of lock washers and updated labels, testing or re-representation of conformance by manufacturers based in good faith, as an enforcement matter they should be deemed saleable.

The expense associated with compliance at this scope would be a financial burden even in the best of economic times. Retailers have struggled though this recession and if the present deadline is not extended, and a reasonable enforcement policy not employed, it could result in even more cutbacks, possible layoffs or worse.

PETITION

Though the pending date of 6/28/11 will impact negatively on most independent specialty retailers, there are some smaller stores that will not feel the impact as much due to their overall size and stock status on 12/31/10 when the rule was announced. Those dealers that only display a few models, don't maintain surplus inventory, and don't have a warehousing facility, were able to quickly liquidate their non-compliant stock. The petitioners understand their position in regard to unfair advantage but we feel the overwhelming majority of independent stores nationally will benefit from a stay of enforcement.

The petitioners believe that an extension to the deadline is a reasonable request. Manufacturers were granted six months in which to update, modify and re-test their cribs to comply with 16CFR 1219 and 1220. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models.

PROPOSAL FOR A STAY OF ENFORCEMENT (16CFR Parts 1219 and 1220)

The realities of the marketplace call for a phased in approach to enforcement of 16CFR 1219 and 1220, taking into consideration the time needed for each group – manufacturers, wholesalers and retailers – to liquidate obsolete inventory and replenish stock with new compliant merchandise.

Following is a suggested and sensible plan phased in over two 180 day periods followed by arguments that support each phase:

Phase 1: 180 days beginning on 12/31/10 and ending on 6/28/11 providing crib manufacturers and wholesalers a reasonable time frame to make necessary modification, get their products tested to the new regulation, and liquidate non-compliant yet safe inventory. Cribs not compliant to 16CFR 1219 or 1220 cannot be sold by crib manufacturers or crib wholesalers after 6/28/2011.

Phase 2: 180 days beginning on 6/29/11 and ending on 12/31/11 allowing crib retailers a reasonable time frame to liquidate non-compliant yet safe stock and replace obsolete display samples. Cribs not compliant to 16CFR 1219 or 1220 cannot be sold by crib retailers after 12/31/2011.

During phase 1, it should have been anticipated that wholesalers would encourage the sale of non-compliant but safe crib inventory to retailers. During this period, manufacturers and wholesalers were either reluctant to reveal long term plans in regard to model discontinuation or were unable to determine which models would meet the new standard due to delays in certification of approved testing facilities. It also should have been anticipated that retailers would need to replenish stock on a regular basis, and in the absence of compliant models, there would be no choice but to continue buying available inventory, regardless of possible compliance issues.

PETITION

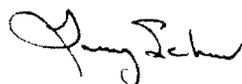
During phase 2, retailers will have a reasonable period of time to liquidate non-compliant but safe stock, while minimizing loss, and replenish inventory with new models. Without this extended period, starting on the date when retailers can be confident of receiving compliant product from suppliers, losses attributed to drastic price reduction or disposal of unsold inventory will be inevitable and lead to insolvency for many. Inventory often constitutes the most significant investment of a small retail business owner. It also represents the equity a lender will consider when extending credit. When that equity is compromised, the retailer must seek unsecured financing to replenish stock. It's no secret that business loans today are difficult to obtain and without the collateral necessary to secure needed financing, the only alternative will be to close the doors.

Realizing that enforcement of a standard retrospectively is a new approach, it's understandable that forecasting the extent of negative impact on retailers would be difficult to predict. This is the law of unintended consequences. Fortunately, it's not too late to modify the rule and lessen the impact already affecting struggling retail retailers across the country.

Sincerely,



Jeff Seymour
Chairman



Larry Schur
President

Cohen, Neal

From: emailform@cpsc.gov
Sent: Thursday, May 12, 2011 3:18 PM
To: Ombudsman, Small
Subject: Message from Email Form

05/12/2011 15:17:24

Name = Mark Carrozza
Organization/Affiliation = Babyland & Kidsroom
Daytime Phone = 4123621222
E-mail address = mark@babylandpa.com

Message = BABYLAND & KIDSROOM 5542 Penn Ave. Pittsburgh, PA 15206 May 15, 2011 Anne Northup Commissioner U.S. Consumer Product Safety Commission 4330 East West Highway Bethesda, MD 20814 Dear Ms. Northup; I'm a small independent retailer of baby furniture. We have been providing the greater Pittsburgh area since 1951 with the highest quality and safest product the industry has to offer. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers. Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks. Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. They often don't want the crib in the home until after the child is born. For these reasons, Layaway is a big part of our business and a viable alternative when funds to make the purchase are not readily available and the consumer chooses not to assume more credit card debt. Pressuring consumers under present circumstances to take delivery before the imposed deadline could jeopardize sales and impede the liquidation process. Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, most lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline. The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline if not extended, it could result in even more cutbacks, possible layoffs or worse. I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models. Sincerely, Mark Carrozza V.P. Babyland & Kidsroom Mark Carrozza---BABYLAND & KIDSROOM

Cohen, Neal

From: emailform@cpsc.gov
Sent: Thursday, June 02, 2011 8:42 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/02/2011 20:41:40

Name = Lisette Munoz-Nirmal
Organization/Affiliation = USA BABY
Daytime Phone = 860-829-0009
E-mail address = lisy@usababyct.com

Message = Appeal to extend the CFR16-1219 deadline. My husband and I own and operate a small baby furniture retail store in Berlin, Connecticut. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers. Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, and many simply don't and probably won't for several more weeks. Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. These families often don't want anything in their home until after the child is born. For these reasons, layaway is a big part of our business and a viable alternative when funds to make the purchase are not readily available and the consumer chooses not to assume more credit card debt. Pressuring consumers, under present circumstances, to take delivery before the imposed deadline could jeopardize sales and impede the liquidation process. Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, the majority of lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline. The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline is not extended, it could result in even more cutbacks, possible layoffs or worse. I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models.

Cohen, Neal

From: emailform@cpsc.gov
Sent: Friday, May 13, 2011 2:05 PM
To: Ombudsman, Small
Subject: Message from Email Form

05/13/2011 14:03:47

Name = Donna and Bud Spoerl
Organization/Affiliation = Baby's Room & Kids Too (Lexington, KY)
Daytime Phone = (859) 276-4955
E-mail address = babysroomky@aol.com

Message = Mr. Cohen, As a small independent baby furniture retailer, we are writing to appeal for a 180 day extension beyond the 6-28-11 compliance deadline for CFR16-1219. Recent changes to full size crib regulations have been unclear and no official document has been published that indicates exactly what modifications, upgrades or retrofits will be permitted on existing cribs. Information obtained from manufacturers has varied widely, and we are just starting to receive notices of revisions in hardware and labeling that can be adapted to existing inventory. We have only been given a short window of time in which to liquidate our inventory and floor models. You cannot reasonably expect to sell the large number of cribs on the market today to only a small segment of the population in the short time allowed. Small independent stores have struggled through the last two years of recession and many are not in a position to take financial losses on such a large number of high cost products, plus incur the additional expense of repurchasing many replacement cribs by June 28 in order to keep our businesses operating. Again, we would like to see the compliance date for retailers extended by 180 days. Thank you.

From: emailform@cpsc.gov [mailto:emailform@cpsc.gov]

Sent: Thursday, May 12, 2011 5:03 PM

To: Commissioner Moore

Subject: Message from Email Form

05/12/2011 17:02:30

Name = Doug Tritton

Organization/Affiliation = StorkLand & Kids Too!

Daytime Phone = 9407661234

E-mail address = daddyt1@aol.com

Message = Dear Mr. Moore; I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers. Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to loose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample and inventoried crib (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks. Another challenge is how we handle product that is sold to a customer

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on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. An element that factors in here is the religious beliefs shared by some in the Jewish faith. They often don't want the crib in the home until after the child is born. For these reasons, layaway is a big part of our business and a viable alternative when funds to make the purchase are not readily available and the consumer chooses not to assume more credit card debt. Pressuring consumers under present circumstances to take delivery before the imposed deadline could jeopardize sales and impede the liquidation process. The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline if not extended, it could result in even more cutbacks, layoffs or worse. I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing to those standards, and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models. Sincerely, Doug Tritton StorkLand & Kids Too!

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 10:12 AM
To: Knox, Eileen
Subject: FW: help!

From: Sarah Ray [<mailto:sarah@nantucketcribs.com>]
Sent: Tuesday, June 14, 2011 10:02 AM
To: Cohen, Neal
Subject: help!

I own a small independent crib rental company on Nantucket and ordered cribs in February so I could be compliant with the new regulations by June 28, but I got a call last week telling me they will not be in until August. I have been scrambling to find a new manufacturer or distributor and have found that there is no inventory for me to even purchase. Is there a way for me to apply for an extension? I am happy to comply, I just can't find any cribs. Do you have a list of Manufacturers who have passed muster? It is not financially feasible for me to replace my inventory twice in one year, help!

Thanks,
Sarah Ray
508 228 5200
Sent from my Verizon Wireless BlackBerry

--

Sarah Ray
Nantucket Cribs, LLC
P.O. Box 855
Nantucket, MA 02554
508.228.5200
www.nantucketcribs.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Thursday, June 09, 2011 11:07 AM
To: Ombudsman, Small
Subject: Message from Email Form

Follow Up Flag: Follow up
Flag Status: Flagged

06/09/2011 11:06:15

Name = Aaron Pederson
Organization/Affiliation = NINFRA / Kids Stuff Superstore
Daytime Phone = 402-466-2229
E-mail address = aaron@echildstore.com

Message = Dear Ombudsman Cohen, I write you as the President of the National Independent Nursery Furniture Retailers Association also known as NINFRA. We are the largest association of nursery retailers in the United States with over 110 stores representing an estimated collective buying of over 200 million dollars annual. We are represented by both large and small mom and pop stores whose families have been in business anywhere from 2 to 90 years. My family for example has been in the Juvenile business for 30 years. I write you on behalf of our association and the appeal for an extension of 180 days beyond the 6/28/11 compliance deadline for (16CFR 1219, 1220) only on non-drop side crib. We are hoping the commissioners will grant this reasonable request to minimize the potential hardship and anxiety this deadline has posed with many of our retailer's stores. The great news is as of 6/28/11 all cribs purchased from manufacturers for resale we meet these new standards and be compliant. The commissioners can be commended for implementing these new more stringent laws. The unintended consequences however have been the lack of testing facilities and the ability for manufacturers to know or communicate if the merchandise they continued to sell to our stores would eventually be compliant. We've been forced to continue to run our business under the blind faith of the manufacturers that have only been able to test product as of 4/1/11. Now with the ability to test and gather results, manufacturers have left us with less than 90 days to liquidate soon to be obsolete inventory including our entire floor display samples. In my situation with 3 stores we've had 90 days' notice to sell approximately 250 display cribs off our floors. This equates to having to sell 9 display cribs per day to meet the 6/28/11 deadline. Even in a great economy this would be a very difficult task and as of today truthfully is impossible, magnified by the fact my stores are in small communities. This doesn't even touch the fact we also have warehouses with inventory that factor into an increased total number of cribs that must be sold by this deadline. A perfect example would be a letter distributed 6/3/11 by a major crib manufacturer deeming all cribs shipped before 5/11/11 to be obsolete after the 6/28/11 deadline. This illustrates a manufacturer who has been selling cribs to retailers for the past 5 months after the 12/31/10 law was written and now is giving a 25-day notice to sell off any inventory. We will be forced to throw away these unsold cribs and take a huge financial loss. We hope the commissioners take these issues facing retailers into consideration and voting to allow for a 180-day extension to retailers who continue phasing out soon to be obsolete expensive high quality non-drop side cribs. Our industries largest association of family ran stores appreciate you taking to the time to read this letter. Sincerely, Aaron Pederson President NINFRA Kids Stuff Superstore 3740 N 27th St. Lincoln NE, 68521 402-466-2229

Knox, Eileen

From: emailform@cpsc.gov
Sent: Wednesday, June 08, 2011 6:35 PM
To: Ombudsman, Small
Subject: Message from Email Form

Follow Up Flag: Follow up
Flag Status: Flagged

06/08/2011 18:34:51

Name = Lisa Rea
Organization/Affiliation = Suite Dreams
Daytime Phone = 515-223-2337
E-mail address = lisa@suitedreamsforkids.com

Message = Dear Mr. Cohen, I'm a small independent retailer of baby furniture. I am also a member of the NINFRA (National Independent Nursery Furniture Retailers Association) organization. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for (16CFR 1219,1220). I believe it is reasonable to request that an extension to the deadline is granted. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219, 1210. Their factories are now manufacturing compliant cribs and independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. This 16CFR-1219,1210 process has been quite lengthy and confusing. It has also been a costly process. In these trying economic times it has really hit independent retailers hard. It is only fair that small independent retailers like myself be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models. I hope you'll consider my request for a deadline extension. Sincerely, Lisa L. Rea Suite Dreams Clive, IA

Knox, Eileen

From: babygallery1@aol.com
Sent: Wednesday, June 08, 2011 3:39 PM
To: Cohen, Neal
Subject: Regarding 180 Day Extention

Hi Neil. My name is Rick Da Cruz and I am the owner of Baby and Teen Gallery in Elizabeth NJ. I am also a member of Baby Furniture Plus. Unlike many of my counterparts, I believe many stores will still need an extension of 180 days in order to sell through any left over non compliant product. This would be compounded even more if the CPSC rules that the retro fit kits being offered by most vendors are found to be non-compliant. **I believe it necessary to extend this compliancy another 180 days to retailers only.**

I appreciate your attention in this matter.

Sincerely,

Rick Da Cruz

Baby and Teen Gallery
10 Centre Street
Elizabeth, NJ 07202
(908) 353 - BABY
www.babyandteengallery.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Wednesday, June 08, 2011 11:54 AM
To: Ombudsman, Small
Subject: Message from Email Form

06/08/2011 11:53:58

Name = Samantha Jasper
Organization/Affiliation = Treehouse Kids Company, National Independent Furniture Retailers Association (NINFRA)
Daytime Phone = 513.671.7750
E-mail address = sam@treehousekidsco.com

Message = Dear Mr. Cohen; I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for (16CFR 1219,1220). This new regulation has affected 75% of our store's inventory and we have been diligently trying to move obsolete crib models; however, due to the current economic status of our country and slow sales, meeting this deadline is very challenging. Again, this deadline needs to be revised to ensure Manufacturers are producing compliant cribs for resale by the June 28th deadline; however, retailers are in need of a period that allows us to liquidate the obsolete inventory. As a small business owner, this process has had huge impacts to our operating budget as we try to reduce prices drastically on existing floor models/inventory, repurchase floor model displays and inventory as the manufacturers make them available. Also, due to the publication of this new regulation, new parents are asking about the issues surrounding this new regulation and are hesitant to purchase items, so this is a very challenging time for everyone. My family and employees are depending on us to operate our business successfully and we need your help to ensure another small business does not have to close its doors. In summary, I believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219, 1210. Their factories are now manufacturing compliant cribs and independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers like myself be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models. I hope you'll consider my request for a deadline extension and advocate for the Small Business Furniture Retailers. Sincerely, Samantha Jasper, Owner Treehouse Kids Co. 11755 Princeton Pike Cincinnati, OH 45246

Knox, Eileen

From: Alan S. Levine [aslevine@comcast.net]
Sent: Tuesday, June 07, 2011 5:33 PM
To: mark@simonsbabyfurniture.com; maugus6958@aol.com; Kory.pomon@gracobaby.com; rogero@stanforddistributing.com; kellyneal@aol.com; mjschaul@aol.com; yvette@babys1st.com; Beth@babyfurnitureplus.com; kcasson@comcast.net; gene@kidsstuffsuperstore.com; gf.babytown@midconetwork.com; ken.kaiser@kidco.com; larry@theabcshow.com; Jseym1022@aol.com; kgoore@goores.com
Cc: Jenkins, Rick and Beth; Bates, Dennis; Lebovitz, Stu; Ruess, Jim
Subject: Fwd: Letter for ABC

Dear ABC Board,

The members of the United Storeowners Association of Baby Stores are very concerned about the looming deadline for the new crib compliance standards. As most people in the industry are aware, through no fault of their own, a significant number of manufacturers have been slow in distributing information regarding the status of their cribs and, for the most part, stores have been given a very short window to clear out cribs that cannot be modified to adhere to the new standards. We believe that the vast majority of our stores have made a concerted effort to modify or remove these cribs from commerce however it will negatively impact their profitability in this difficult retail climate if a significant number of products need to be destroyed by the end of the month. Consequently, our Association membership strongly supports an extension to this deadline.

United Storeowners Association of Baby Stores
Alan S. Levine
Manager
www.usababy.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Monday, June 06, 2011 11:50 AM
To: Ombudsman, Small
Subject: Message from Email Form

06/06/2011 11:50:12

Name = Michael a freedberg
Organization/Affiliation = bellini furniture of huntington
Daytime Phone = 6466235242
E-mail address = michael.freedberg@gmail.com

Message = Hello, I am the owner of a baby furniture store in New York. The new law coming into effect CFR-16 is a good law. The problem I have as a small business is that I need more time. Please extend the deadline for compliance for CFR-16 to allow me more time to sell off my existing inventory of non-drop side cribs. If the deadline is not extended I will have to more or less give away these cribs or else throw them away. This will cause a large loss for me. At this present time, my business is in considerable trouble. The timing of this new ruling will make the problem worse. The cribs that I am selling are safe. They all meet the F1169-10 ASTM standard. Please allow me more time to sell off these safe cribs. thank you Mike Freedberg Bellini Furniture

Knox, Eileen

From: USA Baby Pittsburgh [usababypgh@verizon.net]
Sent: Sunday, June 05, 2011 7:07 AM
To: Cohen, Neal
Subject: CFR 16
Attachments: CFR 16.doc

Mr. Cohen-

Please see the attached letter. I greatly appreciate anything you can do to bring this issue (which all independent store owners are facing) to the attention of the people who may have the ability to grant an extension.

Feel free to call me at 412-821-7100.

Thanks in advance - Stuart Lebovitz

USA BABY To Teen
2257 Babcock Blvd.
Pittsburgh, PA 15237
412-821-7100
fax 412-821-1929

**USA BABY To Teen
2257 Babcock Blvd
Pittsburgh, PA 15237**

June 5, 2011

**Anne Northup Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814**

Dear Ms. Northup;

I'm a small independent retailer of baby and children's furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16□1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without dropsides was unclear then, and no official document has been published since that time which provides clarity in regard to allowable modifications upgrades or retrofits.

Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now, are we beginning to get consistent information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the challenges facing small independent retailers in our industry is competing with the big box chain stores. Based on the research that I have done, these stores are much better prepared for this transition than the independents. I believe there are two main reasons for this. First, unlike these chains, I was unable to afford in house legal counsel to interpret this new legislation back in December. I relied on my suppliers to be forthcoming in communicating the upcoming changes to me. This communication has continued to change over that last 5 months! I really believe that the manufacturers themselves did not understand the new standards. Second, unlike my chain store competitors, I do not have the leverage with the manufacturers to demand that all cribs shipped after 2/1 be compliant to the new standards. These issues have put the independently owned retailers at a tremendous competitive disadvantage.

This problem has been complicated by the importance of layaway in our industry. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd trimester. For the past few months, we have been taking layaway orders for customers who want their cribs in June, July and August. Unfortunately, many of these orders that we are holding for our customers will be non compliant after 6/28 because our vendors have been shipping non compliant cribs through last week! This puts us in a untenable position. We now have to tell our customers that we can not hold their layaway merchandise beyond 6/28. If we explain to the customer the CPSC imposed deadline, they will demand the new compliant cribs. We will then be stuck with their non compliant cribs, and to make matters even worse, we will not have a compliant crib in time for the birth of their baby!!!

The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline is not extended, it could result in even more cutbacks, possible layoffs or store closings.

I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR 1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs shipped from the manufacturers will be compliant. It is only fair that small independent retailers be granted an additional 180 days to liquidate obsolete inventory, update display samples and transition to the new models.

Sincerely,

Stuart Lebovitz - Owner

Knox, Eileen

From: emailform@cpsc.gov
Sent: Friday, June 03, 2011 9:20 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/03/2011 21:19:25

Name = Carolyn Guess
Organization/Affiliation = USA BABY - San Dimas
Daytime Phone = 909-394-5500
E-mail address = usababysandimas@msn.com

Message = Re: Appeal to extend the CFR16-1219 deadline Dear Mr. Cohen: My husband and I operate a small independent retail baby furniture store. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers. Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December is unclear on how it impacts cribs without drop-sides, and no official document has been published since that provides clarity in regard to allowable modifications, upgrades or retrofits. The information we have obtained from suppliers has varied widely depending on which supplier we spoke to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. Some of our suppliers have told us to sell everything off, while others have provided retro-kits for newer models. It is very challenging competing as a small independent retailer in our industry. Customers expect merchandise to be in stock and available for immediate delivery. This is one of the few advantages we have over the mass market merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers are not compliant and will have to be sold or be destroyed by 6/28. The vast majority of our floor models must be replaced in a very short period of time, and all will need to be significantly discounted to meet this deadline, many sold at a loss. Suppliers are having a difficult time getting us new compliant cribs in a timely fashion and our show floors are beginning to look empty. Another challenge we face is that we generally offer layaway to our expectant parents. This is much appreciated as they prepare their nurseries and make payments toward this major purchase for their new family. Our policy is to offer 3 months layaway on new purchases and 2 weeks layaway on floor models. Forcing parents to pickup their cribs immediately will definitely jeopardize sale and impede the liquidation process. It is our full intention to comply with all regulations and sell only the best product to our new parents. As the June 28th deadline approaches we anticipate destroying many thousands of dollars of cribs. This loss, plus the lost revenue from selling crib below cost, is causing severe hardship for our fragile business. We have spent countless hours trying to get clarification on what is compliant, what is not, what must be sold what can be retro-fitted. The expense associated with compliance at this scope is a huge financial burden. We had struggled through this recession cutting our expenses wherever possible just to survive. Many of our fellow stores have shut their doors, most declaring bankruptcy. We do not want to follow in their footsteps. We truly believe that an extension to the deadline is a fair and reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers are granted the same length of time to liquidate obsolete inventory, update floor samples and transition to the new models.

Knox, Eileen

From: New Baby Products [kelly@newbabyproducts.com]
Sent: Friday, June 03, 2011 5:44 PM
To: Cohen, Neal; rafael@ninfra.com
Subject: Crib Regulations
Attachments: Compliance Letter.pdf

Attached is a copy of the letter that I am mailing to CPSC Commissioner Anne Northup. I will be e-mailing identical letters to my Senators & Congressmen. Please let me know if you have any questions. And yes, we really do have 100 non-compliant cribs remaining between our 2 stores.

-Kelly

Kelly Nelson
New Baby Products
Atlanta & Snellville, GA
404.321.3874
www.NewBabyProducts.com
www.Facebook.com/NewBabyProducts

New Baby Products

2200 Cheshire Bridge Rd. NE
Atlanta, GA 30324
404-321-3874

2334 Henry Clower Blvd.
Snellville, GA 30078
770-978-9810



June 3, 2011

Anne Northup
Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Ms. Northup;

I am a third generation member of my family's small independent baby furniture store. I am writing to you in hopes of receiving an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 for cribs for retailers.

Recent changes to crib regulations have been a source of anxiety and financial distress as we do our best to prepare for the upcoming compliance deadline. The final ruling published in December made it clear that drop-side cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop-sides was unclear then and no official document has since been published that provides clarity in regard to allowable modifications, upgrades, or retrofits. Information obtained from crib companies was initially verbal and varied widely from company to company. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the unique challenges facing retailers in *our* industry is the demand of consumers that want to purchase in-stock merchandise. When you're having a baby there is a certain time-frame in which you can prepare for the new arrival. Having a bountiful quantity of cribs in stock is the best way to ensure that a customer purchases her crib from you. Now our bountiful stock is on the verge of the garbage dump.

Keeping merchandise on hand that will be literally worthless in a matter of weeks has put us at risk of losing precious capital on so many levels. Instead of selling customers full price cribs to cover our cost and overhead, we're pushing cribs that are at or below our cost with no margin for freight, overhead, and all of the expenses incurred by running sales. We've only sold approximately 20 of the 120 non-compliant cribs that we have in our stock and on our floors. This means we have less than a month to sell off a hundred non-compliant crib and replace them with compliant models between 2 small store locations. We may very well have paid for 100

cribs that we will never be able to sell which will result in a loss of tens of thousands of dollars in addition to the profits already lost in selling items below our cost.

\$30,000 - \$50,000 (wholesale cost) may not sound like a lot of money for a retailer to eat. We're not talking about Walmart, Target, Babies R Us, or Buy Buy Baby, though. We are New Baby Products, a 2-location, locally owned and operated family business of 40 plus years. My grandfather started this business with the dream that it would provide for his family for generations to come. A loss of this magnitude will rock the very foundations of this business to who-knows-what-end. And the expense associated with compliance at this level would be a huge financial burden even in the best of economic times let alone now.

We've been diligent in depleting our stock but the economy has been hard on small specialty retailers. I truly believe that an extension to the deadline is a reasonable request. We are committed to rapidly depleting our stock even at a loss. We just need more time. I am pleading for mercy for stocking independent retailers.

Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. Now that we know what is and is not going to be compliant, it is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples, and transition to the new models.

Thank you for your time and your sincere consideration of the issues at hand. Your efforts on behalf of babies *and* of small, family-owned businesses are greatly appreciated.

Sincerely,

Kelly M. Nelson
New Baby Products

Kelly@NewBabyProducts.com

Knox, Eileen

From: bryan.marini@gmail.com on behalf of Kids N Cribs Inc. [kidsncribs@gmail.com]
Sent: Friday, June 03, 2011 5:22 PM
To: Cohen, Neal
Subject: 16CFR1219 - Extension

Neil,

My name is Bryan Marini and my family owns a specialty baby/kids store in Northern California (Brentwood) called Kids N Cribs. We have been in business for over 25 years and always strive to offer our customers not only the best quality, but also the safest furniture money can buy. While the economy has been extremely tough for us the last few years, we have endured, but the last 6-8 months have been increasingly complicated by the new crib regulations set to take affect June 28. We as many of our partner stores in Baby Furniture Plus have done our due diligence and started moving inventory well before this deadline so we could get rid of any stock deemed as non-compliant. The lower margins this closeout merchandise is getting, combined with the heavy online discounting of non-compliant merchandise has hugely impacted our business in a negative way. It's been tough the last 4-5 months to say the least.

Another factor contributing to our hardships has been the confusion regarding what the regulations actually require and whether or not compliance kits will be accepted. We have aggressively discounted merchandise that was deemed non-compliant from our manufacturers given the testing they've done on current production and inventory. However merchandise that they deemed compliant with the use of manufactured supplied compliance kits was properly updated and has been treated as good merchandise in our warehouse. Manufacturers have told us that in their discussions with the CPSC these kits would be sufficient as the cribs are the same models/production which were tested and passed all the new requirements of 16CFR1219. Since there were NO production changes to these cribs and they still passed the tests, this made complete sense. Some models DID require production changes in order to meet the new regulations and as a result there were no compliant kits offered. These cribs and were marked for immediate sale.

I'm sorry for the long rant, but 16CFR1219 has a huge potential to really affect our business in a negative way. If in the 11th hour (only 3 weeks prior to June 28), the CPSC now deems these retrokits insufficient, I'm in support of the 180 day extension and feel that is warranted so we can close out this additional inventory. There is NO WAY we could clear out the stock in our warehouse in 3 weeks and we'd be forced to throw out thousands of dollars in good product.

However, if the retrokits continue to be accepted by the CPSC I feel that the extension is unnecessary as retailers have had more than enough time to get things in order.

I applaud the CPSC on the tough new regulations as the safety of our children is our top priority and inadequate cribs should be kept from the marketplace. I just ask that you keep us small guys in mind as you make these decisions as it really affects our families and livelihood.

Bryan
Kids N Cribs
925.584.0567

Knox, Eileen

From: babybiz20a@aol.com
Sent: Friday, June 03, 2011 4:33 PM
To: Cohen, Neal
Subject: compliance of June 28.

As a member of BFP I feel that there should be an extension for the compliance law .Even though we knew about this for some time now, we still have a few cribs that haven't sold yet. I think that an extension of 3 months would be suffice to get rid of all floor samples and deliver merchandise that was purchased before June 28 , but not delivered yet. Most manufacturers have still failed to supply us with kits to make compliant cribs meet the new laws.

Hoping to hear from you .

Sincerely,
Lorraine Waxman

Knox, Eileen

From: emailform@cpsc.gov
Sent: Friday, June 03, 2011 4:21 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/03/2011 16:20:21

Name = Steve Krickovic
Organization/Affiliation = small business owner
Daytime Phone = 804-379-0987
E-mail address = skrickovic@usababyric.com

Message = I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers. Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models. One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to loose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of loosing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks. Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. They often don't want the crib in the home until after the child is born. For these reasons, Layaway is a big part of our business and a viable alternative when funds to make the purchase are not readily available and the consumer chooses not to assume more credit card debt. Pressuring consumers under present circumstances to take delivery before the imposed deadline could jeopardize sales and impede the liquidation process. Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, most lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline. The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline if not extended, it could result in even more cutbacks, possible layoffs or worse. I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models. Sincerely, Steve Krickovic USA Baby & Kids Richmond, VA

Knox, Eileen

From: babysroomky@aol.com
Sent: Friday, June 03, 2011 4:05 PM
To: Cohen, Neal
Subject: Fwd: Crib Compliant Issues

Neal,

My wife and I sent you a letter a few weeks ago regarding having the crib compliance deadline extended because of the obvious hardship it was presenting to small stores.

I feel there are other issues that need to be addressed, and over the past few weeks I have sent notes to Patty Edwards and Christopher Melchert regarding the apparent inconsistencies as to what is required for a crib to pass as compliant, although I have received little in the way of a response.

I just wanted to forward this correspondence to you so that you would also be aware of the concerns that we have regarding what is and is not compliant - this issue alone could warrant an extension.

Thanks.

Bud Spoerl

Baby's Room & Kids Too

2520 Nicholasville Rd.
Lexington, KY 40503
(859) 276-4955
Fax (859) 276-2954

-----Original Message-----

From: babysroomky <babysroomky@aol.com>
To: pedwards <pedwards@cpsc.gov>
Sent: Fri, May 27, 2011 4:23 pm
Subject: Fwd: Crib Compliant Issues

Patty,

I'm forwarding this email to you because I forgot to cc this to you when I sent this to Christopher earlier in the week - I just wanted to keep you also informed as to my concerns.

As you can see from my earlier email, I'm wondering what we can consider to be a compliant crib when three cribs from three manufacturers have anywhere from no locking devices on the crib to a complete set of locking devices - and each one of the cribs has a compliance certificate.

I'm in favor of extending the 6/28 deadline not so much because of the financial strain it's having on businesses, but to allow those in charge to bring about some degree of consistency in the testing and certification process - only then will we have crib regulation with some teeth.

Thanks.

Bud Spoerl

Baby's Room & Kids Too

2520 Nicholasville Rd.

Lexington, KY 40503

(859) 276-4955

Fax (859) 276-2954

-----Original Message-----

From: babysroomky <babysroomky@aol.com>

To: cmelchert <cmelchert@cpsc.gov>

Sent: Wed, May 25, 2011 11:45 am

Subject: Crib Compliant Issues

Christopher,

I'm putting my concerns with flat washers aside for a minute and would like your opinion as to what is really required to be a compliant crib.

I have three companies who have sent us "compliant" cribs, stating that they meet 1169-10 and 16CFR-1219:

██████████ compliant cribs have locking washers on each and every screw used in the assembly of the crib and springs, and they tell us they are compliant.

██████████ compliant cribs did not contain any locking washers to be used in the crib assembly, yet they passed compliant testing. (They did send us a memo stating that they have decided to add locking washers due to the confusion regarding the compliance wording, but how did they get through testing as compliant in the first place without having any locking washers..??)

██████████ compliant cribs do not use any locking washers on the twelve machine screws used to assemble and install the crib springs, yet they passed compliant testing.

Is there some confusion as to what section 5.10.5 of the ASTM 1169-10 states regarding machine screws being secured with locking washers?

I'll be happy to fax or email you the instructions or documentation from any of the above companies to support this info.

Thanks for your time.

Bud Spoerl

Baby's Room & Kids Too

2520 Nicholasville Rd.

Lexington, KY 40503

(859) 276-4955

Fax (859) 276-2954

Knox, Eileen

From: DaddyT1@aol.com
Sent: Friday, June 03, 2011 1:53 PM
To: Cohen, Neal
Subject: letter sent to Senator Hutchison on extending date on CFR-16-1219

Dear Senator Kay Bailey Hutchison:

I am once again asking you to use your influence and power to extend the compliance date for juvenile retailers of CFR 16-1219. I have been an independent juvenile specialty retailer for over 32 years. In my association with peers across the United States, I assure you nobody is more concerned about the safety of the products we sell for babies.

The cribs I sell today are not dropsided; they are quality lifestyle cribs with no moving parts. If I thought there was a safety issue I would not want to sell another one of them.

It makes absolutely no sense that a crib is safe to sell on June 27th and becomes unsafe and unsellable on June 28th.

This is a huge financial burden on all the mom and pop juvenile stores. In this tough economy we are having a hard time, even with huge discounts, selling all the cribs we need to by this deadline.

Over the last couple of years I have seen many of my friends have to close their stores. I am afraid there will be many more that will not be able to overcome the untimely effects of CFR 16-1219.

Please help us.

**Sincerely,
Doug Tritton
StorkLand
Wichita Falls, Texas**

Knox, Eileen

From: whitesfurn@aol.com
Sent: Friday, June 03, 2011 6:02 PM
To: Cohen, Neal
Subject: crib compliance
Attachments: _20110603_17334909.pdf

Dear Mr. Cohen,

Attached are the letters I faxed or mailed to my local congressmen regarding the new crib compliance, as has been requested by Rafael deCastro of NINFRA.. If you have any questions, I can be reached as follows:

H. A. White Furniture Co., Inc.
White's Baby and Teen
1330 Kenmore Ave
Buffalo, NY 14216
716-875-3333

Fax: 716-877-5060

Email: WhitesFurn@aol.com

Sincerely,

Gary D. White

1330 Kenmore Ave
Buffalo, NY 14216

May 18, 2011

Congressman Brian Higgins
Buffalo, NY 14210
Fax 716-852-3929

Dear Congressman Higgins;

I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop-sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits.

Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks.

Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. They often don't want the crib in the home until after the child is born. For these reasons, Layaway is a big part of our business and a

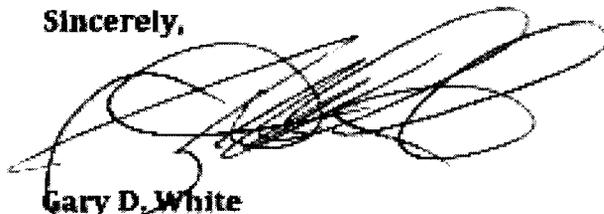
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Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, most lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline.

The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled though this recession and if the present deadline is not extended, it could result in even more cutbacks, possible layoffs or worse.

I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models.

Sincerely,



Gary D. White
President/Owner
H. A. White Furniture Co., Inc.
White's Baby and Teen
Phone 716-875-3333
Email:WhitesFurn@aol.com

1330 Kenmore Ave
Buffalo, NY 14216

May 18, 2011

Congresswoman Louise Slaughter
Buffalo, NY 14203
Fax 716-853-6347

Dear Congresswoman Slaughter:

I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without dropsides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks.

Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. They often don't want the crib in the home until after the child is born. For these reasons, Layaway is a big part of our business and a

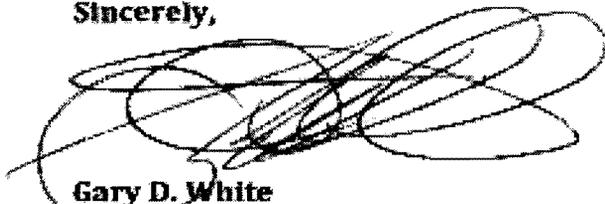
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Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, most lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline.

The expense associated with compliance at this scope would be a financial burden even in the best of economic times. We've struggled through this recession and if the present deadline is not extended, it could result in even more cutbacks, possible layoffs or worse.

I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models.

Sincerely,



Gary D. White
President/Owner
H. A. White Furniture Co., Inc.
White's Baby and Teen
Phone 716-875-3333
Email:WhitesFurn@aol.com

**1330 Kenmore Avenue
Buffalo, NY 14216**

May 18, 2011

**26th District Congressional Office
325 Essjay Rd. Suite 405
Williamsville, NY 14221**

To Whom It May Concern;

I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop-sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits.

Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks.

Another challenge is how we handle product that is sold to a customer on layaway prior to the compliance deadline but not delivered until after the deadline. Expectant parents often make purchase decisions in the 1st or 2nd trimester but don't take delivery until the 3rd. Another element that factors in here is the religious beliefs shared by some in the Jewish faith. They often

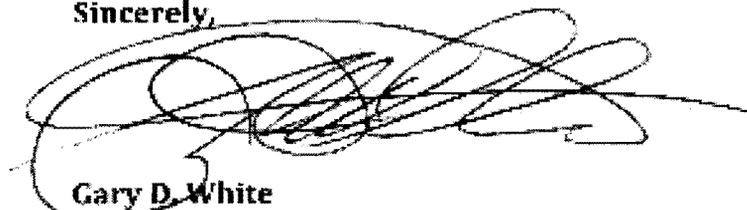
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Cribs sold at independent specialty stores are generally high quality models selling in the several hundred-dollar range. These units are much sturdier than the inexpensive models found at discount stores and most that were retested to the new 80-pound slat standard passed without requiring any structural modifications. Unfortunately, testing is expensive and models that are being phased out will not be retested to compliance. Despite the lack of new certification for these models, they are not prone to failure and can be modified with warning labels and locking screws prior to sale during the proposed extension period. Inversely, most lower quality cribs will be gone prior to the current deadline. There are very few non-compliant cribs presently in the mass-market supply chain. This has been validated by many suppliers and they're confident that all inventory designated to that channel will be compliant by the current deadline.

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Sincerely,



Gary D. White
President/Owner
H.A. White Furniture Co., Inc.
White's Baby and Teen
Phone 716-875-3333
Email: WhitesFurn@aol.com

1330 Kenmore Ave
Buffalo, NY 14216

May 18, 2011

Senator Kirsten Gillibrand
New York, NY 10017
Fax 212-688-7444

Dear Senator Gillibrand;

I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop-sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the mass merchant and large big box discounters. Unfortunately, many of the cribs still being shipped by suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're going to lose sales. Keeping merchandise on hand that will be 100% worthless in a matter of weeks puts us at risk of losing precious capital. This problem is exacerbated by the mandate to replace some if not all display samples. Specialty baby stores typically display up to 150 cribs. This means we have less than two months to sell off every non-compliant display sample (probably at a loss) and replace them with compliant models. This is providing our suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for several more weeks.

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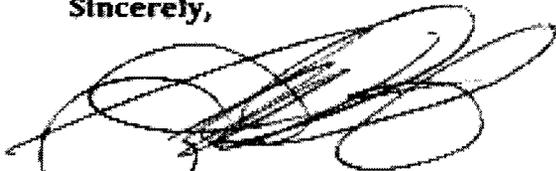
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Sincerely,



Gary D. White
President/Owner
H. A. White Furniture Co., Inc.
White's Baby and Teen
Phone 716-875-3333
Email: WhitesFurn@aol.com

**1330 Kenmore Ave
Buffalo, NY 14216**

May 18, 2011

**Senator Charles Schumer
Buffalo, NY 14202
Fax 716-846-4113**

Dear Senator Schumer;

I'm a small independent retailer of baby furniture. I am writing to you appealing for an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on crib suppliers.

Recent changes to full size crib regulations have been a source of anxiety as we scramble to prepare for the upcoming compliance deadline. The final ruling published back in December made it clear that dropside cribs would be banned from sale effective 6/28/11. How this ruling would impact cribs without drop-sides was unclear then and no official document has been published since that provides clarity in regard to allowable modifications upgrades or retrofits. Information obtained from suppliers was initially verbal and varied widely depending on which supplier you were talking to. Only now are we beginning to get information from suppliers that address specifics in regard to revisions in hardware and labeling that can be adapted to existing models.

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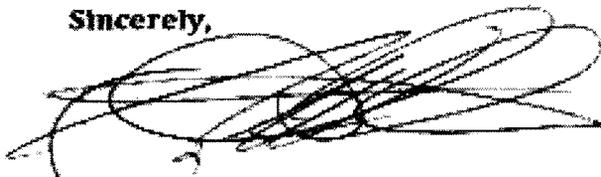
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I truly believe that an extension to the deadline is a reasonable request. Manufacturers were granted 6 months in which to update, modify and re-test their cribs to comply with 16CFR-1219. Their factories are now manufacturing safer cribs and the independent retailers can rest assured that on 6/28/11, all cribs purchased for resale will be compliant. It is only fair that small independent retailers be granted the same length of time to liquidate obsolete inventory, update display samples and transition to the new models.

Sincerely,



**Gary D. White
President/Owner
H. A. White Furniture Co., Inc.
White's Baby and Teen
Phone 716-875-3333
Email:WhitesFurn@aol.com**

Cohen, Neal

From: emailform@cpsc.gov
Sent: Friday, April 29, 2011 9:56 AM
To: Ombudsman, Small
Subject: Message from Email Form

04/29/2011 09:56:19

Name = Jim Vieira
Organization/Affiliation = NINFRA (national independent nursery furniture retailers' association)
Daytime Phone = (508) 801-0346
E-mail address = jim@babyboudoiroutlet.com

Message = Dear Mr. Cohen, I represent NINFRA (National Independent Nursery Furniture Retailers Association). We're an organization of more than 100 independently owned children's furniture stores throughout the United States and Canada. Recent changes to full size crib regulations have been a source of anxiety for most of our members as we scramble to prepare for the 6/29 compliance deadline. Unfortunately, reliable information has been difficult to come by as our suppliers seem to be just as confused as we are in regard to compliance. It's been rumored that no crib can receive a 16-CFR compliance certificate until it first meets 1169-10a and is then re-tested by an approved testing facility for a vertical impact test that does not allow tightening of screws between intervals. Under this ruling, dealers would not be able to make any modifications to existing 1169-10a product (adding supplemental hardware, warning labels) rendering all inventory including display samples obsolete and unsellable effective 6/29/11. This is in direct contrast to information being dispensed by many of our suppliers that are advising us that cribs manufactured as early as 2009 can in fact be modified to compliance. I personally spoke to a CPSC compliance official several days ago and he too was unable to provide clarification. He promised to get back got me as soon he could provide accurate information, I'm still waiting for his call. One of the challenges facing small independent retailers in our industry is the demand of consumers that want to purchase in-stock merchandise. This is one of the few advantages we have over the large big box discounters. Unfortunately, many of the cribs now being shipped by our suppliers will be rendered unsellable on 6/29. Without merchandise on hand to sell, we're in trouble. Keeping merchandise on hand that will be 100% worthless in less than two months could put us into even more trouble. This problem is exacerbated by the mandate to replace some if not all of our display samples. At my store, we display 150 cribs. That means: I presently have about two months to sell off every non compliant display sample (probably at a loss) and replace them with compliant models. This is providing my suppliers have 16-CFR compliant models on hand, many simply don't and probably won't for at least a few weeks. The expense associated with compliance at this scope would be a financial burden to our members even in the best of economic times. Given the present state of our economy, this could very well put many of our at risk dealers out of business and cost our economy more jobs. This is yet another example of unintended consequences that our federal government seems to be oblivious to. Our industry has known about the banning of dropside cribs for quite some time and we have been liquidating in anticipation of the 6/29 deadline. The cribs at issue here are the much less problematic models that do not have drop-sides. My hope is that the CPSC will extend the sell-through deadline 6 months beyond the compliance deadline imposed on the suppliers. This extension would essentially be granted to re-sellers only and would allow adequate time to sell through existing inventory and replace display samples. I hope you'll support this very reasonable request and strongly recommend a six month extension exclusively to crib retailers. Sincerely, Jim Vieira (508) 801-0346 Ninfra / Wood products committee chair.

EXHIBIT B

Knox, Eileen

From: babylandllc@msn.com on behalf of Babyland LLC [info@babylandllc.com]
Sent: Friday, June 03, 2011 1:29 PM
To: Cohen, Neal
Subject: CPSC postion on "fix kits" for non-compliant cribs

Hi Neal -

I received your contact information from my trade group's administrator, Beth Jarabek from Baby Furniture Plus Association. I has submitted an inquiry through the CPSC website, but had not received a response and was hoping you could help clear up some things for me regarding compliance for the new crib standards.

I was wondering if the CPSC has actually approved the use of any "fix Kits" for non-compliant cribs> A number of my vendors have provided "kits" mainly consisting of lock washers and additional sticker labels that they claim will make my current stock compliant. However, the way that the law seems to be written (at least the way I read it), it does not allow for this and clearly states that only products that have been fully tested to the new standards will be compliant and eligible for sale after 6/30/11. A couple of my vendors have cited this and have chosen not to create kits because the CPSC has not approved them, telling me to sell off all displays and stock before the deadline (which is very costly for a small independent business like mine). While in theory these kits should make the cribs compliant (if the vendor did not have to change the design at all to pass all the new tests), those cribs made on prior production runs have not been officially tested so there is no way to know for sure that they would pass the new standards. From what I understand so far, those vendors chose to do this all on their own, but in the end aren't the ones that will get fined if they are wrong... I will (or lose tons of money throwing out unsellable product). Can you please clarify for me whether the displays and stock that we have put a kit on is or is not officially compliant according to the CPSC, and will these retro-fitted cribs be legal to sell after the deadline?

Thank you for your time and assistance.

Best Regards,

Jason Stafford
Managing Partner
Babyland LLC
Savoy, IL
info@babylandllc.com
217-359-5100

Knox, Eileen

From: Lizzie Levin [lizzie@bestforbabies.com]
Sent: Thursday, June 09, 2011 3:38 PM
To: Cohen, Neal
Cc: 'Sydney Raye Warm Tasner'
Subject: Regarding the CSPC Ruling in Crib Regulations and Proposed Extension

Commissioner -

We are writing to you not only as an independent Juvenile Specialty Retailer but also as concerned parents and as friends of new and expectant parents. Regarding the new crib standards 16CFR1219 we are vehemently opposed to the extension being proposed. Speaking not as a retailer but as a consumer of baby products, we rely on the CSPC to make sure we are protecting our children in the best way possible. From what we understand, the new regulations were implemented as a way to prevent future recalls, and more importantly, any hazards to our children.

As baby product and furniture business owners, we understand how detrimental changes to policies can be. But our number one concern and commitment should be to our patrons and these new babies. It is our understanding that manufacturers and retailers have known that these new regulations were coming down the pipe for several years now. Responsible retailers and innocent consumers should not be held responsible for the frivolous buying behaviors of retailers trying to make a buck off of cheap crib buy-ins. We have taken the new regulations very seriously and have prepared for the deadline responsibly. If the deadline is extended for those retailers and manufacturers that did not take you seriously, it will hurt many businesses that are truly looking out for the best interest of their customers and the safety of all children! The consumers are now aware of these new guidelines for the most part and if your position changes and the date is extended, it is purely implying to the public that the new regulations are not all that important. If the cribs are still able to be sold, not recalled, then they must be safe!

We may have lost sales over the last few months, but at least we can sleep at night knowing that we are doing the right thing.

Thank you for your consideration

Sydney Warm Tasner & Lizzie Levin

Best for Babies

7225 Montgomery Road

Cincinnati, OH 45236

P: 513.793.2229

F: 513.672.2276

Sydney@bestforbabies.com

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Knox, Eileen

From: eloise@picklesandicecreamlr.com
Sent: Wednesday, June 08, 2011 3:39 PM
To: Cohen, Neal
Subject: Another Voice

Mr. Cohen,

I have been a Baby Furniture Plus member since the first specialty show in Las Vegas. We've all seen a lot of changes in our products and markets in recent years. Somehow those of us who have made a career in this industry have adapted and worked through issues as the hands were dealt.

We are captive of the manufacturers by virtue of their regulations to comply with, and yet we have no clear way of knowing if they are themselves compliant. I have worked through refit kits, have little inventory, and don't have a certainty that what comes off the truck from my suppliers is compliant. This morning I received a box from one of my manufacturers with a packet of lock washers, no signage, updates, labels, or instructions other than to put a lock washer on every screw.

And that is supposed to make my cribs compliant? I can buy lock washers at the local hardware store.

We need to have faith in our manufacturers that they have done their part. I have received no letters of certification at this point; it seems the manufacturers themselves each have a different idea of what that means.

Ultimately, we cannot do more than what the manufacturer provides us.

I am not in favor of extending the time, but no one company seems to know exactly what is compliant. How many suppliers are there, compared to specialty retailers out there trying to do the right thing?

The onus belongs on the industry who has taken a longer time to adapt than those of us in the retail sector. Thank you for the opportunity to voice my opinion. Eloise Leffingwell, Pickles & Ice Cream, Little Rock, AR

Knox, Eileen

From: MRFB [makeroomforbaby@bellsouth.net]
Sent: Saturday, June 04, 2011 3:25 PM
To: Cohen, Neal
Cc: MRFB
Subject: Small business being effected by law

Mr Cohen,

We are a small retail store that specializes in baby furniture, bedding and gifts. The most recent changes by the CPSC have called on us as business owners to be aware and active on multiple deadline and law changes. Our business is like no other in that we are being held personally responsible unlike other forms of retail. The past few months have been **DEVISTATING** for us. We have been in a successful business for 7 years but now we are borrowing to keep our doors open. We are all suffering from a down economy but by far the **WORST has been the dumping of product on the market** caused by the recent changes in safety standards. We have known for a year that these changes were in the works and everyone has had ample time to prepare for this. Our only hope for business survival has been the July 1 deadline, to extend the deadline even 1 more month could mean the closing of our doors. We are currently not bringing in enough to pay our monthly required bills. We have gone from 25-30,000 a month to 8-10,000 a month. We need \$20,000 just to keep our doors open.

Despite the dumping of cribs in to the market, we have eliminated almost all of our floor models and our warehouse is empty. If we, a small business, could do this, then the larger chain stores and on-line retailers should have had no problem. They have greater resources to advertise and they took a chunk of our business. ***The inability of these businesses to prior-plan and their fault of overstocking should not fall back into our laps.***

They kill small businesses with their stack it tall and sell it cheap mentality and with that same philosophy comes Sam Walton's equal understanding that when you buy in bulk you gamble with getting stuck with items you cannot sell.

We plead to you... **PLEASE do not extend the deadline for the removal of non-compliant cribs.**

Thank you for listening,
Melissa Goodin
Owner

MAKE ROOM FOR BABY
2700 Dawson Rd suite #6
Albany GA 31707
229-436-8470

Knox, Eileen

From: Phil Fairey [babyfpkids@aol.com]
Sent: Friday, June 03, 2011 5:18 PM
To: Cohen, Neal
Subject: Extension of Deadline on New CPSC Crib Standard

Neal,

I am writing in response to the proposed extension of the new crib standard. I am absolutely opposed to any extension. We have, between my two stores, over 140 cribs floored and close to 300 cribs in our inventory. We have brought ALL of our cribs up to the new standard by retrofitting with stickers, washers, and whatever other needs supplied by our manufacturers. In addition we sold off over 100 cribs at significant loss by selling at original cost, because the cribs could not be retrofitted or would not meet new compliance standards. We are a relatively small business that inventories cribs and this has been an EXPENSIVE transition for us.

We have followed every protocol and directive and have been working months to adhere to these standards. My guess is this pressure to extend this deadline is coming from a few manufactures and large distributors who have failed to do the same. This has been in discussion for over TWO years...NO ONE has a legitimate reason for failing to meet this standard.

It would be incredibly unfair to those of us that have already taken our lumps, with the reduced profits for the past 6 months, to have to endure manufactures and retailers continuing to dump non compliant product for an additional 6 months.

I would love to discuss this more if you are unsure of our position or want some more information on my company or the manufacturers that I sell (all of which are shipping compliant)

Phil Fairey
Baby Furniture Plus Kids

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803.788.5880

3620 Pelham Rd #1
Greenville, SC 29615
864.284.0920

www.BFPK.com

Knox, Eileen

From: jangwelsh@gmail.com on behalf of Just for Baby [Jan@justforbaby.net]
Sent: Friday, June 03, 2011 1:12 PM
To: Cohen, Neal
Subject: CPSC extension

I am against an extension. As a store owner, I followed all the rules and have depleted my store of non compliant cribs - generally at sale prices. I do not feel it is fair to penalize those of us that complied so that retailers that purchased large quantities of non compliant cribs can continue to sell these cribs at large discounts.

--

Jan Gaudry Welsh Levy
Just for Baby, Inc dba
Just For Baby & More
7701 Waters Ave
Savannah, GA 31406
912-355-4455
912-355-0090Fax
www.JustforBaby.net

Knox, Eileen

From: BFPA [beth@babyfurnitureplus.com]
Sent: Friday, June 03, 2011 1:05 PM
To: Cohen, Neal
Subject: Neal: Retailers Looking forward to June 28th date

Hello Neal,

I wanted to share with you a positive perspective from juvenile retailers regarding the upcoming June 28th date for the crib changes.

I run an association of independent retailers throughout the United States called Baby Furniture Plus Association. We have been fully aware of the changes and the effective date for about a year now. Back in November we began a campaign to inform our member to get prepared for this date.

Many of our BFPA retailers have contacted me stating that they are NOT interested in an extension of 180 days, due to the fact that we have been in constant communication as a group for the last 6 months and they have all been diligently working towards the June 28th date to have their stock and floors compliant. Our open communication together has been beneficial in helping our members to not be panicking at the last minute.

I am proud that we worked as a group to share and provide information to each other. I feel we communicated and understood the severity of this change and most of them began transitioning their floors and working with manufacturers months ago. Although there are some who have procrastinated on this issue, I believe most stores in our group have been on top of this for some time. My feeling is, stores who have not had this type of communication are now panicking and are not prepared, even though they were aware this date was coming for some time.

There are still some outstanding issues and questions, most seem to be stores waiting for labels, some retro fit kits, and compliance certificates.

I would say most feel they have done everything they can do at this point and are working to make sure their floors are converted and cribs that can be retrofitted are finished. It has been a challenging and costly period for both manufacturers and retailers, but they are ready to move forward.

Many feel that those who have done their due diligence, transitioned product, have regular priced compliant cribs on their floor are feeling the pain of lost business. The lost business is due to retailers across the United States discounting soon to be non-compliant product (especially on the internet) to move through it prior to the cutoff date. Many who are still moving through soon to be non-compliant product, bought this product knowing it would be non-compliant (at bottom dollar pricing) and now want you to extend the dates so they can continue to sell this product. In this already tough economy, this last month till we get to the June 28th date is going to be very trying on business. My members of BFPA are looking forward to getting over the June 28th hurdle, so business in the juvenile furniture category can possibly stabilize.

I would enjoy hearing back from you even if it is just an acknowledgment of receipt of this email.

Regards,

Beth

Beth A. Jarabek
Executive Director

Baby Furniture Plus Association

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Knox, Eileen

From: zora s [zorasawyer@msn.com]
Sent: Friday, June 03, 2011 12:47 PM
To: Cohen, Neal
Subject: CPSC to grant all retailers an extension of 180 days beyond the compliance date imposed for suppliers??????????

Hello Neil,

I am an independent specialty store and part of Baby Furniture Plus Association that has been preparing for the past year to meet the new compliance date of 6/28/2011

You have been contacted by ABC for an extension, the note below was sent to ABC and all my members of Baby Furniture Plus Association expressing my stand.

If a 6 month extension is given it will put all of us who are compliant out of business.

ABC & BFP members,

This really bugs me,

we have know for a very long time that this was coming.

I remember back in 2010 spring conference this was discussed. In our store we made sure that our floor was changed with product that would only need washers and new labels, we did not order extra stock on cribs that where not going to be compliant.

We clearanced all our floor sample one by one as new compliant product became available. Now I have zero inventory to clearance, and I am left competing with store & online that are selling non compliant inventory for up to 50% off. How can you compete with that, all I have to offer is regular priced merchandise that is compliant.

Abc now wants to extend this clearance sale event????? thanks ABC for punishing the stores that ARE prepared!

The deadline of 6/28/11 for compliance to CFR-16 is fast approaching and we would like to encourage all independent retailers to get involved in a vital letter writing campaign designed to help to convince CPSC to grant all retailers an extension of 180 days beyond the compliance date imposed for suppliers.

Zora Sawyer
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dba Closic's Baby & Teen Furniture
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Wilmington, DE. 19802
302-764-7787
302-7641101 fax
www.closicsfurniture.com
www.closicsbaby2teen.com

EXHIBIT C



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Coverage of the Crib Rule Summary: Child Care Facilities, Foster Care, Churches

Summary

Covered by the crib rule

- Child care facility and family child care home (as defined below)
- Public residential facility
- Church owned or operated child care if care is provided for a fee

Not covered by the crib rule

- In-home care in the child's own home or care by the child's relative
- Foster home caring for child 24/7 that is a private residence
- Child care arrangement in which volunteers provide care, e.g., during church service

The new federal requirements apply to cribs made available for use in **child care facilities** and **family child care homes**.

A **child care facility or center** provides child care services, which can include early learning opportunities, for a fee, in a nonresidential setting and are usually, although not always, licensed by the state. A child care facility or center provides care and education to any number of children in a nonresidential setting, although the term can include a facility or center operating in a residential setting, where care is provided to 13 or more children, if the facility is open on a regular basis.

A **family child care home** provides child care services, which can include early learning opportunities, for a fee, in a residential setting, usually in a home other than that of the child or children for whom care is provided, although the child or children of the caregiver may also attend. Family child care homes can be licensed, but the requirements for licensure vary by state. Regulations from the U.S. Department of Health and Human Services provide that the caregiver in a family child care home generally provides child care services for fewer than 24 hours per day, per child, in a residence, other than the child's residence, unless care in excess of 24 hours is due to the nature of the parent(s)' work.

Arrangements where a child or children are cared for in their home ("**in-home care**" or "**care by a relative**") by a relative or a nanny are excluded from the definition of "family child care home." These arrangements are characterized by the in-home nature of the care or the fact that the parties are related (i.e., care is provided by a grandmother or another family relation).

If a child care facility or family child care home is **licensed**, it is likely offering cribs for use that are covered by the new crib rule. However, just because a family child care home is not licensed in a particular state does not mean that the facility is not covered by the crib rule.

A **foster care home** where the child is cared for 24/7 and resides in the foster care home, which is a private residence, is not a "family child care home." A **public residential facility** where a child is cared for 24/7 is a "place of public accommodation," and is covered by the crib rule.

If a **church owns or operates a child care facility** and pays a person or people to care for children, that child care center is covered by the CPSC's crib rule. However, if the child care arrangement at a church involves parents (or others) volunteering to care for children during church service (and no one is paid to care for the children), this arrangement is not covered by the crib rule.

This document was developed by the CPSC staff, has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

[Home](#)[A New and Dangerous Recreational Activity »](#)

Updated: The New Crib Standard: Questions and Answers

By CPSC Blogger on June 14, 2011

Earlier Version: March 4, 2011

Since CPSC approved a new crib rule, your questions have been flowing into us. While most questions have revolved around the drop side, it's important for you to know that the new standard affects far more than the drop side. A crib's mattress support, slats, and hardware are now required to be more durable and manufacturers will have to test to new more stringent requirements to prove compliance.

Here are some of your questions along with answers:

[General Questions](#) | [Consumers](#) | [Child Care Centers, Foster Homes, Churches, Hospitals](#) | [Manufacturers, Importers, Retailers](#) | [Retrofitting Cribs](#) | [Crib Warranties](#)

GENERAL QUESTIONS

• What is the new standard for cribs?

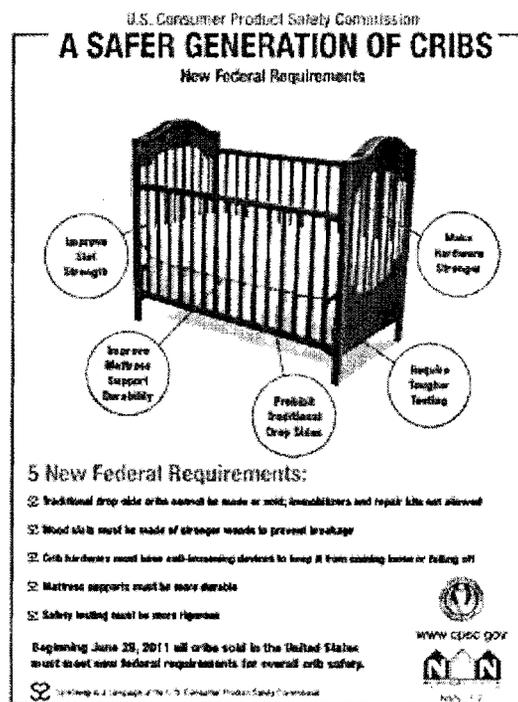
Beginning June 28, 2011, all cribs manufactured and sold (including resale) must comply with new and improved federal safety standards. The new rules, which apply to full-size and non full-size cribs, prohibit the manufacture or sale of traditional drop-side rail cribs, strengthen crib slats and mattress supports, improve the quality of hardware and require more rigorous testing. The details of the rule are available on CPSC's website at www.cpsc.gov/businfo/frnotices/fr11/cribfinal.pdf.

The new rules also apply to cribs currently in use at child care centers and places of public accommodation. By December 28, 2012, these facilities must use only compliant cribs that meet the new federal safety standards.

• When will the new, safer cribs be available for purchase?

Beginning on June 28, 2011, all cribs sold in the United States must meet the new federal requirements. After that date, it will be illegal to manufacture, sell, contract to sell or resell, lease, sublet, offer, provide for use, or otherwise place in the stream of commerce a crib that does not comply with the CPSC's new standards for full-size and non-full-size cribs. This includes manufacturers, retail stores, Internet retailers, resale shops, auction sites and consumers.

• What if I need to purchase a new crib prior to June 28, 2011?



Click on the poster to print the 5 new federal requirements for cribs.

Some compliant cribs may be available before the required date. However, you will not be able tell if the crib is compliant by looking at the crib. So, you may want to ask the retail store or the manufacturer whether the crib complies with **16 CFR 1219**, the new federal standard for full-size cribs or with **16 CFR 1220**, the new federal standard for non-full-size cribs.

- **Is this new regulation simply a ban on all drop-side rail cribs?**

No, these are sweeping new safety rules that will bring a safer generation of cribs to the marketplace in 2011. CPSC's new crib standards address many factors related to crib safety in addition to the drop-side rail. A crib's mattress support, slats, and hardware are now required to be more durable and manufacturers will have to test to the new more stringent requirements to prove compliance.

- **Are all drop-side rail cribs "recalled" because of the new regulation?**

There has not been a specific "recall" of all drop-side cribs due to the new regulation. Instead, some manufacturers recently have recalled their cribs in cooperation with the CPSC because a specific defect or risk of harm has been discovered relating to a particular crib. Although these recalls are separate from CPSC's new crib standards, traditional drop-side cribs will not meet the new crib standards that will take effect on June 28, 2011, and cribs with traditional drop-sides cannot be sold after that date.

- **How do I know whether the specific crib that I own/use in my child care facility meets the new standards?**

You cannot tell from looking at a crib whether it meets the new standards. It is not likely that cribs in use before the Commission issued its crib rule in December 2010 will comply with the new standards. If you are considering purchasing new cribs that meet the standards, you may want to ask the manufacturer or retailer whether the crib complies with **16 CFR 1219** (the new standard for full-size cribs) or **16 CFR 1220** (the new standard for non-full-size cribs). Manufacturers are required to test samples of their cribs to the new standards and to certify that they comply with the new standards. They must provide this certification to the retailer.

You can ask the manufacturer or retailer for a copy of the **certificate of compliance** that should indicate that the crib is certified to meet **16 CFR 1219** or **16 CFR 1220**. After June 28, 2011, all cribs manufactured or offered for sale, lease, or resale are required to meet the new crib standards.

- **Who will be enforcing the crib standards and what are the penalties for using cribs that do not meet the new standards?**

CPSC will be the main agency enforcing the new crib standards. The initial focus will be on manufacturers and retailers since they must comply with the new standards by June 28, 2011. Anyone who is covered by the new crib standards and does not comply commits a prohibited act under section 19(a)(1) of the **Consumer Product Safety Act** (CPSA). A person or company that knowingly commits a prohibited act is subject to possible civil penalties. States' attorneys general also have authority to enforce the crib standards through injunctions.

CONSUMERS

- **As a consumer, what can I do if I have a drop-side crib?**

Some drop-side crib manufacturers have immobilizers that fit their cribs. Drop-side crib immobilizers are devices that are used to secure drop sides to prevent dangerous situations in which the drop-side either partially or fully separates from the crib. As part of a recall, CPSC staff works with companies to provide fixes, or remedies, for products. For drop-side cribs, that remedy has been immobilizers.

Check the CPSC's website for **companies that have recalled their cribs and are providing immobilizers to secure the drop-side on the cribs**. These immobilizers were evaluated and

approved by CPSC staff for use with these particular drop-side cribs.

If your drop-side crib has not been recalled, you can call the manufacturer and ask if they are making an immobilizer for your crib. Remember, though, that those particular immobilizers have not been tested or evaluated by CPSC staff for use with your specific crib.

Note that a drop side crib, even with an immobilizer installed, will not meet the new CPSC crib standards.

- **Is a sturdy, non drop-side crib okay for a consumer to use?**

It is unlikely that your current crib will meet the new crib standards. The new standards require stronger hardware and rigorous testing to prove a crib's durability. If you continue to use your current crib, you are encouraged to **check the crib frequently** to make sure that all hardware is secured tightly and that there are no loose, missing, or broken parts. Note that after December 28, 2012, child care facilities, family child care homes, and places of public accommodations, such as hotels and motels, must provide cribs that comply with the new and improved standards.

- **My drop-side crib has not been recalled, but I am worried about using it with my baby. Can I return it for a refund?**

Manufacturers and retailers are not required to accept returned drop-side cribs or to provide a refund. However, individual retailers and manufacturers may conduct promotions or incentives for their customers.

- **Is it okay for me as a consumer to resell, donate or give away a crib that does not meet the new crib standards?**

A consumer should not resell, donate or give away a crib that does not meet the new crib standards, such as trying to resell the product through an online auction site or donating to a local thrift store. CPSC recommends disassembling the crib before discarding it.

- **Is the answer different if a piece ("immobilizer") has been added to my drop-side crib to prevent the side from moving up and down?**

Consumers should not sell or give away a drop-side crib that has an added immobilizer because it still will not meet the new crib standards.

- **If I am unable to purchase a new crib, what can I do to keep my baby safe?**

If you continue to use your current crib, you are encouraged to:

- a. Check CPSC's crib recall list to make sure that your crib has not been recalled.
- b. Check the crib frequently to make sure all of the hardware is secured tightly and that there are no loose, missing, or broken parts.
- c. If your crib has a drop-side rail, stop using that drop-side function. If the crib has been recalled, request a free immobilizer from the manufacturer or retailer (particular immobilizer will vary depending on the crib).
- d. Another option is to use a portable play yard, so long as it is not a model that has been recalled previously.

- **If a customer purchases a crib that was manufactured before June 28, 2011, but they return the crib for a warranty claim after June 28, 2011, must the replacement crib meet the new crib standards?**

Yes. When a manufacturer (retailer or other supplier) provides a replacement crib for use after the June 28, 2011, compliance date, the crib must meet the requirements of the CPSC's **new crib standards**.

CHILD CARE CENTERS, FOSTER HOMES, CHURCHES, HOSPITALS

- **My child care center still has drop-side cribs. Are they in violation of the regulation?**

No, child care facilities, family child care homes, and places of public accommodation, such as hotels and motels, have until December 28, 2012, to ensure that the cribs used in their facilities meet the requirements of the CPSC's **new crib standards**.

After this date, places of public accommodation may no longer use traditional drop-side cribs or noncompliant cribs and must use cribs meeting the new federal safety standards.

Parents should talk with management about the new standards and the facility's plan of action for replacing the cribs. Parents also should make sure their baby is not being placed in a recalled crib.

Note: Child care facilities, family child care homes, and places of public accommodation should not resell, donate or give away a crib that does not meet the new crib standards, such as trying to resell the product through an online auction site or donating to a local thrift store. CPSC recommends disassembling the crib before discarding it.

- **Are portable cribs or play yards affected by the regulation?**

The crib standards cover portable cribs, but not play yards. CPSC's crib rule includes a standard for full-size cribs (**16 CFR part 1219**) and a standard for non-full-size cribs (**16 CFR part 1220**). A non-full-size crib is a crib that is either larger or smaller (or otherwise shaped differently) from a full-size crib. The standard for non-full-size cribs covers portable cribs (a crib that "may be folded or collapsed, without disassembly, to occupy a volume substantially less than the volume it occupies when it is used") as defined in that standard. The term "non-full-size crib" does not include products with mesh/net/screen or other non-rigid construction. Instead, enclosures with mesh or fabric sides are considered to be play yards and are not subject to the crib standards.

CPSC is developing a separate mandatory federal standard for play yards.

- **Are hospitals required to provide cribs that comply with the CPSC's new crib regulation?**

The CPSC crib rules require only certain facilities to provide cribs that comply with CPSC rules. Those places include child care facilities, family child care homes, and places of public accommodation such as hotels and motels. Hospital cribs are regulated by the FDA, and are thus considered to be medical devices. Cribs used in hospitals as medical devices are not required to comply with the **new CPSC crib standards**.

However, a child care facility that is owned or operated by, or located in, a hospital is required to provide cribs that meet the new crib standards by December 28, 2012.

- **What types of child care arrangements are impacted by the new crib standards?**

The Consumer Product Safety Improvement Act of 2008 (CPSIA) directed the U.S. Consumer Product Safety Commission (CPSC) to issue the new crib standards and apply them to (among others) "any person that ... based on the person's occupation, holds itself out as having knowledge or skill peculiar to cribs, including child care facilities and family child care homes." The law does not define "child care facility" or "family child care home."

Based on the CPSIA language and other federal programs related to child care, we consider a "child care facility" to mean a nonresidential setting that provides child care services (which could include early learning opportunities) for a fee. We consider "family child care home" to mean a location that provides child care services (which could include early learning opportunities) for a fee in a residential setting. The residential setting is usually in a home other than the one where the child resides, although the child or children of the caregiver may also attend.

Licensing requirements vary widely from one state to another, and whether a child care provider is licensed does not determine the provider's status as a child care facility or family child care home for purposes of CPSC's crib standards.

We do not consider "in-home care," where a child is cared for in his/her own home or by a relative in

the child's home or the relative's home, to be a "child care facility" or a "family child care home."

In turn, we do not consider such arrangements to be subject to the new crib standards.

- **Are churches/church nurseries subject to the new crib standards?**

The CPSIA does not provide any exclusion for churches. If a church operates a child care facility, the cribs that it provides must comply with CPSC's crib standards. Given the language in the CPSIA, we consider a child care facility to be one that provides services for a fee. If volunteers take care of children during a church service without pay, we do not consider that arrangement to be a child care facility, and cribs used under such an arrangement would not be subject to CPSC's crib standards.

- **Are foster homes or residential facilities subject to the new crib standards?**

We consider a foster home to be a private residence where care is provided in the child's own home. This arrangement is similar to in-home care and would not be subject to CPSC's crib standards. However, in addition to child care facilities and family child care homes, CPSC's crib standards apply to "places of public accommodation," which means "any inn, hotel, or other establishment ... that provides lodging to transient guests."

We consider a public residential facility (as opposed to a private residence) to be a place of public accommodation and subject to CPSC's crib standards.

- **Are "hospital cribs" located in child care facilities subject to the new crib standards?**

This depends on whether the crib is a medical "device." CPSC's crib standards do not apply to medical devices. A crib that meets the definition of "device" in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 201(h)) is subject to regulation by the Food and Drug Administration (FDA), not CPSC. You should contact FDA's Center for Devices and Radiological Health to determine if a particular crib is a "device."

A crib that is located in a child care facility and is not a "device" is subject to CPSC's crib standards.

MANUFACTURERS, IMPORTERS, RETAILERS

Retrofitting Cribs

- **Is it possible to retrofit a crib that is currently in use (e.g., in a child care facility) to meet the new crib standards?**

CPSC staff does not believe that a crib currently in use can be retrofitted and tested to show compliance with the new crib standards. Typically, a crib is destroyed in the process of testing; therefore, retrofitting cribs currently in use cannot be done. As discussed in the preamble to the final rule, the crib standards include multiple, complex requirements for many parts of a crib, making it difficult to determine whether a retrofitted crib currently in use would meet the requirements without testing that specific crib. (**Section E.9 of the preamble to the final crib rule, 75 Fed. Reg. at 81771-72.**) Also, a retrofit, such as a side rail immobilizer, which previously might have been an acceptable remedy to address a defect in a recalled crib, may not necessarily make a crib compliant with the new crib standards because additional new compliance requirements now apply to that crib design.

- **Is it possible for a retailer, manufacturer, or lessor to retrofit unused crib inventory to meet the new crib standards?**

Under some circumstances, it may be possible to retrofit unused, noncompliant crib inventory to meet the new crib standards. To comply with the new standards, an existing crib model – with the retrofit in place – must be put through the complete test regimen. In other words, the crib model, as it exists in inventory, must be tested with the retrofit, and it must meet all the provisions of the relevant new standards and be certified to the applicable new standards prior to its sale. The

manufacturer should provide a way to ensure that all the crib models in inventory have been retrofitted properly. For unused cribs in inventory, we assume that cribs of the same model are sufficiently similar, so that when a model that is identical to the crib(s) in inventory is tested to the standard with the retrofit, and the crib passes the test, then that retrofit can be applied to all other identical models currently in inventory to make them compliant. It is the manufacturer's, retailer's, or lessor's responsibility to ensure that all cribs sold (or resold or leased) on and after June 28, 2011, are compliant with the new standards. If a retrofit is used, it is the manufacturer's or importer's responsibility to provide certification of the retrofitted crib, following testing by a CPSC-accepted certifying body, to ensure that the inventory is sold only with a retrofit that makes the crib compliant with the standard. The same retrofit methods developed for a non-compliant unused crib cannot be applied to a crib model that is used or that currently is in use because each crib is unique, due to its use patterns. Therefore, each used crib unit would have to be tested with the retrofit in place before the crib could be certified. The testing can be destructive; and likely would render the crib unusable.

- **If inventory is retrofitted, what testing is required?**

The crib model must be tested to the relevant crib standard (**16 CFR part 1219 or 16 CFR part 1220**) with the retrofit in place. The testing must be conducted by a **third party testing body that has been accredited and accepted by the CPSC to test cribs** to the new crib standards.

- **Must crib manufacturers, retailers, and lessors get approval from the CPSC to retrofit crib inventory?**

No. The CPSC does not approve crib retrofit methods. The CPSC relies on the manufacturer's/importer's certification of compliance of the retrofitted product that is supported by testing to the applicable standard by a CPSC accepted conformity assessment body.

- **If a company has an inventory of cribs that do not comply with the new crib standards, could the company export the noncompliant cribs to another country?**

Yes. However, after June 28, 2011, a company first must notify the CPSC and follow the procedures stated in 16 CFR part 1019, pertaining to Export of Noncomplying, Misbranded, or Banned Products.

- **Can a retailer sell a noncompliant crib before June 28, 2011 and deliver it after that date?**

Before June 28, 2011, a retailer can sell a crib that does not meet the new crib standard and delay delivery until after June 28, 2011, if a customer pays the full amount due on the crib before that date. By payment of the purchase price before June 28, the sale is complete and the crib effectively is in the customer's possession when the crib has been paid in full. However, if a customer purchases a crib under an arrangement where only partial payment of the purchase price of the crib is made before June 28, 2011 (often called layaway), and does not take possession before June 28, 2011, the crib must meet the new crib standards.

Under these circumstances, a retailer could not legally provide a noncompliant crib to the customer after June 28, 2011.

If you have additional questions, please e-mail them to feedback@cpsc.gov.

 SHARE    ...

This address for this post is: <http://www.cpsc.gov/onsafety/2011/06/the-new-crib-standard-questions-and-answers/>

EXHIBIT D

Cohen, Neal

From: Larry Schur [larry@theabcshow.com]
Sent: Monday, June 06, 2011 7:43 PM
To: Cohen, Neal
Subject: Industry Retailers

Hello Neal:

Our event database shows the following breakdown of people that identify themselves as retailers for our events:

Retailer Type:

Buying Groups	20 Stores
Catalog/Mail Order	28 Stores
E Commerce Only	401 Stores
Home Based Businesses	43 Stores
Importer-Exporters	276 Stores
Independent Private Chains	20 Stores
Independent Clothing	132 Stores
Independent Dept Stores	50 Stores
Independent Gift Stores	72 Stores
Independent Juvenile Stores	812 Stores
Independent Toy Stores	73 Stores
Independent Other Stores	266 Stores
Interior Designers	12 Stores
International Buyers	202 Stores
National Chain Stores	84 Stores
Publically Traded Regional Chains	4 Stores

I would guess that if you added a small percentage (say 10%) to the above figures, you would probably have a good idea of the industry size.

I hope that helps.

Thanks.

Larry

Larry Schur
President
All Baby & Child, Inc.
ABC Kids Expo
12302 Hart Ranch
San Antonio, TX 78249

(210) 691-4848 Ext. 107
(210) 691-4849 FAX
www.theabcshow.com

EXHIBIT E

Cohen, Neal

From: BFPA [beth@babyfurnitureplus.com]
Sent: Tuesday, June 14, 2011 6:43 PM
To: Cohen, Neal
Subject: Neal FW: Baby Furniture Plus communication samples
Attachments: Crib Compliance Bulletin and Chart.pdf; In stock sheet for compliancy BFPAppdf.pdf

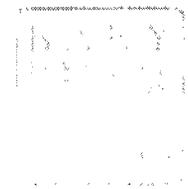
Neal,

I was contacted by Janell Duncan this afternoon and asked to supply some additional communication on how BFPA members were informed of the upcoming regulatory changes. She had requested that you also be provided this information.

If you have any questions please feel free to call me anytime.
Sincerely,

Beth

Beth A. Jarabek
Executive Director
Baby Furniture Plus Association
106 Hancock Bridge Pkwy W. #D-15-544
Cape Coral, FL 33991
970-984-4003 Office
866-593-3620 Fax
beth@babyfurnitureplus.com



From: BFPA [mailto:beth@babyfurnitureplus.com]
Sent: Tuesday, June 14, 2011 6:38 PM
To: 'jduncan@cpsc.gov'
Subject: Baby Furniture Plus communication samples

Hello Janell,

It was a pleasure to speak with you today regarding our Baby Furniture Plus Association members and their preparedness for the upcoming regulation changes. As we discussed, our group was well informed through strong communication on our BFPA Message Board, which works through a private messaging system via email and through communication from our manufacturers in the crib category. We began this informative campaign back in November.

At your request, I am providing you with a small sampling of communication that helped my members to prepare (see below emails). We worked together, along with manufacturers support and JPMA support to share and gather information. We made it a priority to understand the regulations, answer questions our members had, and stress the severity of being ready for the June 28th date. You will see numerous emails with highlighted dates below, that start back in November 2010 and progress throughout 2011 (sorry they are not all in order). We have had so much communication on this it is impossible to share everything, but I do think this will give you a good taste as to how we made this happen.

Attached to this email you will find a compliancy stock form that was distributed to our members, so they could easily fax their on hand stock information to each manufacturer. This sheet was helpful in gathering needed information regarding the product they had in their stores and if it should be sold off, could be made compliant with kits or already was compliant. This same type of form was being supplied to stores through manufacturer channels also. The second attachment was a helpful myth & fact sheet that is a sampling of what JPMA was supplying to retailers to assist in clarification along the way.

Once again the email samplings are below (I have tried to break them with lines to make it easier for you to quickly glance through them) and I have included a couple of attachments for your review. If I can be of any more assistance please feel free to email or call me anytime.

Thanks and have a wonderful evening.

Beth

Beth A. Jarabek
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From: BFPA [mailto:beth@babyfurnitureplus.com]
Sent: Wednesday, November 10, 2010 3:18 PM
To: 'messageboard@babyfurnitureplus.com'
Subject: BFPA Very Important Crib Info FW: Mandatory Crib Regulation

Dear BFPA Members,

Yesterday the CPSC met with crib manufacturers and as of January 1, 2011; new standards set by the CPSC will be taking effect for full-size cribs. Many (but not all) manufacturers have been complying to the "voluntary" standards that had been set previously and are currently issuing you certificates of compliance (this could be a hard copy or a copy supplied via their websites).

"Mandatory" standards will be in place by January 1, 2011 and all manufacturers will be required to follow these standards. There will be some slight modifications from the voluntary standards to the mandatory standards which are still being finalized by the CPSC, but manufacturers should be certifying to the voluntary standards.

It is critical that you are aware if your current stock is compliant to the regulations that will be in effect on January 1, 2011. I am being told there will be a 180 day period (could be a little shorter-but may be set for July 1, 2011) for you to move out of any non-compliant cribs. After the grace period you will not be allowed to sell non-compliant cribs on your floor! You must be compliant and CPSC Field Investigators will be out in full force to assure compliance with this. It is my suggestion you do not except any cribs going forward that are not certified by your manufacturers.

Here is what you should do regarding current inventory and new inventory coming in:

1. Contact your manufacturers to see if your current inventory is compliant and certified currently. When contacting your manufacturers be aware of the production date on the back of your cribs.
2. Send a letter or contact each of your manufacturers regarding your concern, alerting them to your awareness of the mandatory compliancy date and let them know you will only accept cribs meeting the new standards going forward. Make sure you are being provided certificates of compliance.
3. If you have stock that is not compliant-move out of it NOW. Sell off floor samples and begin to move into new compliant product.
4. Be able to verify that any full size cribs on your floor, in your inventory, or that you purchase and are bringing in comply with the regulation prior to offering them for sale.

JPMA has provided a brief recap below on the status of the mandatory vs. voluntary standards, along with a link (not so brief-actually very long) for you to get more acclimated to what is going on.

Please see below information and contact your manufacturers with any questions you may have. Sincerely,

Beth

Beth A. Jarabek
Executive Director
Baby Furniture Plus Association
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970-984-4003 Office
866-593-3620 Fax
beth@babyfurnitureplus.com

From: Mike Dwyer
Sent: Wednesday, November 10, 2010 1:27 PM
To: beth@babyfurnitureplus.com
Subject: Mandatory Crib Regulation

Here's a very quick recap on the status of the mandatory vs. voluntary standard:

F1169-10, the latest version of the voluntary standard which was published in late June or early July, and to which JPMA will begin certifying on January 1, 2011, contains many new provisions and improvements to the 2009 version of the standard, including:

- Continues to eliminate drop side cribs from the marketplace
- Bolsters the strength of crib slats and/or spindles
- Adds a vertical mattress impact test
- Eliminates wood screws from key structural elements
- Adds more tests to improve the structure of the crib including anything that would impact the failure of the crib (i.e. loosening of parts, failure of locking or latching items, etc.)

The new mandatory regulation, which mirrors ASTM F1169 in nearly all ways, is slated to be published before the end of the year with a 180 effective date from the date it's published in the Federal Register, but which is retroactive, which means that the CPSIA requires that all full-size cribs sold by retailers comply with the fullsize crib rule **by the effective date of the final standard**. This means that retailers, most of whom are small, will need to verify that any full-size cribs in their inventory and any that they purchase in the future comply with the regulation prior to offering them for sale. The CPSC staff believes that most retailers, particularly small retailers, do not keep large inventories of cribs. With an effective date six months after publication of the final rule, retailers of new products should have sufficient time and notification to make this adjustment with little difficulty. The situation for retailers of used cribs is more complicated, however, because they may not always be able to determine whether the

full-size cribs they receive are compliant. For the affected retailers, it may be simpler to discontinue the sale of used full-size cribs. However, if cribs represent a small proportion of the products they sell, the impact on these firms may be limited.

Some light reading (staff briefing package):

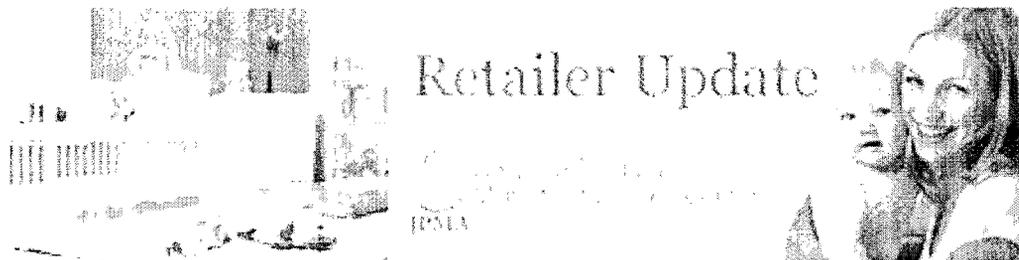
<http://www.cpsc.gov/library/foia/foia10/brief/104cribs.pdf>

I know there's a lot to digest and I'm happy to get back on the phone with you once you've reviewed this information.

Mike

Michael Dwyer, CAE
Executive Director
Juvenile Products Manufacturers Association (JPMA)
15000 Commerce Parkway, Suite C
Mount Laurel, NJ 08054
www.jpma.org

From: BFPA [mailto:beth@babyfurnitureplus.com]
Sent: Thursday, December 30, 2010 7:23 AM
To: 'messageboard@babyfurnitureplus.com'
Subject: BFPA: Very Important: Final Rule Regulatory Bulletin



CPSC Announces a Final Rule for Full Size and Non Full Size Cribs

On December 28, 2010, the CPSC announced the publication of the final rule for Full Size and Non Full Size Cribs in the Federal Register. Section 104(b) of the CPSIA directs the Commission to issue safety standards for durable infant or toddler products. The final rule establishes: (1) a final standard for full-size cribs that is substantially the same as ASTM F 1169-10, with two modifications, and (2) a final standard for non-full-size cribs that is substantially the same as ASTM F 406-10a, with four modifications.

To view the Final Rule visit <http://www.cpsc.gov/businfo/frnotices/fr11/cribfinal.pdf>

[Click here](#) to view JPMA's Myths vs. Facts for Compliance to the Federal and Voluntary Standards for Full Size Cribs

The crib standards that the CPSC is publishing in the **Federal Register** incorporate all of the requirements currently found in 16 CFR parts 1508 and 1509. Consequently, the requirements found at 16 CFR parts 1508 and 1509 have become redundant. The Commission, therefore, is revoking 16 CFR parts 1508 and 1509 in their entirety. The requirements from 16 CFR parts 1508 and 1509 still

apply to full-size and non-full-size cribs, but are part of new consumer product safety standards to be codified at 16 CFR parts 1219 and 1220.

Labs cannot test and certify to the new crib standard until the CPSC certifies them to do so, which will take place now that the new mandatory final rule is published. Manufacturers are required to base their certifications of compliance on independent third party laboratory testing, for goods manufactured 90 days after CPSC certifies suitable laboratories. Laboratories have recently or are just now purchasing and installing the equipment needed to do the testing. The requirements for Accreditation of Third Party Conformity Assessment Bodies can be found at <http://www.cpsc.gov/businfo/frnotices/fr11/cribtest.pdf>.

Cribs, Cradles and Bassinets Regulations Published in the Canada Gazette, Part II

On December 8, 2010, the new *Cribs, Cradles and Bassinets Regulations* were published in the *Canada Gazette, Part II*. A copy of this publication can be found at <http://www.gazette.gc.ca/rp-pr/p2/2010/2010-12-08/pdf/g2-14425.pdf>

The previous *Cribs and Cradles Regulations* of the *Hazardous Products Act* (HPA), as well as Item 25 of Part II of Schedule I of the HPA, have been amended to improve the protection of the health and safety of young children with regards to the use of cribs, cradles and bassinets.

These amendments include the following modifications:

- Amending Item 25 of Part II of Schedule I of the HPA from “Standard cribs, portable cribs and cradles” to “Cribs, cradles and bassinets” to broaden the definition of a crib. This eliminates the distinction between standard and portable cribs, and includes bassinets within the scope of the Regulations;
- Including bassinets and requirements relating to their required information (packaging and labeling) and construction and performance (flammability, side height, static load, shearing and pinching hazards, etc);
- Eliminating toeholds that could enable a young child to climb out of a crib and fall to the floor causing a risk of injury;
- Establishing the same side-height and performance requirements for portable and standard cribs, thereby eliminating any distinction between portable and standard cribs;
- Establishing a minimum side height barrier of 230 mm that must be maintained at all times for all crib, cradle and bassinet products;
- Including additional warning requirements for cribs and cradles regarding soft bedding, blind cord proximity, moveable sides and substituting parts;
- Amending the reference to the flammability standard, D 1230-61, *Standard Method of Test for Flammability of Clothing Textiles*, a standard of American Society for Testing and Materials, by replacing it with the Canadian General Standards Board standard, CAN/CGSB 4.2 NO. 27.5 - 2008, *Textile Test Methods - Flame Resistance - 45° Angle Test - One Second Flame Impingement*;
- Including a requirement specifying that manufacturers or importers must maintain records relating to the sale, advertisement and testing of crib, cradle and bassinet products for a period of at least 3 years; and,
- Aligning the total lead limit for surface coatings applied to cribs, cradles and bassinets with the U.S. required limit of 90 mg/kg.

In response to stakeholder requests, these amendments also involve:

- Clarifying the definitions of moveable crib sides, as well as clearly establishing which products fall within the scope of the Regulations; and
- Aligning aspects of the Canadian requirements with those of the U.S. concerning the safety of crib corner post extensions and cut-outs to allow a greater range of design without jeopardizing the safety of these products.

Please note that these amendments establish new definitions for cribs, cradles and bassinets. The following definitions apply to all cribs, cradles and bassinets sold, advertised or imported in Canada;

- “bassinet” means a product whose primary function is to provide sleeping accommodation for a child, that includes sides to confine the occupant and that has a sleeping surface area that is less than or equal to 4 000 cm²
- “cradle” means a product whose primary function is to provide sleeping accommodation for a child, that includes sides to confine the occupant and that has a sleeping surface area that is greater than 4 000 cm² but less than or equal to 5 500 cm²
- “crib” means a product whose primary function is to provide sleeping accommodation for a child, that includes sides to confine the occupant and that has a sleeping surface area that is greater than 5 500 cm²

Products sold, advertised or imported in Canada that fall under the scope of these definition must comply with all of the applicable requirements established in the new *Cribs, Cradles and Bassinets Regulations*. This applies to cribs, cradles and bassinets that can be used as stand-alone units, whether or not they are accessories to other products.

These regulatory changes do not apply to bassinet accessories intended to attach to a playpen, unless they can be used in a stand-alone unit. In February 2010, the Government of Canada issued a policy statement to industry regarding playpen accessories (<http://www.hc-sc.gc.ca/cps-spc/legislation/pol/playpens-parcs-eng.php>) In the policy statement, Health Canada recommended that industry implement stricter safety standards, including more stringent structural testing processes for playpen accessories and additional prominent, permanent and bilingual warning labels be affixed to all playpens (commonly referred to as play yards in the United States).

Furthermore the publication of the new *Crib, Cradles and Bassinet Regulations* in the *Canada Gazette*, Part II on December 8, 2010 does not include regulatory changes related to the safety of traditional crib drop-sides. Health Canada launched a public consultation on September 29, 2010, of which JPMA submitted comments on behalf of the industry, (http://www.hc-sc.gc.ca/cps-spc/legislation/consultation/_2010cribs-berceauz/consult-eng.php) regarding the development of a new regulatory proposal to address the safety hazards related to traditional crib drop-sides, as well as the general safety of cribs, cradles and bassinets.

California Moves to Exempt Certain Juvenile Products from Flammability Regulation

California approved an amendment adding certain Juvenile Products (Section 1374) to the exemptions list of products that are required to meet flammable requirements under regulations of the *Home Furnishings and Insulation Act*. Effective December 29, 2010, juvenile furniture may now be exempted provided specific criteria

are met. **Strollers, infant carriers and nursing pillows have specifically been added as exempt products from needing to meet the specified flammability requirements.** Local environmental activists, seeking to promote the permissible use of natural materials had long sought the expansion of the existing exemptions to children's products.

To view the Bureau's comments on the amendment see:
http://www.bhfl.ca.gov/about/laws/decision_pending.shtml

From: BFPA [mailto:beth@babyfurnitureplus.com]
Sent: Thursday, March 24, 2011 11:41 AM
To: 'messageboard@babyfurnitureplus.com'
Subject: BFPA: Very Important Crib Regulation Information & Dates

Dear BFPA Members, Reminder regarding crib regulations:

As you know the June 28th, 2011 date for Federal Crib Standards is fast approaching. This is just a reminder to make sure you are communicating with your manufacturers regarding your existing stock and new receipts that they are meeting the 16 CFR 1219 Federal Ruling. Many of you have been working on this for months now and have compliancy certificates to the ASTM F1169 10-A standard which is important. The CPSC has been asked for a ruling on product certified to the ASTM F1169 10-A, if that will be sufficient as of June 28th 2011 and we are waiting to hear back on their ruling. Please note that the ASTM F1169 10-A is very close to the 16 CFR 1219 Federal Ruling, with only minor provisions that may just require additional hardware or labeling.

You should NOT be accepting product into your stores now that is not meeting the new regulations. Communicate with your manufacturers regarding floor samples, existing inventory and new product with the following questions:

1. Does the crib meet the 16 CFR 1219 standard - please send certificate of compliance.
2. If the crib does not meet the 16 CFR 1219 standard, do you have additional hardware or labeling that needs to be added and can you provide the materials and certificate of compliance. If not, does the product meet the ASTM F1169 10-A?
3. If the crib does not meet the 16 CFR 1219 or the ASTM F1169 10-A standard and cannot be certified by the manufacturer it should be sold off immediately (prior to the June date).

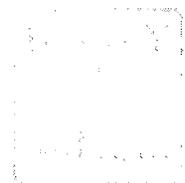
I would encourage you if you have not done so already, to provide a list of your existing cribs (floor samples and boxed inventory) to your manufacturers and be able to answer the above questions with all your stock. You will be liable and the fines will be heavy after June 28th. I encourage you to not wait on this issue and be proactive with your manufacturers.

You will hear that only one testing facility is approved to certify currently. It is my understanding that testing facilities are currently testing to the new standards, but waiting for approval from the CPSC before they can supply the certificates. Push your manufacturers to challenge the CPSC to get these facilities credited so you can rest assured your product is passing regulations as of June 28th. Also make sure you have compliancy forms at least to the ASTM F1169 for ALL existing product!

Thanks

Beth

Beth A. Jarabek
Executive Director
Baby Furniture Plus Association
106 Hancock Bridge Pkwy W. #D-15-544
Cape Coral, FL 33991
970-984-4003 Office
866-593-3620 Fax
beth@babyfurnitureplus.com



From: BFPA [mailto:beth@babyfurnitureplus.com]
Sent: Wednesday, November 17, 2010 3:19 PM
To: 'BFPA Message Board'
Subject: RE: [Messageboard] compliance

Hi Phil,

The voluntary standards are ASTM F1169-10 and initiated in 2007 and where revised in 2009/2010. Many companies: [REDACTED] (that I know of) have been adhering to these voluntary standards (ASTM F1169-10) already (yes you are right GOOD). Many companies have chosen to wait (not so good) or only have some of their product conform. Still they have good product, but will have more of a transition period with conforming to the Federal Regulations. Once again, there will more than likely be a 180 day grace period to move through product. Keeping in mind though that the CPSC will be doing their aggressive PR push to let bloggers, consumers and the press know about this prior to the end of the year.

You are clearly right with what you should be asking for:
Do they have compliancy letters to the voluntary ASTM F1169-10 standards. Not to the Federal Regulations that will be in effect on 1/1/2011 as these are not final.

I am sorry this is a very confusing topic for all of you, but it is better to be aware this is coming then to be side swiped and hear about it when they CPSC has already started their PR push.

Thanks everyone for your emails and help in gathering useful information.

Beth

Beth A. Jarabek
Executive Director
Baby Furniture Plus Association
106 Hancock Bridge Pkwy W. #D-15-544
Cape Coral, FL 33991
970-984-4003 Office

From: messageboard-bounces@bfpa.us [mailto:messageboard-bounces@bfpa.us] **On Behalf Of** Phil Fairey
Sent: Wednesday, November 17, 2010 2:10 PM
To: messageboard@bfpa.us; messageboard@babyfurnitureplus.com
Subject: [Messageboard] compliance

Compliance:

Beth thanks for your help in this matter. Here is my take-away

The voluntary standard JPMA F1169 (initiated in 2009) is going to be transformed with changes into a federal standard by law

Many companies are adhering to this voluntary (JPMAF1169) standard already (good)
Many companies have chosen to wait on incorporating these published standards into their product line (not good)

I need to ask my manufactures for compliance letters to the voluntary standard F1169 because these products will most likely be the quickest to become standardized upon the federal law.

Is this correct?

Phil Fairey
Baby Furniture Plus Kids

From: newsletter-bounces@bfpa.us [mailto:newsletter-bounces@bfpa.us] **On Behalf Of** BFPA
Sent: Tuesday, May 10, 2011 1:23 PM
To: newsletter@bfpa.us
Subject: [Newsletter] BFPA Baby's Dream CPSC Visit - May 2011

Thank you Bryan for sharing this attached info.

Members: We have been sharing all the information you need to be sure you are compliant with the new regulations going into effect the end of June.

As you will notice in this letter AND the letter we forwarded yesterday from [REDACTED]...THE CPSC MEANS BUSINESS WITH THIS!!!!!!!

I am VERY sure once they get through visiting the manufacturers, the retailers will be next on their list.

DO NOT GET CAUGHT WITH ANY NON COMPLIANT PRODUCT ON YOUR FLOOR AFTER JUNE 28TH.
I have heard the fines are very large.

Thanks again Bryan for sharing this.
Beth

From: messageboard-bounces@bfpa.us [mailto:messageboard-bounces@bfpa.us] **On Behalf Of** BFPA

Sent: Monday, April 04, 2011 1:11 PM

To: 'BFPA Message Board'

Subject: [Messageboard] Follow up From BFPA RE: Crib compliance

Hello Members,

Regarding the messages below about pushing the date back for the Federal Law, extended time, etc. etc.

Please note the following:

It is my understanding after speaking to JPMA today that the deadline date of June 28th is the final date for retailers and manufacturers and this date will go into effect. Plan to be compliant on the this date and not selling ANY non-compliant cribs after that.

There are a lot of rumors running rampant right now, I encourage you to move forward with moving out of your non-compliant stock and not wait till the final hour on this.

The only current petition that JPMA has filed is a "Reasonable Enforcement Policy" request to the ASTM Standard F1169-10A, which they are hoping for a favorable reply on. What this means is they have asked the government if they would allow cribs that are certified to the ASTM F1169-10A standard to be considered salable product after that date. They have not heard anything back and do not know if they will. Hence, I once again encourage you all to move forward with non-compliant product and get compliance certificates to the new Federal Law 16 CFR 1219.

Manufacturers should be able to ship compliance certificates to the new Federal Law now and if they are not, please let me know who they are. Note they are NOT required to as of yet, but they should be ABLE to!!!! If they are JPMA members and not shipping with certificates to the new standards I will inform JPMA.

An option as you move forward with non-compliant cribs:

You are able to donate non-compliant cribs to organizations like Day Cares at churches or Non-Profits who have an extended period to get compliant to the new Federal Regulations. They have until the end of 2012. This could be a big tax right off for those of you who still have some left as we get closer to the deadline date.

I will keep you informed as more information comes out.

Thanks

Beth

Beth A. Jarabek

Executive Director

Baby Furniture Plus Association

106 Hancock Bridge Pkwy W. #D-15-544

Cape Coral, FL 33991

970-984-4003 Office

866-593-3620 Fax

beth@babyfurnitureplus.com

Date: April 04, 2011 1:02:17 PM

Subject: Crib Compliance Info

Hi Everyone,

VERY IMPORTANT CRIB COMPLIANT INFO.

See attached letters. Please send back info on your floor models. **If it has been manufactured before 2010 - sell it now.** If it was manufactured in 2010, it can be made compliant. Please call if you have any questions.

EVERY CRIB SHIPPED TODAY ON, WILL BE COMPLIANT

Have a good day,

Sent: Tuesday, November 16, 2010 1:56 PM

Subject: who is compliant?

In regards to the new crib requirement coming in effect, it is not new, after the miri show in Louisville the Wood Committee tried to get updated information from all of the wood manufactures, requesting what is and when.

As of today we are still waiting for most of them to get back to us. I have attached the reply we received from [REDACTED] back on May 10th. Please look at it and make sure you ask all of your venders to answer these questions.

I had a Manufacture today tell me I am one of the few that is proactive, I could not get a date from them but they said if I give them a list of my floor samples they will let me know if they are in compliance, which I already know that they are not because they are 2 years old.

I have explained to some of them that I am blessed with a CPSC agent that lives nearby and comes to visit me at least 3 times a year.

I have already sold 4 groups off my floor, the problem now is replacements. Who is compliant as of today to go on my floor?

[REDACTED].
I found that if you ask, are your cribs in compliance, they say yes, but that is as of today, what about on 1/1/2011 is that same crib in compliance?

I am not going to name companies but be very careful that what you are ordering for your floor is compliant to the **1/1/2011**

I could not get a guarantee from one of them that what was shipping for my floor would not be old inventory.

If all of us share information we could have a list made up of all Crib Manufactures and next to their name have production dates that are in compliance with the CPSC 2011 or the word Already in compliance as of...that would be helpful.

I really love everyone's comments on our message board!!



Compliance to the Federal and Voluntary Standards for Full Size Cribs Myth vs. Fact



Facts and Myths about the Mandatory Final Rule for Full Size Cribs

1. *The CPSC has published the mandatory standard for full size cribs*

MYTH

The CPSC has only issued a Notice of *Proposed* Rulemaking and they have indicated that they are attempting to publish a Final Rule by the end of this year. The actual rule may differ from the proposed rule. The exact wording and requirements have not been communicated to the JPMA or ASTM due to a communication blackout mandated by CPSC rules.

2. *Retailers will be unable to sell product that is not compliant once the final rule is published*

MYTH

As it's written in the NPR, the law allows for a **180 day period from the date the final rule is actually published** in the Federal Register for the rule to become effective ("effective date").

3. *Retailers will be unable to sell product that is not tested to the mandatory standard on the date that the rule becomes effective*

FACT

Retailers can sell product up until the **effective date**. For example, if the final rule is published on December 31, 2010, it will not be effective until approximately June 30, 2011. Once that effective date is reached, retailers will be unable to sell product that is not compliant with the mandatory standard. CPSC will develop an Enforcement Policy that will delineate which cribs can or cannot be sold or distributed after the **effective date**.

4. *All labs are certified to test to the new mandatory standards*

MYTH

Labs cannot test and certify to the new crib standard until the CPSC publishes the actual Final Rule and certifies them to do so, which we expect will take place soon after the new mandatory final rule is published. Manufacturers are required to base their certifications of compliance on independent third party laboratory testing, for goods manufactured 90 days after CPSC certifies suitable laboratories. Laboratories have recently or are just now purchasing and installing the equipment needed to do the testing.

Facts and Myths about the ASTM Voluntary Standards and the JPMA Certification Program

5. *The ASTM Standard F1169 is a mandatory standard*

MYTH

ASTM, the international standards setting organization, writes and publishes voluntary standards. F1169-10 is a voluntary standard, though manufacturers would be wise to be compliant to F1169-10 for all products manufactured after January 1, 2011. JPMA will begin certifying to this ASTM standard effective January 1, 2011. We expect the CPSC Final Rule will be based in large part on such standard. The effective date in the CPSC rule is the date that governs compliance to the yet to be announced new federal requirements.

Mandatory standards are those that are enforced by government law. Voluntary standards are standards that are suggested standards that many manufacturers do, but are not required to meet.

6. *Retailers cannot sell product that is not compliant with ASTM F1169-10 once it is published*

MYTH

ASTM F1169-10 is a voluntary standard. Many manufacturers are already testing and certifying via the JPMA Certification program to this standard; however, other than in Illinois, retailers are not required to remove product from their inventory that does not meet this standard. Since compliance is voluntary and is based upon the date of manufacture, a manufacturer can certify to whichever version of the standard was in place at the time the product was manufactured. However, as mentioned above once the new CPSC mandatory standard is effective, retailers cannot sell product that is not compliant with that new law, other than in compliance with CPSC's enforcement Policy.

7. *JPMA certifies products to the most recent ASTM standards as soon as they are published*

MYTH

As with many mandatory regulations, the JPMA Certification program allows for a 6-month phase in date for testing and certification to any revised version of a standard, although many manufacturers and retailers can and do choose to certify earlier.

Publication and Implementation Schedule

<u>Standard / Rule</u>	<u>Published</u>	<u>JPMA Certification Implementation</u>
ASTM F1169-09	December 2009	June 2010
ASTM F1169-10	July 26, 2010	January 1, 2010
ASTM F1169-10a	Not yet published	
Federal Rule on Cribs	Not yet published – expected to be by December 31, 2010	Will be effective on the date CPSC indicates in the final rule.

Outline of General Requirements in Standards

<u>Provision</u>	<u>ASTM F1169-09</u>	<u>ASTM F1169-10</u>	<u>Federal Rule for Cribs</u>
Eliminates Drop – Sides	✓	✓	✓
Improvement to Structural Integrity of Crib Slats	✓	✓	✓
Vertical Mattress Impact Test	✓		
Modified Vertical Mattress Impact Test		✓	✓
Elimination of wood screws from key structural elements		✓	✓
Additional language on toe holds 6 inches from the top of the sides of the crib.		✓	✓
Marking and Labeling improvements		✓	✓
*Retightening of screws in between tests		✓	

* NOTE: ASTM F 1169–10 allows retightening of screws between the crib side latch test and mattress support vertical impact tests. The mandatory final rule will likely not allow for the retightening of screws in between tests.

Disclaimer: The information in this email represents the opinion of JPMA staff only and is provided for your information only. It should not be construed as legal advice or the opinion of the CPSC. Issues involving CPSIA compliance are evolving and subject to clarification and change by the Consumer Product Safety Commission.

EXHIBIT F

Knox, Eileen

From: Baby Beach Rentals [baby.beach.rentals@gmail.com]
Sent: Tuesday, June 14, 2011 4:08 PM
To: Cohen, Neal
Subject: CFR 16-1219/20 Compliance

Dear Mr Cohen

I own and operated a small independent baby equipment rental company called Baby Beach Rentals, LLC servicing vacationing families along the Gulf Coast of Florida and Alabama. My company owns 75 full size commercial grade folding, fixed-rail cribs, none of which have ever been recalled. I am writing to you appealing for the same guidelines and time line for implementation of compliance to CFR 16-1219/20 as is being extended the other members of the Hospitality Industry, specifically Hotels and Motels.

We share the same business model as the Hotel and Motel Industry - providing a safe comfortable sleeping environment when guests are away from home. Our guests are small and need a specialised bed while they are on vacation. The most significant difference between Hotels and Baby Equipment Rentals services is that we do not have a huge lobby firm on K St to influence policy writing. Major hotels chains such as Marriott and Four Seasons do not even offer full size crib rental, so I am not even sure why they are being given special consideration.

Baby Beach Rentals has delivered and set up over 6000 cribs. We are experts. We routinely replace 15% of our crib inventory every year, thereby never having a crib more than 7 years. Due to the BP oil spill of 2010 and the recession of 2009, half of my inventory was not even put into service until this year. The cribs are stored in a climate controlled facility when not in service. They are meticulously maintained and inspected prior to delivery and again upon collection.

I have had on order - since March - 20 new [REDACTED] commercial grade folding fixed rail full size cribs which are compliant with the new regulations. When I first placed my order, I was told they would be available June 1st, 2011, that was later pushed back to July 1st, 2011. Due to delays in manufacturing and unprecedented demand, these cribs are not even expected to be in the country until mid-August 2011.

All of us in the baby equipment rental business applaud your continued diligence for child safety and welcome the new crib safety regulations. The logistics of satisfying a sudden nationwide demand of several thousand cribs is overwhelming the supply side of the manufacturing equation. If it was possible to be compliant, we would be compliant.

Replacing my entire inventory with new compliant cribs would give me a significant marketing edge over my competitors, so I am ready, willing and able to make this investment. Unfortunately, due to circumstances beyond my control, I am finding it impossible to purchase suitable compliant inventory within the time frame mandated, notwithstanding the onerous financial hardship of purchasing 75 cribs in one year, at a cost of over \$25,000, as well the inability to fully depreciate my present stock.

On a related note, the disposal of all these cribs has me wondering how our landfills will cope. Is there any sort of tax credit you can offer?

I respectfully request baby equipment rental companies be categorized correctly and treated accordingly, as part

of the Hospitality Industry. We don't have bevy of Lobbyists on K St. I am just appealing to your sense of fairness and justice.

Leslie Cole - Owner
www.baby-equipment-rentals.com
Baby Beach Rentals, LLC
Toll free [866.955.2229](tel:866.955.2229) (BABY)
Local [850-485-8300](tel:850-485-8300)
FAX [\(850\)456-7410](tel:(850)456-7410)

--
Thank you for choosing Baby Beach Rentals. I know you'll be pleased with our service.

We have received your rental request. Your confirmation is below.

Please ensure the information below is accurate.

Please don't hesitate to contact me if you have any questions.

Thanks again for your order. We look forward to helping you have a wonderful vacation.

Leslie Cole - Owner
www.baby-equipment-rentals.com
Baby Beach Rentals, LLC
Toll free [866.955.2229](tel:866.955.2229) (BABY)
Local [850-485-8300](tel:850-485-8300)
FAX [\(850\)456-7410](tel:(850)456-7410)

Knox, Eileen

From: Baby Travel Pros [register@babytravelpros.com]
Sent: Friday, June 10, 2011 2:22 PM
To: Cohen, Neal
Cc: mdwyer@ahint.com; Wolfson, Scott
Subject: Baby Equipment Rental Companies and 16CFR1219/1220

Neal,

Mike Dwyer with the JPMA suggested I contact you regarding the situation our industry has been put in regarding 16CFR1219 and 1220. I am the president and co-founder of Baby Travel Pros Association, an industry trade association of independent baby gear rental companies. Our Association consists of approximately 70 independent/small business rental companies who provide short term baby equipment rentals to vacationing families. Not included in our Association are about 80 more companies as well, totaling about 150 in our industry in the US. We've been talking to Scott Wolfson regarding the compliance date of June 28, 2011, hoping to get some sort of extension or possibly be considered with the hotel/child care industry and the Dec 2012 compliance date.

We are seeking your assistance as small business owners being affected compliance date set forth by the CPSC. Our main concern is not that we don't want to comply, it's more an issue of 1) financial feasibility and 2) availability of "commercial" cribs. Our Association members are all small independent (and mostly woman-owned) companies who don't have the financial means to replace the most costly and highest quantity item in our inventory all at one time. This would require one outlay of 10-20% of gross profit all at once because there's no time for us to phase in the new cribs due to lack of availability and the looming compliance date. Moreover, when all the recalls were coming out in 2010, many of us proactively replaced our inventory with fixed rail cribs to ease the minds of our customers, and are now facing the same issue again, just a year later. Many of us have not even recouped the replacement costs from 2010 yet. When June 28th hits, I personally will not have even one compliant crib because [REDACTED] will not have my order available to ship until mid-August, which I confirmed just yesterday. We all want to be in compliance however it's not even possible to get most commercial full sized cribs by June 28th. Although residential models appear to be hitting the market, our industry cannot and does not want to use a crib that's not meant specifically for commercial use. They just don't stand up to the test of multiple assemblies, transport, and storage.

We are asking to be considered in the same category as a hotel because we provide essentially the same service: A short term sleeping solution for infants and children. We all meticulously maintain our inventory, safety checking and cleaning it between every rental. It's been reported and investigated in the media before and I know from personal experiences, that many hotels do not safety check cribs nor do they provide properly sized bedding. As an industry, we are far more safety conscious in regards to crib safety than hotels, yet the hotel group is being allowed another 18 months to purchase new inventory. Having our now non-compliant cribs in use for another 18 months will not cause any injury to a child. To my knowledge, none of our members have ever had a claim brought against them for any reason at all.

In terms of quantities, our members have approximately 1,400 cribs that will need replacement. Add to that another 1,600 for non-members and we are looking at about 3,000 cribs needed in the industry immediately. I don't see that amount of availability from the commercial suppliers right now, let alone in a crib style and type that we want, specifically hardwood (not steel) full size folding cribs. We have member companies of all sizes from those with 10 cribs in inventory to those with over 300. At a cost of about \$400 each, companies would be spending anywhere from \$4,000-\$120,000 to replace their entire fleet of cribs. Again, at 10-20% of gross profits, that is a huge investment to ask a company of any size to make all at once. It will no doubt put some companies out of business if they cannot afford to provide, or even obtain, the most highly demanded item in our industry.

Please feel free to contact me at any time. I hope I have provided enough background and information on our industry and the reasoning behind our request for an extension to the compliance date.

Thank you for your time,
Sarah Peters

Sarah Peters
Sweet Pea Baby Rentals
602-549-9918
<http://sweetpeababyrentals.com>

Co-Founder
Baby Travel Pros Association
<http://babytravelpros.com>

----- Forwarded Message -----

From: Mike Dwyer <mdwyer@ahint.com>
To: Baby Travel Pros <register@babytravelpros.com>
Cc: Rick Locker <fblocker@lockerlaw.com>; jacque@theabcshow.com
Sent: Thursday, June 9, 2011 11:43 AM
Subject: Re: Webinar Question - Baby Equipment Rental Companies

Hi, Sarah -

Boy, that is a tough question. I am not aware of any discussions about companies in your specific situation. What I would suggest is that you contact Neal Cohen, the Small Business Ombudsman at the CPSC, and make him aware of your situation. His email is ncohen@cpsc.gov and here's a link to further information:

<http://www.cpsc.gov/businfo/smbus.html>

Your facts as to the # of companies who do what you do and the amount of inventory affected, including the value of that inventory, is excellent information to have.

Good luck!

Mike

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>>> Baby Travel Pros <register@babytravelpros.com> 6/9/2011 12:57 PM >>>

A question for the webinar, if you are taking them. Has there been any discussion of baby equipment rental companies getting an extension on the June 28, 2010 date? We have been asking the CPSC to be considered with the child care and hotel categories as we generally use commercial cribs in a similar fashion, and forcing us to replace our inventory all at once will put some companies out of business. A second concern is that there will not be enough commercial inventory (ie [REDACTED], etc) available for us to purchase.

There are approximately 150 baby gear rental companies in the US with over 3,000 non-compliant cribs in current inventory.

Sarah Peters
Sweet Pea Baby Rentals
602-549-9918
<http://sweetpeababyrentals.com>

Co-Founder
Baby Travel Pros Association
<http://babytravelpros.com>

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:39 PM
To: Knox, Eileen
Subject: FW: Appeal for compliance deadline 16CFR1219

From: Sweet Pea Baby Rentals [sarah@sweetpeababyrentals.com]
Sent: Tuesday, June 14, 2011 5:01 PM
To: Cohen, Neal
Subject: Appeal for compliance deadline 16CFR1219

Neal,

I have previously written to you on behalf of our Association, Baby Travel Pros, which is an association of independent baby gear rental companies, but I'd also like to include some information about my own business as well. Like many others in our industry, I proactively replaced all of my crib inventory in 2010 when recalls were so prominent. I am a small company with 12 cribs (among many many other items) in my inventory, I cannot afford to keep replacing them. All of my cribs in inventory have only been in use for a year cost about \$5,000 to replace each time. This more than 10% of my total gross sales for an entire year. Even if commercial grade inventory was available for me to purchase, having to replace these all right now would force me to close my business. Being that this is the most sought after item for renters, simply not offering cribs is not an option. I do not use residential cribs with nuts and bolts because they don't stand up to wear and tear of being moved and set up every week.

The commission was probably not even aware of our industry when the new compliance dates were set forth, however we've been forced into the earlier compliance date due to the wording "lease" being used. Many of us thought we were in the hotel category with the Dec 2012 compliance date, which seems logical because we provide exactly the same service as a hotel, but we obviously have been told otherwise. I want to provide a safe sleeping environment for my customer's children and if I give them nothing, they will improvise and come up with something on their own that will be less than ideal and possibly dangerous. I am requesting that we be held to the Dec 2012 compliance date in the same fashion as hotels and child care centers. Please contact me if you need any further information. I understand you have spoken to a few other companies already and I hope our efforts are not too little too late because the ruling was unclear as to where our industry fell.

Thank you,

Sarah Peters
Sweet Pea Baby Rentals
602-549-9918
<http://sweetpeababyrentals.com>

Co-Founder
Baby Travel Pros Association
<http://babytravelpros.com>

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 5:28 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 17:27:49

Name = Christy & Murray Perce
Organization/Affiliation = Boothbay Baby Rentals, LLC
Daytime Phone = 207-687-6036
E-mail address = murray@boothbaybabyrentals.com

Message = We own and operate Boothbay Baby Rentals and we are very concerned with the approaching deadline for crib safety. Not only will this decimate our business, it will also jeopardize young children. Our concern is that if these cribs are taken out of circulation, parents will find other means for their baby's sleeping arrangements that could be of greater risk. Allowing hotels to continue to use far outdated cribs is very dangerous. After all, what does a bell-hop know about crib safety? We are in business to provide the safest options to satisfy our customers. We are proactive in safety and cleanliness. We suggest a metered approach to removing "unsafe" cribs from circulation. It is imperative that rental companies' deadline be extended. We meet and EXCEED hotel standards for baby equipment, this is our business. Should this deadline proceed as scheduled, it will be yet another blow to small business. Please take this e-mail into serious consideration. Kind Regards, Christy & Murray Perce Boothbay Baby Rentals, LLC
www.boothbaybabyrentals.com 207-687-6036

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:24 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:24:04

Name = Jill Lepow
Organization/Affiliation = Mid-Coast Family Rentals, LLC
Daytime Phone = 207-342-2147
E-mail address = jill@midcoastfamilyrentals.com

Message = Hi Neal- I'm own a small independent business that rents baby gear to families living in and visiting Maine. I am writing to you with concerns over the CFR16-1219 deadline. I would like to see an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on baby equipment rental companies. Baby Equipment Rental Companies were granted 6 months in which to update, modify and purchase new cribs to comply with 16CFR-1219. I take child safety very seriously so in 2010 I replaced all of my cribs with non drop side cribs. To destroy these cribs and purchase new ones again to ensure compliance at this scope would be a financial burden at these economic times. Available crib stock is also a concern. I called today to purchase new compliant cribs and found them to be sold out with the manufacturer. There are several other baby equipment rental companies, hotels, childcare providers, parents, grandparents, etc. all trying to purchase the same small inventory of compliant cribs available. Hotels and childcare providers have until Dec 2012 to comply. I would consider baby equipment rentals companies to be the same as a hotel. Hotels offer families with children a crib for a fee, my company does the same. I would also like to bring to your attention that 9 out of 10 times, a crib is delivered to a guest room at a hotel by the bell boy. The bell boy will either leave the crib for the guest to set up or set it up himself. I have seen first hand that hotel staff is NOT educated on the proper way to assemble a crib. Baby Equipment Rental Companies assemble and break down cribs dozens of times a week and work with crib manufacturers as well as read instruction manuals. I myself am always 100% sure a crib is assembled correctly prior to leaving it for a guest. A lot of hotels have moved to utilizing their local baby equipment rental companies for all baby gear needs as they understand that it is a lot of work to safety check gear on a daily basis and stay on top of all recalls. If I and other like companies do not have cribs to provide to our customers or the hospitality industry, there is going to be a lot of inconvenienced families. Another large concern I have is what will hotels, vacationing families, B&B, etc. do if compliant cribs are not available. Families will still go on vacation and I fear they will get creative in their ways to confine a child while sleeping without a crib. I feel it is a great risk to have say a 15 month old child not in a crib while vacationing at an unfamiliar house. This child may roam and get hurt. [REDACTED] are an option for small children but are not meant for older children who still need to be in cribs. I live in Maine where a family vacationed on an island in Dec. 2008 and used a [REDACTED] for a child who was able to climb out. The family attempted to confine the child to the [REDACTED] with a net and rope. That child died of strangulation. I DO NOT WANT THIS TO EVER HAPPEN AGAIN and fear the increased use of [REDACTED] and after market products to keep children who are too big for them into them will be on the rise. This is NOT an acceptable option and I want to do all I can to prevent situations like this. I truly believe that an extension to the deadline is a reasonable request. The extension will give me enough time to research the best cribs that meet the new regulations, find a store and/or manufacturer who has stock available for purchasing and also set aside the funds needed to purchase the new cribs. Please feel free to contact me via email or phone with any questions. You may also contact me with any updates to this regulation and deadline you feel are applicable. Sincerely, Jill Lepow Mid-Coast Family Rentals, LLC

Knox, Eileen

From: toddlers travels [contact@toddlerstravels.com]
Sent: Monday, June 13, 2011 12:08 PM
To: Cohen, Neal
Subject: crib compliance

Dear Mr. Cohen,

I have a small independent baby equipment rental company, called Toddler's Travels. I am writing to you appealing for an extension until December 2012 for compliance (CFR16 1219) regarding supplying cribs to traveling families while on vacation here in San Diego. My company purchased new, commercially made cribs last year; prior to that I had purchased [REDACTED] cribs which I had to replace d/t a recall, and then another crib which did not meet my own comfort level regarding safety/sturdiness. I decided to spend more money midway through last year to purchase really strong, commercially made cribs; these have been barely used as my busy season is just coming up now and will be rendered useless to me after June 28th unless this ruling is changed.

Hotels and child care facilities are not required to comply with the new crib standards until December 2012. The difference in ruling for my industry compared to theirs is confusing to me. Hotels and child care facilities receive compensation for use of their cribs indirectly through other charges however they are supplying these cribs to babies just as I am. I would argue in fact, that my cribs are newer, and safety checked while being sanitized before each rental and upon picking them up from the customer, so are in fact safer than what hotels and child care facilities provide. I'm very confused by the disparity in this ruling for their business compared to mine, and would appreciate an explanation as to why they are allowed to use their cribs for 18 months longer than I am. It certainly does not seem fair and there appears to be a double standard.

This ruling is causing considerable financial hardship; in 3 years of business I will be buying my 4th set of cribs unless this rule changes. The [REDACTED] cribs I have are extremely sturdily built. [REDACTED] has refused to offer any form of kit to make their cribs compliant or any compensation. I have attempted to sell the cribs and have had no response at all.

I respectfully request an extension to meet the same criteria as hotels and child care facilities; this would allow me to at least cover the cost of my investment and make a modest profit from my cribs before replacing them next year, and I assure you that any equipment I own with any damage or safety risk is immediately replaced.

I look forward to hearing from you

Best regards
Sarah Wyles
www.toddlerstravels.com
619-688-9655

Best regards
Sarah Wyles
www.toddlerstravels.com
619-688-9655

Co-founder of Baby Travel Pros
www.babytravelpros.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:42 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:42:10

Name = Carl Post or Kimberly Maxwell
Organization/Affiliation = Babies n town
Daytime Phone = 850-267-2346
E-mail address = kimberly@netpr.net

Message = Dear Neal, This new rule that CPSC is enforcing on baby crib rental companies is an unreachable, unattainable enforcement since the supply of baby cribs that must comply are simply unavailable. If compliance is not met, by the June 28 date that your organization is enforcing us to adhere to, is simply non doable. The supply of cribs that comply does not exist, nor are they manufactured. If we don't use our existing cribs, we will simply go out of business. Why doesn't the Hotel industry not have to comply by these same rules by the June 28, 2011 deadline, and have an extension of December 2012? We provide cribs in the same capacity as the hotel industry, to guests staying in condos and homes that are for rent. In fact, we serve many hotels in our area. So would those cribs comply for hotel use, but not for our other guests staying in other properties. It simply doesn't make sense and is placing limits on a group of businesses that simply can not reach an attainable amount of equipment to replace existing equipment in order to comply so quickly. Baby crib rental businesses have no way of obtaining baby cribs that can be certified or will be certified by this imposed June 28 deadline. The new rules imply all rules, not just drop side, should be followed by June 28 or up to 100,000 fines for each offense will be imposed. Are you trying to close the doors to small businesses? Why the rush? The urgency? Your organization is punishing us, when our hands are tied and we can not do anything since manufacturers are in stall mode with compliance issues. We press you for an extension you have given the Hotel industry, we beg that you give this same extension to the baby crib equipment rental businesses that is so close in type of business providing equipment as the Hotel industry. Again..... How do Hotels, which is the same type of hospitality business as a vacation rental or condominium, not have these rules imposed on them with unattainable deadlines. And we, baby equipment rental companies, who are also in the same hospitality business, MUST comply with these unattainable new rules - the cribs simply don't exist or aren't available from manufacturers. It is unbelievable that our baby equipment rental companies must endure such penalties when these companies simply can not attain the stock for their companies. So, what is the answer, do not deliver cribs, go out of business? Please consider extending this rule to baby equipment rental companies. It is the fair, logical, and only solution considering the circumstances we are in with the INABILITY TO OBTAIN REPLACEMENT CRIBS. And of course our plan and intentions are to be Safe for our customers!!!! Thank you for your sincere consideration of this letter, Carl Post Kimberly Maxwell Owners Babies-n-town, Florida

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:39 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:39:16

Name = Stephanie Frith
Organization/Affiliation = Baby Travel Pros
Daytime Phone = 732-272-6804
E-mail address = stephanie@coastalbabyrentals.com

Message = As a small business owner, I have found it difficult to continue to operate my baby equipment rental business with all the changes that have happened with crib regulations. I am of course concerned with safety, and have acted accordingly in the past 2 years in business. First, I purchased all new drop-rail cribs in 2009 to start my business, and felt it was the right thing to do to replace every one after just 1 season in business last year. So at the start of my 2010 season I replaced every crib with non-drop rails. Now this year I am being told that all the brand new cribs I have from last season are no longer going to be safe and I need to replace those as well - by June 28th of this year. So here's my issue(s): First, if there is a true safety issue then why are hotels and day care centers being given a longer extension time for compliance? Why would our rental businesses not fall into this category? Second, finances. I am a stay-at-home mom, like most of the other owners of businesses like this, and to replace ANY amount of my inventory is no small undertaking. I have a large number of cribs to replace, again, and would not feasibly be able to do so. Third, availability. I have looked into what it would take to buy new cribs, and not only are there none available, all the prices have gone UP due to these new guidelines. So there is not any inventory to be had. How are we supposed to keep our businesses open/going if price and availability are not reasonably made available to us? I would like for you to PLEASE consider allowing the rental industry the same courtesy that has been extended to hotels and day care centers across the US, by assigning the same 2012 deadline for compliance. Thank you for your consideration.

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW: Crib Safety / Deadline

Importance: High

From: Christy Perce [christy@boothbaybabyrentals.com]
Sent: Tuesday, June 14, 2011 5:25 PM
To: Cohen, Neal
Subject: Crib Safety / Deadline

From: christy@maineclothdiaper.com<<mailto:christy@maineclothdiaper.com>>
Sent: Tuesday, June 14, 2011 5:24 PM
To: ncohen@cpas.gov<<mailto:ncohen@cpas.gov>>
Subject: Crib Safety / Deadline

Hi Neal,

We own and operate Boothbay Baby Rentals and we are very concerned with the approaching deadline for crib safety. Not only will this decimate our business, it will also jeopardize young children. Our concern is that if these cribs are taken out of circulation, parents will find other means for their baby's sleeping arrangements that could be of greater risk. Allowing hotels to continue to use far outdated cribs is very dangerous. After all, what does a bell-hop know about crib safety? We are in business to provide the safest options to satisfy our customers. We are proactive in safety and cleanliness. We suggest a metered approach to removing "unsafe" cribs from circulation. It is imperative that rental companies' deadline be extended. We meet and EXCEED hotel standards for baby equipment, this is our business. Should this deadline proceed as scheduled, it will be yet another blow to small business.

Please take this e-mail into serious consideration.

Kind Regards,

Christy & Murray Perce
Boothbay Baby Rentals, LLC
www.boothbaybabyrentals.com<<http://www.boothbaybabyrentals.com>>
207-687-6036

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW: Crib Compliance
Attachments: bottom.letterhead

From: info@gobabygosandiego.com [info@gobabygosandiego.com]
Sent: Tuesday, June 14, 2011 6:28 PM
To: Cohen, Neal
Subject: Crib Compliance

Hello Mr. Cohen,
I have a small independent baby equipment rental company, called Go Baby Go!. I am writing to you appealing for an extension until December 2012 for compliance (CFR16 1219) regarding supplying cribs to traveling families while on vacation here in San Diego. My company purchased new, commercially made cribs last year; prior to that I had purchased [REDACTED] cribs which I had to replace d/t a recall. I decided to spend more money midway through last year to purchase really strong, commercially made cribs; these have been barely used as my busy season is just coming up now and will be rendered useless to me after June 28th unless this ruling is changed.

Hotels and child care facilities are not required to comply with the new crib standards until December 2012. The difference in ruling for my industry compared to theirs is confusing to me. Hotels and child care facilities receive compensation for use of their cribs indirectly through other charges however they are supplying these cribs to babies just as I am. I would argue in fact, that my cribs are newer, and safety checked while being sanitized before each rental and upon picking them up from the customer, so are in fact safer than what hotels and child care facilities provide. I'm very confused by the disparity in this ruling for their business compared to mine, and would appreciate an explanation as to why they are allowed to use their cribs for 18 months longer than I am. It certainly does not seem fair and there appears to be a double standard.

This ruling is causing considerable financial hardship; in 3 years of business I will be buying my 3rd set of cribs unless this rule changes. The Dream-On-Me cribs I have are extremely sturdily built. I have attempted to sell the cribs and have had no response at all.

I respectfully request an extension to meet the same criteria as hotels and child care facilities; this would allow me to at least cover the cost of my investment and make a modest profit from my cribs before replacing them next year, and I assure you that any equipment I own with any damage or safety risk is immediately replaced.

I look forward to hearing from you

Warmest Regards,
Heike

Heike Caldwell
Go Baby Go! Owner & Mom
Local: 760.832.1353

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 6:27 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 18:26:43

Name = Heike Caldwell
Organization/Affiliation = Go Baby Go! Member of Baby Travel Pros
Daytime Phone = 760.832.1353
E-mail address = info@gobabygosandiego.com

Message = I have a small independent baby equipment rental company, called Go Baby Go!. I am writing to you appealing for an extension until December 2012 for compliance (CFR16 1219) regarding supplying cribs to traveling families while on vacation here in San Diego. My company purchased new, commercially made cribs last year; prior to that I had purchased [REDACTED] cribs which I had to replace d/t a recall. I decided to spend more money midway through last year to purchase really strong, commercially made cribs; these have been barely used as my busy season is just coming up now and will be rendered useless to me after June 28th unless this ruling is changed. Hotels and child care facilities are not required to comply with the new crib standards until December 2012. The difference in ruling for my industry compared to theirs is confusing to me. Hotels and child care facilities receive compensation for use of their cribs indirectly through other charges however they are supplying these cribs to babies just as I am. I would argue in fact, that my cribs are newer, and safety checked while being sanitized before each rental and upon picking them up from the customer, so are in fact safer than what hotels and child care facilities provide. I'm very confused by the disparity in this ruling for their business compared to mine, and would appreciate an explanation as to why they are allowed to use their cribs for 18 months longer than I am. It certainly does not seem fair and there appears to be a double standard. This ruling is causing considerable financial hardship; in 3 years of business I will be buying my 3rd set of cribs unless this rule changes. The [REDACTED] cribs I have are extremely sturdily built. I have attempted to sell the cribs and have had no response at all. I respectfully request an extension to meet the same criteria as hotels and child care facilities; this would allow me to at least cover the cost of my investment and make a modest profit from my cribs before replacing them next year, and I assure you that any equipment I own with any damage or safety risk is immediately replaced. I look forward to hearing from you Heike Caldwell Owner of Go Baby Go! 760.832.1353 www.gobabygosandiego.com

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:32 PM
To: Knox, Eileen
Subject: FW: cpsc crib compliance

From: Las Vegas Baby Equipment Rentals [lasvegasbabyequipmentrentals@gmail.com]
Sent: Tuesday, June 14, 2011 9:28 PM
To: Cohen, Neal
Subject: cpsc crib compliance

Small businesses are currently the backbone of America's failing economy. This ridiculous mandate of crib replacement by June 28th obviously is not a restriction that we can be held to.

It is impossible to replace cribs, since none are available. That said, our small businesses should not be required to financially spend our precious resources on replacement at this time.

Melinda Hotman
Owner, Las Vegas Baby Equipment Rentals, LLC
(702)343-7933
<http://www.lasvegasbabyequipmentrentals.com>

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 9:19 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 21:18:22

Name = Melinda Hotman
Organization/Affiliation = Las Vegas Baby Equipment Rentals
Daytime Phone = 702-343-7933
E-mail address = Melinda@lasvegasbabyequipmentrentals.com

Message = We are opposed to our industry being held to the June 28th deadline for crib compliance. It is financially unnecessarily taxing and impossible since the industry has no inventory to supply us. Yet another example of government mandated compliance that makes absolutely no sense.

Knox, Eileen

From: hamptonsbabygear@gmail.com on behalf of Hamptons Baby Gear Ltd
[info@hamptonsbabygear.com]
Sent: Tuesday, June 14, 2011 4:28 PM
To: Cohen, Neal
Subject: Crib Recall

Hi Neal

I am the owner of Hamptons Baby Gear, a baby rental company located on Long Island. I started this company in 2009 and provide a very valuable service to parents visiting the east end. In 2009 I purchased 45 drop side cribs. In 2010 I had to replace those 45 drop side cribs which cost me over \$9,000.00. That hurt financially but I wanted to insure that safety of the lil ones we provide for so we complied immediately. Now in 2011 I own 112 compliant non drop side cribs that I just purchased within the last year. Brand new. With the new specifications on cribs coming into effect this month I will have to replace \$30,000.00 worth of cribs. Not only would this cripple my business but it would force me to close down permanently. There is no way I can keep my small business running. To boot the crib manufacturers don't have any supply on cribs that do meet the new standard. This is grossly unfair. Please reconsider your stance on the matter as it is a no win for baby rental companies like mine who have been hit hard by your regulations once in 2010 and now again.

We are a mom owned and operated company that truly cares about safety and all our products are kept in premium condition.

Please have some mercy.

Lisa Costa

--

Lisa

Hamptons Baby Gear

631.803.4322

www.HamptonsBabyGear.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 4:19 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 16:19:06

Name = Shanta Hoff
Organization/Affiliation = Maine Sherpa Babies
Daytime Phone = 207-449-1075
E-mail address = sherpababy@me.com

Message = I am writing to request an extension on the deadline that CPSC has instated regarding crib updates for Baby Equipment Rental Companies. To purchase all new cribs, less then a year after replacing all of my cribs due to the dropside crib recall, is going to be extremely challenging for me. The hotels and Inns have until Dec 2012, so clearly it is not a matter or these cribs being unsafe. I am a small business, who's inventory was significantly reduced last year due to the need to purchase \$225 cribs, which are now considered garbage as of June 26, 2011. Please reconsider and give our industry an extension. Thank you.

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:42 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:42:10

Name = Carl Post or Kimberly Maxwell
Organization/Affiliation = Babies n town
Daytime Phone = 850-267-2346
E-mail address = kimberly@netpr.net

Message = Dear Neal, This new rule that CPSC is enforcing on baby crib rental companies is an unreachable, unattainable enforcement since the supply of baby cribs that must comply are simply unavailable. If compliance is not met, by the June 28 date that your organization is enforcing us to adhere to, is simply non doable. The supply of cribs that comply does not exist, nor are they manufactured. If we don't use our existing cribs, we will simply go out of business. Why doesn't the Hotel industry not have to comply by these same rules by the June 28, 2011 deadline, and have an extension of December 2012? We provide cribs in the same capacity as the hotel industry, to guests staying in condos and homes that are for rent. In fact, we serve many hotels in our area. So would those cribs comply for hotel use, but not for our other guests staying in other properties. It simply doesn't make sense and is placing limits on a group of businesses that simply can not reach an attainable amount of equipment to replace existing equipment in order to comply so quickly. Baby crib rental businesses have no way of obtaining baby cribs that can be certified or will be certified by this imposed June 28 deadline. The new rules imply all rules, not just drop side, should be followed by June 28 or up to 100,000 fines for each offense will be imposed. Are you trying to close the doors to small businesses? Why the rush? The urgency? Your organization is punishing us, when our hands are tied and we can not do anything since manufacturers are in stall mode with compliance issues. We press you for an extension you have given the Hotel industry, we beg that you give this same extension to the baby crib equipment rental businesses that is so close in type of business providing equipment as the Hotel industry. Again..... How do Hotels, which is the same type of hospitality business as a vacation rental or condominium, not have these rules imposed on them with unattainable deadlines. And we, baby equipment rental companies, who are also in the same hospitality business, MUST comply with these unattainable new rules - the cribs simply don't exist or aren't available from manufacturers. It is unbelievable that our baby equipment rental companies must endure such penalties when these companies simply can not attain the stock for their companies. So, what is the answer, do not deliver cribs, go out of business? Please consider extending this rule to baby equipment rental companies. It is the fair, logical, and only solution considering the circumstances we are in with the INABILITY TO OBTAIN REPLACEMENT CRIBS. And of course our plan and intentions are to be Safe for our customers!!!! Thank you for your sincere consideration of this letter, Carl Post Kimberly Maxwell Owners Babies-n-town, Florida

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:39 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:39:16

Name = Stephanie Frith
Organization/Affiliation = Baby Travel Pros
Daytime Phone = 732-272-6804
E-mail address = stephanie@coastalbabyrentals.com

Message = As a small business owner, I have found it difficult to continue to operate my baby equipment rental business with all the changes that have happened with crib regulations. I am of course concerned with safety, and have acted accordingly in the past 2 years in business. First, I purchased all new drop-rail cribs in 2009 to start my business, and felt it was the right thing to do to replace every one after just 1 season in business last year. So at the start of my 2010 season I replaced every crib with non-drop rails. Now this year I am being told that all the brand new cribs I have from last season are no longer going to be safe and I need to replace those as well - by June 28th of this year. So here's my issue(s): First, if there is a true safety issue then why are hotels and day care centers being given a longer extension time for compliance? Why would our rental businesses not fall into this category? Second, finances. I am a stay-at-home mom, like most of the other owners of businesses like this, and to replace ANY amount of my inventory is no small undertaking. I have a large number of cribs to replace, again, and would not feasibly be able to do so. Third, availability. I have looked into what it would take to buy new cribs, and not only are there none available, all the prices have gone UP due to these new guidelines. So there is not any inventory to be had. How are we supposed to keep our businesses open/going if price and availability are not reasonably made available to us? I would like for you to PLEASE consider allowing the rental industry the same courtesy that has been extended to hotels and day care centers across the US, by assigning the same 2012 deadline for compliance. Thank you for your consideration.

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 3:24 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 15:24:04

Name = Jill Lepow
Organization/Affiliation = Mid-Coast Family Rentals, LLC
Daytime Phone = 207-342-2147
E-mail address = jill@midcoastfamilyrentals.com

Message = Hi Neal- I'm own a small independent business that rents baby gear to families living in and visiting Maine. I am writing to you with concerns over the CFR16-1219 deadline. I would like to see an extension of 180 days beyond the 6/28/11 compliance deadline for CFR16-1219 imposed on baby equipment rental companies. Baby Equipment Rental Companies were granted 6 months in which to update, modify and purchase new cribs to comply with 16CFR-1219. I take child safety very seriously so in 2010 I replaced all of my cribs with non drop side cribs. To destroy these cribs and purchase new ones again to ensure compliance at this scope would be a financial burden at these economic times. Available crib stock is also a concern. I called today to purchase new compliant cribs and found them to be sold out with the manufacturer. There are several other baby equipment rental companies, hotels, childcare providers, parents, grandparents, etc. all trying to purchase the same small inventory of compliant cribs available. Hotels and childcare providers have until Dec 2012 to comply. I would consider baby equipment rentals companies to be the same as a hotel. Hotels offer families with children a crib for a fee, my company does the same. I would also like to bring to your attention that 9 out of 10 times, a crib is delivered to a guest room at a hotel by the bell boy. The bell boy will either leave the crib for the guest to set up or set it up himself. I have seen first hand that hotel staff is NOT educated on the proper way to assemble a crib. Baby Equipment Rental Companies assemble and break down cribs dozens of times a week and work with crib manufacturers as well as read instruction manuals. I myself am always 100% sure a crib is assembled correctly prior to leaving it for a guest. A lot of hotels have moved to utilizing their local baby equipment rental companies for all baby gear needs as they understand that it is a lot of work to safety check gear on a daily basis and stay on top of all recalls. If I and other like companies do not have cribs to provide to our customers or the hospitality industry, there is going to be a lot of inconvenienced families. Another large concern I have is what will hotels, vacationing families, B&B, etc. do if compliant cribs are not available. Families will still go on vacation and I fear they will get creative in their ways to confine a child while sleeping without a crib. I feel it is a great risk to have say a 15 month old child not in a crib while vacationing at an unfamiliar house. This child may roam and get hurt. [REDACTED] are an option for small children but are not meant for older children who still need to be in cribs. I live in Maine where a family vacationed on an island in Dec. 2008 and used a [REDACTED] for a child who was able to climb out. The family attempted to confine the child to the [REDACTED] with a net and rope. That child died of strangulation. I DO NOT WANT THIS TO EVER HAPPEN AGAIN and fear the increased use of [REDACTED] and after market products to keep children who are too big for them into them will be on the rise. This is NOT an acceptable option and I want to do all I can to prevent situations like this. I truly believe that an extension to the deadline is a reasonable request. The extension will give me enough time to research the best cribs that meet the new regulations, find a store and/or manufacturer who has stock available for purchasing and also set aside the funds needed to purchase the new cribs. Please feel free to contact me via email or phone with any questions. You may also contact me with any updates to this regulation and deadline you feel are applicable. Sincerely, Jill Lepow Mid-Coast Family Rentals, LLC

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW: Crib Safety / Deadline

Importance: High

From: Christy Perce [christy@boothbaybabyrentals.com]
Sent: Tuesday, June 14, 2011 5:25 PM
To: Cohen, Neal
Subject: Crib Safety / Deadline

From: christy@maineclothdiaper.com<<mailto:christy@maineclothdiaper.com>>
Sent: Tuesday, June 14, 2011 5:24 PM
To: ncohen@cpas.gov<<mailto:ncohen@cpas.gov>>
Subject: Crib Safety / Deadline

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Please take this e-mail into serious consideration.

Kind Regards,

Christy & Murray Perce
Boothbay Baby Rentals, LLC
www.boothbaybabyrentals.com<<http://www.boothbaybabyrentals.com>>
207-687-6036

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:32 PM
To: Knox, Eileen
Subject: FW: cpsc crib compliance

From: Las Vegas Baby Equipment Rentals [lasvegasbabyequipmentrentals@gmail.com]
Sent: Tuesday, June 14, 2011 9:28 PM
To: Cohen, Neal
Subject: cpsc crib compliance

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It is impossible to replace cribs, since none are available. That said, our small businesses should not be required to financially spend our precious resources on replacement at this time.

Melinda Hotman
Owner, Las Vegas Baby Equipment Rentals, LLC
(702)343-7933
<http://www.lasvegasbabyequipmentrentals.com>

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW: Crib Compliance
Attachments: bottom.letterhead

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Sent: Tuesday, June 14, 2011 6:28 PM
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This ruling is causing considerable financial hardship; in 3 years of business I will be buying my 3rd set of cribs unless this rule changes. The [REDACTED] cribs I have are extremely sturdily built. I have attempted to sell the cribs and have had no response at all.

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I look forward to hearing from you

Warmest Regards,
Heike

Heike Caldwell
Go Baby Go! Owner & Mom
Local: 760.832.1353

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW:
Attachments: image001.png; image002.jpg

From: The Baby Travel Company [info@babytravelcompany.com]
Sent: Tuesday, June 14, 2011 5:36 PM
To: Cohen, Neal
Subject:

Dear Sirs & Madams,

I own a baby equipment rental business. I ask you that you please treat our business in the same category as hotels and child care center and thus have until December 2012 to replace cribs. My business depends on crib rentals and most vendors do not have the cribs used for our industry.

Thank you,

Fernando Echeverri
The Baby Travel Company
Direct (305) 439-2990
e-fax (305) 468-6236
info@babytravelcompany.com<mailto:info@babytravelcompany.com>
www.babytravelcompany.com<http://www.babytravelcompany.com/>

[cid:image002.jpg@01CC2AB9.89AAA4C0]We are active members of :
· The Independent Baby Equipment Rental Companies · The Greater Miami & The Beaches Hotel Association · The South Florida Concierge Association · The Key Biscayne Chamber of Commerce
· We count with "The New Parents Guide" Seal of Approval

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:40 PM
To: Knox, Eileen
Subject: FW: Crib Compliance Deadline

From: awayweego@verizon.net [awayweego@verizon.net]
Sent: Tuesday, June 14, 2011 4:43 PM
To: Cohen, Neal
Subject: Crib Compliance Deadline

Hi

I am the owner of Away Wee Go LLC in Rhode Island. I service mostly vacationers who travel to the Ocean State for thier summer vacations. I however also have many regular customers. Since last spring I have been trying to update my crib collection to include only non drop side cribs from [REDACTED]. I ordered 5 last summer and only received 2. Now I have been told by [REDACTED] every month since March that it would be May, then June and Now August before the product is ready. I have 2 Crib that meet complaince and I have orders for 7 new cribs that I had expected to recieve by now and in 2 weeks I have sold out most of my weeks for 9 cribs, only now I have 2 that will meet complaince. What am I to do??? I need the business.. I do 80% of my revenue during July and August and now I am going to have to tell my customers that I can not service them saftly. Please reconsider extending the deadline for our industry as well, at least untill manufacturers are able to meet our orders. Thank You!

Gina Giranna
awayweego@verizon.net

Knox, Eileen

From: BRCARPY@aol.com
Sent: Tuesday, June 14, 2011 3:49 PM
To: Cohen, Neal
Subject: Crib regulations

I am writing to you today to express my extreme hardship with the newly imposed regulations regarding the 2011 compliance laws for rental cribs. My company purchased 5 new cribs from [REDACTED] last year, May 2010 to be exact. These cribs cost me over \$300.00 a piece plus over \$500.00 in shipping. For a total of \$2,000.00. Now I find out that they are no good. In addition to the other 5 that I have, I need to replace 10 cribs by next week. [REDACTED] doesn't even have the cribs manufactured yet and isn't expecting them until Aug. The other company won't have them until July. Now, I must take a loss on 10 cribs. Put out money to buy 10 new cribs and cannot earn any money on renting any cribs till possibly August. I am a small business that doesn't have some million dollar budget. This is a huge loss to me personally. Why does every other industry , hotel, child care facilities get a reprieve until Dec 2012? Why have we been singled out? Will anyone come to our aid during this time for all of our losses? What am I suppose to do with the 5 brand new beautiful cribs? Why aren't the manufactures forced to compensate or bring the new cribs I bought up to code. This is the busy season for most baby equipment rental company's. I feel that we should be given the same treatment and be allowed to have till the Dec 2012 date like everyone else. This would be fair and allow businesses like mine to survive. I am pleading with the federal government to give us what is only fair. I know that some of the company's will be out of business including myself if we cannot rent our cribs out this summer. I also know that we are the ones who rent out the safest cribs by far. The hotels do not specialize in cribs the way we do..Most of us update and check our equipment monthly, and we are the ones being penalized the worst. Please help us and extend our time line, so that we may stay in business.

Regards ~Brandi carpenter

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 9:33 PM
To: Knox, Eileen
Subject: FW:
Attachments: image001.png; image002.jpg

From: The Baby Travel Company [info@babytravelcompany.com]
Sent: Tuesday, June 14, 2011 5:36 PM
To: Cohen, Neal
Subject:

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Thank you,

Fernando Echeverri
The Baby Travel Company
Direct (305) 439-2990
e-fax (305) 468-6236
info@babytravelcompany.com<mailto:info@babytravelcompany.com>
www.babytravelcompany.com<http://www.babytravelcompany.com/>

[cid:image002.jpg@01CC2AB9.89AAA4C0]We are active members of :

- The Independent Baby Equipment Rental Companies · The Greater Miami & The Beaches Hotel Association · The South Florida Concierge Association · The Key Biscayne Chamber of Commerce
- We count with "The New Parents Guide" Seal of Approval

Knox, Eileen

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Sent: Tuesday, June 14, 2011 9:40 PM
To: Knox, Eileen
Subject: FW: Crib Compliance Deadline

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Sent: Tuesday, June 14, 2011 4:43 PM
To: Cohen, Neal
Subject: Crib Compliance Deadline

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Gina Giramma
awayweego@verizon.net

Knox, Eileen

From: Stephanie Frith [stephanie@coastalbabyrentals.com]
Sent: Tuesday, June 14, 2011 3:32 PM
To: Cohen, Neal
Subject: Rental cribs and the new guidelines

Dear Neal,

As a small business owner, I have found it difficult to continue to operate my baby equipment rental business with all the changes that have happened with crib regulations. I am of course concerned with safety, and have acted accordingly in the past 2 years in business. First, I purchased all new drop-rail cribs in 2009 to start my business, and felt it was the right thing to do to replace every one after just 1 season in business last year. So at the start of my 2010 season I replaced every crib with non-drop rails. Now this year I am being told that all the brand new cribs I have from last season are no longer going to be safe and I need to replace those as well - by June 28th of this year. So here's my issue(s):

First, if there is a true safety issue then why are hotels and day care centers being given a longer extension time for compliance? Why would our rental businesses not fall into this category?

Second, finances. I am a stay-at-home mom, like most of the other owners of businesses like this, and to replace ANY amount of my inventory is no small undertaking. I have a large number of cribs to replace, again, and would not feasibly be able to do so.

Third, availability. I have looked into what it would take to buy new cribs, and not only are there none available, all the prices have gone UP due to these new guidelines. So there is not any inventory to be had. How are we supposed to keep our businesses open/going if price and availability are not reasonable made available to us?

I would like for you to PLEASE consider allowing the rental industry the same courtesy that has been extended to hotels and day care centers across the US, by assigning the same 2012 deadline for compliance.

I hope to hear from you soon.

Thank you for your consideration.

Best,

Stephanie Frith

Owner, Coastal Baby Rentals

732-272-6804

www.coastalbabyrentals.com

We make traveling with your family easy!

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 11:19 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 23:19:25

Name = Lynda White
Organization/Affiliation = Baby Travel Pros Member Just Arrived Baby Rentals
Daytime Phone = 928-308-5425
E-mail address = candlwhite@yahoo.com

Message = We are a small baby furniture rental business providing service to all of north central Arizona. As such, we provide a terrific service to travelers with small children and for local people who have children visiting and don't have the means to go out and purchase items. Please reconsider the deadline on the cribs for our business so that we can have time to replenish our stock with the appropriate cribs and keep our business. Cribs make up the bulk of the items that we have rented in the past 2 years.

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 11:18 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 23:17:28

Name = Gina Scheper
Organization/Affiliation = Baby Travel Made Easy
Daytime Phone = 808-341-1424
E-mail address = aloha@babytravelmadeeasy.com

Message = Please help us obtain an extension on the use of portable cribs for our rental business. Hotels are currently allowed continued use of their cribs until Dec 2012 however small business owners such as myself who rent these cribs out are required to replace our inventory by June 28, 2011. While I have already contacted the crib manufacturers for replacement cribs, the earliest they can send them is mid- to late-July. Not having CPSC-approved cribs available for rent during the month of July will definitely hinder business as the cribs are one of my most popular rentals, especially during the summer tourist season here in Hawaii. Thank you in advance for your assistance on this matter.

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 9:32 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 21:32:07

Name = Ghadah Makoshi
Organization/Affiliation = Pittsburgh Baby Equipment Rentals, LLC (DBA, PGH Baby)
Daytime Phone = 412-304-5962
E-mail address = ghadah@pghbabyrentals.com

Message = Hello, I am certainly glad that the regulations are changing to ensure that the cribs our children sleep in meet strict safety regulations. However, I feel that as a small business it is not only financially difficult to replace all my cribs, it seems to be logistically difficult as well. Retailers are not required to sell cribs that meet these new standards until June 28th, and I have had great difficulty getting a straight answer from retailers as to whether their cribs currently meet the standards or the ones I purchased this year meet that standard as the standard reply I receive is "we are always compliant with current regulations." It seems that as a small rental company we should at least be given a few months after the June 28th deadline so that we can actually purchase these cribs as the one company we are aware of that currently meets standards [REDACTED] is sold out until at least mid-July. And yet we have orders that overlap with the transition date. I hope that you will see that as much as we want to comply with the regulations immediately on June 28th, it is difficult, if not impossible, in some cases to meet our customers need, and comply with the standard when we can not even purchase compliant cribs before the regulations go into effect. Thank you for your time. - Ghadah Makoshi

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 6:52 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 18:50:53

Name = Lisa Motley
Organization/Affiliation = OCR
Daytime Phone = 407.433.7770
E-mail address = lisa@orlandocribrental.com

Message = The CPSC's new regulation is hitting me at the worst time. I cannot afford to replace every crib in my inventory even if I could find a manufacturer that had available stock. I carry the [REDACTED] which is a fixed side commercial crib. The manufacturer refuses to tell me if my cribs meet the new standard or not. Hotels have until the end of the year. The cribs are unavailable for purchase. I would need another year to replace all of my existing cribs and still, even then I cannot afford to do so. This will probably put me, a company in Orlando, out of business. If a company where I am located can't financially make the change, the smaller companies in non tourist destination spots don't have a chance. Small business is essential to the government's plan for economic recovery and this will wipe out most in our industry.

Knox, Eileen

From: hamptonsbabygear@gmail.com on behalf of Hamptons Baby Gear Ltd
[info@hamptonsbabygear.com]
Sent: Tuesday, June 14, 2011 4:28 PM
To: Cohen, Neal
Subject: Crib Recall

Hi Neal

I am the owner of Hamptons Baby Gear, a baby rental company located on Long Island. I started this company in 2009 and provide a very valuable service to parents visiting the east end. In 2009 I purchased 45 drop side cribs. In 2010 I had to replace those 45 drop side cribs which cost me over \$9,000.00. That hurt financially but I wanted to insure the safety of the little ones we provide for so we complied immediately. Now in 2011 I own 112 compliant non drop side cribs that I just purchased within the last year. Brand new. With the new specifications on cribs coming into effect this month I will have to replace \$30,000.00 worth of cribs. Not only would this cripple my business but it would force me to close down permanently. There is no way I can keep my small business running. To boot the crib manufacturers don't have any supply on cribs that do meet the new standard. This is grossly unfair. Please reconsider your stance on the matter as it is a no win for baby rental companies like mine who have been hit hard by your regulations once in 2010 and now again.

We are a mom owned and operated company that truly cares about safety and all our products are kept in premium condition.

Please have some mercy.

Lisa Costa

--

Lisa

Hamptons Baby Gear

631.803.4322

www.HamptonsBabyGear.com

Knox, Eileen

From: emailform@cpsc.gov
Sent: Tuesday, June 14, 2011 4:19 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 16:19:06

Name = Shanta Hoff
Organization/Affiliation = Maine Sherpa Babies
Daytime Phone = 207-449-1075
E-mail address = sherpababy@me.com

Message = I am writing to request an extension on the deadline that CPSC has instated regarding crib updates for Baby Equipment Rental Companies. To purchase all new cribs, less then a year after replacing all of my cribs due to the dropside crib recall, is going to be extremely challenging for me. The hotels and Inns have until Dec 2012, so clearly it is not a matter or these cribs being unsafe. I am a small business, who's inventory was significantly reduced last year due to the need to purchase \$225 cribs, which are now considered garbage as of June 26, 2011. Please reconsider and give our industry an extension. Thank you.

Knox, Eileen

From: Brandi [info@basicbabyrentals.com]
Sent: Tuesday, June 14, 2011 3:53 PM
To: Cohen, Neal
Subject: Crib Regulations

Mr Cohen,

I am writing to you today to express my extreme hardship with the newly imposed regulations regarding the 2011 compliance laws for rental cribs. My company purchased 5 new cribs from [REDACTED] last year, May 2010 to be exact. These cribs cost me over \$300.00 a piece plus over \$500.00 in shipping. For a total of \$2,000.00. Now I find out that they are no good. In addition to the other 5 that I have, I need to replace 10 cribs by next week. [REDACTED] doesn't even have the cribs manufactured yet and isn't expecting them until Aug. The other company won't have them until July. Now, I must take a loss on 10 cribs. Put out money to buy 10 new cribs and cannot earn any money on renting any cribs till possibly August. I am a small business that doesn't have some million dollar budget. This is a huge loss to me personally. Why does every other industry , hotel, child care facilities get a reprieve until Dec 2012? Why have we been singled out? Will anyone come to our aid during this time for all of our losses? What am I suppose to do with the 5 brand new beautiful cribs? Why aren't the manufactures forced to compensate or bring the new cribs I bought up to code. This is the busy season for most baby equipment rental company's. I feel that we should be given the same treatment and be allowed to have till the Dec 2012 date like everyone else. This would be fair and allow businesses like mine to survive. I am pleading with the federal government to give us what is only fair. I know that some of the company's will be out of business including myself if we cannot rent our cribs out this summer. I also know that we are the ones who rent out the safest cribs by far. The hotels do not specialize in cribs the way we do..Most of us update and check our equipment monthly, and we are the ones being penalized the worst. Please help us and extend our time line, so that we may stay in business.

Regards ~Brandi carpenter

Basic Baby Rentals
978-587-2074

Knox, Eileen

From: kimberly Maxwell [kimberly@netpr.net]
Sent: Tuesday, June 14, 2011 4:00 PM
To: Cohen, Neal
Subject: Pleading for re-review of compliance law imposed on June 28 on baby equipment rental companies

Dear Neal,

This new rule that CPSC is enforcing on baby crib rental companies is an unreachable, unattainable enforcement since the supply of baby cribs that must comply are simply unavailable. If compliance is not met, by the June 28 date that your organization is enforcing us to adhere to, is simply non doable. The supply of cribs that comply does not exist, nor are they manufactured. If we don't use our existing cribs, we will simply go out of business.

Why doesn't the Hotel industry not have to comply by these same rules by the June 28, 2011 deadline, and have an extension of December 2012? We provide cribs in the same capacity as the hotel industry, to guests staying in condos and homes that are for rent. In fact, we serve many hotels in our area. So would those cribs comply for hotel use, but not for our other guests staying in other properties. It simply doesn't make sense and is placing limits on a group of businesses that simply can not reach an attainable amount of equipment to replace existing equipment in order to comply so quickly.

Baby crib rental businesses have no way of obtaining baby cribs that can be certified or will be certified by this imposed June 28 deadline. The new rules imply all rules, not just drop side, should be followed by June 28 or up to 100,000 fines for each offense will be imposed. Are you trying to close the doors to small businesses? Why the rush? The urgency? Your organization is punishing us, when our hands are tied and we can not do anything since manufacturers are in stall mode with compliance issues.

We press you for an extension you have given the Hotel industry, we beg that you give this same extension to the baby crib equipment rental businesses that is so close in type of business providing equipment as the Hotel industry.

Again.....

How do Hotels, which is the same type of hospitality business as a vacation rental or condominium, not have these rules imposed on them with unattainable deadlines. And we, baby equipment rental companies, who are also in the same hospitality business, MUST comply with these unattainable new rules - the cribs simply don't exist or aren't available from manufacturers.

It is unbelievable that our baby equipment rental companies must endure such penalties when these companies simply can not attain the stock for their companies. So, what is the answer, do not deliver cribs, go out of business?

Please consider extending this rule to baby equipment rental companies. It is the fair, logical, and only solution considering the circumstances we are in with the **INABILITY TO OBTAIN REPLACEMENT CRIBS**.

Thank you for your sincere consideration of this letter,

Carl Post
Kimberly Maxwell

Owners
Babies-n-town, Florida

Knox, Eileen

From: Cohen, Neal
Sent: Tuesday, June 14, 2011 3:08 PM
To: Knox, Eileen
Subject: FW: small business crib compliance

From: Lisa Cook [<mailto:lisa@crybabycomforts.com>]
Sent: Tuesday, June 14, 2011 3:05 PM
To: Cohen, Neal
Subject: small business crib compliance

Hello Neal,

I am writing you on behalf of myself and all the other small baby equipment rental companies. I personally run a business that only makes around 15-20k a year gross. I do so to help support my family and stay at home with my kids. This new regulation will put undue strain on my business and could end up closing me down in trying to comply right in the middle of our busy season.

Why is it that large hotels that have capital to burn are given two years to comply and not a small business like mine? There aren't even enough cribs out there that have complied for me to buy. Not to mention I don't have time to get them into stock or the extra money to buy these very expensive cribs that have complied already.

Last is that I replaced all my cribs just 1 year ago before the drop side regulations took place. You are asking my tiny business to replace my cribs 2x's in 1 year! The cribs I have in stock are safe and if I were a hotel I would be in compliance at the end of this month for 2 more years. It doesn't make any sense why my cribs won't be in compliance the end of this month.

Please help me keep my business running as it is now. Support our small businesses instead of crippling them. Make it so we have until 2012 to comply not 2 weeks which just isn't possible.

-Lisa Cook

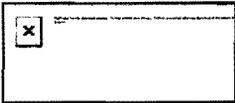
Knox, Eileen

From: Ellie Venafro [totsonthego@msn.com]
Sent: Monday, June 13, 2011 12:13 PM
To: Cohen, Neal
Subject: FW: BTPA Member Update on Crib Compliance

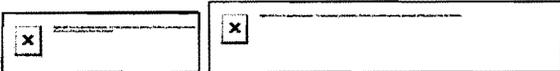
Neil, I'm sure you are getting bombarded with emails regarding this issue with the cribs for the rental industry. We serve several locations in Virginia, South Carolina, Georgia and Utah, with 6 consultants working for us. We are very concerned because, as I'm sure you are aware, the portable full size cribs that we use are not available currently. Crib rentals are 80% of our business. If we don't have the products for our customers we will lose out tremendous amount of revenue, loyalty from our repeat customers and potential for any new customers. I'm begging you guys to please give us some leway so we can get through our very busy season with the products we have until the distributors have the mandated products available for us. That's all we are asking for, time. I don't want to be financially penalized when we are trying so hard to do the right thing, but we have no means to right now. It's not even about money at this point, we have been saving for this ever since we found out, we just can't get the product in time.

Thank you,

Ellie Venafro
President/Mompreneur



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Date: Mon, 13 Jun 2011 07:08:15 -0700
From: sarah@sweetpeababyrentals.com
Subject: Re: BTPA Member Update on Crib Compliance
To: totsonthego@msn.com

There are a few companies that may have [REDACTED], but the majority of us do not have compliant cribs. I do not have any. Last I checked [REDACTED] had some inventory but I am following up with them again. I will try to see what the issue is with them not returning calls or emails. You aren't the first person I've heard this from. I don't know if they are overwhelmed with calls or what.

Sarah Peters
Sweet Pea Baby Rentals
602-549-9918
<http://sweetpeababyrentals.com>

Co-Founder

Baby Travel Pros Association
<http://babytravelpros.com>

From: Ellie Venafro <totsonthego@msn.com>
To: sarah@sweetpeababyrentals.com
Sent: Monday, June 13, 2011 3:53 AM
Subject: FW: BTPA Member Update on Crib Compliance

Sarah, thanks for the update. So frustrating still. I know that Ngozi is still working on helping us so I'm going to check with her today for an update.

Are you saying that [REDACTED] has cribs now? I don't understand why they won't respond to my emails or calls. Do you or any rental companies have compliant cribs right now? We have none and we are panicking!!!

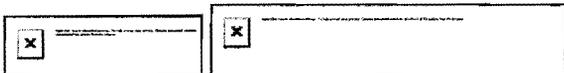
Thanks,

Ellie Venafro
President/Mompreneur



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Date: Sun, 12 Jun 2011 22:51:12 -0700
From: register@babytravelpros.com
Subject: BTPA Member Update on Crib Compliance
To: sarah@sweetpeababyrentals.com

Dear Members,

We've added several new members lately, so first, WELCOME! Here's just a few that we've added in the last couple weeks -

City Stroller Rentals - Los Angeles, CA
Nantucket Cribs - Nantucket, MA,
Cabo Baby Rentals - Cabo San Lucas, Mexico
A Baby's Comfort - Orlando, FL
Miss Maddie's Children's Nook - New Smyrna Beach, FL

Be sure to sign up for the message board/forum if you have not already - <http://babytravelpros.com/forum> (it requires a separate log-in from the main website).

Second, I want to again remind everyone that the date currently set for **compliance to the new US crib standards is June 28, 2011** (as in about 2 weeks away)! We are NOT being considered part of the hotel industry with the much later Dec 2012 compliance date because we lease/rent cribs, and the new standard is written with those exact words. I

understand that sufficient inventory is not available nor is it financially possible for us to do this in two weeks, but what this means for everyone located in the United States is:

- Every full sized crib will have to be replaced
- Every less-than-full sized crib will have to be replaced
- Only exception to date is [REDACTED] full sized folding wood cribs (model 983) manufactured on or after June 1, 2010
- Popular cribs that we know do not comply - [REDACTED] cribs, anything with a drop-side (immobilizing it will NOT make it compliant), probably any "residential" crib as well.

I've made a new contact with the CPSC that we need to continue writing to, explaining our situation and why we need an extension on the date. His name is Neal Cohen and he is the Small Business Ombudsman (ncohen@cpsc.gov) My main points were that 1) it is not financially feasible and 2) sufficient inventory is not available. **PLEASE email him** explaining your business and why an extension to the Dec 2012 date is necessary. I have already contacted him on behalf of the entire Association, but the more awareness we raise, the better our chances.

If you are unsure if your cribs are compliant with the 2011 standard, look at the manufacture dates, call the maker and ask regarding your specific manufacturing dates. Chances are they are not compliant, but if they say they are, ask to see the Certificate of Compliance for 16CFR1219 or 16CFR1220. Those are the official ruling numbers of the new 2011 standards. Every model must be re-tested under the new standard and some manufacturers seem oblivious to this, or the customer service reps may not understand what you're asking. The biggest changes were to eliminate drop sides, increase crib slat integrity, beef up hardware requirements, and to add more rigorous testing methods.

As far as enforcement goes, I have heard to expect it to be significant, however this was in the context of retailers selling non-compliant cribs. The penalty for selling a non-compliant crib has been raised from \$8,000 to \$100,000 per violation. I do not know about renting but I assume it would be the same. I have NOT specifically been told that we will get a reprieve if inventory is not available for us to buy. I do not know yet if we will be forced to stop renting cribs all together, or if we may continue to rent our existing inventory.

Please send your questions regarding crib compliance to me or directly to Neal Cohen at ncohen@cpsc.gov. If you find out more information, please share it on the forum (<http://babytravelpros.com/forum>) or email me and I will share it.

Sarah Peters
Sweet Pea Baby Rentals
602-549-9918
<http://sweetpeababyrentals.com>

Co-Founder
Baby Travel Pros Association
<http://babytravelpros.com>

EXHIBIT G



KEEPING BABIES SAFE

BabiesSafe

www.keepingbabiesafe.org

Dear Neal:

This letter is in response to small businesses which seek to move the June 28, 2011 date to comply with the new federal crib requirements. The new Safe Sleep crib requirements rolled out by the CPSC are a huge step forward in ensuring that our babies have a safe sleep environment. The CPSC should be extremely proud of this legislation because it has worked tirelessly to ensure that babies across this country are put in safe cribs by banning cribs that do not meet new federal regulations. These regulations were properly noticed, comments were given by industry, responses provided and finally a bill proposed and passed by the U.S. congress. There is no need to extend the date for compliance. To do so, would needlessly put babies in the very danger that the CPSC had tried to prevent.

We are an organization which sprung from a tragic event of a baby's death caused in an unsafe crib. We urge you to not allow another baby to be put in danger any longer than what is already provided for. We want to Keep Babies Safe, the CPSC wants to Keep Babies Safe, the U.S. Congress wants to Keep Babies Safe, it's time for retailers to comply.

Sincerely yours,

Joyce Davis, President of Keeping Babies Safe

Knox, Eileen

From: Ombudsman, Small
Sent: Tuesday, June 14, 2011 3:08 PM
To: Knox, Eileen
Subject: FW: Message from Email Form

From: emailform@cpsc.gov [<mailto:emailform@cpsc.gov>]
Sent: Tuesday, June 14, 2011 2:22 PM
To: Ombudsman, Small
Subject: Message from Email Form

06/14/2011 14:22:10

Name = Nancy Cowles
Organization/Affiliation = Kids In Danger
Daytime Phone = 312.595-0649
E-mail address = nancy@kidsindanger.org

Message = June 12, 2011 Neal S. Cohen Small Business Ombudsman U.S. Consumer Product Safety Commission 4330 East West Highway Bethesda, MD 20814 Dear Mr. Cohen, Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by improving children's product safety. We have been working to improve crib safety since Danny Keysar's death in 1998. I am writing today to again express our appreciation for the hard work CPSC has done to get a strong crib standard in place as required by the CPSIA. We are very excited that the effective date is two short weeks away, on June 28th, and parents will soon have the reassurance that any crib they buy – new or used – will meet these strong new standards. The new crib safety standards ensure that crib hardware is sturdy, mattress supports and slats can stand up to real world use and that cribs can indeed keep a child safe. With all the children who have been killed or seriously injured due to crib malfunction, it is imperative that we make changes sooner than later. On June 28, we will be thinking of Liam Johns, Bobby Cirigliano, Tyler Witte, and many others. For more than 10 years, we have tried over and over to strengthen the voluntary standard to no avail. It took CPSIA to make crib safety a reality. While some might say the implementation timeline is too short, we say it has been way too long in coming. Lives would have been spared if industry had acted sooner. Parents have been counting on the June 28 date to be able to buy a safe crib. Extending the deadline would mean that, once again, parents will not have adequate information on the safety of their new crib. Cribs are currently being sold that not only don't meet 2010 voluntary standards, but may not even meet earlier versions of the weak voluntary standard. Today, I can go online and purchase a drop-side crib new or used – a known death-trap. Only sticking with this effective date can change that. Manufacturers, retailers, regulators and laboratories have been actively working to be ready for this date. It is not fair to the small businesses and others who worked to be ready to reward those who did not. Sincerely, Nancy A. Cowles Executive Director

Knox, Eileen

From: Michele Witte [REDACTED]
Sent: Tuesday, June 14, 2011 4:17 PM
To: Cohen, Neal
Subject: CPSC new safety standards

Dear Mr. Cohen,

I am a child safety advocate and I am dedicated to protecting children by ridding the marketplace of the design-flawed drop side crib. I have been working to eliminate this design of cribs since my son Tyler's tragic death in 1997. I am writing today to again express my appreciation for the hard work CPSC has done to get a strong crib standard in place as required by the CPSIA; regulations that ban these dangerous cribs from the marketplace. I am so very excited that the effective date is a few short weeks away, on June 28th, that I decided to host a fundraiser here in New York that week to raise awareness about this historic event. I was never able to have any type of memorial for my son until now; Knowing that his crib and other cribs with inadequate safety standards will never bring another family such heartbreak finally gives me a reason to celebrate his life and memorialize his untimely and preventable death. It brings my family great comfort to know that parents will soon have the reassurance that any crib they buy – new or used – will meet these strong new standards.

The new crib safety standards ensure that crib hardware is sturdy, mattress supports and slats can stand up to real world use and that cribs can indeed keep a child safe. With all the children who have been killed or seriously injured due to crib malfunction, it is imperative that we make changes sooner than later. On June 28, we will be thinking about my son and about the children whom I only got to know about from moms who share a sad bond with me: Bobby and Liam.

For more than 13 years, I have tried over and over to get the message out to the public that cribs must be the safest place for a child and stronger standards need to be in place. It took CPSIA to make crib safety a reality. ***While some might say the implementation timeline is too short, my family says it has been fourteen years too long in coming.*** Tyler's life would have been spared if industry had acted sooner. Parents have been counting on the June 28 date to be able to buy a safe crib. Extending the deadline means that, once again, parents will not have adequate information on the safety of their new crib. Only sticking with this effective date can change that.

My son, Mason-Lukas, who spends his nights in a SAFE, stationary crib with no moving parts, goes to daycare during the day while I work teaching at a public high school. When I placed him in this daycare I had to purchase a crib for his use because the daycare uses cribs that do not comply with the new standards. After learning about my son and learning about the new crib standards, the owner of the daycare, Patricia, has worked tirelessly preparing "Alphabetland" with a safe alternative to the drop side crib. In these tough economic times it makes me proud to know that a small business owner has worked so hard to comply with the new crib standards. It is unfair to her to reward others who knew about the new regulations and chose not to be ready in time.

The crib industry has been putting profits over safety for decades. And now, once again, manufacturers and retailers are ready to risk a child's safety after looking at what is best for the company. Amazon and other internet sellers are selling drop side cribs for a fraction of what they were sold for before the ruling that banned the design. Is it industry's solution to sell off all unsafe child products (i.e. ANY product that does not

meet the new stronger standards) before it's illegal to do so? It makes me very frustrated!

Sincerely,

Michele Witte

--

Michele Witte

Want to help keep babies safe from dangerous products?

Visit www.kidsindanger.org



Consumer Federation of America

June 15, 2011

Neal S. Cohen
Small Business Ombudsman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Mr. Cohen,

The Consumer Federation of America is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. Crib safety is an important priority for our organization.

One of the most notable examples of a success of the Consumer Product Safety Improvement Act is the mandatory crib standard that is required by section 104 of the CPSIA. We have applauded and continue to applaud the CPSC's efforts to prioritize the safety of infant sleep environments in light of the deaths of more than 30 children due to poorly designed cribs, bassinets, and play yards. Pervasive design flaws have led to the recall of more than 10 million cribs over the past three and a half years. It was essential that the CPSC place safe sleep environments at the top of their mandatory standards-setting list as part of that initiative. Recalls and corrective actions for cribs have been issued for non-compliance with safety standards; strangulation hazards; risk of head entrapment when side rails, spindles, and slats in side rails become loose or break; risk of suffocation; choking hazards; risk of falling; and danger of laceration when fingers become trapped in folding drop gates.¹

While the previous voluntary crib standards effectively banned the drop-side design in new cribs, only since passage of the CPSIA has there been an effort made to strengthen the voluntary and mandatory standards and require testing and verification of new cribs. The final CPSC crib standard incorporates many provisions that consumer advocates have been supporting for years that replicate the real world use of cribs, such as durability tests, mattress support tests, and tests for the effectiveness of hardware. The resulting CPSC standard, that passed CPSC unanimously, is a strong and effective one.

Section 104(c) of the CPSIA also seeks to address hazards posed by older model cribs by removing them from the market. This section applies to cribs sold new and used, cribs used in child care facilities, and cribs used in public accommodations such as hotels and motels. The application of this provision means that older cribs that pose risks to children will be taken out of the stream of commerce. This provision is based upon laws already in existence in numerous

¹ Kids in Danger, <http://www.kidsindanger.org/prodhazards/recalls/cribs.asp>

states including Arizona, Arkansas, California, Colorado, Illinois, Louisiana, Michigan, Minnesota, Oregon, Pennsylvania, Vermont and Washington. This provision extends the protections previously offered in just these states to the entire nation to ensure that children sleep in cribs that meet the most recent and most protective crib safety standards.

We are looking forward to the implementation date of the new robust crib standard on June 28, 2011. The fact that this crib standard will go into effect will give people who use and buy cribs the certainty that new cribs will meet the strong new standards that CPSC and other stakeholders worked so hard to create.

CFA opposes extending the implementation deadline any further than June 28, 2011. All stakeholders had been aware of the work being done to promulgate the crib standard for over two years and the new standard passed in December of 2010, allowing for 6 months for manufacturers and retailers to prepare for the implementation of this safety standard. For parents it has been years and years of uncertainty about the safety of the cribs they entrusted to be a safe haven for their babies. Not only has it taken almost a decade to strengthen the voluntary standard, but the recalls of millions of unsafe cribs further added to the frustration and uncertainty about the safety of cribs sold in the United States.

Further, we understand that many manufacturers and retailers have been preparing and are ready for the implementation date of June 28, 2011. CPSC should not reward those entities who are not prepared for this deadline nor punish those who have worked hard to comply with this timeline.

CFA applauds CPSC for the robust and protective crib standard that the Agency worked so hard to promulgate. We oppose extending the deadline for implementation as consumers are depending upon the certainty that comes with the implantation of this important product safety standard.

Sincerely,

A handwritten signature in black ink that reads "Rachel Weintraub". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Rachel Weintraub
Director of Product Safety and Senior Counsel