

United States Senate

WASHINGTON, DC 20510

March 14, 2024

Alexander Hoehn-Saric
Chair, U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chair Hoehn-Saric,

We write to urge the Consumer Product Safety Commission (CPSC) to work towards securing a recall of Mattel's Fisher-Price Infant-to-Toddler Rocker and the similarly designed Kids2 Bright Starts Rocker, two rockers that have been linked to numerous infant deaths.¹ We also urge CPSC to more aggressively protect infants from the risks associated with rockers as it develops the first federal safety standard for infant and infant-to-toddler rockers.

Inclined rockers are popular with parents and caregivers for helping calm infants with gentle rocking motions. While rockers are not designed for sleep, their soothing features, such as vibrations or calming sounds, can encourage babies to fall asleep. This can pose serious risks for infants, including suffocation, positional asphyxia, and an increased risk of sudden infant death syndrome (SIDS). Using rockers for sleep, even briefly, runs counter to the evidence-based safe sleep recommendations for infants established by the American Academy of Pediatrics.²

Between 2009 and 2021, 13 infants died after being placed in Fisher-Price Infant-to-Toddler Rockers and Newborn-to-Toddler Rockers, leading CPSC to issue a safety warning on June 14, 2022. The safety warning emphasized that these products should not be used for sleep, and babies should never be left unsupervised or unrestrained in them.³ That same day, CPSC issued a similar warning about a Kids2 Bright Starts Rocker model linked to at least one reported infant death.⁴ While we applaud the agency for taking this necessary action, rockers that have been

¹ Consumer Reports, *Another Baby Has Died in a Fisher-Price Infant-to-Toddler Rocker* (online at <https://www.consumerreports.org/babies-kids/child-safety/fisher-price-infant-to-toddler-rocker-another-baby-death-a8079763066/>) (accessed Feb. 14, 2024).

² Rachel Yoon, Rebecca Carlin, and Ivan Hand, *Evidence Base for 2022 Updated Recommendations for a Safe Infant Sleeping Environment to Reduce the Risk of Sleep-Related Infant Deaths*, American Academy of Pediatrics (July 2020). <https://publications.aap.org/pediatrics/article/150/1/e2022057991/188305/Evidence-Base-for-2022-Updated-Recommendations-for?autologincheck=redirected>.

³ Consumer Product Safety Commission, *CPSC and Fisher-Price Warn Consumers About 13 Deaths in Fisher-Price Infant-to-Toddler and Newborn-to-Toddler Rockers: Advise Rockers Should Never Be Used for Sleep* (online at <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSC-and-Fisher-Price-Warn-Consumers-About-13-Deaths-in-Fisher-Price-Infant-to-Toddler-and-Newborn-to-Toddler-Rockers-Advise-Rockers-Should-Never-Be-Used-for-Sleep>) (accessed Feb. 14, 2024)

⁴ Consumer Product Safety Commission, *CPSC and Kids2 Warn Consumers About Death in a Kids2 Rocker: Advise Rockers Should Never Be Used for Sleep* (online at <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSC-and-Kids2-Warn-Consumers-About-Death-in-a-Kids2-Rocker-Advise-Rockers-Should-Never-Be-Used-for-Sleep>) (accessed Feb. 14, 2024)

associated with infant injury and death remain on the market. Most recently, on November 4, 2023, another family tragically lost their 6-month-old daughter after she was placed on a Fisher-Price rocker.⁵

These are not the first inclined infant products that have been linked to infant injury and death. In 2021, the House Oversight Committee found that Mattel had failed to research whether its Fisher-Price Rock ‘n Play sleeper was safe for overnight sleep before bringing the product to market in 2009. Even after being made aware that the product was *not* safe for overnight sleep, Mattel continued to market the Rock ‘n Play for sleep until CPSC recalled the product in 2019.⁶ Further, the Safe Sleep for Babies Act, which passed in May of 2022, made it illegal to sell, distribute, manufacture or import the Rock n’ Play Sleeper and other inclined sleep products.

CPSC has the authority to recall products from the market that pose a substantial hazard to consumer’s safety.⁷ We urge you to act now and work toward securing a recall of the Infant-to-Toddler and Bright Starts rockers from the market. We cannot continue to stand by as unsuspecting parents and innocent babies are put in preventable danger.

We also urge the CPSC to further protect infants as it develops the first federal safety standard for infant and infant-to-toddler rockers. On October 26, 2023, CPSC released its proposed *Safety Standard for Infant and Infant/Toddler Rockers*. Though the proposed rule includes important new safety measures, such as making rockers firmer and flatter, ensuring they pass stability and safety tests, and adding prominent warning labels,⁸ more targeted measures, such as adding a minimum age requirement, prohibiting the inclusion of soothing features such as vibrations or calming sounds, and restricting the degree of incline, are needed to address the potential hazards associated with inclined rockers.

Finally, we request responses to the following questions no later than March 28, 2024:

[Be-Used-for-Sleep](#) (accessed Feb. 14 2024)

⁵ Consumer Product Safety Commission, *Incident Report Details* (online at <https://www.saferproducts.gov/PublicSearch/Detail?ReportId=4476673>) (accessed Feb. 14, 2024). Another incident in March 2023 involved a mother placing her 9-month-old daughter in a Fisher Price rocker, awake with a restraint and supervised, as per the manual’s instructions. The infant rolled to her side and was unable to roll back. Consumer Product Safety Commission, *Incident Report Details* (online at <https://www.saferproducts.gov/PublicSearch/Detail?ReportId=4130208>) (accessed Feb. 14, 2024)

⁶ House Oversight Committee, *Staff Report on Infant Deaths in Inclined Sleepers: Fisher-Price’s Rock ‘n Play Reveals Dangerous Flaws in U.S. Product Safety* (June 2021) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/Inclined%20Sleeper%20Report%202021.pdf>).

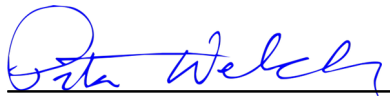
⁷ 15 U.S. Code § 2064

⁸ Federal Register, *Safety Standard for Infant and Infant/Toddler Rockers* (October 2023) (CPSC Docket No. 0046) <https://www.federalregister.gov/documents/2023/10/26/2023-23322/safety-standard-for-infant-and-infanttoddler-rockers>

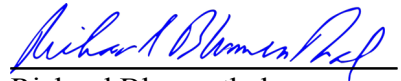
1. Since the CPSC issued safety warnings for the Fisher-Price and Kids2 rockers in June 2022:
 1. How many infant fatalities have occurred that are associated with these rockers?
 2. How many incident reports has CPSC received in association with these rockers?
2. Is the CPSC aware of any similarly designed rockers from other manufacturers that present similar dangers?
3. Should CPSC recall the products from the market, what is the anticipated timeline for the recall process?
4. Consumer advocates argue that infants below the age of four months lack the ability to lift and move their heads independently, making them particularly vulnerable to health and safety risks associated with rockers.⁹ Has CPSC considered adding a minimum age requirement for rockers or considered restricting the rocker's incline?

We look forward to receiving your answers to these questions. We appreciate your attention and look forward to a prompt response.

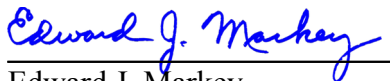
Sincerely,



Peter Welch
United States Senator



Richard Blumenthal
United States Senator



Edward J. Markey
United States Senator

⁹ Consumer Reports, Consumer Federation of America, Kids in Danger, Public Citizen, and U.S. Public Interest Group, *Joint Comments to the Consumer Product Safety Commission on the Notice of Proposed Rulemaking; Safety Standard for Infant and Infant/Toddler Rockers Docket No. CPSC-2023-0046* (Dec. 22, 2023).