

Comment – Window Covering Rulemaking

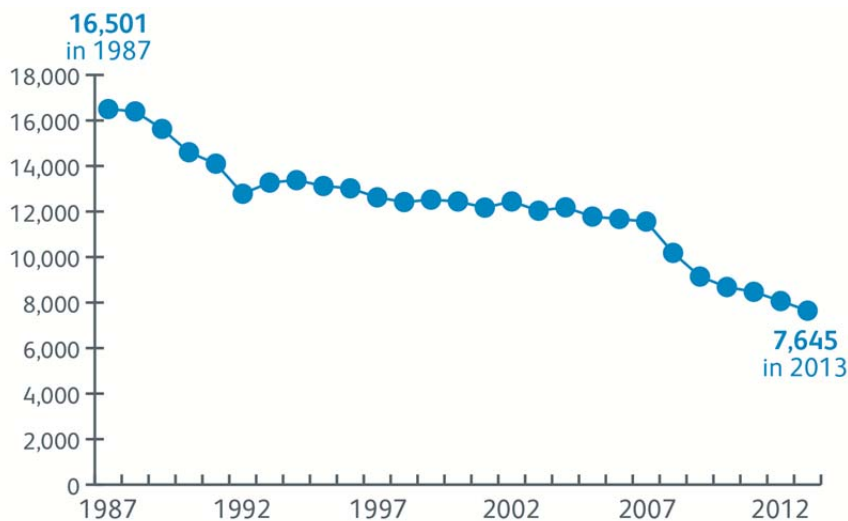
Safe Kids Worldwide joins with its allies in the child safety community in favor of a mandatory rule that would reduce the risks associated with the cords that control window coverings. They are associated with a number of deaths from strangulation, at least 184 from 1996 to 2012 as tracked by the Consumer Product Safety Commission (CPSC). Data from the National Center for Health Statistics (NCHS) shows similar statistics with an estimated average of 11 fatal strangulations related to window covering cords every year from 1999 through 2010 in the U.S. among children under 5 years old.ⁱ

Twenty-two days in 2014 were especially tragic: four children were strangled from window covering cords: a 6-year-old girl in Maryland, a 3-year-old girl in Texas, a 4-year-old boy in Georgia and a 2-year-old boy in Maryland.ⁱⁱ

Introduction to Safe Kids Worldwide:

Safe Kids Worldwide is a global network of organizations dedicated to providing parents and caregivers with practical and proven resources to protect kids from unintentional injuries. Throughout the world, almost one million children die from injury each year, and the great majority of these tragedies are preventable. Safe Kids works with an extensive network of more than 400 coalitions in the U.S. and in 25 countries to reduce traffic injuries, and those sustained in homes such as drowning, falls, burns, poisonings and incidents involved with defective and dangerous products.

Since 1988, Safe Kids has been part of a community which has helped reduce the U.S. childhood death rate from unintentional injury by 60.2 percent. But injuries that are unintentional and preventable remain the number one killer of children aged 19 and under. (See chart below.)



Safe Kids' Experience with Home-Based Risks and Curiosity: "Kids Are Curious By Nature"

Safe Kids has extensive experience with the risks that occur when a child is exposed to home products. They range from the ingestion of medications, which can resemble candy, and “button batteries,” the small batteries that power hearing aids, small toys, remote controls and car key fobs. Similarly, televisions sitting on cabinets can also attract a child’s attention and lead to injury or death when the televisions and/or cabinets fall onto them.

The cords that operate window coverings are similar in attracting the attention of small kids on the mission of adventure. Safety advocates/educators and health providers cite curiosity as a major contributing factor leading to childhood injury in the home. A health care entity provided parents with tips on choking risks in an online article “Curiosity in Children Can Lead to Dangerous Situations.”ⁱⁱⁱ Curiosity can lead children “to explore dangerous territory, even in their own homes,” said the American College of Emergency Physicians, citing that 2.3 million children are injured in the home each year.^{iv} The Centers for Disease Control and Prevention also attributes curiosity to child home injury in a document about childhood injury. “Children are curious and like to explore their environment, which may lead children to sample pills in the medicine cabinet, play with matches or venture into a family pool.”^v

The window covering industry has recognized the curiosity factor involving their products. “Kids are curious by nature, so it’s important to childproof your home to prevent unnecessary accidents,” said the Window Covering Safety Council in a public education article which they headlined, “Safety is the New Black.”^{vi}

We agree.

Window coverings can and must be made safer to empower parents to effectively childproof their homes.

Voluntary Efforts are Preferred, but Do Not Always Work

Consumer safety works best when industry, government and safety NGOs work together. Safe Kids supports voluntary efforts, coupled with strong awareness efforts. When collaborative efforts among government, industry and safety NGOs fail, and lives continue to be lost, it is time for government to mandate standards to better assure safety. That time has come for window coverings.

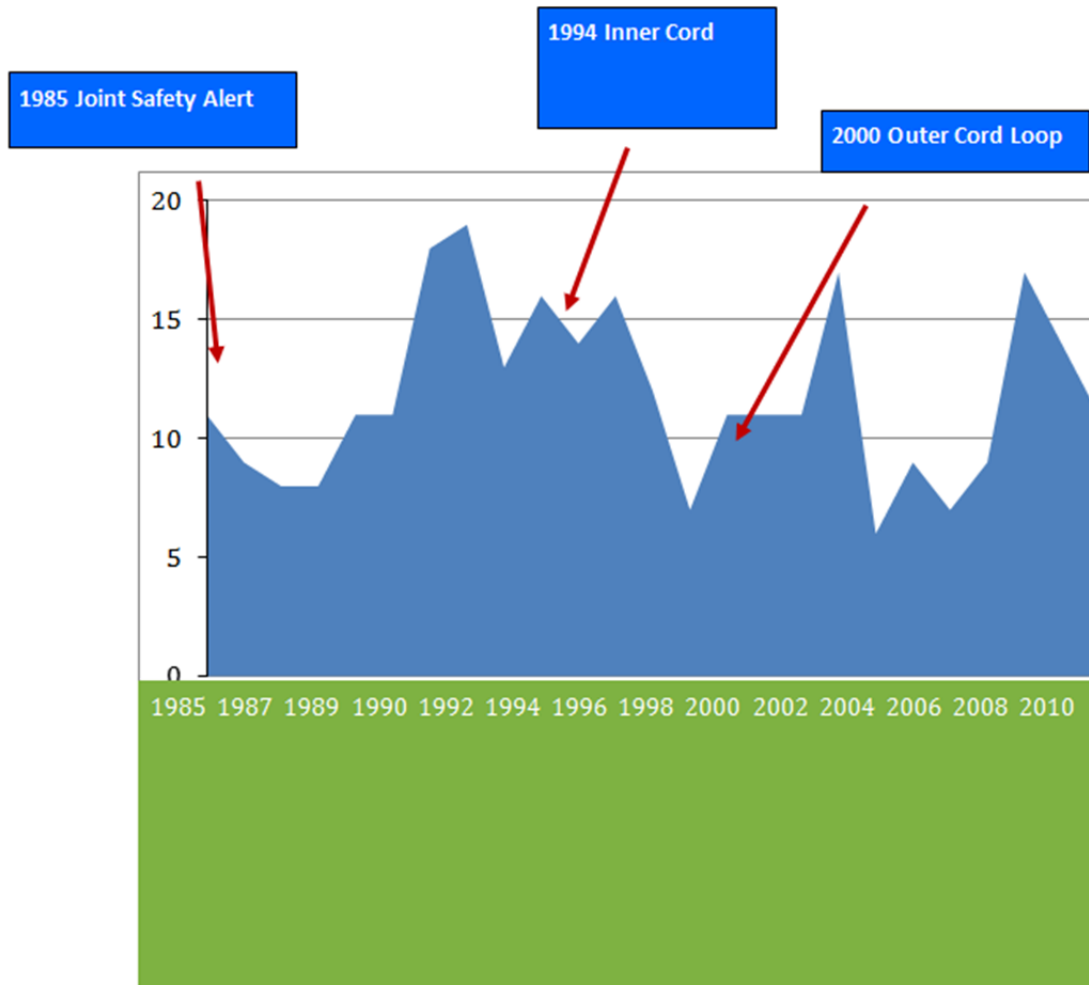
Thirty Year History of Industry/CPSC Efforts Towards Voluntary Standards

The CPSC has been working with industry since 1985 in trying to arrive at voluntary solutions to the danger. This started with a negotiated safety warning about window covering cords. The warning was weak because the Industry refused to agree to language about cutting the loop at the end of the cord. Through the years, Industry and the CPSC engaged in similar efforts at voluntary warnings and standards. These measures have not been effective. The number of tragedies, and injuries, has remained steady, except for a dip between 2004 and 2007.



Incremental changes in design, warnings and awareness efforts can be a viable remedy in consumer safety. This has not been demonstrated in this case.

The chart below tracks the deaths from 1985 to 2010, and includes milestones representing voluntary attempts to reduce fatalities and injuries relating to window covering cords.



1985

Joint Safety Effort

The CPSC and the Industry negotiated the voluntary Safety Alert discussed above that lacked the critical recommendation to cut the loop in the cord which would have disabled a child from placing their neck in it. The remaining agreed-upon alert warned about 1) keeping cords out of the reach of children; 2) adjusting cords to the shortest possible length; and 3) not placing furniture close to the blinds on which a child could climb and reach the cords.

1994 Outer Cord Loop

About a decade later, the CPSC sought voluntary design changes including the elimination of the cord loops. The Commission and Industry agreed on a plan that included more education and public outreach, distribution of products to retrofit existing coverings and design changes which



eliminated the looped outer cords. Neither party was convinced that this would be very effective because the cords could tangle and create a new strangulation hazard. There was further agreement that this was an interim measure pending research and development for better technology.

2000 Inner Cord

In 1989, CPSC sought more changes and compliance, this time relating to the inner cord. A similar plan was agreed to involving the inner cords: providing public education and outreach, retrofitting and distributing parts to make existing coverings safer and, again, the search for better technology. The industry also rested on its recommendation that families with kids install only cordless window coverings. Data would suggest that awareness may have kicked in as there was a decrease in fatalities between 2004 and 2007; however, they jumped back up again in 2008 when there were 17 fatalities.^{vii}

2014 Effort

Most recently, the industry set another voluntary standard agreed to by the American National Standard Institute (ANSI) and Window Covering Manufacturers Association (WCMA). It still did not keep the cords out of a child's zone of curiosity. CPSC staff analyzed its effectiveness and concluded:

[A]ssessment of the 2014 version of the ANSI/WCMA standard reveals that 57 percent of the incidents that were investigated by CPSC are not effectively addressed by the existing voluntary standard, although the standard does address the hazards in 25.7 percent of the investigated incidents.⁴

Recalls

As the 30 years of voluntary efforts were being sought, the CPSC has also engaged in at least 16 recalls of blinds since 2007. These involved window coverings that were not in compliance with voluntary standards.⁷ This record of recalls demonstrates further that there is a significant problem with window coverings and cords.

In addition to lives lost, dollars are also wasted. For Industry, the cost of recalling products must be significant. In addition to hard costs, reengineering, legal fees, communications, the costs to an industry's reputation are hard to estimate. An industry report about the cost of recalls globally said the following, very appropriate to the window covering industry: "Product quality and safety are the shop window of a brand."^{viii} The cost of the recall process to Industry should be considered part of the calculation of whether an effective design change would be cost effective for Industry.

Further, the continual issuance and enforcement of recalls taxed the limited resources of the CPSC, just as the work of the government agency is seeking a workable accord with Industry.

CONCLUSION



Based on the foregoing, requiring this mandatory standard surely falls within both provisions of CPSC law for when a mandatory standard is appropriate: compliance with voluntary standards has been sought and has not led to a meaningful decline in risk and, after years of attempts, it is unlikely there will be compliance with a voluntary standard.^{ix} (Please note that our discussion of the years of effort by the CPSC to reach a voluntary solution is not meant as a criticism but rather we salute the Commission for its diligence.)

We believe there continues to be a risk to children involving window coverings. We further believe there are feasible ways to manufacture and sell them in a way to make them safer and we are convinced there are cost-effective remedies based on the decisions of some manufacturers to develop them. Further, years of efforts to arrive at voluntary corrections have failed. Based on the foregoing, it is important that the CPSC adopt a mandatory standard to make children safer. We thank the Petitioners for bringing this matter to a proactive resolution on its 30th anniversary. We urge the Commission to set a workable mandatory standard that will save lives.

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REFERENCES

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