

To: Senator Schmidt and members of the Senate Public Health and Welfare Committee

Date: March 22, 2017

Re: HB 2304

Thank you for the opportunity to discuss our efforts in the area of safe sleep.

My name is Ian Schaffer, CEO of BreathableBaby LLC and I am appearing on behalf of BreathableBaby LLC to propose a two word amendment to HB 2304 which would continue the prohibition currently in HB 2304 against traditional baby crib bumpers while excluding mesh-liners from that prohibition.

BreathableBaby LLC is a small company that manufactures mesh liners as an alternative to crib bumpers to prevent limb entrapments in cribs. Limb entrapment is a common issue that many new parents face when their infant begins to move around the crib. Mesh liners prevent fractures, dislocations, and bruises that have been associated with limb entrapment, and also improve the quality of life for new parents and infants by preventing sleep interruptions. Mesh liners provide these benefits without posing a risk of suffocation.

BreathableBaby LLC was founded by Dale and Susan Waters when in 1999 they experienced the anxiety on new parents trying to balance comfort and safety for their new baby girl. They followed the advice of the American Academy of Pediatrics who recommended parents avoid using traditional bumpers and anything soft and pillow-like in their crib because of risk of suffocation or SIDS. Nevertheless their baby experienced getting her little arms and legs caught between the crib slats.

After extensive research, the Waters found that no safe bumper product existed to prevent entanglements. As a result the Waters conducted considerable research and designed and engineered a safe, comfortable and "breathable" solution easy for parents to use that eliminates the likelihood that a baby can get entangled in the crib slats.

Based on this research the Waters invented the patented Breathable Mesh Crib Liner, designed to eliminate the likelihood of babies getting entangled in their crib slats. Since its launch the brand has forged a new category in "breathable" bedding which has been embraced worldwide.

In November, 2016 the Consumer Product Safety Commission voted to develop a mandatory federal standard that will essentially ban padded crib bumpers while categorically excluding permeable mesh products from the ban as acceptable under safe sleep practices for infants under the age of 12 months.

Accordingly several states have passed or introduced legislation similar to HB 2304 prohibiting traditional baby bumper pads manufactured from non-mesh materials.

In addition based upon these findings and recommendations Target stores nationwide have discontinued the sale of traditional baby crib bumpers and carry mesh liners exclusively on their shelves and Walmart have recently decided to follow suit. Both companies recognized the risk associated with traditional crib baby bumpers and opted to limit their product selection exclusively to mesh liners based on this research.

Our products have been evaluated by reputable third parties in safety testing for Suffocation and Hazard Design Analysis and have undergone rigorous testing by an independent laboratory. Notably, findings made by the Chief of Pulmonary Medicine in the Department of Pediatrics, at a leading Children's

Hospital concluded that mesh liners are safe because they do not present a significant restriction to infant breathing airflows and there is no reason to believe they would increase the risk of suffocation hazards for infants.

The American Academy of Pediatrics (AAP) and separately, in a joint letter sent to the Consumer Product Safety Commission, on April 18, 2016, three of the most prominent national child and consumer advocacy organizations (Kids in Danger, Consumer Federation of America, and Consumers Union) acknowledged that there's no data and no known suffocation incidents associated with mesh liners.<sup>1</sup>

We would therefore recommend amending HB 2304 on page 2, line 29 by adding the words "non-mesh" before the word "bumpers". This amendment would continue the prohibition currently in the bill for traditional crib bumpers but allow for the proven safer mesh liners now sold exclusively by large retail stores for the safety of infants under 12 months of age under safe sleep practices.

We would appreciate your consideration and support for this amendment which we believe is entirely consistent with your intent in the prohibitions in HB 2304. Thank you for your time and consideration, we would be happy to answer any questions.

<sup>1</sup> Joint Letter to CPSC – April 18, 2016 Page 3