



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
ROCKVILLE, MD 20850

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DATE: July 18, 2018

MEMORANDUM

TO : The Commission  
Alberta E. Mills, Secretary

THROUGH: Patricia M. Hanz, General Counsel  
J. DeWane Ray, Deputy Executive Director for Safety Operations

FROM : George A. Borlase, Ph.D., P.E., Assistant Executive Director  
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Office of Hazard Identification and Reduction

SUBJECT: July 2018 Update to Petition CP-13-1 Request for a Ban or Standard for Adult  
Portable Bed Rails

## Background

Petition CP 13-1 requests that the U.S. Consumer Product Safety Commission (Commission) ban adult portable bedrails (APBRs) or issue a standard to regulate them. In April 2014, ASTM International established the F15 Committee on Consumer Products, charged with developing an APBR voluntary standard. On April 29, 2014, the Commission voted unanimously (3-0) to defer the petition and directed CPSC staff to update the Commission in 6 months, and again in 12 months, on the progress of ASTM's voluntary standards process on APBRs.

On October 14, 2014, CPSC staff provided the 6-month update. On April 17, 2015, staff provided the 12-month update. On April 28, 2015, the Commission voted again to defer the decision on the petition to allow the ASTM voluntary standard development process to continue. The Commission further directed agency staff to update the Commission by January 2016, to report on the progress of the APBR standard. Staff updated the Commission on January 20, 2016, and again on September 7, 2016, detailing the progress of standard development. Office of Hazard Identification and Reduction management verbally updated the Commission in October 2017. This memorandum provides staff's latest update for the Commission.

## APBR Progress

CPSC staff has been working with the ASTM F15 Committee to complete the ASTM standard development process since September 7, 2016. ASTM published a standard for APBRs, ASTM F3186-17, *Standard Specification for Adult Portable Bed Rails and Related Products*, on August 30, 2017. Staff believes that the new standard likely addresses the suffocation, strangulation, and entrapment hazards associated with these products.

The Commission's options are to grant, deny, or defer the petition. The voluntary standard for APBRs has been adopted and implemented. Under section 9(i) of the Consumer Product Safety Act, the Commission may not deny a petition "on the basis of a voluntary standard" unless the voluntary standard is in existence and the Commission determines that:

- the voluntary standard is likely to result in elimination or adequate reduction of the risk of injury the petition identifies; and
- substantial compliance with the voluntary standard is likely.

Currently, staff is compiling information to assess whether compliance with the existing ASTM voluntary standard would adequately reduce the risk of injury associated with APBRs and whether there is likely to be substantial compliance with the ASTM voluntary standard.

Preliminarily, staff believes that the performance requirements and test methods the subcommittee has included in the published ASTM standard are likely to adequately reduce the risk of suffocation, strangulation, and entrapment injuries associated with these products. However, because the standard is new, staff has not assessed the market to determine whether there is likely to be substantial compliance with the standard.

To address this information gap, CPSC staff has decided to test a random sample of APBR models available in the market place to determine whether they conform to the new standard. The test consists of 35 randomly selected APBR models, and it includes products from 13 of the 15 firms that staff believes either manufacture or import APBRs. The sample also includes the largest APBR manufacturers. The sample is intended to represent the models currently in the market. If the results of testing indicate that all or almost all of the models comply with the voluntary standard, staff could conclude that substantial compliance with the voluntary standard is likely. If the testing indicates that a number of models do not comply, staff may not be able to make this conclusion based solely on the sampling.

These results will inform staff in its recommendations to the Commission regarding the petition. Staff plans to deliver a recommendation briefing package, including an update of the death and injury data associated with adult portable bed rails and a full analysis of the voluntary standard's likelihood of adequately addressing the risks of suffocation, strangulation, and entrapment, to the Commission in FY 2019.