



Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:      Chair Alexander D. Hoehn-Saric  
   Commissioner Peter A. Feldman  
   Commissioner Mary T. Boyle  
   Commissioner Douglas Dziak  
   (Commissioner Richard L. Trumka Jr. recused\*\*)

ITEM:

Request by Nested Bean, Inc. for Retraction of Information Pursuant to Section 6(b)(7) of the Consumer Product Safety Act  
(Ballot vote package dated December 11, 2024, OS# 0347)

DECISION:

The Commission voted 0-1-1-2. A majority was not reached so no action will be taken on this matter.

Chair Hoehn-Saric voted to take other action as follows:

“Under 16 C.F.R. 1101.52(d), the Commission has determined that an additional 90 working days is appropriate to properly consider all facts and circumstances related to Nested Bean’s November 11, 2024 request for a retraction under CPSA Section 6(b)(7). Therefore, good cause exists under 16 CFR 1101.52(d) to extend the time for action on the request from December 26, 2024 until May 6, 2025.”

Commissioner Boyle voted to take other action as follows:

“Regarding the request related to Commissioner Trumka’s Statements, the Commission directs the General Counsel to send a letter to all retailers who received letters from Commissioner Trumka related to weighted infant blankets. The letter shall confirm that Commissioner Trumka’s communications were not made on behalf of the Commission, do not represent official action by the Commission, and do not constitute a recall, stop sale, or any other determination by the Commission.

Regarding the CPSC Website Statement, CPSC staff prepared the statement approximately one year ago after clearing it for public disclosure following the internal agency clearance process set forth in Directive 1450.2. Since that time, CPSC staff has continued to collect and analyze information related to weighted infant products, including participating in regular meetings of the voluntary standards group (ASTM F15.19) that convenes consumers and industry representatives to develop safety standards for wearable infant products. Taking into account this ongoing work, the Commission directs staff to review the statement in light of any relevant information, data and/or analysis developed since the statement was originally posted and to update the statement as appropriate to reflect new or additional information. Staff is directed to complete this review, including the staff 1450.2 clearance process of any changes to the website, within 45 days.”

Commissioners Feldman and Dziak abstained from the vote and issued a joint statement.

For the Commission:



Alberta E. Mills  
Secretary

\*Ballot vote due December 19, 2024.

On December 16, 2024, Chair Hoehn-Saric exercised his rights under the Decision Making Procedures to extend the vote due date by two days, from December 17 to December 19.

Chair Hoehn-Saric voted on December 19, 2024

Commissioner Feldman abstained from voting on December 19, 2024

Commissioner Boyle voted on December 19, 2024

Commissioner Dziak abstained from voting on December 19, 2024

Attachments: 1) Chair Hoehn-Saric's Attachment A ("Take Other Action")  
2) Commissioner Boyle's "Take Other Action Nested Bean Retraction Request"  
3) Joint statement of Commissioners Feldman and Dziak

\*\*Commissioner Trumka voluntarily recused himself from the Commission's decision on this retraction request and did not participate.

### **Attachment A – Take Other Action**

Under 16 C.F.R. 1101.52(d), the Commission has determined that an additional 90 working days is appropriate to properly consider all facts and circumstances related to Nested Bean's November 11, 2024 request for a retraction under CPSA Section 6(b)(7). Therefore, good cause exists under 16 CFR 1101.52(d) to extend the time for action on the request from December 26, 2024 until May 6, 2025.

Commissioner Boyle  
TAKE OTHER ACTION NESTED BEAN RETRACTION REQUEST

Regarding the request related to Commissioner Trumka's Statements, the Commission directs the General Counsel to send a letter to all retailers who received letters from Commissioner Trumka related to weighted infant blankets. The letter shall confirm that Commissioner Trumka's communications were not made on behalf of the Commission, do not represent official action by the Commission, and do not constitute a recall, stop sale, or any other determination by the Commission.

Regarding the CPSC Website Statement, CPSC staff prepared the statement approximately one year ago after clearing it for public disclosure following the internal agency clearance process set forth in Directive 1450.2. Since that time, CPSC staff has continued to collect and analyze information related to weighted infant products, including participating in regular meetings of the voluntary standards group (ASTM F15.19) that convenes consumers and industry representatives to develop safety standards for wearable infant products. Taking into account this ongoing work, the Commission directs staff to review the statement in light of any relevant information, data and/or analysis developed since the statement was originally posted and to update the statement as appropriate to reflect new or additional information. Staff is directed to complete this review, including the staff 1450.2 clearance process of any changes to the website, within 45 days.



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

**STATEMENT OF COMMISSIONERS PETER A. FELDMAN AND DOUGLAS DZIAK  
ON THE RETRACTION OF INFANT SLEEP PRODUCTS STATEMENTS**

**DECEMBER 20, 2024**

Nested Bean, Inc. has requested a retraction of statements on the Commission's website and by an individual commissioner related to weighted infant sleep products.

For the reasons cited in our [statement](#) issued August 30, 2024, we abstain from this retraction request. The facts and circumstances in this request are the same as the previous retraction request.

We continue to believe that the relief sought is best obtained through an Article III court.

The views expressed in this statement are solely the views of Commissioners Feldman and Dziak and do not necessarily reflect the views of the Commission.