

MedChi

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TO: The Honorable Thomas Mac Middleton, Chairman
Members, Senate Finance Committee
The Honorable John Astle

FROM: Joseph A. Schwartz, III
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J. Steven Wise

DATE: February 27, 2013

RE: **OPPOSE** – Senate Bill 618 – *Public Health – Baby Bumper Pads – Restrictions on Sale*

The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, opposes Senate Bill 618.

Passage of Senate Bill 618 will significantly weaken the progressive public health initiative advanced by the Department of Health and Mental Hygiene (DHMH) related to the significant public health hazard posed by crib bumpers.

Beginning in 2011, DHMH undertook a broad based stakeholder process to consider how Maryland should address the well-documented public health hazard caused by the use of crib bumper pads. That process resulted in a strong recommendation to ban the sale of all crib bumpers in the State of Maryland but gave the Secretary of DHMH the discretion to consider new manufacturing standards that were to be issued. Upon issuance of those standards, DHMH again sought broad stakeholder input on whether to amend the regulations to recognize the new ASTM standards (F1917 Standard Consumer Safety Performance Specification for Infant Bedding and Related Accessories).

MedChi along with multiple other stakeholders opposed any consideration of modification of the ban to recognize the manufacturers newly published F1917 Standard Consumer Safety Performance Specification for Infant Bedding and Related Accessories. While presumably the new standards were issued to improve the safety of baby bumper pads, the inherent risks of bumper pad use and the lack of evidence that bumper pads provide any meaningful protection from injury undermines any enhanced safety the new standards may provide.

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A significant amount of research has been conducted on Sudden Infant Death Syndrome (SIDS) and other sleep related infant deaths. It has been clearly demonstrated that bumper pads or other similar products that attach to cribs substantially increases the risk of death by suffocation, entrapment or strangulation. This increased risk of death is not offset by any scientific evidence or other credible findings that support the manufacturers' contention that the use of bumpers prevents injury in young infants. The American Academy of Pediatrics published a technical report on "SIDS and Other Sleep-Related Infant Deaths" in the November edition of *Pediatrics* (<http://aapublications.org/cgi/content/full/pediatrics;128/5/e1341>) which provides sufficient evidence of risk of death from bumper use to support the ban on the sale of bumpers proposed by the Department. MedChi found no justification for the Department to substitute the ASTM Standards in lieu of a ban when there is no substantial basis upon which a family can justify the use of the bumper pads regardless of their manufacturing standards.

In fact, the ASTM International, in its publication of the standards stated: *"This standard does not purport to address the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use."* Clearly even the manufacturers acknowledge the inherent safety concerns that may arise from the use of bumper pads.

MedChi urges the Committee to reject the proposed changes to the Maryland crib bumper ban reflected in Senate Bill 618. MedChi does not believe the newly proposed standards provide sufficient justification for their adoption. MedChi urges an unfavorable report.

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