



Arkansas Department Human Services



Division of Child Care and Early Childhood Education LICENSING & ACCREDITATION

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April 14, 2011

Re: Consumer Product Safety Commission requirements for cribs, effective date – December 28, 2012

Dear Child Care Provider:

Please be advised that the most current information we have received from the Consumer Product Safety Commission (CPSC) states that all cribs currently in use in child care centers and homes, and not just drop side cribs, must meet the new safety requirements. This will affect the majority of cribs currently in use. **All** cribs in use in licensed and registered care settings must meet the new requirements by December 28, 2012. Please review the questions and answers listed below from CPSC.

1. What is the new standard for cribs?

Beginning June 28, 2011, **all** cribs manufactured and sold (including resale) must comply with new and improved federal safety standards. The new rules, which apply to full-size and non full-size cribs, prohibit the manufacture or sale of traditional drop-side rail cribs, strengthen crib slats and mattress supports, improve the quality of hardware and require more rigorous testing. The details of the rule are available on CPSC's website at www.cpsc.gov/businfo/frnotices/fr11/cribfinal.pdf.

The new rules also apply to cribs currently in use at child care centers and places of public accommodation. By December 28, 2012, these facilities must use only compliant cribs that meet the new federal safety standards.

2. When will the new, safer cribs be available for purchase?

Beginning on June 28, 2011, all cribs sold in the United States must meet the new federal requirements. After that date, it will be illegal to manufacture, sell, contract to sell or resell, lease, sublet, offer, provide for use, or otherwise place in the stream of commerce a crib that does not comply with the CPSC's new standards for full-size and non-full-size cribs. This includes manufacturers, retail stores, Internet retailers, resale shops, auction sites and consumers.

3. What if I need/want to purchase a new crib prior to June 28, 2011?

Some compliant cribs may be available before the required date. However, you will not be able tell if the crib is compliant by looking at the crib. So, you will be required to ask retailer or the manufacturer if the crib complies with 16 CFR 1219, the new federal standard for full-size cribs or with 16 CFR 1220, the new federal standard for non-full-size cribs. If they say yes, you **MUST** have a copy of the Certificate of Compliance listing that the crib meets the appropriate guideline above to continue to use it past 12/18/12.

- Ask the manufacturer, retailer, importer or distributor to show a Certificate of Compliance. The document must:
 - Describe the product
 - Give name, full mailing address and telephone number for importer or domestic manufacturer
 - Identify the rule for which it complies (16 CFR 1219 or 1220)
 - Give name, full mailing address, email address and telephone number for the records keeper and location of testing lab
 - Give date and location of manufacture and testing

Cribs made after 6/28/11 will have an embossed label, or some other type of permanent marking on the crib itself showing it was manufactured after 6/28/11 and meets the appropriate guideline.

<http://www.state.ar.us/childcare/>

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4. **Is this new regulation simply a ban on all drop-side rail cribs?**

No, these are sweeping new safety rules that will bring a safer generation of cribs to the marketplace in 2011. CPSC's new crib standards address many factors related to crib safety in addition to the drop-side rail. A crib's mattress support, slats, and hardware are now required to be more durable and manufacturers will have to test to the new more stringent requirements to prove compliance.

5. **Are all drop-side rail cribs "recalled" because of the new regulation?**

There has not been a specific "recall" of all drop-side cribs due to the new regulation. Instead, some manufacturers recently have recalled their cribs in cooperation with the CPSC because a specific defect or risk of harm has been discovered relating to a particular crib. Although these recalls are separate from CPSC's new crib standards, traditional drop-side cribs will not meet the new crib standards that will take effect on June 28, 2011, and cribs with traditional drop-sides cannot be sold after that date. As with any recall, you need to ensure the item is not recalled by checking www.cpsc.gov. You will want to follow any instructions within a recall.

6. **My child care center/home still has drop-side cribs. Are we in violation of the regulation?**

No, child care facilities, family child care homes, and places of public accommodation, such as hotels and motels, have until December 28, 2012, to ensure that the cribs used in their facilities meet the requirements of the CPSC's new crib standards.

After this date, places of public accommodation may no longer use traditional drop-side cribs or noncompliant cribs and must use cribs meeting the new federal safety standards.

Parents are being encouraged to talk with management about the new standards and the facility's plan of action for replacing the cribs. Parents also are encouraged make sure their baby is not being placed in a recalled crib.

Note: Child care facilities, family child care homes, and places of public accommodation CANNOT resell, donate or give away cribs that do not meet the new crib standards as of 6/28/11 (such as trying to resell the product through an online auction site or donating to a local thrift store). CPSC recommends disassembling the crib in a manner that the crib could not be reassembled before discarding it.

7. **Our center has used "hospital-grade" cribs. Can we continue to use those?**

Any crib used in a child care center or child care family home (licensed, registered, or church-operated exempt) will be required to meet the new CPSC guidelines as of 12/28/12. Some of the "hospital-grade" cribs are monitored by the FDA, and do not meet CPSC guidelines. Therefore, these cribs would not be able to be used.

Something else to note: the CPSC does not recommend the use of playpens/play-yards in child care situations. However, they do plan to address it and create separate rules for them in the future.

If you have any questions, please feel free to contact your licensing specialist, or our central office at (501) 682-8590.

Sincerely,

David Griffin

Associate Director, Licensing and Accreditation